

# SENATE BILL REPORT

## 2SHB 1752

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As Reported By Senate Committee On:  
Agriculture & International Trade, March 30, 2001

**Title:** An act relating to wildlife damage claims on rangeland suitable for grazing or browsing of domestic livestock.

**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).

**Brief History:**

**Committee Activity:** Agriculture & International Trade: 3/28/01, 3/30/01 [DPA].

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### SENATE COMMITTEE ON AGRICULTURE & INTERNATIONAL TRADE

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

Signed by Senators Rasmussen, Chair; Parlette, Sheahan, Snyder and Swecker.

**Staff:** Bob Lee (786-7404)

**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 current law address this conflict between agriculture and wildlife by allowing damage payments to farmers who file wildlife damage claims to agricultural crops but not for rangeland forage.

If game damage becomes a problem, the department may authorize an increase in the harvest of damage-causing animals in hunting seasons, and to kill the animals when no other practical means of damage control is feasible. On privately owned cattle ranching land, the owner or lessee may declare an emergency only when the department has not responded within 48 hours. In such an emergency, the owner or lessee may kill any deer or elk that is causing damage only if the private lands were open to public hunting.

The department may not pay more than \$120,000 from the wildlife fund and \$30,000 from the general fund in wildlife damage claims in any fiscal year. The Legislature may expand the damage cap by declaring an emergency. Of the \$150,000 available each fiscal year, the following amounts have been paid:

FY 00	\$ 33,714
FY 99	\$ 41,875

FY 98 \$116,909  
FY 97 \$ 66,663

For either unresolved crop damage claims, or for claims that exceed \$10,000, a claim may be filed with the Office of Risk Management. The Office of Risk Management recommends to the Legislature whether the claim should be paid. The Legislature then decides through the appropriation process whether to pay the claim.

Cattle ranchers would like the opportunity to be compensated for wildlife damage to rangeland forage.

**Summary of Amended Bill:** The wildlife damage to agricultural crops claims program is expanded to include rangeland forage on private land. The ability to declare an emergency for weather, other natural conditions, or fire that cause unusually great damage to crops by wildlife is expanded to apply to wildlife damage on privately owned land used for livestock grazing purposes.

**Amended Bill Compared to Substitute Bill:** The House version expands the wildlife damage to agricultural crops claims program to include rangeland forage on private land and on publicly-owned land that is leased for livestock grazing purposes. The striking amendment expands the program only to privately owned rangeland used for livestock grazing purposes.

The House version allows the Legislature to declare an emergency for weather, other natural conditions, or fire when those conditions cause unusually great damage by wildlife to crops. In the House version, this declaration of emergency applied to damage to rangeland forage on privately owned rangeland and on publicly owned land leased for livestock grazing purposes. The striking amendment allows the Legislature to declare an emergency under these circumstances to apply to wildlife damage only to privately-owned land used for livestock grazing purposes.

The House version authorizes private actions to control populations of deer and elk that are doing damage to public lands that are being leased for livestock grazing purposes. These are deleted in the striking amendment.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2001.

**Testimony For:** The increasing size of elk herds in some regions of the state are causing increased competition for forage with livestock. Recent fires on the Hanford Reservation resulted in a major loss of forage depended upon by elk and an increase in damage to crops on nearby agricultural lands. Cattle are limited to grazing on public lands in accordance with state grazing standards. When elk herds increase, the forage available for cattle on leased public lands decreases. Grass should be considered as a crop if it is produced on privately owned rangeland and used for livestock grazing purposes. Some means to compensate private landowners whose forage is consumed by large herds of elk should be provided.

**Testimony Against:** Lands purchased by the Department of Fish and Wildlife are intended to provide habitat for wildlife. Livestock grazing, if allowed, should be a lower priority of use on public lands. Damage claims should not be paid to livestock producers when leasing public lands.

Forage on rangeland should not be considered as a crop, especially if the forage is on public land. Such forage should be considered as wildlife habitat. Expanding human populations are reducing the habitat available for wildlife.

**Testified:** (Testimony was not taken on the House version but on a proposed striking amendment. Those indicating testimony in support or opposition is based on their position on the House version and may not indicate their position on the striking amendment heard by the committee.) Representative Bill Grant; Senator Jim Honeyford; Rob Kavanaugh (con); Ted Cowan, King Co. Outdoor Sports Council (pro); Tony Wells, Hunters Heritage Council (con); Dr. Steve Herman, The Evergreen State College (con); Bruce Mackey, Paul Penhallegon, DNR (con); Kirk Deal (con); Linda Johnson, Farm Bureau (pro); Jane Rose, Rose Ranch, WA Cattlemen's Assn., Farm Bureau (pro); Eleanor Camenzind (pro); Craig Vejraska, WCA, Okanogan Co. Commissioner (pro); Al Woodbridge, Western Fish and Wildlife Federation (pro); Lisa McShane, Mike Ryherd, NW Ecosystem Alliance (con); Alan Soicher, Evergreen Land Trust (con); Robert Stagman, Progressive Animal Welfare Society (con); Russ Cahill, Chair, WA State Fish and Wildlife Commission (con); Jim Zimmerman, John Ashbaugh, WA Cattlemen's Assn. (pro); Frank Hendrix, WSU; Ron Shultz, Audubon (con); Dawn Vyvyan, WA Assn. of Prof. Biologists (con); Diane Nelson, Colville Tribe (con).