

FINAL BILL REPORT

2SHB 1752

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Synopsis as Enacted

Brief Description: Allowing for claims for wildlife damage on rangeland suitable for grazing or browsing of domestic livestock.

Sponsors: By House Committee on Appropriations (originally sponsored by Representatives Clements, Grant, G. Chandler, B. Chandler, Linville, Lisk, McMorris, Armstrong, Schoesler and Mulliken).

House Committee on Agriculture & Ecology

House Committee on Appropriations

Senate Committee on Agriculture & International Trade

Background:

The Legislature has stated in statute that wildlife is a public resource of significant value, and that the minimization of conflicts between humans and wildlife is a responsibility shared by all citizens of the state. The Legislature has also found that commercial crop production and healthy deer and elk populations are both important. However, healthy wildlife populations can cause damage to crops. Provisions in the law address the conflict between agriculture and wildlife.

The Department of Fish and Wildlife is instructed to work closely with landowners to find non-lethal solutions to problem wildlife. However, if such efforts are not practical, the department is authorized to increase the harvest of damage-causing animals during the hunting season. The department is also authorized to conduct special hunts in problem areas after receiving recurring complaints regarding property being damaged by wildlife.

The owner or tenant of real property being damaged by wildlife is authorized to trap or kill the problem wildlife that is damaging crops. The owner or tenant may not kill or trap the problem wildlife if the animal is an endangered or threatened species, or the animal is a deer or an elk. Problem deer and elk may only be killed with a take permit issued by the department, unless the situation is an emergency. On cattle ranching land, the owner may only declare an emergency if the department does not respond within 48 hours of notification. Even if an emergency situation exists, the owners of cattle ranching land may not kill the problem wildlife if the land was not made available for public hunting during the previous hunting season.

The director of the department may pay up to \$10,000 per claim for damages caused to crops by wild deer or elk. Crops— is defined as commercially raised horticultural or

agricultural products, but does not include livestock. The damages are limited to the value of the commercially raised agricultural or horticultural crops and comprise the sole remedy available to the crop owner from the department. The burden of proving damages belongs to the claimant.

If the department rejects a claim, or a claim is for over \$10,000, the claimant may file a request with the Office of Risk Management (ORM). The ORM recommends to the Legislature whether the claim should be paid, and if the Legislature agrees, the director of the department may pay the claim. The department may refuse to pay a claim for land that was not open to public hunting during the prior hunting season.

The department may not pay more than \$120,000 in wildlife damage claims in any fiscal year. If claims exceed this amount, the claims are prioritized according to legislative direction. The Legislature may expand the damage cap by declaring an emergency.

Summary:

The Department of Fish and Wildlife's authority to pay up to \$10,000 per claim to the owner of crops damaged by wild deer or elk is expanded. This authority applies to rangeland forage on privately owned land that is suitable for commercial grazing or browsing for a portion of the year. The department may not use more than one-third of the money allocated for paying animal damage claims to pay claims related to privately owned rangeland forage. Fifty percent of the funds allocated but unspent at the end of the fiscal year must be used as matching grants to enhance deer and elk habitat on public lands.

The act is scheduled to sunset on June 30, 2004, after a program review is completed by the Joint Legislative Audit and Review Committee.

Votes on Final Passage:

House 87 6
Senate 32 13 (Senate amended)
House 80 2 (House concurred)

Effective: July 1, 2001