
SENATE BILL 5712

State of Washington

64th Legislature

2015 Regular Session

By Senator Pearson

Read first time 01/29/15. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to addressing certain damage caused by wildlife;
2 amending RCW 77.36.100; and adding a new section to chapter 77.36
3 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.36
6 RCW to read as follows:

7 The department may not take any wildlife management action, such
8 as translocation, reduction of hunting opportunity, or forage or
9 habitat enhancement, that is likely to result in the increase of a
10 species in an area of the state where that species has caused damage
11 to commercial crops or livestock until the commission makes a finding
12 that both of the following have occurred:

13 (1) All damage claims relating to commercial crops or livestock
14 damage by that species in that area have been processed under this
15 chapter and those that qualify for compensation have been paid.
16 Claims denied because of a lack of funds as provided under chapter
17 232-36 WAC, as it existed on the effective date of this section, are
18 not considered processed under this subsection; and

19 (2) The department has analyzed and implemented measures
20 sufficient to ensure the prevention of future damage by that species
21 to commercial crop or livestock damage in that area. The analysis

1 must consider the potential increase in that species due to any
2 proposed management actions.

3 **Sec. 2.** RCW 77.36.100 and 2013 c 329 s 4 are each amended to
4 read as follows:

5 (1)(a) Except as limited by RCW 77.36.070, 77.36.080, 77.36.170,
6 and 77.36.180, the department shall offer to distribute money
7 appropriated to pay claims to the owner of commercial crops for
8 damage caused by wild deer or elk or to the owners of livestock that
9 has been killed by bears, wolves, or cougars, or injured by bears,
10 wolves, or cougars to such a degree that the market value of the
11 livestock has been diminished. Payments for claims for damage to
12 livestock are not subject to the limitations of RCW 77.36.070 and
13 77.36.080, but may not, except as provided in RCW 77.36.170 and
14 77.36.180, exceed the total amount specifically appropriated
15 therefor.

16 (b) Owners of commercial crops or livestock are only eligible for
17 a claim under this subsection if:

18 (i) The commercial crop owner satisfies the definition of
19 "eligible farmer" in RCW 82.08.855;

20 (ii) The conditions of RCW 77.36.110 have been satisfied; and

21 (iii) The damage caused to the commercial crop or livestock
22 satisfies the criteria for damage established by the commission under
23 (c) of this subsection.

24 (c) The commission shall adopt and maintain by rule criteria that
25 clarifies the damage to commercial crops and livestock qualifying for
26 compensation under this subsection. An owner of a commercial crop or
27 livestock must satisfy the criteria prior to receiving compensation
28 under this subsection. The criteria for damage adopted under this
29 subsection must include, but not be limited to, a required minimum
30 economic loss to the owner of the commercial crop or livestock, which
31 may not be set at a value of less than five hundred dollars.

32 (d)(i) The department must maintain separate lists of claims for
33 compensation for damage to commercial crops and damage to livestock
34 submitted under this section that have been approved for payment but
35 not yet fully paid. The lists must each be organized chronologically
36 based on the date the claim was received. As funding becomes
37 available under this chapter or from any other source, the department
38 must pay claims for which the funds are available in the
39 chronological order they appear on the appropriate list. The

1 department must retain and pay claims on the lists across fiscal
2 years and biennia.

3 (ii) The payment of a claim included on the lists maintained by
4 the department under this subsection (1)(d) is conditional on the
5 availability of specific funding for that purpose and is not a
6 guarantee of reimbursement.

7 (2)(a) Subject to the availability of nonstate funds, nonstate
8 resources other than cash, or amounts appropriated for this specific
9 purpose, the department may offer to provide compensation to offset
10 wildlife interactions to a person who applies to the department for
11 compensation for damage to property other than commercial crops or
12 livestock that is the result of a mammalian or avian species of
13 wildlife on a case-specific basis if the conditions of RCW 77.36.110
14 have been satisfied and if the damage satisfies the criteria for
15 damage established by the commission under (b) of this subsection.

16 (b) The commission shall adopt and maintain by rule criteria for
17 damage to property other than a commercial crop or livestock that is
18 damaged by wildlife and may be eligible for compensation under this
19 subsection, including criteria for filing a claim for compensation
20 under this subsection.

21 (3)(a) To prevent or offset wildlife interactions, the department
22 may offer materials or services to a person who applies to the
23 department for assistance in providing mitigating actions designed to
24 reduce wildlife interactions if the actions are designed to address
25 damage that satisfies the criteria for damage established by the
26 commission under this section.

27 (b) The commission shall adopt and maintain by rule criteria for
28 mitigating actions designed to address wildlife interactions that may
29 be eligible for materials and services under this section, including
30 criteria for submitting an application under this section.

31 (4) An owner who files a claim under this section may appeal the
32 decision of the department pursuant to rules adopted by the
33 commission if the claim:

34 (a) Is denied; or

35 (b) Is disputed by the owner and the owner disagrees with the
36 amount of compensation determined by the department.

37 (5) The commission shall adopt rules setting limits and
38 conditions for the department's expenditures on claims and

1 assessments for commercial crops, livestock, other property, and
2 mitigating actions.

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