



State of Washington
Department of Fish and Wildlife

WILDLIFE PROGRAM

Mail Address: 600 Capitol Way N, Olympia WA 98501-1091, (360) 902-2515, TTY (800) 833-8388
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

October 2, 2015

Ms. Melissa Calvert
Director, Muckleshoot Wildlife Program
39015 172nd Ave, S.E.
Auburn, WA 98092

Re: Wildlife Interaction Rules (SEPA DNS 15047)

Dear Ms. Calvert:

Thank you for providing comments on the Determination of Non-significance for the proposed Wildlife Interaction Rule revisions (SEPA DNS 15047). The intent of the proposed revisions is to clarify roles, responsibilities, process and requirements for trappers, wildlife control operators, permit holders, hunters, and landowners that participate in activities to assist the Department with minimizing wildlife damage and conflict issues.

You have noted in your letter of September 1, 2015 that WAC 232-36-051 did not appear to limit the number of animals killed. The Washington Department of Fish and Wildlife (WDFW) proposed the following recommended adjustment during the public hearing before the Fish and Wildlife Commission on September 18, 2015:

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.

Based upon your recommendation, WDFW will further propose inclusion of the term "commercial" to identify the type of crops for which this action may take place. The proposed revision would read as follows:

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 commercial crops within a 12 month period. The owner must notify the department within 24 hours of kill.

The department's primary responsibility is to preserve, protect, perpetuate, and manage the fish and wildlife species of the state (RCW 77.04.012). It was never the intent of WDFW to allow unlimited killing of wildlife but rather recognize the rights that landowners have to protect their property (RCW 77.36.030). Restrictions on sex and age classes of animals which landowners are

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permitted to remove will be determined by WDFW at the time of granting verbal or written approval. The decision to remove damage-causing animals will require consideration of efficient and effective damage abatement methods, wildlife population conservation, tribal cultural and historical use, and wildlife-related recreational opportunities. As in the past, WDFW will continue to meet with tribes on larger, conflict-related management issues such as those that have developed in the White River and Skagit River areas.

In your letter, you raised a concern over the definition of "damage". The terms "damage" and "physical act of attacking" are defined in WAC 232-36-030 along with other definitions of terms used in the Wildlife Interaction Regulations that may not be defined in RCW. The term "damage" is also defined in RCW 77.36.010.

Regarding your comments on WAC 232-36-055, the department may authorize removal of wildlife that is destroying or injuring property (RCW 77.12.240). Further the department is authorized to dispose of wildlife taken under this title in the manner determined by the director to be in the best interest of the state. WDFW does not promote wastage of game animals and requires 24-hour notification of kill to minimize spoilage and increase the potential for the animal meat to be salvaged. WDFW utilizes several methods, depending upon the case-specific events, to distribute the meat of game animals killed including retention by landowners, donations to Tribal entities, and offerings to charitable organizations.

Thank you for your review and contribution to our revisions. We appreciate the opportunity to learn of your concerns regarding the proposed rule revisions. The current plan is to make a final presentation to the Fish and Wildlife Commission at the November 13-14 meeting where the Commission may make a decision to adopt rules. We are certainly open to in-person discussion on the proposed rules and would be happy to meet with you and your representatives at a time in the near future. If you are interested, please contact me directly at 360-902-2476 or stephanie.simek@dfw.wa.gov to identify a time and location.

Sincerely,



Stephanie Simek
Wildlife Conflict Section Manager

cc: Fish and Wildlife Commission
Nate Pamplin, Assistant Director, Wildlife Program
Michele Culver, Regional Director, Region 6
Brian Calkins, Regional Wildlife Program Manager, Region 6
Mick Cope, Game Division Manager
Lisa Wood, SEPA/NEPA Coordinator