

“GREEN SHEET”

Meeting: April 26, 2013 Conference Call

Agenda Item A: Emergency Rule WAC 232-36-05100B Killing wildlife causing private property damage – Decision

Prepared By: Phil Anderson, Director and Dave Ware, Game Division Manager, Wildlife Program

Presented By: Phil Anderson, Director and Dave Ware, Game Division Manager, Wildlife Program

Background summary:

During the current legislative session, a cross section of legislators have been discussing wolf management issues with a particular focus on the policy issue associated with making it lawful for the owner of a domestic animal to kill a wolf that is caught in the act of attacking their animal. Currently, a permit from the Director is required before a person could kill a wolf that is attempting to kill a domestic animal. There is concern that with the rapid growth in the wolf population in the eastern portion of the state and the increase in the incidences of wolf attacks on domestic animals, the requirement that a person needs to hold a permit before they can lawfully kill a wolf to protect their animals will prevent them from taking action to address this type of event.

During the legislative session there were several bills drafted to address this issue. However, after lengthy discussion, a bi-partisan group of legislators felt that the Department of Fish and Wildlife had the existing statutory authority to adopt a rule that would achieve their objective of providing owners of domestic animals the ability to protect their animals. On April 25, 2013, a bi-partisan group of legislators wrote a letter to Chair Wecker asking the Fish and Wildlife Commission to use their current authority to adopt an Emergency Rule to address this problem for the near-term. In addition, they ask that a permanent rule process be initiated to address this issue in the long term understanding that such a rule making process would benefit from a broader public discussion on this issue.

The purpose of the Special Meeting scheduled for Friday, April 26, at 1:00 p.m., is to consider the request made to the Fish and Wildlife Commission by the group of legislators who were signatory to the letter.

Policy issue(s) you are bringing to the Commission for consideration:

Should the Director promulgate an emergency rule that allows the owner of a domestic animal or their immediate family member, or their agent, to kill one Gray Wolf without a permit issued by the Director if the wolf is caught in the act of attacking their domestic animal.

Public involvement process used and what you learned:

Several members of an ad hoc wolf advisory group made up of conservation, wolf advocacy, and livestock/farming organizations are aware of the Commission's intent to consider this emergency rule.

Action requested:

Approve the Director's request to direct him to promulgate an emergency rule that contains the elements in the draft emergency rule language labeled Attachment A.

Draft motion language:

I move that the Fish and Wildlife Commission instruct the Director to promulgate an Emergency Rule that includes the elements of the draft emergency rule contained in Attachment A and begin a permanent rule process to consider allowing an owner of a domestic animal to kill a Gray Wolf caught in the act of attacking their domestic animal without a permit issued by the Director.

Justification for Commission action:

The gray wolf population is expanding quickly in the state; there have been recent and escalating reports of wolf attacks on pets and livestock; and the lambing and calving season is here and we anticipate additional attacks as livestock move onto open range. In addition, the number of people and recreationists and their pets and other domestic animals (pack animals) spending time outdoors will be increasing as the weather improves, which will also raise the potential for encounters and attacks by wolves. Current regulations are limited to owners of commercial livestock and require them to obtain a permit from the department which is often not feasible in responding to an attack from a wolf.

Communications Plan:

The Department's Public Information Office will prepare and distribute a news release that describes the Commission's actions and the justification.

NEW SECTION

WAC 232-36-05100B Killing wildlife causing private property damage

Notwithstanding the provisions of WAC 232-36-051:

(1) An owner of domestic animals, including livestock, or the owner's immediate family member, the agent of an owner, or the owner's documented employee may kill one gray wolf (*Canis lupus*) without a permit issued by the director, regardless of its state classification, if the wolf is attacking their domestic animals.

(a) This section applies to the area of the state where the gray wolf is not listed as endangered or threatened under the federal endangered species act.

(b) Any wolf killed under this authority must be reported to the department within twenty-four hours.

(c) The wolf carcass must be surrendered to the department.

(d) The owner of the domestic animal must grant or assist the department in gaining access to the property where the wolf was killed for the purposes of data collection or incident investigation.

(2) If the department finds that a private citizen killed a gray wolf that was not attacking a domestic animal, or that the killing was not consistent with this rule, then that person may be prosecuted for unlawful taking of endangered wildlife under RCW 77.15.120.

(3) In addition to the provisions of (1) the director may authorize additional removals under RCW 77.12.240.