PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with RCW 34.05.330, the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at http://apps.leg.wa.gov/wac/default.aspx?cite=82-05.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name: Raymond G. Livingston

Name of Organization: Apex Wildlife Solutions, LLC

Mailing Address: _____

City: Kettle Falls State: WA Zip Code: 99141

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COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: WDFW Comission

☐ **1. NEW RULE - I am requesting the agency to adopt a new rule.**

☐ The subject (or purpose) of this rule is: _____

☐ The rule is needed because: _____

☐ The new rule would affect the following people or groups: _____

☒ **2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: WAC 220-440-100

☒ I am requesting the following change: An expantion of the use of Wildlife Control Operators to be able to respond to, assess, report and take action on wildlife depredations.

☒ This change is needed because: WDFW Wildlife Conflict Specialists are overwhelmed with calls and cannot respond to and report on many wildlife conflict issues. Critical conflict data is not being collected.

☒ The effect of this rule change will be: Increased reporting of wildlife conflicts, increased ability to adderess wildlife conflicts, more non-lethal abatment work, higher justification for lethal removal if needed.

☐ The rule is not clearly or simply stated: _____

☐ **3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.**

List rule number (WAC), if known: _____

(Check one or more boxes)

☐ It does not do what it was intended to do.

☐ It is no longer needed because: _____

☐ It imposes unreasonable costs: _____

☐ The agency has no authority to make this rule: _____

☐ It is applied differently to public and private parties: _____

☐ It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

☐ It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

☐ Other (please explain): _____

Petition to amend policies on the use of Wildlife Control Operators

Raymond G. Livingston – WDFW Certified Wildlife Control Operator

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Premise: The use of Wildlife Control operators as defined under **WAC 220-440-100** states: "For purposes of training individuals to assist landowners with employing nonlethal management techniques, or to harass, kill, trap, release, wildlife that is causing damage to private property, the director or his/her designee may certify wildlife control operators (WCOs)."

Nothing in this description prevents WCOs from addressing wildlife conflicts involving all types of wildlife. However, in practice, WCOs in the program are not able to assist with wildlife conflicts involving ungulates or predators under their WCO certification. The goal of this petition is to amend the WCO certification program to include additional training and another level of certification that will allow WCOs to respond to wildlife conflicts involving ungulates and predators.

Need: As a WCO in Northeastern Washington, I have frequent interactions with NE Washington WDFW Wildlife Conflict Specialists. I've have a close relationship with some of those Wildlife Conflict Specialists and know that they have more calls for service than they can get to in a timely manner. This problem and the need to have someone available to respond to landowner request for service, lead Stevens and Ferry Counties to recruit and hire their own Wildlife Conflict Specialist, separate from WDFW, working under the authority of those sheriff departments. When this occurs, the responding party is generally approaching the situation from a public safety lens, and some of the conservation considerations may not be taken into account fully. Even with that, there are many calls for service and many wildlife conflicts that are not being addressed or reported on. This lack of response has created a lot of frustration amongst landowners. The lack of adequate reporting creates a situation where an accurate representation of the number and type of wildlife conflicts is not being accurately represented for consideration and policy making. This proposal, if adopted, would give WDFW more direct information and input on the handling of these wildlife conflicts, with department conservation considerations in mind.

Proposal: My proposal to address these issues is to expand the use of WCOs to include the ability to respond to and address wildlife conflicts involving ungulates and predators, working under the direction of the WDFW's Special Trapping department or another appropriate department.

Implementation: To implement this program, I propose that WDFW develops a WCO ungulate and predator response certification class, as an additional certification available to interested WCOs. Once a

WCO has passed the ungulate / predator response certification, they will be able to respond to assist landowners with ungulate and predator wildlife conflicts. WCOs will respond under the direction of WDFW staff, in a manner that is consistent with the wildlife management and conservation goals, that are important sustaining healthy wildlife populations.

When a WCO responds to a wildlife conflict involving an ungulate or predator, they will do a detailed and thorough assessment of the property and wildlife conflict in question. After the WCO completes their assessment of the wildlife conflict and before any corrective action is taken to resolve the wildlife conflict, the WCO will submit a detailed report, using a standardized wildlife conflict reporting form (I believe WDFW Wildlife Conflict Specialists already have such a form) to Special Trapping (or another designated WDFW department). The receiving department will review the report and issue a recommendation for corrective action. That corrective action may range from landowner education, to employing several different deterrent or abatement measures. Corrective actions may also include an authorization for lethal removal if that is the most appropriate response. Such reports *may* also be transferred to WDFW Wildlife Conflict Specialists, to determine if issuing ungulate depredation permits is appropriate on the landowner's property; thus, saving WDFW staff time and expense to investigate some ungulate depredation complaints. The receiving WDFW department shall issue that corrective action recommendation in a timely manner, generally 24-72 hours.

Once the WDFW corrective action recommendation is received, the WCO will present the recommendations to the landowner and may then form a contract with the landowner to complete the recommended and authorized corrective action(s). This makes the landowner the primary bearer of the costs of implementing those corrective actions, as opposed to WDFW/Taxpayers. The WCO will complete an after-action report, once those corrective actions have been implemented or a report advising the landowner has declined services or decided to handle the matters on their own. The after-action report shall include a detailed account of the exact processes, tools and strategies the WCO used to address the wildlife conflict. This information should be used to develop or expand upon a database of effective deterrent and abatement strategies to be used in future WDFW and WCO training. If the recommended corrective actions have been implemented and the conflict persists, the receiving agency shall issue a new set of recommendations to resolve the wildlife conflict. The WCO will add any ungulate or predator wildlife removals, authorized by WDFW staff, to their annual WCO report, due by April 20 of each year.

WCOs certified to respond to ungulate and predator conflicts shall be able to act as the landowner's agent to perform any lethal removals of wildlife that are seen actively engaging in predatory depredation. This would apply to any depredation activity that the landowner themselves would be legally justified to conduct a lethal removal on, under **RCW 77.36.030**. WCOs shall write a detailed report on any such lethal removals to be sent to the appropriate oversite department **and** contact WDFW to report the lethal removal within 24 hours.

Funding: WDFW shall pay WCOs a flat fee (to be determined) for the initial response and report documenting the ungulate or predator conflict. After receiving the corrective action recommendations from WDFW, the landowner may choose to contract directly with the WCO, who would implement the WDFW recommendations to resolve the wildlife conflict. The landowner may still choose to handle the wildlife conflict themselves in a manner within the scope of existing laws; again, referring to **RCW 77.36.030.**

Other Considerations: I'd like to propose that WCOs that have passed the ungulate / predator certification, be allowed to employ dogs/hounds in the resolution of these wildlife conflicts. The dogs/hounds may be used for deterrent / abatement work, to push and scare wildlife away from the landowners' property without taking lethal actions or may be used if an authorization for a lethal removal has been granted.

Qualifications: To be eligible for payment for the initial reports, the WCO must be eligible to do work for the WDFW. This means the WCO must have a registered WA business license and insurance coverage meeting the WDFW contractor insurance requirements. The WCO must still meet all the requirements for a WCO as listed in **WAC 220-440-100.**

Conclusion: It's my hope that this expanded use of WCOs will help landowners in dealing with wildlife conflicts in a timely manner, without having the state and taxpayer bearing the entire cost of such efforts. This will provide more detailed information about wildlife conflicts to WDFW biologists and policy makers and hopefully will lead to less lethal removals by increasing the ability of landowners to obtain assistance in doing early abatement work to deter conflicting wildlife encroachments before the wildlife is depredating. Through education and collaborative landowner efforts, WCOs can encourage good practices that will lead to improved co-existence between humans and wildlife. I thank the WDFW Commission for their time and consideration of this proposal.