

# Wildlife Interaction Rules



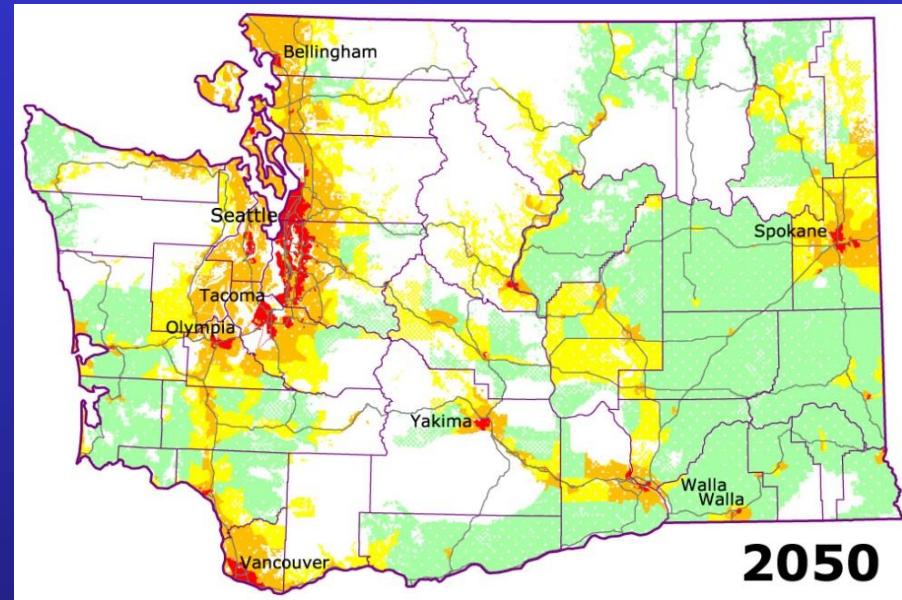
Stephanie Simek  
Wildlife Conflict Section Manager  
Game Division, Wildlife Program



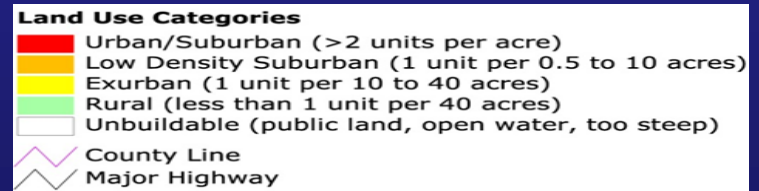
Washington Department of  
**FISH and WILDLIFE**

# Overview

- Interactions between humans and wildlife are likely to increase over time
- Objectives of WDFW
  - Minimize human-wildlife conflict
  - Assist landowners



Center of the American West, University of Colorado (2001)



# Overview

- Washington statutes direct the Commission and the department to address wildlife damage and conflicts
- The department must establish process, protocols, limitations, and conditions for:
  - Claims assessment and payment
  - Removal of wildlife



# Overview

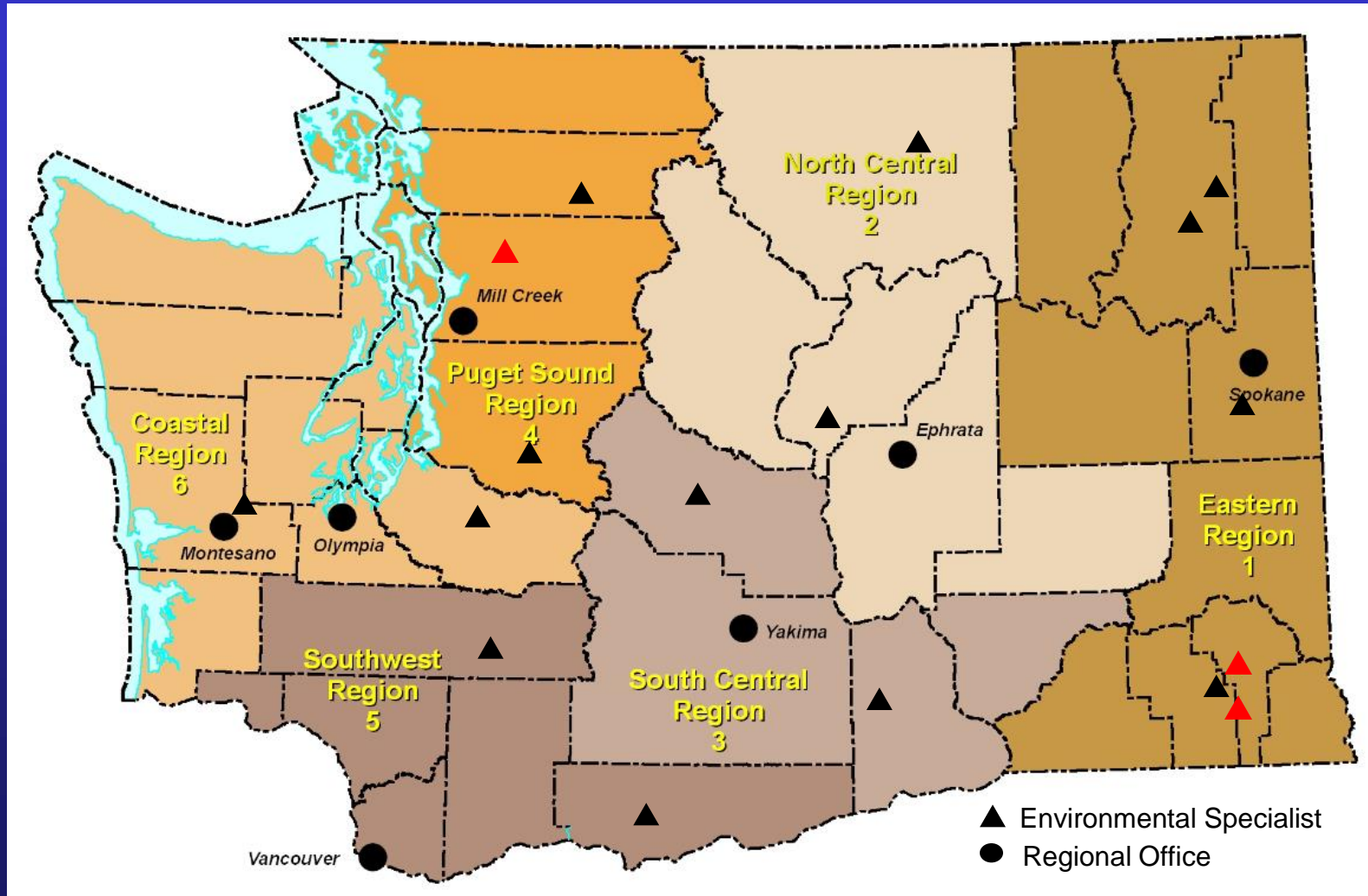
- Prior to 2013, WDFW Law Enforcement responded to wildlife conflict issues
- July 1<sup>st</sup>, 2013 WDFW transferred several wildlife conflict responsibilities
  - Wildlife Program accepted responsibility for deer, elk, wolf, and black bear timber damage from Enforcement
  - Enforcement continues to resolve dangerous wildlife conflicts

# Overview

- Hired and equipped staff
  - July, August, September 2013
  - Continue to train staff on new techniques
  - Expanded staff in areas of higher need



# Staffing



# Start-up Actions

- Developed Training Programs
- Revised and updated Web Site
- Developed and revised contract templates
- Updated the claims process
- Re-designed Special Trapping permits and improved process for permit issuance and tracking

# Responsibilities



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# What do we do?

- Home
- About WDFW
- Conservation
- Fishing
- Hunting
- Enforcement
- Wildlife Viewing
- Licensing & Permits
- Living with Wildlife

- Species Fact Sheets
- Attracting Wildlife
- Injured/Orphaned Wildlife
- Nuisance Wildlife
- Evicting Wildlife from Buildings
- Hiring a Wildlife Damage Control Company
- How to Become a Wildlife Control Operator
- Trapping Wildlife
- Damage Claims

## Nuisance Wildlife

### Preventing Conflicts with Wildlife

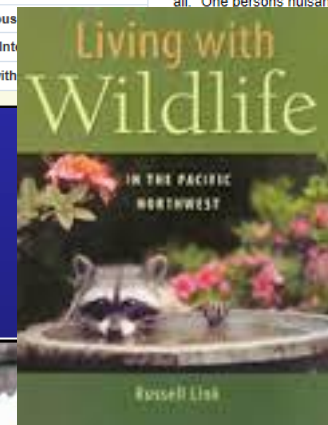
It's important to note that not all wildlife create conflicts. Although it might not appear so at the time, the animals, which are often referred to as nuisance or problem animals, are innocent. When a conflict exists between humans and animals it is usually because the animal is only doing what it needs to do to survive. It is simply following its own instincts, and intends no harm or discomfort.

Dealing with a conflict can be difficult because it is often a community issue. Some people habitually feed and perhaps inadvertently shelter wildlife, while their neighbor may not want wildlife around at all. "One person's nuisance is another person's joy", etc. This scenario can create undesirable and the animals themselves. Raccoons, coyotes and squirrels that are their fear of humans and may become aggressive when not fed as visitors might approach a neighbor who might choose to remove these animals.

alter a wildlife lover's perception about a certain species, especially when

### Top Conflict Species

- Bats
- Beavers
- Bears
- Coyotes
- Crows
- Deer
- Gophers
- Moles
- Nesting birds (Swallow)
- Opossums



### DAMAGE PREVENTION COOPERATIVE AGREEMENT - LIVESTOCK

TITLE:  (Insert Unique Title) WDFW NUMBER:  (Insert CAPS contract #)  
 LANDHOLDER:  (owner/lessee name) CONTRACT PERIOD:  (valid dates of contract)  
 TYPE:  (Payable/No Cost (Choose one)) 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  (Landholder Name), 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 77.12.240, RCW 77.36.100, and RCW 77.36.110, 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 kill and remove problem animals, are important factors in minimizing the adverse effects of wildlife on livestock operations.

Property Specific Provisions  
 See Attachment B

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

**D. 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.

**E. 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.

Department of Fish and Wildlife  
 Division C of the

Details
removed from a/)
Guard Units
flaming areas

# What do we do?

- Negotiate and manage damage prevention cooperative agreements
  - 38 Damage Prevention Livestock Agreements
  - 300 Damage Prevention Crop Agreements
- Manage damage claims
  - 2013 - 2015 – 20 crop claims, total ~\$121,000
  - 2013 - 2015 – 3 livestock claims, total for direct losses ~\$14,500 (1 cougar caused, 2 wolf caused)
- Manage co-operative fencing contracts
  - 2013-2015 – \$140,000

# What do we do?

- Wildlife control operator certification
  - 2013-2015 – 6 courses, ~250 participants, ~175 people certified
- Issue permits for:
  - Black bear timber damage
  - Deer and elk damage
  - Nuisance wildlife



# Accomplishments

- Integrated wildlife conflict into Wildlife Program
- Began building relationships with landowners, producers and other stakeholders
- Developed a permitting data base for managing and tracking deer and elk depredation permits
- Updated the depredation permit process for black bear timber damage

# Accomplishments

- Developed pilot carcass removal projects including a carcass compost site
- Coordinated wolf-livestock interaction research program with WSU
- Began developing an outreach program for wolf/livestock interactions



# Accomplishments

- Began developing and resolving policy issues
- Began review and revision of wildlife interaction rules



# Why Is Rule Revision Needed?

- Clarifying agency direction
- Address questions and concerns identified by stakeholders and staff
- Provide a framework for producers, trappers, wildlife control operators, permit holders, hunters, and landowners to work with WDFW
- Provide consistency among conflict management rules

# Rule Revision Process

- June 2014 - Public input began
  - 2 surveys (WA Hunter Opinion, Washington Residents' Opinion)
  - Game Management Plan (on-line commenting and public meetings across the state)
  - Stakeholder outreach
- May 2015 – Published initial proposed rules
  - 30-day comment period
  - Meetings with stakeholders



# Rule Revision Process

- June 2015
  - F&W Commission hearing - presentation and public testimony
  - Follow-up meetings with stakeholders
  - Detailed responses to organized groups
  - Rule revisions based on input
- August 2015 – Published amended proposed rules
  - 30-day comment period
  - SEPA process started

# Rule Revision Process

- September 2015
  - Continued stakeholder outreach
  - F&W Commission hearing
    - Presentation and public testimony
    - Recommended adjustments



# Rule Categories

- 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

- Affected rules:
  - 232-36-300 – defines public hunting requirements for claims
  - 232-36-310 – sets rules for damage prevention permits
  - 232-36-320 – defines rules related to timber damage caused by bears
  - 232-36-090 – provides guidance on stakeholder/agency collaboration

# Damage to Agriculture and Timber

- Replace 232-12-025 with proposed new rule: 232-36-320 Black bear timber damage depredation permits
- Replace 232-28-266 with proposed new rule 232-36-310 Damage Prevention permit hunts: deer, elk, turkey

# 232-36-300

- Clarifying language
  - “Species causing damage”; allow for other species to provide additional hazing
  - Remove “Access” to be more inclusive of all agreements
  - Add “minimize or prevent damage”
  - Add “number of hunters, timing, and weapon”

# 232-36-310

- Clarifies Damage Prevention Cooperative Agreements vs Damage Prevention Permits
- Separate deer and elk from turkey
- Allow for use of un-filled turkey tags along with damage permit





# 232-36-310

Species	Area	Current Quota	Proposed Quota
Elk antlerless	Statewide	200	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

# 232-36-310

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

# 232-36-310

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

# 232-36-320

- Add reference to RCW 77.15.245
- Add definitions “damage to timberlands” and “removal”
- Allow for disposal to be conditioned by permit



# 232-36-090

- Clarify owners should seek WDFW for assistance
- Clarify cooperative working relationship with WDFW and owner
- Requires documentation of refusal to non-lethal measures
- Provides an appeal process for owners
- Non-compliance is ineligible for compensation

# Killing Wildlife in Protection of Property



# Killing Wildlife in Protection of Property

- Affected rules:
  - 232-36-051 – regulates when wildlife can be killed
  - 232-36-055 – sets rules for disposal of wildlife killed
  - 232-36-330 – defines rules related to livestock depredation caused by bear and cougar
  - 232-36-510 – describes requirements for compliance with permits, agreements and certifications.

# 232-36-051

- Clarifies difference between Damage Prevention Cooperative Agreement and Damage Prevention or Kill Permits
- Removes permit types that no longer exist
- Revises nomenclature and consolidated permits



# 232-36-055

- Clarify language detailing carcass disposal will be conditioned in the permits
- Add language directing carcass disposal for wildlife killed without a permit

# 232-36-330

- Addresses need for WDFW 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

# 232-36-510

- Change language to reflect correct title for wildlife control operators and the wildlife control operator certification



 **Wildlife Control Operators Annual Report**  
Please return to the Wildlife Conflict Program, 600 Capitol Way North, Olympia, WA 98501-1091, or FAX at (360) 902-2162, or [specialtrapping@dfw.wa.gov](mailto:specialtrapping@dfw.wa.gov)

WCO #: \_\_\_\_\_ **ANNUAL REPORTS ARE DUE BY APRIL 20**

Year: \_\_\_\_\_ Company/Name: \_\_\_\_\_ Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Phone: ( ) \_\_\_\_\_ Bus. Phone: ( ) \_\_\_\_\_

Use multiple forms if required

Complaint Date	Location of Problem	County	Nuisance Species	Number Captured	Disposition Code

# Killing Wildlife in Protection of Property

Recommended adjustment:

232-36-051 Killing wildlife causing private property damage

- Page 25 and 26: Sub-section (2)(b) Separate deer and elk damage to crops from bear and cougar damage to livestock or domestic animals. Deer and elk will be addressed in the revised (2)(b) and black bear and cougar will be address in (2)(d).

# Killing Wildlife in Protection of Property

Recommended adjustment:

232-36-051 Killing wildlife causing private property damage

- Page 25 and 26: Modify Sub-section (2)(b)

An owner with verbal or written approval from the department may kill an individual (one) deer or elk during the physical act of damaging crops within a 12 month period. The owner must notify the department within 24 hours of kill.

# Killing Wildlife in Protection of Property

Recommended adjustment:

232-36-051 Killing wildlife causing private property damage

- Page 26: Add sub-section (2)(d) and identify bear as black bear

An owner may kill an individual (one) black bear or cougar during the physical act of attacking livestock or domestic animals with or without an agreement or permit within a 12 month period. The owner must notify the department within 24 hours of kill.

# Killing Wildlife in Protection of Property

Recommended adjustment:

232-36-051 Killing wildlife causing private property damage

- Page 27: Sub-section (4) remove sentence prohibiting Wildlife Control Operators from killing big game.

Retaining the following language

Wildlife control operators may assist property owners under the conditions of their certification or permits to remove animals causing damage.

# Compensation





# Compensation

- Affected rules:
  - 232-36-100 – defines requirements for eligibility for commercial crop damage payments
  - 232-36-110 – describes application procedure for cash compensation for crop damage
  - 232-36-210 – describes application procedure for cash compensation for livestock damage or domestic animal loss

# 232-36-100

- Add language to correctly reference Damage Prevention Cooperative Agreements
- Clarify denial of claims for refusal of prevention measures



# 232-36-110

- Change claims package due date to “harvest”
- Add requirement of Damage Prevention Cooperative Agreement or waiver to file claim
- Clarifies the documentation required to file a claim

# 232-36-110

- 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

# 232-36-110

- Additional clarification
  - As funds become available to the department the claims must be paid in chronologic order
  - Payment of claim included on the chronological list are conditional on the funding and are not guaranteed reimbursement

# 232-36-210

- Add requirement to notify WDFW within 30 days of loss
- Change (extend) submission of complete claims package
- Clarifies assessment of losses caused wolves and other carnivores.



# 232-36-210

- Further clarify records documenting value of domestic animal based on either market price or value at time of loss
- Criteria further identified regarding steps for an appeal

# Compensation

Recommended adjustment:

## 232-36-100 Payment for commercial crop damage - Limitations

- Page 39 and 40: Add language (4) to allow for the department approved checklist

The owner does not have a valid damage prevention cooperative agreement signed by the owner and the department, or a waiver signed by the director, or does not provide a department approved checklist of the preventative and nonlethal means that have been employed to prevent damage



# Compensation

Recommended adjustment:

232-36-100 Payment for commercial crop damage - Limitations

- Page 40: Create new sub-section (5) using last sentence of existing sub-section (4). This will shift the numbers for subsequent sub-sections.

(5) The owner has not complied with the terms and conditions of his or her agreement(s) with the department;

# Compensation

Recommended adjustment:

232-36-100 Payment for commercial crop damage - Limitations

- Page 41: Add language to new sub-section (15) which requires notification to the department  
(15) The owner or designee **harvested commercial crops prior to providing 72 hour notice to the department**

# Compensation

Recommended adjustment:

232-36-100 Payment for commercial crop damage - Limitations

- Page 42: Strike and replace former sub-section 15. Creating new sub-section (16) which outlines the process that allows the department to maintain a list of claims in chronological order of receipt when funds have been expended during the existing fiscal year.

# Compensation

Page 42: Strike and replace former sub-section 15. Creating new sub-section

(16) The department will prioritize payment for commercial crop damage in the order the claims were received or upon final adjudication of an appeal. If the department is unable to make a payment for commercial crop damage during the current fiscal year, the claim will be held over until the following fiscal year when funds become available. As funding becomes available to the department under this section, RCW 77.36.170, or any other source, the department must pay claims in the chronologic order. Claims that are carried over will take first priority and receive payment before any new claims are paid. The payment of a claim included on the list maintained by the department under this section is conditional on the availability of specific funding for this purpose and is not a guarantee of reimbursement.

# Compensation

Recommended adjustment:

232-36-110 Application for cash compensation for commercial crop damage

- Page 43: Add department approved checklist and Director's waiver to sub-section (1)

Claimants who have cooperated with the department and have a valid damage prevention cooperative agreement or a department approved checklist to prevent deer or elk damage, or a waiver for the director yet still experience loss and meet eligibility requirements, may file a claim for cash compensation.

# Compensation

Recommended adjustment:

232-36-210 Application for cash compensation for livestock damage or domestic animal-  
Procedure

- Page 54: Insert Director's waiver to sub-section (10)(e)

Compliance with the department's preventative measures checklist, or damage prevention cooperative agreement, or a waiver signed by the director.

# Wildlife Control Operators



# Wildlife Control Operators

- Affected rules:
  - 232-12-142 – regulates the use of special trapping permit
  - 232-36-060 – describes criteria for obtaining a wildlife control operator certification
  - 232-36-065 – sets the criteria for use of wildlife control operators to abate wildlife damage



# Wildlife Control Operators

- Affected rules:
  - 232-36-054 – describes conditions for use of body-gripping traps
  - 232-36-066 – defines reporting requirements for wildlife control operators



# 232-12-142

- 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)

# 232-36-060

- Name change to “Certification of wildlife control operators”
- Must pass a WA state trapper education exam and possess 2 years of demonstrated experience. **Criteria are identified for documenting experience.**

# 232-36-060

- Remove the date from the fee change. This information is redundant.
- Change the term “permit” to “certification” to clarify the difference



# 232-36-065

- Change title to reflect use of WCO's versus just issuance of permits/certifications.
- Specify WCOs are permitted to conduct work out of designated seasons to assist landowners with damage issues.
- **Allow for retention of fur for personal use or educational purposes that does not result in retail sale or commerce.**

# 232-36-054

- 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).

# 232-36-054

- 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.

# 232-36-066

- WCO reporting follows a similar process and violation stipulations as trappers.
- Specifies reporting date; which aligns with the trapping report requirements.
- References web-based reporting and appropriate forms.
- Clarifies failure to report or false reports are considered an infraction.



# Wildlife Control Operators

Recommended adjustment:

232-12-142 Special trapping permit

- Page 58: Strike introductory sentence
- Page 58: Modify definition of body-gripping trap

"Body-gripping trap" as defined by RCW 77.15.192 means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, steel-jawed leghold traps, padded -jaw leghold or padded foot-hold traps, Conibear traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, falconry traps such as bal chatri, and common rat and mouse traps are not considered body-gripping traps.

# Wildlife Control Operators

Recommended adjustment:

232-12-142 Special trapping permit

- Page 59: Strike “in water” definition
- Page 59: Replace sub-section (1) (c) with "Padded jaw leg-hold or padded foot-hold trap" means a trap designed and set to grip the foot of an animal, both jaws of which are covered with rubber pads having a minimum thickness of one-eighth inch.

# Wildlife Control Operators

Recommended adjustment:

232-12-142 Special trapping permit

- Page 59: Modify sub-section (1) (d):  
"Nonstrangling-type foot snare" means a cable or wire designed and set to encircle and hold an animal's foot or limb. Falconry traps, such as Bal chatri, are not considered nonstrangling-type foot snare traps because they are not designed to ultimately kill the bird but rather to ensure the bird's health and safety and cause no harm by using slip nooses which are constructed of monofilament nylon.

# Wildlife Control Operators

Recommended adjustment:

232-12-142 Special trapping permit

- Page 64: Modify sub-section (11):  
Any retention of raw fur obtained through the use of a special trapping permit requires a valid Washington state trapper's license.

# Wildlife Control Operators

Recommended adjustment:

232-36-054 Use of body-gripping traps and exceptions (*proposed new rule*)

- Page 78: Modify sub-section (5):

Animals taken with the use of a body-gripping trap may not be retained and must be disposed as conditioned in the special trapping permit or as specified in WAC 232-36-055. Raw fur may only be retained for personal use or educational purposes which do not result in retail sale or commerce.

# Summary

- The recommended adjustments along with the proposed revisions will provide:
  - Clear direction to department and stakeholders
  - Address concerns and questions
  - Foster improved processes
  - Facilitate collaboration



# Next Steps

- Wildlife Interaction Rules
  - Continue work with stakeholders to address remaining concerns
  - Proposed Adoption - November 2015 Commission Meeting

# Questions

