Wildlife Interaction Rules



Stephanie Simek Wildlife Conflict Section Manager Game Division, Wildlife Program

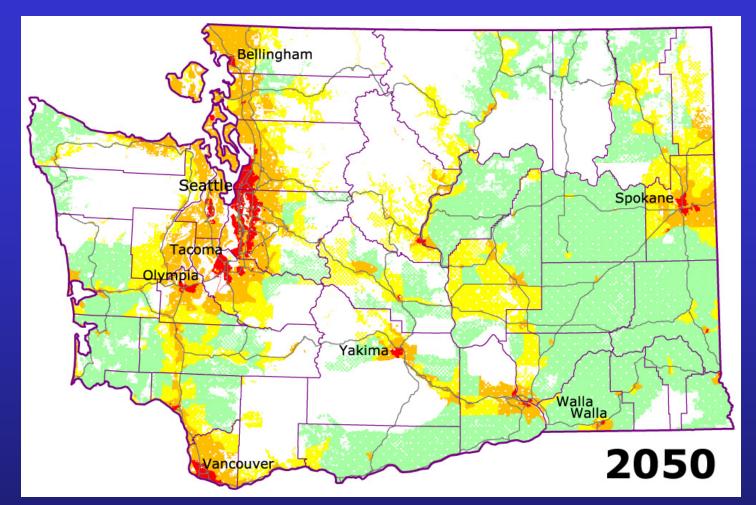




- Interactions between humans and wildlife are increasing
- Positive and negative encounters
- Transition for wildlife agencies

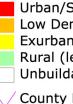






Center of the American West University of Colorado (2001)

Land Use Categories



Urban/Suburban (>2 units per acre) Low Density Suburban (1 unit per 0.5 to 10 acres)

Exurban (1 unit per 10 to 40 acres)

Rural (less than 1 unit per 40 acres)

Unbuildable (public land, open water, too steep)

/ County Line / Major Highway





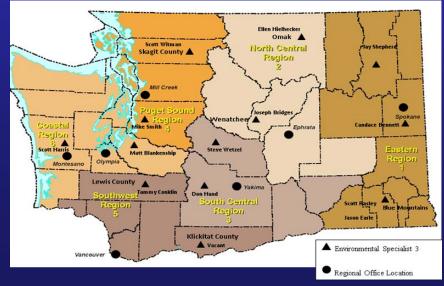
June 12-13, 2015, WDFW Commission Meeting Presentation

- Population Management through Hunting Seasons and Permits
- Non-lethal prevention tools (herding and hazing, fencing/exclusion)
- Kill permits
- Compensation
- Lure Crops
- Winter Feeding Programs



- WDFW transfer of several wildlife conflict responsibilities
- WDFW staffing and program development
- Revise and propose rules





Preparation

- Public input began June 2014 through present
- 2 Surveys (WA Hunter Opinion, Washington Residents' Opinion)
- Game Management Plan (on-line commenting and public meetings)
- Stakeholder outreach (WFPA, WFFA, WCA, Farm Bureau, GMAC, WA Trapper's Assn., Humane Society, and others)

-	
Responsive Management [®]	Responsive Management [®]
itertinikalai	WASHINGTON HUNTERS' PARTICIPATION IN HUNTING VARIOUS SPECIES AND THEIR OPINIONS ON AND ATTITUDES TOWARD VARIOUS HUNTING REGULATIONS
WASHINGTON RESIDENTS' OPINIONS ON BEAR AND WOLF MANAGEMENT AND THEIR EXPERIENCES WITH WILDLIFE THAT CAUSE PROBLEMS	
	Conducted for the Washington Department of Fish and Wildlife by Responsive Management
Conducted for the Washington Department of Fish and Wildlife by Responsive Management	2014
2014	

- Purpose (WDFW/Public/Landowners and other user groups)
 - Provide agency direction
 - Address questions and concerns
 - Reduce confusion on permits, licenses, tags, and reporting requirements







Purpose (continued)

- Update existing or provide new requirements for trappers, wildlife control operators, permit holders, hunters, landowners, and producers
- Provide a framework for producers to work with WDFW
- Update the existing wildlife control operator program and better align it with the trapping program while maintaining its separateness.

• Purpose (continued)

- Propose moving to Chapter 232-36 Wildlife Interaction rules.
- Clarify language in each rule to facilitate an improved process and better customer service.





Proposed Changes

- Damage to Agriculture and Timber
- Killing Wildlife in Protection of Property
- Compensation
- Wildlife Control Operators







 Issue: Wildlife have the potential to cause thousands of dollars worth of damage to commercial agriculture and timber industries. WDFW is responsible for assisting owners with minimizing damage to commercial agriculture and timberlands.

Propose to delete rules: 232-12-025 Depredation hunts 232-28-266 Damage Prevention permit hunts Replace and revise both with new rules

under the Wildlife Interactions Chapter 232-36

 Issue: Separate bear timber damage from deer, elk and turkey damage permit hunts and clarify appropriate definitions and references.





Replace 232-12-025 with proposed new rule: 232-36-320 Black bear timber damage depredation permits

 Add reference to RCW 77.15.245
 Add definitions "damage to timberlands" and

"removal"



 Issue: Occurrence of damage may vary by species, population levels, and seasonal crop. Permits to assist with damage issues should align with these factors.



- Replace 232-28-266 with proposed new rule 232-36-310 Damage Prevention permit hunts: deer, elk, turkey
 - Clarifies Damage Prevention Cooperative
 Agreements vs Damage Prevention Permits
 - Separates deer and elk from turkey



June 12-13, 2015, WDFW Commission Meeting Presentation

• Propose new rule 232-36-310 (continued)

Species	Area	Current Quota	Proposed Quota
Elk antlerless	Statewide	200	300 Statewide 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

• Propose new rule 232-36-310 (continued)

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

Information is subject to changes and amendments over time

Propose new rule 232-36-310 (continued)
 – Allow for use of un-filled turkey tags along with damage permit

Species	Current	Proposed	Current	Proposed	Current	Proposed
	Area	Area	Quota	Quota	Start Date	Start Date
Turkey	GMUs 105- 130	Statewide	200	300	Oct 10	Oct 1

 Issue: Clarify roles and responsibilities of the department and the landowner when addressing damage issues from big game.



- Propose new rule 232-36-090 Limitations to managing damage caused by deer, elk, bear, and cougar on private property
 - Clarify owners must seek WDFW for assistance
 - Clarify cooperative working relationship with WDFW and owner

- Propose new rule 232-36-090 Limitations to managing damage caused by deer, elk, bear, and cougar on private property (continued)
 - Requires documentation of refusal to nonlethal measures
 - Provides an appeal process for owners
 - Non-compliance is ineligible for compensation

 Issue: Increasing hunting pressure and human presence can be an effective tool in minimizing damage from wildlife. Providing opportunities to utilize hunters for damage issues can foster good will with landowners and hunters.



- Revise 232-36-300 Public hunting requirements
 - Clarifying language
 - "Species causing damage"; allow for other species to provide additional hazing
 - Remove "Access" to be more inclusive of all agreements

- Revise 232-36-300 Public hunting requirements (continued)
 - Clarifying language
 - Add "minimize or prevent damage"
 - Add "number of hunters, timing, and weapon"







Information is subject to changes and amendments over time.

 Issue: Property owners should have the ability to protect their property from wildlife caused damage particularly damage caused by non-listed species. Need clarification on the limitations and requirements with killing wildlife for protection on property.

• Revise

- 232-36-051 Killing wildlife causing private property damage
- 232-36-055 Disposal of wildlife killed for personal safety or for causing private property damage
- 232-36-510 Failure to abide by conditions of permits, provide completed forms, or submit required documents of reports

 Issue: Confusion exists because of the various permits currently identified in the rule and how these relate to the Damage Prevention Cooperative Agreements.





- Revise 232-36-051 Killing wildlife causing private property damage
 - Clarify difference between Damage Prevention Cooperative Agreement and Damage Prevention or Kill Permits
 - Removed permit types that no longer exist
 - Revised nomenclature and consolidated permits

 Issue: Various methods may be utilized to dispose of animal carcasses and direction is needed to minimize confusion.





- Revise 232-36-055 Disposal of wildlife killed for personal safety or for causing private property damage
 - Clarify language detailing carcass disposal will be conditioned in the permits
 - Add language directing carcass disposal for wildlife killed without a permit

 Issue: Confusion exists regarding reporting requirements for Wildlife Control Operators and landowners.



Killing Wildlife in Protection of Property

 Revise 232-36-510 Failure to abide by conditions of permits, provide completed forms, or submit required documents of reports

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

Killing Wildlife in Protection of Property

 Issue: Bear and cougar may need to be removed in response to depredation events on livestock or animals not related to public safety, timber damage, or in chronic areas.





Killing Wildlife in Protection of Property

- Propose new rule 232-36-330 Bear and Cougar depredation permit hunts for domestic animal or livestock loss.
 - Addresses need to 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



 Issue: Misperceptions exist regarding limitations for crop damage, the roles and responsibilities of all parties involved, and the process for applying for compensation.





Washington Department of Fish and Wildlife FIUNG A DEER/ELK DAMAGE CLAIM

Required Documents and Important Timelines When Applying For Deer/Elk Damage Compensation

Deer and ek damage dam eligibility is restricted to "eligible tarmes" (as defined in RCW 82.08.85) with commercial crop damage. The damant is required to provide documentation of gross takes or han-setted value of commercial crops produced. Documents must account for a minimum of ten thousand dofars in corp value for the previous tar year. Damage claims of less than one thousand dofars are not eligible for damage compensation.

A 'commercial crop' is a commercially raised horticultural and/or agricultural product and includes the growing or harvested product.

- The claimant must notify the Department within seventy-two (72) hours of discovery of crop damage and seventy-two (72) hours prior to harvest of the claimed crop.
- A complete written claim must be submitted to the Department within sixty (60) days of when the damage stops.
- Owners may file only one claim per year. Multiple partners in a farming operation are considered one owner. Operations involving multiple partners must designate a "primary grower" to receive payment from the Department.
- The claimant must submit the request for a claim form by contacting Ralf Schreiner, WDFW Wildlife Conflict Program Specialist in writing, by phone or via email. Please provide your full name, mailing and damage addresses, phone number and email address for

Washington Department of Fish and Wildlife Wildlife Conflict Section 600 Capitol Way North Olympia, WA 98501-1091

(360) 902-2490 Ralf.Schreiner@dfw.wa.gov

 Damage claim assessment of amount and value of commercial crop losts is the primary responsibility of the claimant. Crop clamages must be evaluated by a licensed crop adjutor. The Department will share half of the cost of an evaluation by an authorized and licensed crop adjuster for deer/elk damage with the claimant to pay a mainium of six hundred collisis.

- Revise
 - 232-36-100 Payment for commercial crop damage – Limitations
 - 232-36-110 Application for cash compensation for commercial crop damage – Procedure
 - 232-36-210 Application for cash compensation for livestock damage or other domestic animal
 Procedure

 Issue: Confusion regarding the Damage **Prevention Cooperative Agreement and** intent of prevention measures to minimize potential damage.

> WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE FENCING AGREEMENT/OWNER COST-SHARE

THIS AGREEMENT is between the STATE OF WASHINGTON DEPARTMENT OF FISH AND WILDLIFE, hereinafter referred to as "WDFW", and whose address is

Hereinafter referred to as "LANDOWNER". For and in consideration of the following covenants contained herein and pursuant to the authority set forth in RCW 77.12.260, WDFW herby agrees to provide materials necessary to construct an elk fence on the LANDOWNERS property. Said fence is located in _____ County and crosset the following lands, owned by the LANDOWNER, and as shown in EXHIBIT "A" attached hereto. The property is located at:

TOWNSHIP_____ RANGE_____ SECTION(S)____

SUBJECT TO THE FOLLOWING MUTUALLY AGREED TERMS AND CONDITIONS:

- 1. WDFW shall provide materials as identified in EXHIBIT "C" attached hereto to be utilized y LANDOWNER in the construction of said elk fence. Approximately ______ Feet of Fencing Materials
- LANDOWNER agrees to utilize fencing materials provided by WDFW solely for the purpose of constructing and/or reconstructing elk fence on LANDOWNER'S property as shown in EXXHBIT "A' attached hereto.
- 3. LANDOWNER agrees to utilize fencing materials within a six month period from date of delivery. Exception to the time frame may be made in writing by the Director or his Designee
- Any and all materials not utilized by LANDOWNER as per this agreement, shall revert to ownership of WDFW and will be picked up by WDFW and returned to the State of Washington.
- 5. LANDOWNER shall construct said fence within accepted guidelines as furnished by WDFW as shown in EXHIBIT "B" attached hereto. LANDOWNER may submit his her own guidelines for acceptance by WDFW. Special allowances for variations may be made by the Director or his Designee. Upon completion of said fence by



Address

Washington Department of Fish and Wildlife WILDLIFE DAMAGE CLAIM FORM Deer/Elk Commercial Crop Losses

City

or

Home/Business Phone

Claimant Information

A claimant is the owner of a	a commercial crop who is filing a deer/elk damage
Date	Cleiment Name

E-mail Address

'Eligible Farmer' is defined under RCW 82.08.855(4)(B)(I) through (iv)

Uniform Business Identifier (UBI)



TITLE:

d

Tax Ex

LANDHOLDER:

DAMAGE PREVENTION COOPERATIVE AGREEMENT CROP DAMAGE

WDFW NUMBER: C 475

CONTRACT PERIOD:

PROJECT GROUP: Wildlife Conflict

A. PARTIES TO THIS CONTRACT ive Contract is made and entered into between the Washington Department of Fish and Wildlife, hereinafter referred to as"WDFW", and _____ hereinafter referred to as "Landholder"

LANDHOLDER AND WDFW, BY ACCEPTING AND SIGNING THIS CONTRACT, MUTUALLY AGREE AS FOLLOWS

B. PURPOSE OF CONTRACT

Landholder and WIEW records the need to work cooperatively to prevent, correct, or minime damage caused by wildlet. The internal outproper of this contract is to assist in managing wildling population bases and/or heigh the Landholder address damage caused by wildle as authorized under RCW 77.12.24 and RCW 77.36, and within rules established by the Final and Wildlet Commission (WAC 223-26). Actived escirable in this agreement, such as nonlethal actions to harass, repel, and divert or, lethal actions to hunt and harvest animals, are important factors in minimizing the adverse effects of game animals on commercial crops.

Property Specific Provisions See Attachment B

C. LEGAL DESCRIPTION: The provisions of this contract apply to the following property

Legal (T.R.S.):

D. PUBLIC ACCESS Landholder understands that access is to be granted as described in Attachment B

E. TERMINATION AND AMENDMENT

This Contact 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 written, to the other party. Such termination shall be effective thirty (10) 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 cancelation of the contract, all materials and/or posted signs provided by WDFW will be removed

- F. PUBLIC RECORDS
 - andholder 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.

C. <u>RECREATIONAL USE IMMUNITY STATUTE, RCW 4.24.210</u> Landholder and WDFW acknowledge that the legislature enacted RCW 4.24 200 and RCW 4.24.210 to 'encourage owners or others in lawful possession of land and water areas or channels to make them available to the public for recreational purposes by limiting their liability toward persons entering thereon and toward persons who may be injured or otherwise damaged by acts or omissions of persons entering thereon." Contractor and WDFW intend that

Updated May 5, 2015

- Revise 232-36-100 Payment for commercial crop damage – Limitations
 - Add language to correctly reflect Damage
 Prevention Cooperative Agreements
 - Clarify denial of claims for refusal of prevention measures

 Issue: Clarify confusion with the claims process and terminology such as landowner, claimant, and applicant. Clearly articulate the collaborative process with the owner and the Department.



- Revise 232-36-110 Application for cash compensation for commercial crop damage – Procedure
 - Change package due date to "when damage stops"
 - Add requirement of Damage Prevention
 Cooperative Agreement or waiver to file claim
 Clarify documentation required

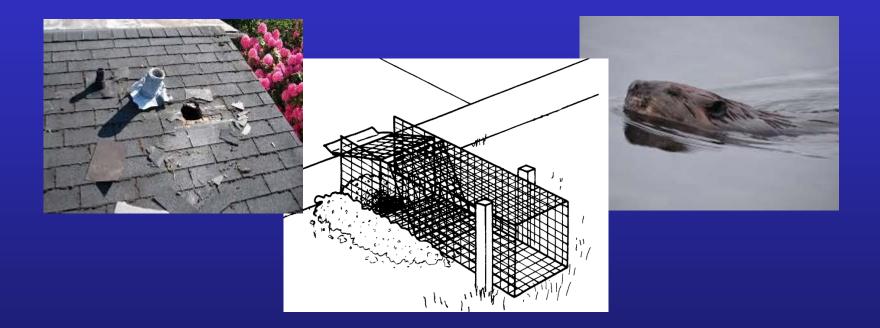
- Revise 232-36-110 (continued)
 - Clarify owner's responsibility to work with adjustor
 - Clarify use of owner selected crop adjustor versus WDFW contracted adjustor
 - Clarify denial of claim for non-compliance with DPCA
 - Remove negating adjustor fees for claims over \$10,000

 Issue: Revisions are needed to facilitate a claims process that ensures adequate time and provisions for filing claims.





- Revise 232-36-210 Application for cash compensation for livestock damage or other domestic animal – Procedure
 - Add required to notify WDFW within 30 days of loss
 - Change (extend) submission of complete claims package
 - Clarify assess of losses caused wolves and other carnivores.



 Issue: Further clarification regarding use of permits, certifications, traps, and reporting requirements were needed for Wildlife Control Operators.





Revise

- 232-12-142 Special trapping permit-Use of body gripping traps
- 232-36-060 Director or his/her designee is empowered to grant wildlife control operator certifications
- 232-36-065 Director or his/her designee is empowered to issue wildlife control operator permits to address wildlife interactions

 Issue: Need separate and clear direction for special trapping permits and conditions for use body gripping traps. Interpretation of current rule results in different views for lawful carcass retention and permit

renewals.



- Revise 232-12-142 Special trapping permit-Use of body gripping traps
 - 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)

 Issue: A separation of the Wildlife Control Operator certification and permits for use by Wildlife Control Operators is necessary to eliminate confusion and provide clear direction for both components.

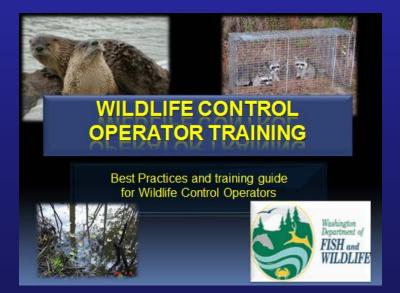


- Revise 232-36-060 Director or his/her designee is empowered to grant wildlife control operator certifications
 - Name change to "Certifying wildlife control operators"
 - Must pass a WA state trapper education exam and possess 2 years of demonstrated experience.

- Revise 232-36-060 Director or his/her designee is empowered to grant wildlife control operator certifications (continued)
 - Remove the date from the fee change. This information is redundant.
 - Change the term "permit" to "certification" to clarify the difference

 Issue: Need clarification of the responsibilities and requirements for wildlife control operators under the certification and permits.





- Revise 232-36-065 Director or his/her designee is empowered to issue wildlife control operator permits to address wildlife interactions
 - Change title to reflect use of WCO's vice just issuing permits/certifications.
 - Specify WCOs are permitted to conduct work out of designated seasons to assist landowners with damage issues.

- Revise 232-36-065 Director or his/her designee is empowered to issue wildlife control operator permits to address wildlife interactions (continued)
 - Clarify that Body Gripping Traps require a special permit.
 - Clarify the retention of animal furs by WCO's in season only with certain conditions. Again alleviating user group confusion.

- Revise 232-36-065 Director or his/her designee is empowered to issue wildlife control operator permits to address wildlife interactions (continued)
 - Define the disposal of animals trapped with body gripping traps.
 - Adjust reporting requirements
 - Clarify the period for which a certification or permit may be denied/revoked

 Issue: Stand alone rules providing guidance on use of body gripping traps and reporting requirements for wildlife control operators are needed to provide improved data collection and response to conflict events.

- Propose new rule
 - 232-36-066 Report required of certified wildlife control operator
 - 232-36-054 Use of body-gripping traps and exceptions



• Issue: Need to alleviate confusion on how and where to report and whether or not there are penalties for failure to report.

	Winkington Department of FISH and WILDLIFE		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						
	WCO #:			ANNU	AL REPORTS ARE DUE	BY APRIL 20			
	Year:	Company	/Name:			Address:			
	City:			State:	Zip: Jse multiple forms if requ	Phone: ()	Bus. Phone:)	
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unting & Trapping Permits	animal problem	n				of the page.	ase see the bottom				
Special Hard Permits & Raffles Field Trial Permit Cougar Management Removal Permits Trapping Permits	• A person mu	are to be followed in o or a special permit to a ust submit a written a added foothold trap.	sear trap	DOWNLOADS Application for permit to trap for animal problem							
Commercial Licensing	problem.					 Report Form for animals taken 					
onstruction, Land Use, invironmental Permits	been and ca not limited to	The applicant must establish that there exists on a property an animal problem that has not been and cannot be reaponable abated by the use of non-return control tools, including but not limited to pured animals, electric tencing, or too and cage trace, or such non-letteral									
heilfish Import & Transfer Vermits Vrivate Fish Stocking & ransport Permits	WDFW must make	means cannot be reasonable be applied. WDFW must make a finding in writing that the animal problem has not been and cannot be reasonably abaled by non-leithal control topis or the tools cannot be reasonably applied before the Declorin may authorize the use, retiting, placing, or maintenance of the tops for removal of nutsance									
cientific Collection Permits	These special perm	its are designed to all	ow the trapping and re	moval of nuisance animali	s in a period no	ot to exceed thirty	r days. Please consider				
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	PROCEDURES:										
WDFW Online Sales and Services	Applicant information: The land or property owner, manager, tenant, or occupant; or the person who will be requested to do the trapping.										
Contact Licensing 360.902.3464	Location of Animal Problem://ease provide the county, Where does the estimal problem exist? Entries must be an address or Oxfail Proliforing (OPR) in doctimal degrees (e.g. 47.03/184, -172.08/18)), OPS can be obtained from Oxoge may, etc. It is estimated that tradepoil with be over which is fill and out that OPS boundom provide. Alkah address applies an encessing , Description of Animal Problem: Include the type of problem as animals (a cating, damage being done, extent of damage, how loss of them encourcing, with a increasers to the two animals (a cating, damage being done, extent of damage, how loss of these encourcing, with a increasers to the two animals).										
Intersing Differences Mailing Address WDFW - Ucersing Division											
600 Capital Way N. Olympia, WA 98501-1091	Species: Common name of animal you wish to trap.										
	Number of Animals to be Removed in a 30 day period: Estimate if exact number is not known.										
	Nonlethal Methods Used: Check the box(s) that apply. Other would be checked if you attempted anything other than one of the listed methods. Provide an explanation of this method.										
	Results/Justification: Check the appropriate box – Ineffective (Non-lethal methods used did not alleviate the animal problem; Not applicable (Non-lethal means could not be reasonably applied). Explain why the means could not be reasonably applied.										

- Propose new rule 232-36-066 Report required of certified wildlife control operator
 - WCO reporting follows a similar process and violation stipulations as trappers.
 - Specifies reporting date; which aligns with the trapping report requirements.

- Propose new rule 232-36-066 Report required of certified wildlife control operator
 - References web-based reporting and appropriate forms.
 - Clarifies failure to report or false reports are considered an infraction.

 Issue: Needed to revise this rule to address adopted revisions to 232-12-141 made in April 2015. This revision further separates the restrictions associated with use of body gripping traps from the general trapping rule.

- Propose new rule 232-36-054 Use of body-gripping traps and exceptions
 - 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).



- Propose new rule 232-36-054 Use of body-gripping traps and exceptions (continued)
 - 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.

Summary

- The revisions will provide:
 - Provides clear direction
 - Minimize confusion
 - Address concerns and questions
 - Foster improved processes
 - Facilitate collaboration



Next Steps

- Public hearing; June 12, 2015
- Comment period through June 30, 2015
- Continue work with stakeholders
- August 2015 Commission Meeting
- Develop Policy/Procedure





