

SENATE BILL REPORT

SB 5272

As of February 10, 2009

Title: An act relating to wildlife interactions.

Brief Description: Regarding wildlife interactions.

Sponsors: Senators Hatfield, Schoesler, Morton and Shin.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/09/09.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Karen Epps (786-7424)

Background: Currently, the Department of Fish and Wildlife (DFW) may compensate persons for horticultural or agricultural crop damage caused by wild deer or elk. Damages are limited to the value of the crops and are only paid to the owner.

DFW may assess the extent of the crop damage or DFW and the landowner may agree to have a third party assess the damage. DFW may generally pay up to \$10,000 per claim. For claims exceeding \$10,000 or if the landowner rejects DFW's decision, landowners must submit their claims to the Risk Management Division of the Office of Financial Management which will recommend to the Legislature whether a claim should be paid.

An owner suffering crop damage must notify DFW within ten days of the damage. DFW may refuse to pay a claim on lands leased from any public agency, if the owner failed to follow procedures established by DFW, if the director has expended all funds appropriated for this purpose, or if the damage is covered by insurance.

Outside of emergency circumstances, DFW may pay no more than \$120,000 from the Wildlife Account and no more than \$30,000 from the General Fund for crop damage annually.

Summary of Bill: DFW may distribute money to reimburse the owner of commercial crops damaged by wild deer or elk or the owner of commercial livestock for livestock killed or injured by predatory wildlife, including bears, wolves, and cougars. The term "commercial livestock" refers to cattle, sheep, and horses held or raised for sale. The owner of

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commercial crops or commercial livestock must meet certain criteria including utilizing applicable preventative measures, exhausting all available compensation options, and practicing recognized management techniques. The Fish and Wildlife Commission (Commission) must adopt rules to further address criteria necessary to be met before compensation may be paid to an owner of commercial crops or commercial livestock.

Cash compensation is limited to the value of the damage to the property by wildlife reduced by any compensation provided to the claimant by a nonprofit organization or \$10,000. The value of killed or injured livestock is set at up to \$200 for sheep and \$1500 for cattle and horses. DFW may pay more than \$10,000 for a claim if the outcome of an appeal determines a payment higher than \$10,000. All payments must be to the owner of the damaged property.

DFW may provide noncash compensation to offset wildlife damage to property other than commercial crops or commercial livestock. The Commission must adopt by rule criteria that must be met before noncash compensation may be provided.

To prevent and offset wildlife interactions, DFW may offer materials or services for assistance in providing mitigating actions designed to reduce wildlife interactions. The Commission must adopt by rule criteria that must be met before materials or services may be provided.

DFW must establish the form of proof required when a claim is filed, how damage will be assessed, how claims will be prioritized, timelines for the claim process, and an appeals process for an owner who is denied a claim or feels the compensation is insufficient.

DFW must formally review the rules and policies adopted under this act and make recommendations to the appropriate policy committees of the Legislature during the 2014 legislative session.

Appropriation: None.

Fiscal Note: Requested on January 20, 2009.

Committee/Commission/Task Force Created: No.

Effective Date: The bill takes effect on July 1, 2010.

Staff Summary of Public Testimony: PRO: This is a comprehensive package, recognizing that cash compensation and lethal removal of a problem animal are last resorts. There was broad stakeholder involvement in this bill. There was discussion among the stakeholders about putting monetary caps into statute and the group felt that at this point it makes sense to have the caps in place. The bill has a specific effective date in order to give DFW time to implement rules. Additionally, this bill requires DFW to report back to the Legislature in 2014 after the program has been in place three years.

Persons Testifying: PRO: Steve Pozzanghera, DFW; Jack Field, Washington Cattleman's Association; John Stuhlmiller, Washington Farm Bureau.