

SENATE BILL REPORT

SB 6548

As Reported By Senate Committee On:
Natural Resources, Energy & Water, February 6, 2004

Title: An act relating to wildlife crop damage.

Brief Description: Modifying the wildlife crop damage program.

Sponsors: Senators Honeyford, Hewitt, Mulliken and Sheahan.

Brief History:

Committee Activity: Natural Resources, Energy & Water: 2/5/04, 2/6/04 [DPS, DNP].

SENATE COMMITTEE ON NATURAL RESOURCES, ENERGY & WATER

Majority Report: That Substitute Senate Bill No. 6548 be substituted therefor, and the substitute bill do pass.

Signed by Senators Morton, Chair; Hewitt, Vice Chair; Hale, Hargrove and Honeyford.

Minority Report: Do not pass.

Signed by Senators Fraser and Regala.

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 (WDFW) for payment of damages caused by the browsing of wild deer or elk. Payments are limited to the value of the crop, but 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 WDFW to examine and assess the damage upon notification from the claimant, although WDFW 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. WDFW 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.

As of July 1, 2004, the wildlife crop damage reimbursement program's scope 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 Substitute Bill: Assessments of wildlife damage are conducted by rangeland experts selected by the parties or if they cannot agree, by experts selected by Washington State University. The Department of Fish and Wildlife (WDFW) must reimburse the costs of the assessment. Damages may be compensated through an exchange of grazing rights on department lands.

The ability for livestock producers and the owners of private rangeland forage used for commercial livestock grazing to file a deer or elk damage reimbursement claim with WDFW is extended from June 30, 2004 until June 30, 2008.

The requirement that WDFW use half of unspent damage reimbursement claims on habitat improvement on public lands is also extended until June 30, 2008.

Substitute Bill Compared to Original Bill: WDFW and claimants are allowed to settle damage claims through the use of grazing rights on lands of the department. WSU rangeland experts are replaced by third parties selected by WDFW and the claimants.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Many owners of rangelands are being deprived of their livelihood by large herds of elk that graze in their fields. These herds of elk overgraze leaving little food for cattle to graze on. The proposal to allow injured parties to receive grazing rights on WDFW lands instead of monetary compensation would be an acceptable method of meeting the needs of landowner and the department.

Testimony Against: The problem of overgrazing and how to compensate landowners needs a more comprehensive review and evaluation. The department does not have sufficient resources to pay damage claims and this bill contains a fatal flaw that makes the problem worse. The WSU fiscal note to this bill indicates the university's rangeland experts, identified in the bill as the new assessors of damage claims, would use most of the money that is currently expended on the claims themselves.

Testified: Gene Jenkins, citizen (pro); Chief Bruce Bjork, WDFW (con); Steve Pozzanghera, WDFW (con).