

SENATE BILL REPORT

SHB 2394

As of February 16, 2004

Title: An act relating to wildlife crop damage.

Brief Description: Extending a wildlife crop damage reimbursement program.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Newhouse, Linville, Clements, Schoesler, McMorris, Orcutt, Holmquist, Delvin, Hinkle and Grant).

Brief History:

Committee Activity: Natural Resources, Energy & Water: 2/19/04.

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Staff: Richard Rodger (786-7461)

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 DFW to examine and assess the damage upon notification from the claimant, although 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.

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 Bill: DFW must 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 DFW.

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

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

Appropriation: None.

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

Effective Date: The bill takes effect on June 30, 2004.