



## WASHINGTON STATE LEGISLATURE

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April 23, 2013

Miranda Wecker, Chair  
Washington Fish and Wildlife Commission  
600 Capitol Way North  
Olympia, WA 98501-1091

Dear Chair Wecker & Commissioners:

As you are aware, the Legislature has considered two bills during the 2013 legislative session that would require the Fish & Wildlife Commission to conduct rulemaking to allow for lethal removal of gray wolves by private individuals without a permit, HB 1191 and SSB 5187. Although the legislature is still in session, strong passions on both sides of this issue leave passage of this legislation uncertain, and we believe a more timely solution for addressing the concerns of those living in the communities most affected by gray wolf recovery at the present time can be found through emergency rulemaking by the Fish & Wildlife Commission itself.

We asked non-partisan legislative legal staff to review the relevant statutes and identify possible options for addressing the issues raised by livestock producers, local residents, and county commissioners in northeast Washington that could be implemented without new legislation. One possible option identified is for the Commission to explore the full range of authority provided in RCW 77.36.030 and RCW 77.12.240 to amend WAC 232-36-051 in a manner that allows for the lethal removal of gray wolves in the federally delisted portions of Washington to protect people, domestic pets, and livestock without first obtaining a permit or permission from the Department. This change would be consistent with the requirement in RCW 77.36.030 that the Commission take into consideration the recommendations of the state's wolf conservation and management plan, which, on Page 81, describes the benefits of allowing a livestock producer to take lethal action against gray wolves discovered in the act of attacking livestock. Such an amendment would build on the existing authority in WAC 232-36-050 that clearly allows for killing wolves for personal safety, when a wolf is in the physical act of attacking a person or posing an immediate threat of physical harm to a person.

This is, no doubt, a tall order for the Commission; especially in light of the many difficult hours already spent by commissioners crafting the current rules. However, wolf populations are increasing faster than anyone had imagined and wolves are appearing in areas of the state where no one expected to see them. The Legislature has given the Commission the authority, and the tools, to address these developments. We now ask the Commission to act.

Fish & Wildlife Commission staff have stated that to change agency rules to allow for this type of lethal removal would require a lengthy rulemaking process during which wolf depredations this spring and summer would further reduce social tolerance for gray wolves in communities in northeast Washington.

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However, staff analysis of RCW 34.05.350 suggests that the Commission has broad latitude to adopt emergency rules in instances when rules are needed to preserve public health, safety, and general welfare. We recognize that an emergency rule would be time limited – our wish is that normal rulemaking proceed while an emergency rule is in place and is renewed if necessary to provide clarity and the tools necessary to maintain social tolerance for gray wolves in northeast Washington in the timeliest manner for residents.

Utilizing emergency rulemaking procedures at the earliest possible time to amend WAC 232-36-051 and allow private individuals to protect domestic animals against an actively attacking wolf is a minimal, but critical step, towards the balance of interest and outcomes necessary to assure that Washington can continue to enjoy the recovery of this important species. We look forward to working with the Commission as it moves forward in this important rulemaking process.

Sincerely,



Senator Kirk Pearson



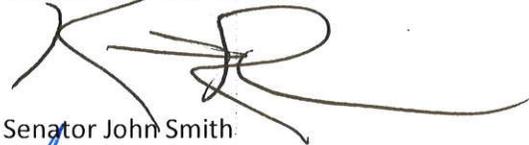
Representative Brian Blake



Senator Christine Rolfes



Representative Bruce Chandler



Senator John Smith



Representative Kristine Lytton



Senator Kevin Ranker



Representative Joel Kretz



Representative Hans Dunshee



Representative Shelly Short