
SUBSTITUTE HOUSE BILL 1538

State of Washington

54th Legislature

1995 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Mastin, Chandler, Grant, McMorris, Schoesler, Chappell, Foreman, Fuhrman, Basich, Buck, Johnson and Thompson)

Read first time 02/15/95.

1 AN ACT Relating to claims for damage to wild shrubs or range land
2 vegetation; and amending RCW 77.12.265 and 77.12.270.

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

4 **Sec. 1.** RCW 77.12.265 and 1987 c 506 s 35 are each amended to read
5 as follows:

6 The owner or tenant of real property may trap or kill on that
7 property wild animals or wild birds, other than an endangered species,
8 that is damaging crops, domestic animals, fowl, or other property.
9 Except in emergency situations, deer, elk, and protected wildlife shall
10 not be killed without a permit issued and conditioned by the director.
11 The director may delegate this authority.

12 For the purposes of this section, "emergency" means an unforeseen
13 circumstance beyond the control of the landowner or tenant that
14 presents a real and immediate threat to crops, domestic animals, fowl,
15 or other property.

16 Alternatively, when sufficient time for the issuance of a permit by
17 the director is not available, verbal permission may be given by the
18 appropriate department regional administrator to owners or tenants of
19 real property to trap or kill on that property any deer, elk, or

1 protected wildlife which is damaging crops, domestic animals, fowl, or
2 other property. The regional administrator may delegate, in writing,
3 a member of the regional staff to give the required permission in these
4 emergency situations. Nothing in this section authorizes in any
5 situation the trapping, hunting, or killing of an endangered species.

6 Wildlife trapped or killed under this section remains the property
7 of the state, and the person trapping or killing the wildlife shall
8 notify the department immediately. The director shall dispose of
9 wildlife so taken within three working days of receiving such a
10 notification.

11 If the department receives recurring complaints regarding property
12 being damaged as described in this section from the owner or tenant of
13 real property, or receives such complaints from several such owners or
14 tenants in a locale, the commission shall consider conducting a special
15 hunt or special hunts to reduce the potential for such damage.

16 For purposes of this section, "crop" means an agricultural or
17 horticultural product growing or harvested and includes wild shrubs and
18 range land vegetation on privately owned cattle ranching lands. On
19 such lands, the land owner or lessee may declare an emergency when the
20 department has not responded within forty-eight hours after having been
21 contacted by the land owner or lessee regarding crop damage by wild
22 animals or wild birds. ~~((However, the department shall not allow
23 claims for damage to wild shrubs or range land vegetation on such
24 lands.))~~

25 Deer and elk shall not be killed under the authority of this
26 section on privately owned cattle ranching lands that were closed to
27 public hunting during the previous hunting season, except for land
28 closures which are coordinated with the department to protect property
29 and livestock.

30 The department shall work closely with landowners and tenants
31 suffering game damage problems to control damage without killing the
32 animals when practical, to increase the harvest of damage-causing
33 animals in hunting seasons, or to kill the animals when no other
34 practical means of damage control is feasible.

35 **Sec. 2.** RCW 77.12.270 and 1987 c 506 s 36 are each amended to read
36 as follows:

37 (1) The director may compromise, adjust, settle, and pay claims for
38 damages to crops caused by deer or elk in accordance with RCW 77.12.280

1 through 77.12.300. Payments for claims shall not exceed two thousand
2 dollars. The payment of a claim by the director constitutes full and
3 final payment for the claim. The director shall advise the commission
4 quarterly of all damage claims paid.

5 (2) For purposes of this section, and RCW 77.12.280 through
6 77.12.300, "crop" means an agricultural or horticultural product
7 including, but not limited to, range land grass vegetation. "Crop"
8 does not include wild shrubs.

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