
**Rural Development, Agriculture, &
Natural Resources Committee**

HB 1875

Brief Description: Concerning wildlife damage to agricultural crops.

Sponsors: Representatives Eslick and Dent.

Brief Summary of Bill

- Expands the scope of crops eligible for compensation as a result of wildlife damage from commercial crops to agricultural crops in general.
- Increases, from \$120,000 to \$240,000, the maximum amount that the Washington Department of Fish and Wildlife (WDFW) may pay per fiscal year for damage caused to agricultural crops by deer or elk.
- Increases, from \$10,000 to \$20,000, the maximum compensation payable for each claim of damage to agricultural crops or other property caused by deer or elk.
- Adds a definition of property that is eligible for compensation, to include irrigation equipment and managed pasture.
- Requires the WDFW to cover the cost of property damage assessments.

Hearing Date: 2/15/19

Staff: Robert Hatfield (786-7117).

Background:

Washington Department of Fish and Wildlife.

The Washington Department of Fish and Wildlife (WDFW) manages and protects the state's fish and wildlife resources. The WDFW also monitors wildlife that threaten human safety or cause property damage.

Crops Reimbursement for Wildlife Damage.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The WDFW is directed, subject to funding limits, to monetarily compensate the owners of commercial crops damaged by deer or elk, and the owners of livestock that are killed or significantly injured by bears, cougars, or wolves. Each individual claim is eligible to be paid the value of the lost property, less any payments received from a nonprofit organization, up to a maximum of \$10,000. The WDFW may offer to pay a claim in excess of this amount if the outcome of an appeal filed by a claimant pursuant to rules adopted by the Fish and Wildlife Commission (Commission) determines a payment higher than these amounts.

Total compensation for the owners of commercial crops generally may not exceed \$120,000 per year from the State Wildlife Account, and total compensation for the owners of commercial livestock may not exceed the amounts specifically appropriated for that purpose. The WDFW may additionally use up to \$50,000 from the State Wildlife Account as compensation to the owners of livestock lost to wolf predation. Unless the Legislature declares an emergency, the WDFW may pay no more than \$30,000 from the General Fund for claims and assessment costs for damage to agricultural crops caused by wild deer or elk.

The owners of property that does not qualify as commercial crops or livestock may still apply to the WDFW for compensation for damage caused by mammals or birds. However, unlike compensation for commercial crops and livestock, the WDFW is not required to provide compensation, and compensation is subject to certain restrictions and qualifications.

The Commission, pursuant to legislative direction, has identified criteria that determine whether damage to property qualifies for compensation. Different criteria may apply to mandatory compensation claims and discretionary claims. For mandatory commercial crop and livestock claims, the criteria must provide for a minimum economic loss of not less than \$500 in order to qualify for compensation.

Property owners may not receive compensation from the WDFW if they have insurance that covers their damages. Additionally, they must first exhaust any available compensation offers from nonprofit organizations and utilize all applicable legal and practicable self-help preventive measures. Self-help measures include nonlethal methods of damage prevention and materials and services provided by the WDFW.

The WDFW maintains a process for a compensation applicant to follow. Elements of the process include: forms of proof; anticipated timelines for decisions from the WDFW; prioritization of claims; a process for determining damage assessments; and protocols for when an owner intends to salvage any still-harvestable crops.

Summary of Bill:

The scope of crops eligible for compensation is expanded from commercial crops to agricultural crops in general.

The maximum amount that the Washington State Department of Fish and Wildlife (WDFW) may pay per fiscal year for damage caused to agricultural crops by wild deer or elk is raised from \$120,000 to \$240,000. The source of the compensation is changed from the State Wildlife Account to the General Fund.

For damage to property or crops caused by deer or elk, the minimum economic loss to the owner in order to qualify for mandatory compensation is raised from \$500 to \$1,000. For damage to livestock caused by bears, cougars, or wolves, the minimum economic loss remains at \$500.

For damage to property other than agricultural crops or livestock that is eligible for compensation, a definition of "other property" is added, to include irrigation equipment and managed pasture.

The charge for a damage assessment in connection with a claim for compensation must be paid by the state.

The maximum compensation payable for each claim of damage to property or crops caused by deer or elk is raised to \$20,000. For damage caused by other wildlife, the maximum cash compensation payable is \$10,000 per claim.

The act applies to claims arising on or after September 1, 2019.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.