
HOUSE BILL 1838

State of Washington

64th Legislature

2015 Regular Session

By Representative MacEwen

Read first time 01/30/15. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the baiting of black bears; amending RCW
2 77.15.245; adding a new section to chapter 77.32 RCW; and prescribing
3 penalties.

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

5 **Sec. 1.** RCW 77.15.245 and 2005 c 107 s 1 are each amended to
6 read as follows:

7 (1) Notwithstanding the provisions of RCW 77.12.240,
8 (~~77.36.020,~~) 77.36.030, or any other provisions of law, it is
9 unlawful to take, hunt, or attract black bear with the aid of bait.

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

15 (b) Nothing in this subsection shall be construed to prohibit a
16 person from baiting black bear pursuant to a permit issued under
17 section 2 of this act.

18 (c) Nothing in this subsection shall be construed to prevent the
19 establishment and operation of feeding stations for black bear in
20 order to prevent damage to commercial timberland.

1 (~~(e)~~) (d) Nothing in this subsection shall be construed to
2 prohibit the director from issuing a permit or memorandum of
3 understanding to a public agency, university, or scientific or
4 educational institution for the use of bait to attract black bear for
5 scientific purposes.

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

10 (2) Notwithstanding RCW 77.12.240, (~~(77.36.020,)~~) 77.36.030, or
11 any other provisions of law, it is unlawful to hunt or pursue black
12 bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

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

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

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

32 (3)(a) Notwithstanding subsection (2) of this section, the
33 commission shall authorize the use of dogs only in selected areas
34 within a game management unit to address a public safety need
35 presented by one or more cougar. This authority may only be exercised
36 after the commission has determined that no other practical
37 alternative to the use of dogs exists, and after the commission has
38 adopted rules describing the conditions in which dogs may be used.
39 Conditions that may warrant the use of dogs within a game management
40 unit include, but are not limited to, confirmed cougar/human safety

1 incidents, confirmed cougar/livestock and cougar/pet depredations,
2 and the number of cougar capture attempts and relocations.

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

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

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.32
18 RCW to read as follows:

19 (1)(a) The department may issue a bait station permit that allows
20 the holder to use a black bear bait station during a spring damage
21 control hunt in order to assist, consistent with a permit issued by
22 the department, the owner or tenant of real property to protect
23 livestock, domestic animals, private property, or public safety. The
24 holder of a bait station permit may hunt only for black bear and may
25 place, maintain, and hunt with the aid of the bait station.

26 (b) An applicant for a bait station permit must already hold:

27 (i) A valid big game hunting license issued under RCW 77.32.450
28 that includes black bear as a species option;

29 (ii) Any necessary transport tag required under this title; and

30 (iii) A special hunting season permit that allows the holder to
31 hunt for black bear in a spring damage control hunt authorized by the
32 department.

33 (c) A bait station permit may be purchased only from the
34 department's Olympia office. The fee for a bait station permit is ten
35 dollars.

36 (d) A separate bait station permit is required for each
37 individual bait station.

38 (e) The bait station permit number must be attached to each bait
39 station so that the bait station permit number is visible.

1 (f) A bait station permit is valid fifteen days before the
2 opening day of the spring damage control hunt and expires five days
3 after the end of the spring damage control hunt.

4 (g) A bait station authorized under this section must:

5 (i) Be established no earlier than fifteen days before the
6 opening day of the associated spring damage control hunt;

7 (ii) Not include any device, barrel, box, or other container
8 holding bait attached to a tree, excluding a standing dead tree,
9 fallen tree, or stump, in a way that damages or may cause damage to
10 the tree during mounting, use, or removal of the device, barrel, box,
11 or other container;

12 (iii) Be secured so as to be easily removable at the close of the
13 spring damage control hunt or the conclusion of the hunt if a black
14 bear is taken; and

15 (iv) Be a single metal or plastic barrel not larger than fifty-
16 five gallons, a wooden box, or made from natural materials found on
17 the site.

18 (h) A bait station authorized under this section must be removed
19 and the area returned as close to its natural condition as possible
20 by removing all bait containers, nonconsumed bait, and any material
21 used to conceal the hunter's observation location at the conclusion
22 of the hunt if a black bear is taken or no later than five days after
23 the close of the spring damage control hunt, whichever is earlier.

24 (i) Bait may include additives such as honey, molasses, jam,
25 jelly, or a similar substance and those additives may be placed in
26 and around the bait station. Additionally, any bait used to attract
27 black bear must:

28 (i) Consist of natural or commercially processed meats,
29 vegetables, fruits, or grains;

30 (ii) Not contain any metal, plastic, paper, styrofoam, glass, or
31 any other substance that may harm or injure an animal feeding from
32 the bait station;

33 (iii) Be free of any commercial wrapper before being placed in
34 the bait container or the area around the bait container; and

35 (iv) Not include any cooking oil or grease.

36 (j) A bait station must be located:

37 (i) No closer than fifty yards from any natural body of water or
38 natural running stream, creek, or river;

39 (ii) At least one hundred yards from any public or private
40 traveled road, regardless of surface or use, and any established

1 hiking, horseback riding, bicycle, or other off-road vehicle use
2 trail; and

3 (iii) No closer than five hundred yards from any private
4 residence or commercial structure.

5 (k) A bait station illegally placed on private property may be
6 removed by the property owner and the director may revoke the
7 holder's bait station permit.

8 (l) Hunting with the aid of a bait station without a valid bait
9 station permit in the hunter's name or failing to comply with the
10 requirements in this section is a violation of RCW 77.15.245(1).

11 (2) The definitions in this subsection apply throughout this
12 section unless the context clearly requires otherwise.

13 (a) "Bait station" means a device, barrel, box, or other
14 container that meets the requirements of subsection (1)(g) of this
15 section and that is intended to attract black bear during a spring
16 damage control hunt.

17 (b) "Spring damage control hunt" means a special hunting season
18 authorized by the department for the purpose of controlling damage
19 caused by black bear and that the department classifies as a spring
20 special permit season.

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