

Wildlife Interaction Rules



Stephanie Simek
Wildlife Conflict Section Manager
Game Division, Wildlife Program

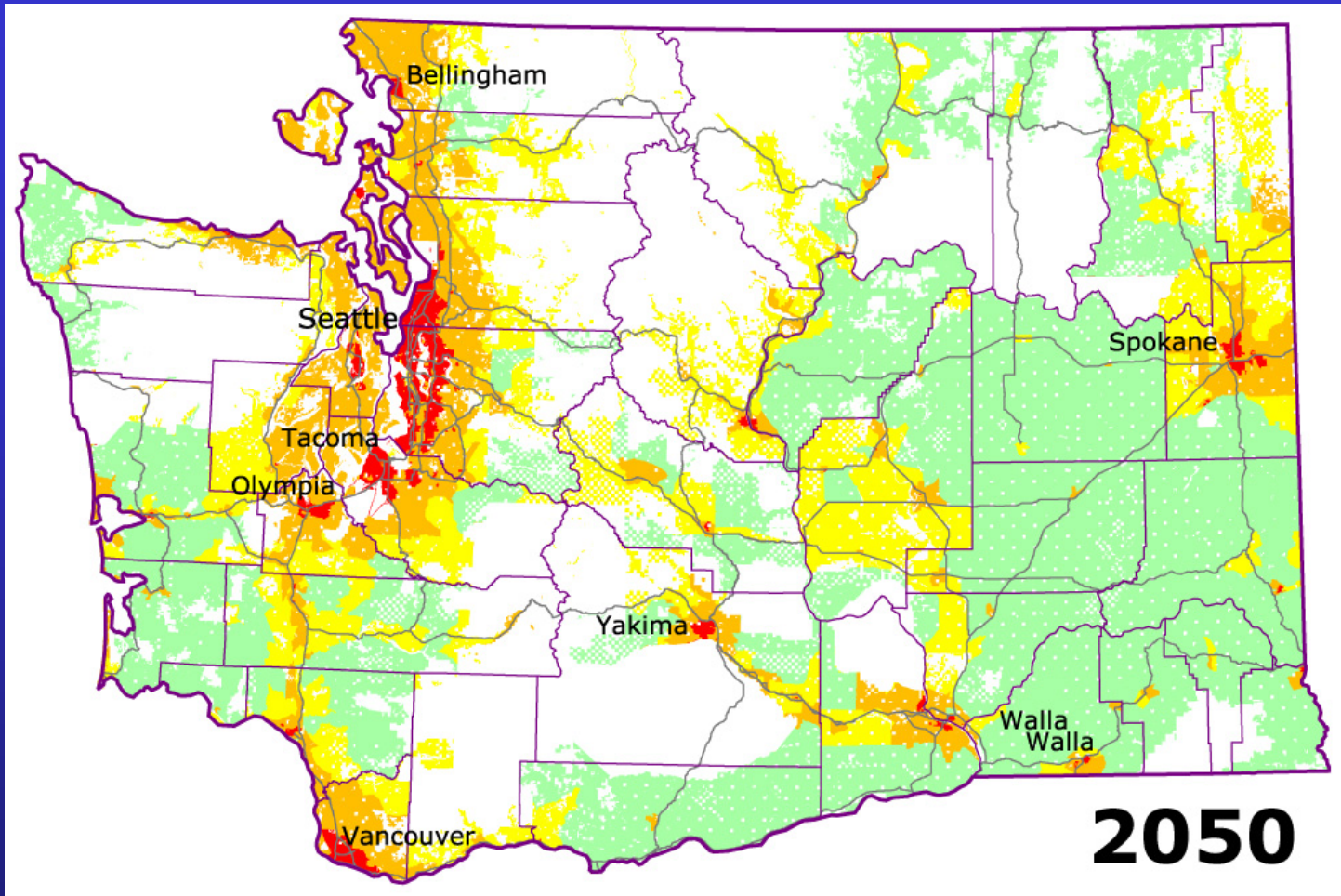


Washington Department of
FISH and WILDLIFE

Overview

- Interactions between humans and wildlife are increasing
- Positive and negative encounters
- Transition for wildlife agencies





Center of the American West
 University of Colorado (2001)

Land Use Categories

- Urban/Suburban (>2 units per acre)
- Low Density Suburban (1 unit per 0.5 to 10 acres)
- Exurban (1 unit per 10 to 40 acres)
- Rural (less than 1 unit per 40 acres)
- Unbuildable (public land, open water, too steep)
- County Line
- Major Highway

Overview



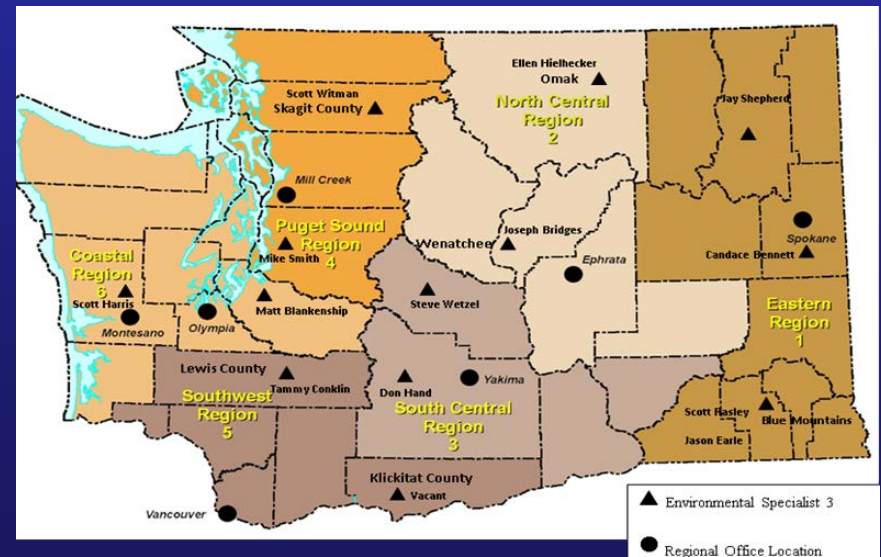
© Craig M. Monette

Overview

- Population Management through Hunting Seasons and Permits
- Non-lethal prevention tools (herding and hazing, fencing/exclusion)
- Kill permits
- Compensation
- Lure Crops
- Winter Feeding Programs

Overview

- WDFW transfer of several wildlife conflict responsibilities
- WDFW staffing and program development
- Revise and propose rules



Overview

- Preparation
 - Public input began June 2014 through present
 - 2 Surveys (WA Hunter Opinion, Washington Residents' Opinion)
 - Game Management Plan (on-line commenting and public meetings)
 - Stakeholder outreach (WFPA, WFFA, WCA, Farm Bureau, GMAC, WA Trapper's Assn., Humane Society, and others)



Overview

- Purpose (WDFW/Public/Landowners and other user groups)
 - Provide agency direction
 - Address questions and concerns
 - Reduce confusion on permits, licenses, tags, and reporting requirements



Overview

- Purpose (continued)
 - Update existing or provide new requirements for trappers, wildlife control operators, permit holders, hunters, landowners, and producers
 - Provide a framework for producers to work with WDFW
 - Update the existing wildlife control operator program and better align it with the trapping program while maintaining its separateness.

Overview

- Purpose (continued)
 - Propose moving to Chapter 232-36 Wildlife Interaction rules.
 - Clarify language in each rule to facilitate an improved process and better customer service.



Proposed Changes

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



Damage to Agriculture and Timber



Damage to Agriculture and Timber

- Issue: Wildlife have the potential to cause thousands of dollars worth of damage to commercial agriculture and timber industries. WDFW is responsible for assisting owners with minimizing damage to commercial agriculture and timberlands.

Damage to Agriculture and Timber

- Propose to 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

Damage to Agriculture and Timber

- Issue: Separate bear timber damage from deer, elk and turkey damage permit hunts and clarify appropriate definitions and references.



Damage to Agriculture and Timber

- Replace 232-12-025 with proposed new rule: 232-36-320 Black bear timber damage depredation permits
 - Add reference to RCW 77.15.245
 - Add definitions “damage to timberlands” and “removal”



Damage to Agriculture and Timber

- Issue: Occurrence of damage may vary by species, population levels, and seasonal crop. Permits to assist with damage issues should align with these factors.



Damage to Agriculture and Timber

- Replace 232-28-266 with proposed new rule 232-36-310 Damage Prevention permit hunts: deer, elk, turkey
 - Clarifies Damage Prevention Cooperative Agreements vs Damage Prevention Permits
 - Separates deer and elk from turkey



Damage to Agriculture and Timber

- Propose new rule 232-36-310 (continued)

Species	Area	Current Quota	Proposed Quota
Elk antlerless	Statewide	200	300 Statewide 200 Eastern WA 100 Western WA
Elk antlerless	GMU 372 & 379	60	70
Elk spike / antlerless	Elk Area 3721	50	100
Any bull	Elk Area 3721	30	60
Elk antlerless	GMU 501 -578	50	100

Damage to Agriculture and Timber

- Propose new rule 232-36-310 (continued)

Species	Area	Current Start Date	Proposed Start Date	Current Close Date	Proposed Close Date
Deer/Elk	Statewide	August 1	July 1	March 31	No change
Elk spike/antlerless	Elk Area 3721	August 1	July 1	March 31	No change
Any Bull	Elk Area 3721	May 15	No change	July 31	June 30

Damage to Agriculture and Timber

- Propose new rule 232-36-310 (continued)
 - Allow for use of un-filled turkey tags along with damage permit

Species	Current Area	Proposed Area	Current Quota	Proposed Quota	Current Start Date	Proposed Start Date
Turkey	GMUs 105- 130	Statewide	200	300	Oct 10	Oct 1

Damage to Agriculture and Timber

- Issue: Clarify roles and responsibilities of the department and the landowner when addressing damage issues from big game.



Damage to Agriculture and Timber

- Propose new rule 232-36-090 Limitations to managing damage caused by deer, elk, bear, and cougar on private property
 - Clarify owners must seek WDFW for assistance
 - Clarify cooperative working relationship with WDFW and owner

Damage to Agriculture and Timber

- Propose new rule 232-36-090 Limitations to managing damage caused by deer, elk, bear, and cougar on private property (continued)
 - Requires documentation of refusal to non-lethal measures
 - Provides an appeal process for owners
 - Non-compliance is ineligible for compensation

Damage to Agriculture and Timber

- Issue: Increasing hunting pressure and human presence can be an effective tool in minimizing damage from wildlife. Providing opportunities to utilize hunters for damage issues can foster good will with landowners and hunters.



Damage to Agriculture and Timber

- Revise 232-36-300 Public hunting requirements
 - Clarifying language
 - “Species causing damage”; allow for other species to provide additional hazing
 - Remove “Access” to be more inclusive of all agreements

Damage to Agriculture and Timber

- Revise 232-36-300 Public hunting requirements (continued)
 - Clarifying language
 - Add “minimize or prevent damage”
 - Add “number of hunters, timing, and weapon”



Killing Wildlife in Protection of Property



Killing Wildlife in Protection of Property

- Issue: Property owners should have the ability to protect their property from wildlife caused damage particularly damage caused by non-listed species. Need clarification on the limitations and requirements with killing wildlife for protection on property.

Killing Wildlife in Protection of Property

- Revise
 - 232-36-051 Killing wildlife causing private property damage
 - 232-36-055 Disposal of wildlife killed for personal safety or for causing private property damage
 - 232-36-510 Failure to abide by conditions of permits, provide completed forms, or submit required documents of reports

Killing Wildlife in Protection of Property

- Issue: Confusion exists because of the various permits currently identified in the rule and how these relate to the Damage Prevention Cooperative Agreements.



Killing Wildlife in Protection of Property

- Revise 232-36-051 Killing wildlife causing private property damage
 - Clarify difference between Damage Prevention Cooperative Agreement and Damage Prevention or Kill Permits
 - Removed permit types that no longer exist
 - Revised nomenclature and consolidated permits

Killing Wildlife in Protection of Property

- Issue: Various methods may be utilized to dispose of animal carcasses and direction is needed to minimize confusion.



Killing Wildlife in Protection of Property

- Revise 232-36-055 Disposal of wildlife killed for personal safety or for causing private property damage
 - Clarify language detailing carcass disposal will be conditioned in the permits
 - Add language directing carcass disposal for wildlife killed without a permit

Killing Wildlife in Protection of Property

- Issue: Confusion exists regarding reporting requirements for Wildlife Control Operators and landowners.



Killing Wildlife in Protection of Property

- Revise 232-36-510 Failure to abide by conditions of permits, provide completed forms, or submit required documents of reports
 - Change language to reflect correct title for wildlife control operators and certification

Killing Wildlife in Protection of Property

- Issue: Bear and cougar may need to be removed in response to depredation events on livestock or animals not related to public safety, timber damage, or in chronic areas.



Killing Wildlife in Protection of Property

- Propose new rule 232-36-330 Bear and Cougar depredation permit hunts for domestic animal or livestock loss.
 - Addresses need to respond to livestock losses
 - Clarifies only WDFW authorized hunters may participate
 - Requires a permit to remove bear or cougar
 - Requires 24 hour reporting of take and allows 48 hours to dispose of carcass


Compensation



Compensation

- Issue: Misperceptions exist regarding limitations for crop damage, the roles and responsibilities of all parties involved, and the process for applying for compensation.



 **Washington Department of Fish and Wildlife**
FILING A DEER/ELK DAMAGE CLAIM
Required Documents and Important Timelines When Applying For
Deer/Elk Damage Compensation

Deer and elk damage claim eligibility is restricted to "eligible farmers" (as defined in RCW 82.08.855) with commercial crop damage. The claimant is required to provide documentation of gross sales or harvested value of commercial crops produced. Documents must account for a minimum of ten thousand dollars in crop value for the previous tax year. Damage claims of less than one thousand dollars are not eligible for damage compensation.

A 'commercial crop' is a commercially raised horticultural and/or agricultural product and includes the growing or harvested product.

- The claimant must notify the Department within seventy-two (72) hours of discovery of crop damage and seventy-two (72) hours prior to harvest of the claimed crop.
- A complete written claim must be submitted to the Department within sixty (60) days of when the damage stops.
- Owners may file only one claim per year. Multiple partners in a farming operation are considered one owner. Operations involving multiple partners must designate a "primary grower" to receive payment from the Department.
- The claimant must submit the request for a claim form by contacting Ralf Schreiner, WDFW Wildlife Conflict Program Specialist in writing, by phone or via email. Please provide your full name, mailing and damage addresses, phone number and email address to:

Washington Department of Fish and Wildlife
Wildlife Conflict section
600 Capitol Way North
Olympia, WA 98501-1091
(360) 902-2490
Ralf.Schreiner@dFW.wa.gov

- Damage claim assessment of amount and value of commercial crop loss is the primary responsibility of the claimant. Crop damages must be evaluated by a licensed crop adjuster. The Department will share half of the cost of an evaluation by an authorized and licensed crop adjuster for deer/elk damage with the claimant to pay a maximum of six hundred dollars.

Compensation

- Revise
 - 232-36-100 Payment for commercial crop damage – Limitations
 - 232-36-110 Application for cash compensation for commercial crop damage – Procedure
 - 232-36-210 Application for cash compensation for livestock damage or other domestic animal – Procedure

Compensation

- Issue: Confusion regarding the Damage Prevention Cooperative Agreement and intent of prevention measures to minimize potential damage.

**WASHINGTON STATE
DEPARTMENT OF FISH AND WILDLIFE
FENCING AGREEMENT-OWNER COST-SHARE**

THIS AGREEMENT is between the STATE OF WASHINGTON DEPARTMENT OF FISH AND WILDLIFE, hereinafter referred to as "WDFW", and whose address is _____ Hereinafter referred to as "LANDOWNER". For and in consideration of the following covenants contained herein and pursuant to the authority set forth in RCW 77.12.260, WDFW hereby agrees to provide materials necessary to construct an elk fence on the LANDOWNER'S property. Said fence is located in _____ County and crosses the following lands, owned by the LANDOWNER, and as shown in EXHIBIT "A" attached hereto. The property is located at:

TOWNSHIP _____ RANGE _____ SECTION(S) _____

SUBJECT TO THE FOLLOWING MUTUALLY AGREED TERMS AND CONDITIONS:

- WDFW shall provide materials as identified in EXHIBIT "C" attached hereto to be utilized by LANDOWNER in the construction of said elk fence. Approximately _____ Feet of Fencing Materials
- LANDOWNER agrees to utilize fencing materials provided by WDFW solely for the purpose of constructing and/or reconstructing elk fence on LANDOWNER'S property as shown in EXHIBIT "A" attached hereto.
- LANDOWNER agrees to utilize fencing materials within a six month period from date of delivery. Exception to the time frame may be made in writing by the Director or his Designee.
- Any and all materials not utilized by LANDOWNER as per this agreement, shall revert to ownership of WDFW and will be picked up by WDFW and returned to the State of Washington.
- LANDOWNER shall construct said fence within accepted guidelines as furnished by WDFW as shown in EXHIBIT "B" attached hereto. LANDOWNER may submit his/her own guidelines for acceptance by WDFW. Special allowances for variations may be made by the Director or his Designee. Upon completion of said fence by

**Washington Department of Fish and Wildlife
WILDLIFE DAMAGE CLAIM FORM
Deer/Elk Commercial Crop Losses**

Claimant Information
A claimant is the owner of a commercial crop who is filing a deer/elk damage claim

Date	Claimant Name
Address	City
E-mail Address	Home/Business Phone

'Eligible Farmer' is defined under RCW 82.08.855(4)(B)(I) through (iv)

Uniform Business Identifier (UBI) _____ or Tax ID _____

Washington Department of FISH and WILDLIFE

**DAMAGE PREVENTION COOPERATIVE AGREEMENT
CROP DAMAGE**

TITLE: _____ WDFW NUMBER: _____
LANDHOLDER: _____ CONTRACT PERIOD: _____
TYPE: _____ PROJECT GROUP: Wildlife Conflict

A. PARTIES TO THIS CONTRACT
This Cooperative Contract is made and entered into between the Washington Department of Fish and Wildlife, hereinafter referred to as "WDFW", and _____ hereinafter referred to as "Landholder".
LANDHOLDER AND WDFW, BY ACCEPTING AND SIGNING THIS CONTRACT, MUTUALLY AGREE AS FOLLOWS:

B. PURPOSE OF CONTRACT
Landholder and WDFW recognize the need to work cooperatively to prevent, correct, or minimize damage caused by wildlife. The intent and purpose of this contract is to assist in managing wildlife population issues and/or help the Landholder address damage caused by wildlife as authorized under RCW 77.12.24 and RCW 77.38, and within rules established by the Fish and Wildlife Commission (WAC 232-36). Activities described in this agreement, such as non-lethal actions to harass, repel, and divert or, lethal actions to hunt and harvest animals, are important factors in minimizing the adverse effects of game animals on commercial crops.

C. LEGAL DESCRIPTION:
The provisions of this contract apply to the following property:
Legal (T.R.S.): _____

D. PUBLIC ACCESS
Landholder understands that access is to be granted as described in Attachment B.

E. TERMINATION AND AMENDMENT
This Contract may be modified or terminated by mutual written consent by authorized representatives of either party. Any party may seek termination by providing advance notice, in writing, to the other party. Such termination shall be effective thirty (30) days after authorized representatives of the parties have agreed in writing to such termination.
If Landholder chooses to cancel the contract, then the Landholder shall not qualify for damage compensation as provided in RCW 77.36 for the remainder of the contract period.
Upon cancellation of the contract, all materials and/or posted signs provided by WDFW will be removed.

F. PUBLIC RECORDS
Landholder acknowledges that WDFW is subject to Chapter 42.56 RCW, the Washington Public Disclosure Act ("Act"), and that this Contract and other materials pertaining to this Contract are public records as defined by the Act.

G. RECREATIONAL USE IMMUNITY STATUTE, RCW 4.24.210
Landholder and WDFW acknowledge that the legislature enacted RCW 4.24.200 and RCW 4.24.210 to "encourage owners or others in lawful possession of land and water areas or channels to make them available to the public for recreational purposes by limiting their liability toward persons entering thereon and toward persons who may be injured or otherwise damaged by acts or omissions of persons entering thereon." Contractor and WDFW intend that

Updated May 5, 2015

Compensation

- Revise 232-36-100 Payment for commercial crop damage – Limitations
 - Add language to correctly reflect Damage Prevention Cooperative Agreements
 - Clarify denial of claims for refusal of prevention measures

Compensation

- Issue: Clarify confusion with the claims process and terminology such as landowner, claimant, and applicant. Clearly articulate the collaborative process with the owner and the Department.



Compensation

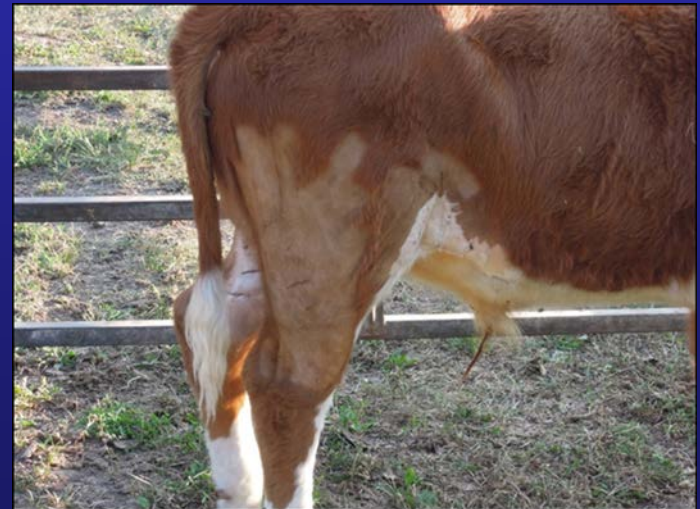
- Revise 232-36-110 Application for cash compensation for commercial crop damage – Procedure
 - Change package due date to “when damage stops”
 - Add requirement of Damage Prevention Cooperative Agreement or waiver to file claim
 - Clarify documentation required

Compensation

- Revise 232-36-110 (continued)
 - Clarify owner's responsibility to work with adjustor
 - Clarify use of owner selected crop adjustor versus WDFW contracted adjustor
 - Clarify denial of claim for non-compliance with DPCA
 - Remove negating adjustor fees for claims over \$10,000

Compensation

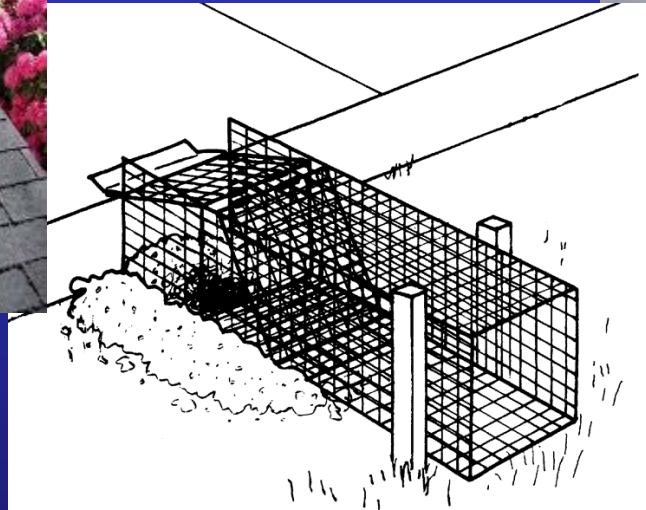
- Issue: Revisions are needed to facilitate a claims process that ensures adequate time and provisions for filing claims.



Compensation

- Revise 232-36-210 Application for cash compensation for livestock damage or other domestic animal – Procedure
 - Add required to notify WDFW within 30 days of loss
 - Change (extend) submission of complete claims package
 - Clarify assess of losses caused wolves and other carnivores.

Wildlife Control Operators



Wildlife Control Operators

- Issue: Further clarification regarding use of permits, certifications, traps, and reporting requirements were needed for Wildlife Control Operators.



Wildlife Control Operators

- Revise
 - 232-12-142 Special trapping permit-Use of body gripping traps
 - 232-36-060 Director or his/her designee is empowered to grant wildlife control operator certifications
 - 232-36-065 Director or his/her designee is empowered to issue wildlife control operator permits to address wildlife interactions

Wildlife Control Operators

- Issue: Need separate and clear direction for special trapping permits and conditions for use body gripping traps. Interpretation of current rule results in different views for lawful carcass retention and permit renewals.



Wildlife Control Operators

- Revise 232-12-142 Special trapping permit-Use of body gripping traps
 - Remove “use of body gripping traps” from title
 - Clarify term “permit” is Special Trapping Permit
 - Removed application details (information is redundant to the permit application)

Wildlife Control Operators

- Issue: A separation of the Wildlife Control Operator certification and permits for use by Wildlife Control Operators is necessary to eliminate confusion and provide clear direction for both components.



Wildlife Control Operators

- Revise 232-36-060 Director or his/her designee is empowered to grant wildlife control operator certifications
 - Name change to “Certifying wildlife control operators”
 - Must pass a WA state trapper education exam and possess 2 years of demonstrated experience.

Wildlife Control Operators

- Revise 232-36-060 Director or his/her designee is empowered to grant wildlife control operator certifications (continued)
 - Remove the date from the fee change. This information is redundant.
 - Change the term “permit” to “certification” to clarify the difference

Wildlife Control Operators

- Issue: Need clarification of the responsibilities and requirements for wildlife control operators under the certification and permits.



Wildlife Control Operators

- Revise 232-36-065 Director or his/her designee is empowered to issue wildlife control operator permits to address wildlife interactions
 - Change title to reflect use of WCO's vice just issuing permits/certifications.
 - Specify WCOs are permitted to conduct work out of designated seasons to assist landowners with damage issues.

Wildlife Control Operators

- Revise 232-36-065 Director or his/her designee is empowered to issue wildlife control operator permits to address wildlife interactions (continued)
 - Clarify that Body Gripping Traps require a special permit.
 - Clarify the retention of animal furs by WCO's in season only with certain conditions. Again alleviating user group confusion.

Wildlife Control Operators

- Revise 232-36-065 Director or his/her designee is empowered to issue wildlife control operator permits to address wildlife interactions (continued)
 - Define the disposal of animals trapped with body gripping traps.
 - Adjust reporting requirements
 - Clarify the period for which a certification or permit may be denied/revoked

Wildlife Control Operators

- Issue: Stand alone rules providing guidance on use of body gripping traps and reporting requirements for wildlife control operators are needed to provide improved data collection and response to conflict events.

Wildlife Control Operators

- Propose new rule
 - 232-36-066 Report required of certified wildlife control operator
 - 232-36-054 Use of body-gripping traps and exceptions



Wildlife Control Operators

- Propose new rule 232-36-066 Report required of certified wildlife control operator
 - WCO reporting follows a similar process and violation stipulations as trappers.
 - Specifies reporting date; which aligns with the trapping report requirements.

Wildlife Control Operators

- Propose new rule 232-36-066 Report required of certified wildlife control operator
 - References web-based reporting and appropriate forms.
 - Clarifies failure to report or false reports are considered an infraction.

Wildlife Control Operators

- Issue: Needed to revise this rule to address adopted revisions to 232-12-141 made in April 2015. This revision further separates the restrictions associated with use of body gripping traps from the general trapping rule.

Wildlife Control Operators

- Propose new rule 232-36-054 Use of body-gripping traps and exceptions
 - Removed language from 232-12-141, Wild Animal trapping, to create this WAC which is specific to the use of body gripping traps (232-12-141 was modified at the March commission meeting).



Wildlife Control Operators

- Propose new rule 232-36-054 Use of body-gripping traps and exceptions (continued)
 - Removed listing of individual traps and replaced with reference to RCW 77.15.192 which defines them.
 - Corrected trap check time frame reference to 24 hours vice 72 hours and included RCW referencing this parameter.

Summary

- The revisions will provide:
 - Provides clear direction
 - Minimize confusion
 - Address concerns and questions
 - Foster improved processes
 - Facilitate collaboration



Next Steps

- Public hearing; June 12, 2015
- Comment period through June 30, 2015
- Continue work with stakeholders
- August 2015 Commission Meeting
- Develop Policy/Procedure



Questions

