
**Agriculture & Natural Resources
Committee**

SB 5712

Brief Description: Addressing certain damage caused by wildlife.

Sponsors: Senator Pearson.

Brief Summary of Bill

- Prohibits the Washington Department of Fish and Wildlife (WDFW) from taking any wildlife management action that is likely to result in the increases of a species that has caused damage to commercial crops or livestock until certain all related wildlife compensation claims have been paid and measures have been taken to ensure the prevention of future damage.
- Requires the WDFW to maintain and make payments on claims for wildlife damage in chronological order from the date the claim was submitted.

Hearing Date: 3/17/15

Staff: Jason Callahan (786-7117).

Background:

The Department of Fish and Wildlife (WDFW) is directed to, subject to funding limits, 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 by a non-profit organization up to a maximum of \$10,000.

Total compensation for the owners of commercial crops generally may not exceed \$150,000 per year, and total compensation for the owners of commercial livestock may not exceed the amounts specifically appropriated for the purpose. The WDFW may additionally use up to

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\$50,000 from the State Wildlife Account as compensation to the owners of livestock lost to wolf predation.

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 crops and livestock, the WDFW is not required to provide compensation, and any compensation provided may not be in the form of monetary payments. Compensation for this class of damage must take the form of materials or services.

The Fish and Wildlife Commission (Commission) has, pursuant to legislative direction, identified criteria that determines 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. The minimum loss must be set to at least \$500.

Property owners may not receive compensation from the WDFW if they have insurance that provides compensation for the crop loss. Also, they must first exhaust any available compensation offers from non-profit organizations and utilize all applicable legal and practicable self-help preventative measures. Self-help measures include non-lethal 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 must 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:

Wildlife Management Actions.

The WDFW is prohibited from taking any wildlife management action that is likely to result in the increase of a species that has caused damage to commercial crops or livestock until certain steps have been taken by the WDFW. Affected wildlife management activities include animal translocations, reductions in hunting opportunity, or enhancement of forage or habitat.

In order to avoid the prohibition on the specified wildlife management actions, the WDFW must be able to make a finding about two matters. First, the WDFW must find that all claims relating to wildlife damage in the subject area have been processed and that those who qualify for compensation have been paid. Any claim denied due to lack of funds is not considered to be processed.

Second, the WDFW must analyze and implement measures that are sufficient to ensure the prevention of future damage by the species in question. This analyses must consider the potential increase in the species due to any proposed wildlife management actions.

Payment of Damage Claims.

The WDFW is required to maintain separate lists of compensation claims that have been approved for payment but not fully paid. The lists must be organized chronologically, based on the date the claim was received, and payments must be made according to that chronological order as funding becomes available. Payments on the list may be made in a different fiscal year or fiscal biennia.

Appropriation: None.

Fiscal Note: Available.

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