H-3795.1

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**HOUSE BILL 2870**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Taylor, Dent, Manweller, Short, Chandler, Kretz, Schmick, Young, and Scott

AN ACT Relating to prohibiting the department of fish and wildlife from requiring public access as a condition of receiving compensation under chapter 77.36 RCW; and amending RCW 77.36.110.

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

**Sec.**  RCW 77.36.110 and 2009 c 333 s 56 are each amended to read as follows:

(1) No owner may receive compensation for wildlife interactions under this chapter unless the owner has, as determined by the department, first:

(a) Utilized applicable legal and practicable self-help preventive measures available to prevent the damage, including the use of nonlethal methods and department-provided materials and services when available under RCW 77.36.100; and

(b) Exhausted all available compensation options available from nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions.

(2) In determining if the requirements of this section have been satisfied, the department may recognize and consider the following:

(a) Property losses may occur without future or anticipated knowledge of potential problems resulting in an owner being unable to take preemptive measures.

(b) Normal agricultural practices, animal husbandry practices, recognized standard management techniques, and other industry-recognized management practices may represent adequate preventative efforts.

(c) Under certain circumstances, as determined by the department, wildlife may not logistically or practicably be managed by nonlethal efforts.

(d) Not all available legal preventative efforts are cost‑effective for the owner to practicably employ.

(e) There are certain effective preventative control options not available due to federal or state restrictions.

((~~(f) Under certain circumstances, as determined by the department, permitting public hunting may not be a practicable self-help method due to the size and nature of the property, the property's setting, or the ability of the landowner to accommodate public access.~~))

(3) An owner is not eligible to receive compensation if the damages are covered by insurance.

(4) Permitting public hunting on the land subject to a claim under this chapter is not considered to be a practicable self-help preventive measure and the department may not condition the receipt of compensation under this chapter on the claimant allowing or facilitating public hunting access to the land in question.

(5) The commission shall adopt rules implementing this section, including requirements that owners document nonlethal preventive efforts undertaken and all permits issued by the department under RCW 77.12.240 and 77.12.150.

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