

1 **FOR DISCUSSION PURPOSES ONLY, NON-DECISIONAL DOCUMENT**

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3 **Proposed changes to [WAC 220-440-080](#) – this language would apply everywhere,**
4 **statewide, not only chronic conflict zones; definitions from [WAC 220-440-020](#)**
5 **apply.**

6 **WAC 220-440-080**

7 **Killing wolves attacking domestic animals.**

8 The commission is authorized, pursuant to RCW [77.36.030](#), to establish the
9 limitations and conditions on killing or trapping wildlife that is causing damage on private
10 property. The department may authorize, pursuant to RCW [77.12.240](#) the killing of wildlife
11 destroying or injuring property. Killing wildlife to address private property damage is
12 subject to all other state and federal laws including, but not limited to, Titles [77](#) RCW and
13 220 WAC.

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

18 (a) This section applies to the area of the state where the gray wolf is not listed as
19 endangered or threatened under the federal Endangered Species Act.

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

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

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

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

30 (3) In addition to the provisions of subsection (1) of this section, the director (or
31 WDFW staff designee) may authorize agency lethal removal of wolves or additional
32 removals by permit under the authority of RCW [77.12.240](#) if the director (or WDFW staff
33 designee) determines an owner has proactively implemented appropriate non-lethal
34 conflict deterrence measures.

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2 **NEW SECTION**

3

4 **220-440-260 - Wolf-livestock conflict deterrence in chronic conflict**
5 **areas**

6 1. Definitions

7 "Affected livestock producers" means the livestock producers in a
8 conflict mitigation plan drafted by WDFW pursuant to section 2. This
9 includes but is not limited to livestock producers who experienced
10 wolf depredation in the chronic conflict area.

11
12 "Livestock producer" means any person who owns livestock for home use
13 or for profit, especially on a ranch or farm.

14 "Wolf depredation" means an incident or event that results in the
15 injury or death of livestock on federal, state, tribal, or other
16 public lands, or private lands by one or more wolves.

17
18 "Wolf pack" means a group of two or more wolves traveling together in
19 winter.

20
21 "Wolf pack territory" means an area occupied by a pack of wolves,
22 including den and rendezvous sites if the pack is reproductive.

23
24 2. Conflict mitigation plan

25
26 The Director (or WDFW staff designee) may designate a geographic area
27 (e.g., all or a portion of a wolf pack territory) as a chronic
28 conflict area when wolf depredations of livestock have occurred and
29 lethal removal of wolves was authorized in two of the last three
30 years.

31
32 For each designated chronic conflict area, WDFW staff will author a
33 conflict mitigation plan. To the extent feasible, WDFW will develop
34 the conflict mitigation plan in consultation with willing, affected
35 livestock producers, as well as federal, state, and tribal agencies
36 that manage lands and/or wildlife in the designated chronic conflict
37 area. The plan will specify non-lethal deterrence measures that are
38 appropriate for the chronic conflict area according to the
39 professional judgment of WDFW staff, considering, but not limited to:

- 40
- 41 • species and type of livestock,
 - 42 • characteristics of the livestock operation (e.g., size of
43 pastures, type of fencing, open range grazing, presence of
calving pens),

Commented [SJB(1)]: Unless otherwise provided, this rule uses definitions from WAC [220-440-020](#) (for example, livestock is defined in that WAC).

- 44 • herd composition, calving/lambing periods, and/or seasonality of
45 livestock production for each affected livestock producer in a
46 chronic conflict area,
47 • the season of use when livestock are permitted to be on a leased
48 grazing area (if applicable),
49 • location(s) where livestock will be grazed and measures to avoid
50 livestock trespass,
51 • measures to avoid unnatural attractants for wolves, and
52 • landscape characteristics.
53

54 Once a mitigation plan is in place, the plan may be revised or
55 terminated by WDFW if on-the-ground conditions or state of knowledge
56 changes.
57

58 3. Criteria for lethal removal of wolves

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60 The Director (or WDFW staff designee) may authorize lethal removal of
61 wolves in a chronic conflict area as a tool to address repeated
62 depredations by wolves on livestock on a case by case basis if, in the
63 judgement of the Director (or WDFW staff designee):
64

- 65 a) Depredations are likely to continue;
66
67 b) Intentional feeding/baiting of wolves was not a known
68 factor in the repeated depredations;
69
70 c) Empirical and predictive data suggests that lethal removal
71 of wolves is not expected to harm the wolf population's
72 ability to reach recovery objectives statewide or within
73 individual wolf recovery regions; and
74
75 d) One of the following circumstances are present:
76
77 i. The material conditions and expectations set forth in
78 any applicable conflict mitigation plans have been
79 substantially complied with; or
80
81 ii. Wolves have attacked, injured, or killed livestock of
82 more than one livestock producer where one of the
83 livestock producers with depredated livestock
84 implemented nonlethal deterrence measures as deemed
85 appropriate by WDFW staff, even if a neighboring
86 livestock producer did not fully implement non-lethal
87 deterrence measures set forth in an applicable
88 conflict mitigation plan.
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90 The lethal removal authorization will have an expiration date
91 specified at the time of issue. Once issued, the authorization may be
92 revised or terminated by WDFW if on-the-ground conditions or state of
93 knowledge changes.
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