

WAC 220-440-080 Killing wolves attacking domestic animals. The commission is authorized, pursuant to RCW 77.36.030, to establish the limitations and conditions on killing or trapping wildlife that is causing damage on private property. The department may authorize, pursuant to RCW 77.12.240 the killing of wildlife destroying or injuring property. Killing wildlife to address private property damage is subject to all other state and federal laws including, but not limited to, Titles 77 RCW and 220 WAC.

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

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

(b) Any wolf killed under this authority must be reported to the department within (~~twenty-four~~) 24 hours.

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

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

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

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

NEW SECTION

WAC 220-440-260 Wolf-livestock conflict deterrence in chronic conflict areas. (1) **Definitions:**

(a) "Affected livestock producers" means the livestock producers in a conflict mitigation plan drafted by Washington department of fish and wildlife (WDFW) pursuant to subsection (2) of this section. This includes, but is not limited to, livestock producers who experienced wolf depredation in the chronic conflict area.

(b) "Livestock producer" means any person who owns livestock for home use or for profit, especially on a ranch or farm.

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

(d) "Wolf pack" means a group of two or more wolves traveling together in winter.

(e) "Wolf pack territory" means an area occupied by a pack of wolves, including den and rendezvous sites if the pack is reproductive.

(2) Conflict mitigation plan.

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

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

(a) Species and type of livestock;

(b) Characteristics of the livestock operation (e.g., size of pastures, type of fencing, open range grazing, presence of calving pens);

(c) Herd composition, calving/lambing periods, and/or seasonality of livestock production for each affected livestock producer in a chronic conflict area;

(d) The season of use when livestock are permitted to be on a leased grazing area (if applicable);

(e) Location(s) where livestock will be grazed and measures to avoid livestock trespass;

(f) Measures to avoid unnatural attractants for wolves; and

(g) Landscape characteristics.

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

(3) Criteria for lethal removal of wolves.

(a) The director (or WDFW staff designee) may authorize lethal removal of wolves in a chronic conflict area as a tool to address repeated depredations by wolves on livestock on a case-by-case basis if, in the judgment of the director (or WDFW staff designee):

(i) Depredations are likely to continue;

(A) Intentional feeding/baiting of wolves was not a known factor in the repeated depredations;

(B) Empirical and predictive data suggests that lethal removal of wolves is not expected to harm the wolf population's ability to reach recovery objectives statewide or within individual wolf recovery regions; and

(C) One of the following circumstances are present:

(I) The material conditions and expectations set forth in any applicable conflict mitigation plans have been substantially complied with; or

(II) Wolves have attacked, injured, or killed livestock of more than one livestock producer where one of the livestock producers with depredated livestock implemented nonlethal deterrence measures as deemed appropriate by WDFW staff, even if a neighboring livestock producer did not fully implement nonlethal deterrence measures set forth in an applicable conflict mitigation plan.

(b) The lethal removal authorization will have an expiration date specified at the time of issue. Once issued, the authorization may be

revised or terminated by WDFW if on-the-ground conditions or state of knowledge changes.