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HOUSE BILL 2752

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State of Washington

66th Legislature

2020 Regular Session

By Representatives Lekanoff, Eslick, and Dent

1 AN ACT Relating to directing the department of fish and wildlife  
2 to review certain wildlife management plans; adding new sections to  
3 chapter 77.36 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** (1) The legislature finds that the  
6 department of fish and wildlife has a duty to preserve, protect,  
7 perpetuate, and manage the wildlife of the state, including elk. The  
8 legislature also recognizes that United States treaties with  
9 sovereign nations are legally binding and that certain tribal hunting  
10 rights are reserved by treaties between several tribes and the United  
11 States government. Along with these hunting rights come  
12 responsibilities to manage wildlife for abundance and to maintain  
13 hunting opportunities for future generations. As such, the treaty  
14 tribes and the state partner in the management of hunted wildlife of  
15 the state of Washington.

16 (2) At the same time, the legislature recognizes that elk and  
17 humans can often come into conflict, requiring the state and treaty  
18 tribes to work together to balance agricultural, citizen safety, and  
19 city and county land value impacts with continued stewardship of elk.  
20 The legislature recognizes that the department of fish and wildlife  
21 has management plans for the ten elk herds in the state that contain

1 goals and tools to manage elk. However, the management plans have not  
2 been successful in all cases, and the department of fish and wildlife  
3 and treaty tribes have not had the resources to fully implement the  
4 plans.

5 (3) Therefore, it is the intent of the legislature to fill an elk  
6 management toolbox, ensuring that the department of fish and wildlife  
7 has access to the appropriate tools and adequate funding to partner  
8 with treaty tribes to implement the existing elk herd management  
9 plans.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.36  
11 RCW to read as follows:

12 (1) The department of fish and wildlife shall review each of the  
13 ten current elk herd management plans and work with each applicable  
14 treaty tribe having off-reservation treaty hunting rights within an  
15 elk management area. Additionally, the department of fish and  
16 wildlife must work with applicable treaty tribes to complete elk herd  
17 management plans in areas where plans are incomplete.

18 (2) The department of fish and wildlife and treaty tribes shall  
19 identify the resources needed to fully implement the elk herd  
20 management plans.

21 (3) The department of fish and wildlife must develop a  
22 prioritized work plan for each elk herd management plan with the  
23 treaty tribes that identifies the most appropriate management tools  
24 to use and a process for budgeting and cost-sharing for the use of  
25 the management tools. The work plan may include any of the following  
26 management tools, as agreed to by the applicable comanagers:

27 (a) Providing opportunities for both tribal and nontribal youth  
28 to hunt elk as an elk management tool;

29 (b) Population monitoring through surveys;

30 (c) Fencing to discourage elk from entering cropland and crossing  
31 roadways;

32 (d) Collaborating with the department of transportation to test  
33 various means of reducing vehicle collisions with elk, including  
34 signage, lights, fencing, and scoping wildlife corridors;

35 (e) Discouraging intentional artificial feeding of elk;

36 (f) Collaborating with local landowners to increase and monitor  
37 year-round managed livestock hazing;

38 (g) Increasing forage for elk on public and private lands away  
39 from agricultural areas;

1 (h) Increasing the use of managed livestock grazing to attract  
2 elk away from agricultural lands, populated areas, and roads;

3 (i) Employing or contracting with wildlife conflict specialists  
4 to provide landowner assistance to address elk conflicts;

5 (j) Other reasonable tools to move elk off of agricultural lands,  
6 including:

7 (i) Noise deterrents;

8 (ii) Hay and fertilizer banks; and

9 (iii) As a last resort, lethal methods employed by the state and  
10 tribal comanagers or other duly authorized actors; and

11 (k) Any additional appropriate tools agreed to and funded by both  
12 state and tribal comanagers.

13 (4) Decisions on elk management must be made by Washington state  
14 and Washington treaty tribes as comanagers. However, Washington state  
15 and the Washington treaty tribes shall engage with local governments,  
16 landowners, hunting groups, and other relevant stakeholders, as the  
17 state and tribal comanagers deem appropriate.

18 (5) The department of fish and wildlife must report the results  
19 of the review and a summary of the prioritized work plan for each of  
20 the ten elk herd management plans to the legislature, in accordance  
21 with RCW 43.01.036, by December 1, 2020.

22 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.36  
23 RCW to read as follows:

24 (1) With respect to wildlife management plans that address elk  
25 management, the commission shall consult with: (a) Tribal chairs who  
26 represent treaty tribes within the ceded areas under each tribal  
27 treaty; and (b) state legislators who represent legislative districts  
28 within the ceded areas under each tribal treaty.

29 (2) For the purposes of subsection (1) of this section, the  
30 commission shall hold two meetings per year with the appropriate  
31 tribal chairs and state legislators representing ceded areas under  
32 each treaty.

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