
HOUSE BILL 2870

State of Washington

64th Legislature

2016 Regular Session

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

Read first time 01/25/16. Referred to Committee on Agriculture & Natural Resources.

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

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

5 **Sec. 1.** RCW 77.36.110 and 2009 c 333 s 56 are each amended to
6 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

24 (5) The commission shall adopt rules implementing this section,
25 including requirements that owners document nonlethal preventive
26 efforts undertaken and all permits issued by the department under RCW
27 77.12.240 and 77.12.150.

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