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**SENATE BILL 5712**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senator Pearson

AN ACT Relating to addressing certain damage caused by wildlife; amending RCW 77.36.100; and adding a new section to chapter 77.36 RCW.

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

NEW SECTION. **Sec.**  A new section is added to chapter 77.36 RCW to read as follows:

The department may not take any wildlife management action, such as translocation, reduction of hunting opportunity, or forage or habitat enhancement, that is likely to result in the increase of a species in an area of the state where that species has caused damage to commercial crops or livestock until the commission makes a finding that both of the following have occurred:

(1) All damage claims relating to commercial crops or livestock damage by that species in that area have been processed under this chapter and those that qualify for compensation have been paid. Claims denied because of a lack of funds as provided under chapter 232-36 WAC, as it existed on the effective date of this section, are not considered processed under this subsection; and

(2) The department has analyzed and implemented measures sufficient to ensure the prevention of future damage by that species to commercial crop or livestock damage in that area. The analysis must consider the potential increase in that species due to any proposed management actions.

**Sec.**  RCW 77.36.100 and 2013 c 329 s 4 are each amended to read as follows:

(1)(a) Except as limited by RCW 77.36.070, 77.36.080, 77.36.170, and 77.36.180, the department shall offer to distribute money appropriated to pay claims to the owner of commercial crops for damage caused by wild deer or elk or to the owners of livestock that has been killed by bears, wolves, or cougars, or injured by bears, wolves, or cougars to such a degree that the market value of the livestock has been diminished. Payments for claims for damage to livestock are not subject to the limitations of RCW 77.36.070 and 77.36.080, but may not, except as provided in RCW 77.36.170 and 77.36.180, exceed the total amount specifically appropriated therefor.

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

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

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

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

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

(d)(i) The department must maintain separate lists of claims for compensation for damage to commercial crops and damage to livestock submitted under this section that have been approved for payment but not yet fully paid. The lists must each be organized chronologically based on the date the claim was received. As funding becomes available under this chapter or from any other source, the department must pay claims for which the funds are available in the chronological order they appear on the appropriate list. The department must retain and pay claims on the lists across fiscal years and biennia.

(ii) The payment of a claim included on the lists maintained by the department under this subsection (1)(d) is conditional on the availability of specific funding for that purpose and is not a guarantee of reimbursement.

(2)(a) Subject to the availability of nonstate funds, nonstate resources other than cash, or amounts appropriated for this specific purpose, the department may offer to provide compensation to offset wildlife interactions to a person who applies to the department for compensation for damage to property other than commercial crops or livestock that is the result of a mammalian or avian species of wildlife on a case‑specific basis if the conditions of RCW 77.36.110 have been satisfied and if the damage satisfies the criteria for damage established by the commission under (b) of this subsection.

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

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

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

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

(a) Is denied; or

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

(5) The commission shall adopt rules setting limits and conditions for the department's expenditures on claims and assessments for commercial crops, livestock, other property, and mitigating actions.

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