

Agenda Item 7

Wildlife Interaction Rules WAC Chapter 232-36 Rule Adoption



Washington Department of
FISH and WILDLIFE

Wildlife Interaction Rules

Need for Revisions

- Interactions between humans and wildlife are likely to increase over time
- Transition of wildlife conflict from Enforcement Program to Wildlife Program
- Rule clean-up

Wildlife Interaction Rules Process - Scoping

- Stakeholder outreach – May 2014
- Public surveys – June 2014
 - 2 Surveys conducted by third party
- Wolf Advisory Group / Game Management Advisory Committee meetings

Wildlife Interaction Rules Process - Scoping

- Stakeholder outreach – June 2014 - May 2015
 - Meetings, Email and Telephone
 - Small Forest Landowners, WFPA, WA Cattlemen's Association, Farm Bureau, Washington Trappers Association, Center for Biological Diversity, Humane Society, Conservation Northwest
- Filed Proposed rules – May 2015

Wildlife Interaction Rules

Process – Proposed Rule Review

- Stakeholder outreach – May - June 2015
 - Meetings with and/or response letters to comments from:
 - Center for Biological Diversity (et al), Defenders of Wildlife, Conservation Northwest, Washington Cattlemen’s Association, Farm Bureau, Small Forest Landowners, Washington Trappers Association, Washington Forest Protection Association
- Commission Meeting and Public Hearing – June 2015
- Based on Public Comments, Filed Revised Proposed Rules – July 2015
 - Provided expanded public comment opportunity

Wildlife Interaction Rules

Process – Proposed Rule Review

- Stakeholder outreach on revised proposed rules – June - September 2015
 - Follow-up correspondence from and/or meetings with:
 - Washington Cattlemen’s Association, Farm Bureau, Small Forest Landowners, Washington Trappers Association, Washington Forest Protection Association, Center for Biological Diversity (et al)

Wildlife Interaction Rules

Process – Proposed Rule Review

- Filed SEPA Documents – August 2015
- Response to SEPA and Final Determination – September 2015
- Commission Meeting and Public Hearing – September 19, 2015

Wildlife Interaction Rules

Process – Proposed Rule Review

- Continued Stakeholder outreach –
September - November 2015
 - Washington Cattlemen's Association,
 - Farm Bureau,
 - Small Forest Landowners,
 - Washington Trappers Association,
 - Washington Forest Protection Association,
 - Stillaguamish Tribe,
 - Muckleshoot Tribe,
 - Stevens County Commissioner

Wildlife Interaction Rules

New and Amended Rule Proposals

- Damage to Agriculture and Timber
- Killing Wildlife in Protection of Property
- Compensation
- Wildlife Control Operators

Wildlife Interaction Rules Rule Proposals

Damage to Agriculture and Timber

Wildlife Interaction Rules

New and Amended Rule Proposals

- Delete rules:
 - 232-12-025 Depredation hunts
 - 232-28-266 Damage Prevention permit hunts
- Replace and revise both with new rules under the Wildlife Interactions Chapter 232-36

Wildlife Interaction Rules

Damage to Agriculture and Timber

WAC 232-36-310

(replaces 232-28-266)

- **Summary:** Serves to facilitate assisting landowners in mitigating deer, elk, and turkey damage during appropriate time frames.
- **Changes from 232-28-266:** Aligns seasons with chronic damage periods and increases quotas in those areas, identifies the use of damage prevention cooperative agreements, damage prevention permits, and damage tags.
- **Rationale:** Provide mitigation efforts when needed, improve data collection, and expedite agency response.

Wildlife Interaction Rules

Damage to Agriculture and Timber

Floor Changes

- **WAC 232-36-310**, page 12, subsection (3)(e): insert new (i) “Season Framework: July 1- March 31” .
- **Rationale:** the season framework was not identified in the proposal and should be included to clearly define when these actions may occur in GMUs 105-124.

Wildlife Interaction Rules

Damage to Agriculture and Timber

WAC 232-36-320

(replaces 232-12-025)

- **Summary:** The rule outlines requirements related to mitigating black bear damage to commercial timber through the director-authorized black bear depredation permit.
- **Changes from 232-36-025:** Modified language to clarify the process for obtaining and using a black bear removal permit and to separate deer and elk removal from black bear.
- **Rationale:** The stand-alone rule will assist in more effectively addressing black bear damage to commercial timber.

Wildlife Interaction Rules

Damage to Agriculture and Timber

WAC 232-36-300

- **Summary:** Defines public hunting, specifically as a tool to help minimize property damage cause by wildlife.
- **Changes:** Clarifies that the affected property is open to hunting for the species causing damage. Provides flexibility in determining hunting parameters and allows for situations when hunting is not practical.
- **Rationale:** Recognizes a value for using hunters as a tool to deter further damage while also recognizing not all properties are conducive to hunting.

Wildlife Interaction Rules

Damage to Agriculture and Timber

WAC 232-36-090

- **Summary:** Outlines roles and responsibilities of the Department and owners to work collaboratively to minimize damage caused by big game on private property.
- **Rationale:** Provides a process by which the Department and owners can work to resolve areas of disagreement associated with damage prevention measures.

Wildlife Interaction Rules

Rule Proposals

Killing Wildlife in Protection of Property

Wildlife Interaction Rules

Killing Wildlife in Protection of Property

WAC 232-36-051

- **Summary:** Clarifies when owners may kill wildlife causing damage to private property and clarifies the use of permits and agreements.
- **Changes:** Separate response to commercial crop damage from livestock damage, identify parameters associated with damage removals, and clarify who may take action.
- **Rationale:** Responses to crop damage and livestock damage are different and rules related to who could take wildlife were not clear.

Wildlife Interaction Rules

Killing Wildlife in Protection of Property

WAC 232-36-055

- **Summary:** Outlines proper disposal of wildlife taken for personal safety or for causing private property damage.
- **Changes:** Language modified to clarify disposal is to be done in accordance with state statute, agency rule, agency permit, and/or local ordinance.
- **Rationale:** Clarifying language should reduce potential violations by both permittees and others that may be involved with removing wildlife.

Wildlife Interaction Rules

Killing Wildlife in Protection of Property

WAC 232-36-330

- **Summary:** Outlines requirements related to the director authorized bear and cougar removals in response to livestock and domestic animal loss.
- **Rationale:** A new rule was needed to address bear and cougar removals under 232-36. Note: this is separate from WAC 232-12-243 which addresses cougar removals in chronic areas and for public safety.

Wildlife Interaction Rules

Killing Wildlife in Protection of Property

WAC 232-36-510

- **Summary:** Identifies violations associated with failure to comply with conditions of permits or to complete or submit required documents, forms, or reports for Chapter 232-36.
- **Changes:** Technical changes to reflect the correct title of the certifications and permits.
- **Rationale:** Correctly identifies the parties responsible for reporting and violations that may result from non-compliance.

Wildlife Interaction Rules

Rule Proposals

Compensation

Wildlife Interaction Rules

Compensation

WAC 232-36-100

- **Summary:** Defines limitations and requirements for owners to file for deer or elk damage claims for commercial crops.
- **Changes:** Clarifies when claims may be denied, provides for the use of damage prevention agreements, department approved checklists, and a director waiver, and clarifies that claims may be carried over if funds are depleted during a fiscal year.
- **Rationale:** Alleviate confusion for owners regarding the limitations for crop damage claims and provides owners flexibility in addressing non-lethal measures.

Wildlife Interaction Rules

Compensation

WAC 232-36-110

- **Summary:** Articulates the filing process for commercial crop damage compensation.
- **Changes:** Identifies a collaborative process with the claimant and the department and reinstates the “shared” responsibility “of the owner” and the department to cost-share contracted agriculture adjustors.

Wildlife Interaction Rules

Compensation

WAC 232-36-110

- **Rationale:** Reinstating cost share
- 2010 – rule adopted requiring a shared responsibility
- 2013 – a revision was proposed to put responsibility solely on the department – floor amendment adopted
- Technical error – amendment not included in WAC
- 2015 – proposed to reinstate cost share with a \$600 cap.

Wildlife Interaction Rules

Compensation

WAC 232-36-210

- **Summary:** Outlines the filing process for livestock or domestic animal damage compensation caused by bear, cougar, or wolf.
- **Changes:** Provide clarification on when to notify department, extend dates for submission of a claims package, and further outlined the assessment of loss caused by wolves and other carnivores.
- **Rationale:** Enable a claims process that ensures adequate time and provisions for filing claims and identifies variations between wolves and other carnivores.

Wildlife Interaction Rules

Rule Proposals

Wildlife Control Operators

Wildlife Interaction Rules

Wildlife Control Operators

WAC 232-12-142

- **Summary:** Outlines the use of the special trapping permit.
- **Changes:** Removed the “use of body-gripping traps”.
Modified language related to permit application and use, carcass retention, and permit renewals.
- **Rationale:** Provides clarification regarding use of special trapping permits which may minimize potential for violations.

Wildlife Interaction Rules

Wildlife Control Operators

Floor Changes

- **WAC 232-12-142**, page 64, subsection (1)(a): strike “noose traps used in falconry”.
- **Rationale:** This language is redundant to subsection (1)(d) – non-strangling-type foot snare.

Wildlife Interaction Rules

Wildlife Control Operators

Floor Changes

- **WAC 232-12-142**, page 70, subsection (11): insert “unless the carcass is accompanied by a written authorization, as described in 232-12-077, from a licensed trapper”.
- **Rationale:** this language allows the trapper to transfer raw fur to another party for educational uses.

Wildlife Interaction Rules

Wildlife Control Operators

Floor Changes

- **WAC 232-12-142**, page 71-72, subsection (15)(a): reinstate “600 Capitol Way North”.
- **Rationale:** this language allows for receipt of certified mail from the applicants that request an appeal.

Wildlife Interaction Rules

Wildlife Control Operators

WAC 232-36-060

- **Summary:** This rule defines the criteria for applying for wildlife control operator certification.
- **Changes:** Revise the language to separate certification from permit and further define minimum requirements for certification.
- **Rationale:** Clarify the language to eliminate confusion and help ensure wildlife control operators have the skills to assist the public.

Wildlife Interaction Rules

Wildlife Control Operators

Floor Changes

- **WAC 232-36-060**, page 74, subsection (1)(b): strike “Applicants may document the two-year experience requirement by” and replace with “Methods of documenting experience include, but are not limited to”.
- **Rationale:** based on working with stakeholders, this language allows for multiple methods of verifying experience.

Wildlife Interaction Rules

Wildlife Control Operators

Floor Changes

- **WAC 232-36-060**, page 75, subsection (1)(e): strike as written and replace with:
 - (1)(e) Not have, within the last three years:
 - (i) More than one finding of paid or committed as a final disposition for an infraction under Chapter 77.15 RCW; or
 - (ii) A conviction for a fish and wildlife crime under Chapter 77.15.RCW”.
- **Rationale:** This language provides clarification on violations that would prohibit certifications. As proposed new rule will include felony convictions

Wildlife Interaction Rules

Wildlife Control Operators

WAC 232-36-065

- **Summary:** Guides how Wildlife Control Operators function.
- **Changes:** Revise the language to separate certification from permit, define how Wildlife Control Operators may capture, release, or retain wildlife, and define parameters for revoking certification or permits.
- **Rationale:** Provides clarity in expectations and consistency with other rules.

Wildlife Interaction Rules

Wildlife Control Operators

Floor Changes

- **WAC 232-36-065**, page 78, subsection (3): add “except for beaver released according to RCW 77.32.585”.
- **Rationale:** Stakeholders asked for clarification that beaver could be released as provided by law.

Wildlife Interaction Rules

Wildlife Control Operators

Floor Changes

- **WAC 232-36-065**, page 81, subsection (9)(a): reinstate “600 Capitol Way North”.
- **Rationale:** this language allows for receipt of certified mail from the applicants that request an appeal.

Wildlife Interaction Rules

Wildlife Control Operators

WAC 232-36-066

- **Summary:** Outlines the reporting requirements for a Wildlife Control Operator.
- **Rationale:** Provides guidance on how to report control activities.

Wildlife Interaction Rules

Wildlife Control Operators

WAC 232-36-054

- **Summary:** Defines use of body gripping traps.
- **Changes:** Includes language deleted from 232-36-141.
- **Rationale:** Provide guidance to Control Operators using body gripping traps.

Wildlife Interaction Rules Wildlife Control Operators Floor Changes

- **WAC 232-36-054**, page 85, subsection (2)(a): strike “social and” .
“(2)(a) To protect public health and safety in consultation with the department of health services or the United States Department of Health and Human Services.”
- **Rationale:** References the correct agency.

Wildlife Interaction Rules

Next Steps

- Policy revision and development
 - Revise existing policies (*Controlling Dangerous Wildlife, Managing Wildlife Conflicts, and Preventing and Responding to Big Game Depredation*)
 - Develop new policies based on adopted rules
- Meeting with external stakeholders
- Working with Regional staff and staff from other agency programs

Questions

