

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

2  
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

59

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.  
89

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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