
SENATE BILL 6622

State of Washington

61st Legislature

2010 Regular Session

By Senators Haugen, Morton, and Jacobsen

Read first time 01/19/10. Referred to Committee on Natural Resources,
Ocean & Recreation.

1 AN ACT Relating to mitigating damage to crops from migratory
2 waterfowl; amending RCW 77.36.100; creating a new section; and
3 providing an effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature finds efforts to maintain
6 and enhance populations of migratory waterfowl, particularly snow
7 geese, have been quite successful and provide enhanced hunting
8 opportunities, increased opportunities for watchable wildlife
9 enthusiasts and the public, economic stimulus to local communities from
10 resulting tourism, and enjoyment by local residents. The legislature
11 finds that there have been many positive contributions from increasing
12 numbers of migratory waterfowl to residents of the state and also to
13 residents of other countries that share the yearly migratory routes of
14 these birds.

15 The legislature also recognizes that there are disproportionate
16 negative impacts in the form of damage to crops, such as fall planted
17 wheat and perennial forages, that occur when a large number of birds
18 concentrate and stay on a limited number of acres growing such green
19 over-winter crops. Further, that if uncompensated damage associated

1 with growing green over-wintering crops becomes sufficiently severe,
2 farmers will have insufficient economic reason to grow these crops,
3 which will further reduce available food and adversely affect the
4 migratory waterfowl population.

5 The legislature finds that proactive management strategies such as
6 the quality snow goose hunting program contained in chapter 232-28 WAC,
7 and the mutually beneficial program to reimburse costs incurred by
8 agricultural landowners to plant winter cover crops specifically to
9 provide feed for over-wintering migratory waterfowl, have helped to
10 mitigate the economic impact of crop damage to farmers and sustain
11 waterfowl populations, but that instances of significant crop damage
12 continue to occur.

13 The purpose of this act is to encourage proactive management
14 strategies for migratory waterfowl that will promote their continued
15 health and abundance while reducing the impacts to individual farmers,
16 and to provide compensation for loss of crops from migratory waterfowl
17 if these alternative proactive management strategies are ineffective.

18 **Sec. 2.** RCW 77.36.100 and 2009 c 333 s 55 are each amended to read
19 as follows:

20 (1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the
21 department shall offer to distribute money appropriated to pay claims
22 to the owner of commercial crops for damage caused by wild deer (~~(or)~~)
23 elk, or migratory waterfowl, or to the owners of commercial livestock
24 that has been killed by bears, wolves, or cougars, or injured by bears,
25 wolves, or cougars to such a degree that the market value of the
26 commercial livestock has been diminished. Payments for claims for
27 damage to commercial livestock are not subject to the limitations of
28 RCW 77.36.070 and 77.36.080, but may not exceed the total amount
29 specifically appropriated therefor.

30 (b) Owners of commercial crops or commercial livestock are only
31 eligible for a claim under this subsection if:

32 (i) The owner satisfies the definition of "eligible farmer" in RCW
33 82.08.855;

34 (ii) The conditions of RCW 77.36.110 have been satisfied; and

35 (iii) The damage caused to the commercial crop or commercial
36 livestock satisfies the criteria for damage established by the
37 commission under this subsection.

1 (c) The commission shall adopt and maintain by rule criteria that
2 clarifies the damage to commercial crops and commercial livestock
3 qualifying for compensation under this subsection. An owner of a
4 commercial crop or commercial livestock must satisfy the criteria prior
5 to receiving compensation under this subsection. The criteria for
6 damage adopted under this subsection must include, but not be limited
7 to, a required minimum economic loss to the owner of the commercial
8 crop or commercial livestock, which may not be set at a value of less
9 than five hundred dollars.

10 (2)(a) The department may offer to provide noncash compensation
11 only to offset wildlife interactions to a person who applies to the
12 department for compensation for damage to property other than
13 commercial crops or commercial livestock that is the result of a
14 mammalian or avian species of wildlife on a case-specific basis if the
15 conditions of RCW 77.36.110 have been satisfied and if the damage
16 satisfies the criteria for damage established by the commission under
17 this subsection.

18 (b) The commission shall adopt and maintain by rule criteria for
19 damage to property other than a commercial crop or commercial livestock
20 that is damaged by wildlife and may be eligible for compensation under
21 this subsection, including criteria for filing a claim for compensation
22 under this subsection.

23 (3)(a) To prevent or offset wildlife interactions, the department
24 may offer materials or services to a person who applies to the
25 department for assistance in providing mitigating actions designed to
26 reduce wildlife interactions if the actions are designed to address
27 damage that satisfies the criteria for damage established by the
28 commission under this subsection.

29 (b) The commission shall adopt and maintain by rule criteria for
30 mitigating actions designed to address wildlife interactions that may
31 be eligible for materials and services under this section, including
32 criteria for submitting an application under this section.

33 (4) An owner who files a claim under this section may appeal the
34 decision of the department pursuant to rules adopted by the commission
35 if the claim:

36 (a) Is denied; or

37 (b) Is disputed by the owner and the owner disagrees with the
38 amount of compensation determined by the department.

1 NEW SECTION. **Sec. 3.** Section 2 of this act takes effect July 1,
2 2010.

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