

# **HOUSE BILL REPORT**

## **HB 2394**

---

---

**As Reported by House Committee On:**  
Agriculture & Natural Resources

**Title:** An act relating to wildlife crop damage.

**Brief Description:** Extending a wildlife crop damage reimbursement program.

**Sponsors:** Representatives Newhouse, Linville, Clements, Schoesler, McMorris, Orcutt, Holmquist, Delvin, Hinkle and Grant.

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 1/21/04, 2/4/04 [DPS].

### **Brief Summary of Substitute Bill**

- Eliminates the expiration date for the rangeland portion of the Department of Fish and Wildlife's crop damage program.
- Allows the Department of Fish and Wildlife to estimate and use unspent crop damage reimbursement funds prior to the end of a fiscal year for a habitat improvement grant program.
- Requires the Department of Fish and Wildlife to consult with a local rangeland management expert assigned by Washington State University when assessing damage to rangeland.

---

## **HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES**

---

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Grant, Hunt, McDermott, Orcutt, Quall and Sump.

**Staff:** Jason Callahan (786-7117).

**Background:**

The owners of either a commercial agricultural or horticultural crop, or of private rangeland forage used for commercial livestock grazing, may apply to the Department of Fish and Wildlife (DFW) for payment of damages caused by the browsing of wild deer or elk. Payments are limited to the value of the crop, and are generally capped at \$10,000 per claim. Claims valued over \$10,000 must be filed with the Office of Risk Management, which will forward a recommendation on the claim to the Legislature.

It is the responsibility of the DFW to examine and assess the damage upon notification from the claimant, although the DFW and the claimant can agree to have the damage assessed by a third party. Any damage payments accepted by the owner represents the exclusive remedy against the state for wildlife-caused damages.

The DFW is limited to only spending \$30,000 per year from the general fund on wildlife damage claims, unless an emergency is declared by the Legislature. Of that \$30,000, only one-third may be used for reimbursement of damage caused to rangeland forage on private lands. Fifty percent of any portion of the \$30,000 not used for damage reimbursement at the end of the fiscal year must be used for matching grants to enhance deer and elk habitat on public lands. According to the Joint Legislative Audit and Review Committee, this has not occurred.

As of July 1, 2004, the wildlife crop damage reimbursement program's scope will be narrowed. Reimbursement will be limited only to the growers of commercially raised horticultural or agricultural products. Livestock producers and the owners of private rangeland will not be eligible for reimbursement for damage caused by deer or elk. In addition, no portion of the unspent allocation for crop damage will be required to be used for habitat improvements.

---

#### **Summary of Substitute Bill:**

The expiration date of the rangeland portion of the DFW's wildlife crop damage reimbursement program is removed. The program will no longer expire in 2004.

The DFW is required to work with a local rangeland management expert assigned by Washington State University when evaluating and assessing wildlife damage to rangeland. The assessment of the Washington State University appointee is not binding on the final compensation decision made by the DFW.

The DFW is directed to estimate the amount of money that will remain unspent each fiscal year from the account that is dedicated to paying claims for crop damage. The estimated amount is to be used for a matching grant program to enhance deer and elk habitat on public lands.

#### **Substitute Bill Compared to Original Bill:**

The original bill extended the rangeland component of the DFW's crop damage program an additional four years, but made no other changes.

---

**Appropriation:** None.

**Fiscal Note:** Requested for substitute on February 3, 2004.

**Effective Date of Substitute Bill:** The bill takes effect on June 30, 2004.

**Testimony For:** (Original bill) Under Current law, the program that provides reimbursement to ranchers for damages caused to rangeland by wildlife will expire this summer. It is important to the ranching community that this program be extended and fine tuned to make the law more workable. The fact that only a few people took advantage of the law does not mean that the law is not important for those who need it. The evaluation period before the expiration date was too short.

The law is a good law, but the implementation has been lacking. Settlements are too low, and cash payments are only a short-term solution. If other states manage to assess rangeland damage, Washington should be able to do the same. It is important that the state manages the problem soon because the state's elk herds are only growing larger.

Evaluating rangeland damage can be very difficult. Washington State University has expertise that may help the DFW in conducting the necessary assessments.

**Testimony Against:** None.

**Persons Testifying:** Representative Newhouse, prime sponsor; Chris Cheney, John Ashbaugh and Tom Bass, Washington Cattlemen's Association.

**Persons Signed In To Testify But Not Testifying:** None.