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**Agriculture & Natural Resources  
Committee**

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**HB 1399**

**Brief Description:** Concerning compensation for property damage caused by wild deer or elk.

**Sponsors:** Representatives Dent, Blake, Irwin, Shea, Dye, Pettigrew, Buys, Koster and Schmick.

**Brief Summary of Bill**

- Expands the scope of crops eligible for compensation as a result of wildlife damage from commercial crops to agricultural crops in general.
- Increases, from \$120,000 to \$240,000, the maximum amount that the Department of Fish and Wildlife may pay per fiscal year from the State Wildlife Account for damage caused to agricultural crops by wild deer or elk.
- Increases, from \$10,000 to \$20,000, the maximum compensation payable for each claim of damage to property or crops caused by elk or deer.

**Hearing Date:** 1/25/17

**Staff:** Robert Hatfield (786-7117).

**Background:**

Washington Department of Fish and Wildlife.

The Washington Department of Fish and Wildlife (WDFW) manages and protects the state's fish and wildlife resources. The WDFW also monitors wildlife that threaten human safety or cause property damage.

Reimbursement for Wildlife Damage.

The WDFW is directed, subject to funding limits, to monetarily compensate the owners of commercial crops damaged by deer or elk, and the owners of livestock that are killed or significantly injured by bears, cougars, or wolves. In order to qualify for compensation, crop owners must satisfy certain requirements, including the requirement to be an eligible farmer. An

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eligible farmer is defined, generally, as a farmer whose actual or estimated value of agricultural products produced the preceding year was at least \$10,000, unless the farmer did not engage in farming during the preceding year.

Each individual claim is eligible to be paid the value of the lost property, less any payments received by a non-profit organization, up to a maximum of \$10,000. The WDFW may offer to pay a claim in excess of this amount if the outcome of an appeal filed by a claimant pursuant to rules adopted by the Fish and Wildlife Commission (Commission) determines a payment higher than these amounts.

Total compensation for the owners of commercial crops generally may not exceed \$120,000 per year from the State Wildlife Account, and total compensation for the owners of commercial livestock may not exceed the amounts specifically appropriated for that purpose. The WDFW may additionally use up to \$50,000 from the State Wildlife Account as compensation to the owners of livestock lost to wolf predation.

The owners of property that does not qualify as commercial crops or livestock may still apply to the WDFW for compensation for damage caused by mammals or birds. However, unlike compensation for crops and livestock, the WDFW is not required to provide compensation, and compensation is subject to certain restrictions and qualifications.

The Commission, pursuant to legislative direction, has identified criteria that determine whether damage to property qualifies for compensation. Different criteria may apply to mandatory compensation claims and discretionary claims. For mandatory commercial crop and livestock claims, the criteria must provide for a minimum economic loss of not less than \$500 in order to qualify for compensation.

Property owners may not receive compensation from the WDFW if they have insurance that covers their damages. Also, they must first exhaust any available compensation offers from non-profit organizations and utilize all applicable legal and practicable self-help preventive measures. Self-help measures include non-lethal methods of damage prevention and materials and services provided by the WDFW.

The WDFW maintains a process for a compensation applicant to follow. Elements of the process must include forms of proof, anticipated timelines for decisions from the WDFW, prioritization of claims, a process for determining damage assessments, and protocols for when an owner intends to salvage any still-harvestable crops.

### **Summary of Bill:**

The scope of crops eligible for compensation is expanded from commercial crops to agricultural crops in general. An agricultural crop is defined as a horticultural or agricultural product, or commercial agricultural crop, including the growing or harvested product and including all parts of horticultural trees.

The maximum amount that the WDFW may pay per fiscal year from the State Wildlife Account for damage caused to agricultural crops by wild deer or elk is raised to \$240,000 from \$120,000.

For damage to property or crops caused by wild deer or elk, the minimum economic loss to the owner in order to qualify for mandatory compensation is raised from \$500 to \$1500. For damage to livestock caused by bears, wolves, or cougars, the minimum economic loss remains at \$500.

The maximum compensation payable for each claim of damage to property or crops caused by elk or deer is raised to \$20,000. For damage caused by other wildlife, the maximum cash compensation payable is \$10,000 per claim.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. The act applies to claims arising on or after September 1, 2017.