
**Agriculture & Natural Resources
Committee**

HB 2870

Brief Description: Prohibiting the department of fish and wildlife from requiring public access as a condition of receiving compensation under chapter 77.36 RCW.

Sponsors: Representatives Taylor, Dent, Manweller, Short, Chandler, Kretz, Schmick, Young and Scott.

Brief Summary of Bill

- Prohibits the Washington Department of Fish and Wildlife from requiring a wildlife damage claimant to allow public hunting access to his or her land as a condition of receiving compensation.

Hearing Date: 2/4/16

Staff: Jason Callahan (786-7117).

Background:

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 up to a maximum of \$10,000. Total compensation paid to the owners of commercial crops generally may not exceed \$150,000 per year.

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.

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.

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.

In the administrative rules adopted to implement the wildlife damage compensation program, the WDFW will deny requests to pay compensation to the owner of damaged crops if the property where the damage occurred was not open to public hunting for the species causing the damage, unless the WDFW determines that the property is inconsistent with hunting or hunting would not address the damage problem. This requirement extends to all properties owned or leased by the claimant adjacent to, contiguous with, or in the vicinity of the property where crop damage occurred [WAC 232-36-100].

To qualify as being open to public hunting, the land must have been open for general access to all licensed hunters during the hunting season prior to the occurrence of damage. As an alternative, the landowner has the option of entering into an agreement with the WDFW that allows the WDFW to select a limited number of hunters who are authorized to access the land [WAC 232-36-300].

Summary of Bill:

The WDFW is prohibited from requiring a wildlife damage claimant to allow public hunting access to his or her land as a condition of receiving compensation. The accommodation of public hunting is no longer considered a possible self-help method that a landowner can use as a preventative measure to avoid wildlife damage.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.