

# SENATE BILL REPORT

## 2ESHB 1147

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As Reported By Senate Committee On:  
Natural Resources, Ocean & Recreation, February 28, 2008

**Title:** An act relating to damage to livestock caused by wildlife.

**Brief Description:** Concerning damage to livestock.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, B. Sullivan, Hinkle, Pettigrew, Linville, Kristiansen, Blake, Takko, Newhouse, Warnick, Hailey, Grant, Armstrong, Kessler, Wallace, Haigh, Moeller, Haler and Condotta).

**Brief History:** Passed House: 1/28/08, 93-0.

**Committee Activity:** Natural Resources, Ocean & Recreation: 2/20/08, 2/28/08 [DPA].

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### SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

**Majority Report:** Do pass as amended.

Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton, Ranking Minority Member; Hargrove, Spanel, Stevens and Swecker.

**Staff:** Karen Epps (786-7424)

**Background:** The owner of a commercial agricultural or horticultural crop may apply to the Department of Fish and Wildlife (DFW) for payment of damages caused by wild deer or elk. The owner of the damaged crops must report the loss within 10 days of discovery. DFW must 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.

Payments are limited to the value of the crop, but are generally capped at \$10,000 per claim. If the claim is valued over \$10,000 or the owner rejects DFW's decision, the claim must then be filed with the Office of Financial Management, which will forward a recommendation on the claim to the Legislature. Any damage payments accepted by the owner represents the exclusive remedy against the state for wildlife-caused damages. 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 wildlife damage annually.

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*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.*

**Summary of Bill (Recommended Amendments):** In addition to crop damage compensation, DFW may distribute money to reimburse the owner of commercial livestock for livestock killed or injured by predatory wildlife, which includes bears, wolves, and cougars. The term "livestock" refers to cattle, sheep, and horses held or raised for sale, trade, or barter, and from which a person receives at least \$10,000 in annual income.

Owners may file a claim for each animal killed or injured, with compensation based on the fair market value of the killed or injured animal, up to \$200 for sheep and \$1,500 for cattle and horses. Owners must notify DFW of damage caused by predatory wildlife within 72 hours of discovering the attack. Persons may submit claims for commercial livestock damaged or killed on land leased by a public agency. Owners cannot receive compensation for damages or be eligible for compensation for damages under this program if the owner has received compensation for damages or is eligible for compensation for damages from a nongovernmental organization.

DFW may assess the damage, and the Commercial Livestock Valuation Committee (Committee) may be convened to assist with the assessment. The Committee consists of seven members, each of whom serve four year terms, appointed by the Fish and Wildlife Commission: three members involved in sheep production; three members involved in cattle production; and one member involved in horse production. Committee members must have access to all documentation regarding a claim.

The funding limitations, exclusive remedy provisions, and other administrative functions of the crop damage compensation program also apply to claims for livestock loss. Reimbursement for livestock losses is only available in bienniums during which funding is specifically made available for livestock damage reimbursement.

DFW must obtain statutory authority before implementing or approving any conservation and management plan or a recovery plan that allows for the movement of wolves within the state unless the movement is for the immediate preservation of life or property.

**EFFECT OF CHANGES MADE BY NATURAL RESOURCES, OCEAN & RECREATION COMMITTEE (Recommended Amendments):** Adds that an owner who has received compensation or is eligible for compensation for damages from a nongovernmental organization cannot receive or is not eligible for compensation under this program. Requires that DFW obtain statutory authority before implementing or approving any conservation or management plan or a recovery plan that allows for the movement of wolves within the state unless the movement is for the immediate preservation of life or property.

**Appropriation:** None.

**Fiscal Note:** Requested on February 5, 2008.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Engrossed Second Substitute Bill:** PRO: Initiatives have taken away the tools used to manage wildlife and livestock interactions. There is a budget proviso of \$50,000 to fund this program, which is really just a drop in the bucket

based on the losses. This bill takes a reasonable approach by making the public bear some responsibility for the costs incurred when wildlife damages private property. Depredation of livestock is a huge burden for families. This bill establishes caps on the monetary amount paid for the loss of a horse, cow, or sheep in the amount of \$1,500 for horses and cattle and \$200 for sheep, which makes this bill fiscally responsible. This bill does not reimburse for coyote damage, as the costs from coyote damage are very high; so, the bill is limited to reduce the fiscal impact to the state.

**Persons Testifying:** PRO: Representative Kretz, prime sponsor; Jack Field, Washington Cattlemen's Association; John Stuhlmiller, Washington Farm Bureau.