

# HOUSE BILL REPORT

## E2SSB 5193

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As of Second Reading

**Title:** An act relating to gray wolf conflict management.

**Brief Description:** Concerning gray wolf conflict management.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Smith, Roach, Honeyford and Delvin; by request of Department of Fish and Wildlife).

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 3/20/13.

**Brief Summary of Engrossed Second Substitute Bill**

- Allows the State Wildlife Account to be used for compensating the owners of livestock for damage caused by wolves.
- Creates a new account to be used for the mitigation, assessment, and payment of claims for livestock losses due to wolf predation.
- Removes the condition that a livestock owner must raise livestock for sale in order to qualify for wildlife damage compensation.
- Removes the specific compensation dollar amounts available for lost livestock and replaces them with current market value.
- Removes the limitation relating to only offering non-cash compensation to the owners of wildlife-damaged property other than crops or livestock.
- Increases the cost of the existing wildlife-themed special license plates from \$40 to \$50 and designates the additional revenue for wolf management and livestock compensation.

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**HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES**

**Staff:** Jason Callahan (786-7117).

**Background:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Wildlife Damage Compensation.

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 commercial livestock that are killed or significantly injured by bears, cougars, or wolves. Each individual claim by a crop or livestock owner is eligible to be paid the value of the lost crop less any payments received by a nonprofit organization up to a maximum of \$10,000. For livestock, the compensation is \$200 for each lost sheep and \$1,500 for each lost head of cattle or horse.

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. To date, no funding has been provided for compensation to the owners of commercial livestock.

Landowners who experience damage to property other than commercial crops or livestock as a result of the activity of avian or mammalian species may receive non-cash compensation from the WDFW directed to offset the damage. Non-cash support is considered on a case-by-case basis.

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 nonprofit organizations and utilize all applicable legal and practicable self-help preventative measures. Self-help measures include nonlethal methods of damage prevention and materials and services provided by the WDFW.

### Wildlife License Plates.

The Department of Licensing offers a number of wildlife-themed license plates. These include a license plate to recognize endangered species featuring an orca, a three-plate wildlife collection series (featuring a bear, elk, and deer), and a "Wild on Washington" plate featuring the state's species of watchable wildlife. Each of these license plates may be chosen by a Washington motorist in lieu of the standard license plate featuring Mount Rainier. Motorists choosing this option must pay an additional \$40 each year for the use of the special plate. Proceeds are used by the WDFW for specified purposes generally relating to the subject of the license plate.

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### **Summary of Bill:**

#### Wildlife Damage Compensation.

The WDFW is authorized to spend up to \$50,000 per fiscal year from the State Wildlife Account to pay claims and assessment costs for injuries and losses to commercial livestock from wolves. This authority is additive to the WDFW's authority to use State Wildlife Account funding for ungulate damage to crops. Any portions of the authorized \$50,000 that are unspent at the end of any biennium must be transferred to the newly created Wolf-Livestock Conflict Account (Account).

The Account is created as an unappropriated account. In addition to the transfer of any unspent State Wildlife Account money that was appropriated for paying wolf predation claims, the Account may also receive grants, gifts, or donations.

Expenditures from the Account are to be used for the mitigation, assessment, and payment of claims for livestock losses due to wolf predation. The WDFW must pay wolf compensation claims in the chronological order they were confirmed. Confirmed claims in one fiscal biennium may be paid from the Account in a future biennium.

The animal-specific compensation limits are removed for livestock killed by wolves, bears, or cougars. Instead of a fixed amount of compensation, compensation is available in an amount that equals the market value of the animal that was lost. Related to this, the condition that a livestock owner must raise livestock for sale in order to qualify for wildlife damage compensation is removed. Any owner of cattle, sheep, or horses may qualify for compensation from losses caused by bears, cougars, or wolves.

The limitation on the WDFW relating to only offering non-cash compensation to the owners of wildlife-damaged property other than crops or livestock is removed. This allows the WDFW to offer cash, as well as non-cash, compensation to these property owners. The Fish and Wildlife Commission is provided with specific rulemaking authority that allows it to set limits and conditions for expenditures on claims and assessments for all wildlife damage to crops, livestock, other property, and mitigating actions.

#### Special License Plates.

The cost of the existing wildlife-themed special license plates is increased, as of the start of 2014, from \$40 to \$50. The price increase applies to the endangered species plate, the bear/deer/elk wildlife collection, and the Wild on Washington plate. The additional \$10 is to be used by the WDFW for wolf management efforts and to compensation livestock owners for losses due to wolves.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except for sections 7 and 8 relating to the price increase in wildlife-themed license plates, which take effect on January 1, 2014.

#### **Staff Summary of Public Testimony:**

(In support) Wolves are predators, not magnificent creatures, and they are currently living in parts of eastern Washington where there is no evidence in living memory of them ever existing before. The implementation of the wolf management plan has led to an unanticipated number of interactions between wolves and people, and is creating the greatest threat to the livestock industry in 40 years. The recovering wolf populations are a threat to people safety and livelihoods. Egos need to be separated from policy. The multi-

generational attack on the culture and economic stability of eastern Washington has to end before local officials are pressed into taking matters into their own hands.

Even one or two cows lost can be very costly to a small livestock producer, and especially for folks who raise just one cow to feed their family over the winter. Making the change to allow non-commercial livestock operators to participate in the compensation program is fair so that subsistence cattle owners and 4-H clubs can also be protected. The market value of some of these animals is greater than the statutory caps.

The geography of eastern Washington makes the wolf management plan inoperable. The winter snows drive the ungulates onto private, low elevation lands. The wolves follow the ungulates into the valleys and into conflict with people. The population of wolves is increasing faster than expected. The population has at least doubled in one year but the actual number of wolves in the state is still unknown. The policies in the bill are envisioned in the wolf plan and are important, meaningful steps towards broadening acceptance and tolerance of wolf recovery.

Targeting money to wolf management is a useful tool and it fills in existing gaps in the compensation system and makes the compensation program consistent with the wolf management plan. However, that money must be used to get the wolf closer to being delisted as an endangered species and will not be available in the current biennium. These days, funding is more endangered than the wolves themselves. Any funding should move forward with policy changes as well and be used for more cooperative agreements.

(Opposed) None.

**Persons Testifying:** Senator Smith, prime sponsor; Jim Dutro, Sheilah Kennedy, and Ray Campbell, Okanogan County; Wes McCart, Stevens County; Karen Skoog, Pend Oreille County; Lee Barker; Jack Field and Vic Stokes, Washington Cattlemen's Association; Tom Davis, Washington Farm Bureau; Carey Morris, Humane Society of the United States; Dave Ware, Department of Fish and Wildlife; and Jim Potts, Ferry County and Cattle Producers of Washington.

**Persons Signed In To Testify But Not Testifying:** None.