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**SUBSTITUTE HOUSE BILL 1124**

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**State of Washington**

**62nd Legislature**

**2011 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz, Chandler, Taylor, Armstrong, Hinkle, Shea, McCune, and Condotta)

READ FIRST TIME 02/17/11.

1       AN ACT Relating to allowing the use of dogs to hunt cougars;  
2 amending RCW 77.15.245; amending 2008 c 8 ss 1 and 2 (uncodified);  
3 adding new sections to chapter 77.12 RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       **Sec. 1.** 2008 c 8 s 1 (uncodified) is amended to read as follows:

6       (1)(a) The department (~~(of fish and wildlife)~~), in cooperation and  
7 collaboration with the county legislative authorities of Ferry,  
8 Stevens, Pend Oreille, Chelan, and Okanogan counties, shall recommend  
9 rules to establish a (~~three-year pilot~~) cougar control program within  
10 select game management units of these counties and any counties  
11 successfully petitioning for inclusion under section 2 of this act, to  
12 pursue or kill cougars with the aid of dogs.

13       (b) A pursuit season and a kill season with the aid of dogs must be  
14 established through the (~~fish and wildlife~~) commission's rule-making  
15 process, utilizing local dangerous wildlife task teams comprised of the  
16 two collaborating authorities. The two collaborating authorities shall  
17 also develop a more effective and accurate dangerous wildlife reporting  
18 system to ensure a timely response.

1 (c) The ~~((pilot))~~ program's primary goals are to provide for public  
2 safety, to protect property, and to ~~((assess))~~ conserve and manage  
3 cougar populations.

4 (2) Any rules adopted by the ~~((fish and wildlife))~~ commission to  
5 establish a ~~((pilot))~~ project allowing for the pursuit or hunting of  
6 cougars with the aid of dogs under this section only must ensure that  
7 all pursuits or hunts are:

8 (a) Designed to protect public safety or property or conserve and  
9 manage cougar populations;

10 (b) Reflective of the most current cougar population data;

11 (c) Conditioned on the licensed hunter participating in the cougar  
12 hunting season not being permitted to exchange payment to a commercial  
13 enterprise for the use of dogs for the purposes of hunting under the  
14 license;

15 (d) Designed to generate data that is necessary for the department  
16 to satisfy the reporting requirements of section 3 of this act; and

17 ~~((d))~~ (e) Consistent with any applicable recommendations emerging  
18 from research on cougar population dynamics in a multiprey environment  
19 funded in whole or in part by the department ~~((of fish and wildlife))~~.

20 ~~((3) The department of fish and wildlife may authorize three~~  
21 ~~additional seasons in which cougars may be pursued or killed with dogs,~~  
22 ~~subject to the other conditions of the pilot project. The additional~~  
23 ~~seasons are authorized to aid the department in the gathering of~~  
24 ~~information necessary to formulate a recommendation to the legislature~~  
25 ~~regarding whether a permanent program is warranted, and if so, what~~  
26 ~~constraints, goals, and objectives should be included in a permanent~~  
27 ~~program.))~~

28 **Sec. 2.** 2008 c 8 s 2 (uncodified) is amended to read as follows:

29 (1) A county legislative authority may request inclusion in the  
30 ~~((additional three years of the))~~ cougar control ~~((pilot project))~~  
31 program authorized by section 1 of this act after taking the following  
32 actions:

33 ~~((1))~~ (a) Adopting a resolution that requests inclusion in the  
34 ~~((pilot project))~~ program;

35 ~~((2))~~ (b) Documenting the need to participate in the ~~((pilot~~  
36 ~~project))~~ program by identifying the number of cougar/human encounters  
37 and livestock and pet depredations;

1 ((+3)) (c) Developing and agreeing to the implementation of an  
2 education program designed to disseminate to landowners and other  
3 citizens information about predator exclusion techniques and devices  
4 and other nonlethal methods of cougar management; and

5 ((+4)) (d) Demonstrating that existing cougar depredation permits,  
6 public safety cougar hunts, or other existing wildlife management tools  
7 have not been sufficient to deal with cougar incidents in the county.

8 (2) The department shall automatically include a county  
9 participating in the initial pilot program authorized by chapter 8,  
10 Laws of 2008 into the program extension authorized in section 1 of this  
11 act under the initial terms of inclusion.

12 NEW SECTION. Sec. 3. A new section is added to chapter 77.12 RCW  
13 to read as follows:

14 The department shall quadrennially deliver to the legislature,  
15 consistent with RCW 43.01.036, a report summarizing the cougar control  
16 program authorized in section 1 of this act. The report must include  
17 information relating to how the program has been used to assess cougar  
18 population levels and protect public safety and property. The report  
19 may also include any recommendations as to how the cougar control  
20 program can be changed to achieve more effective or efficient cougar  
21 management.

22 **Sec. 4.** RCW 77.15.245 and 2005 c 107 s 1 are each amended to read  
23 as follows:

24 (1) Notwithstanding the provisions of RCW 77.12.240, (~~77.36.020,~~)  
25 77.36.030, or any other provisions of law, it is unlawful to take,  
26 hunt, or attract black bear with the aid of bait.

27 (a) Nothing in this subsection shall be construed to prohibit the  
28 killing of black bear with the aid of bait by employees or agents of  
29 county, state, or federal agencies while acting in their official  
30 capacities for the purpose of protecting livestock, domestic animals,  
31 private property, or the public safety.

32 (b) Nothing in this subsection shall be construed to prevent the  
33 establishment and operation of feeding stations for black bear in order  
34 to prevent damage to commercial timberland.

35 (c) Nothing in this subsection shall be construed to prohibit the

1 director from issuing a permit or memorandum of understanding to a  
2 public agency, university, or scientific or educational institution for  
3 the use of bait to attract black bear for scientific purposes.

4 (d) As used in this subsection, "bait" means a substance placed,  
5 exposed, deposited, distributed, scattered, or otherwise used for the  
6 purpose of attracting black bears to an area where one or more persons  
7 hunt or intend to hunt them.

8 (2)(a) Notwithstanding RCW 77.12.240, (~~77.36.020,~~) 77.36.030, or  
9 any other provisions of law, and except as provided in section 1 of  
10 this act, it is unlawful to hunt or pursue black bear, cougar, bobcat,  
11 or lynx with the aid of a dog or dogs.

12 (~~(a)~~) (b) Nothing in this subsection shall be construed to  
13 prohibit the killing of black bear, cougar, bobcat, or lynx with the  
14 aid of a dog or dogs by employees or agents of county, state, or  
15 federal agencies while acting in their official capacities for the  
16 purpose of protecting livestock, domestic animals, private property, or  
17 the public safety. A dog or dogs may be used by the owner or tenant of  
18 real property consistent with a permit issued and conditioned by the  
19 director.

20 (~~(b)~~) (c) Nothing in this subsection shall be construed to  
21 prohibit the director from issuing a permit or memorandum of  
22 understanding to a public agency, university, or scientific or  
23 educational institution for the use of a dog or dogs for the pursuit,  
24 capture and relocation, of black bear, cougar, bobcat, or lynx for  
25 scientific purposes.

26 (~~(c)~~) (d) Nothing in this subsection shall be construed to  
27 prohibit the director from issuing a permit or memorandum of  
28 understanding to a public agency, university, or scientific or  
29 educational institution for the use of a dog or dogs for the killing of  
30 black bear, cougar, or bobcat, for the protection of a state and/or  
31 federally listed threatened or endangered species.

32 (3)(a) (~~Notwithstanding~~) Except as provided in subsection (2) of  
33 this section and section 1 of this act, the commission shall authorize  
34 the use of dogs only in selected areas within a game management unit to  
35 address a public safety need presented by one or more cougar. This  
36 authority may only be exercised after the commission has determined  
37 that no other practical alternative to the use of dogs exists, and  
38 after the commission has adopted rules describing the conditions in

1 which dogs may be used. Conditions that may warrant the use of dogs  
2 within a game management unit include, but are not limited to,  
3 confirmed cougar/human safety incidents, confirmed cougar/livestock and  
4 cougar/pet depredations, and the number of cougar capture attempts and  
5 relocations.

6 (b) The department shall post on their internet web site the known  
7 details of all reported cougar/human, cougar/pet, or cougar/livestock  
8 interactions within ten days of receiving the report. The posted  
9 material must include, but is not limited to, the location and time of  
10 all reported sightings, and the known details of any cougar/livestock  
11 incidents.

12 (4) A person who violates subsection (1) or (2) of this section is  
13 guilty of a gross misdemeanor. In addition to appropriate criminal  
14 penalties, the department shall revoke the hunting license of a person  
15 who violates subsection (1) or (2) of this section and order the  
16 suspension of wildlife hunting privileges for a period of five years  
17 following the revocation. Following a subsequent violation of  
18 subsection (1) or (2) of this section by the same person, a hunting  
19 license shall not be issued to the person at any time.

20 NEW SECTION. **Sec. 5.** (1) The initial rules required to implement  
21 section 1 of this act must be adopted by the fish and wildlife  
22 commission by September 30, 2011.

23 (2) The initial report required under section 3 of this act must be  
24 delivered by October 31, 2013.

25 NEW SECTION. **Sec. 6.** Sections 1 and 2 of this act are each added  
26 to chapter 77.12 RCW.

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