

HOUSE BILL REPORT

HB 1875

As Reported by House Committee On:
Rural Development, Agriculture, & Natural Resources

Title: An act relating to wildlife damage to agricultural crops.

Brief Description: Concerning wildlife damage to agricultural crops.

Sponsors: Representatives Eslick and Dent.

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 2/15/19, 2/22/19 [DPS].

Brief Summary of Substitute 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 Washington State Department of Fish and Wildlife (WDFW) may pay per fiscal year 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 agricultural crops or other property caused by wild deer or elk.
- Adds a definition of property that is eligible for compensation, to include irrigation equipment, fencing, and managed pasture.
- Requires the WDFW to cover the cost of property damage assessments.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Blake, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Schmick, Springer and Walsh.

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.

Minority Report: Do not pass. Signed by 1 member: Representative Ramos.

Staff: Robert Hatfield (786-7117).

Background:

Washington State Department of Fish and Wildlife.

The Washington State 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.

Crops 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. Each individual claim is eligible to be paid the value of the lost property, less any payments received from a nonprofit 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. Unless the Legislature declares an emergency, the WDFW may pay no more than \$30,000 from the General Fund for claims and assessment costs for damages to agricultural crops caused by wild deer or elk.

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 commercial 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. Additionally, they must first exhaust any available compensation offers from nonprofit organizations and utilize all applicable legal and practicable self-help preventive measures. Self-help measures include nonlethal 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 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 Substitute Bill:

The scope of crops eligible for compensation is expanded from commercial crops to agricultural crops in general.

The maximum amount that the Washington State Department of Fish and Wildlife (WDFW) may pay per fiscal year for damage caused to agricultural crops by wild deer or elk is raised from \$120,000 to \$240,000. The source of the compensation is changed from the State Wildlife Account to the state General Fund.

For damage to property or crops caused by deer or elk, the minimum economic loss to the owner in order to qualify for mandatory compensation is raised from \$500 to \$1,000. For damage to livestock caused by bears, cougars, or wolves, the minimum economic loss remains at \$500.

For damage to property other than agricultural crops or livestock that is eligible for compensation, a definition of "other property" is added, to include irrigation equipment, fencing, and managed pasture.

The charge for a damage assessment in connection with a claim for compensation must be paid by the state.

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

The act applies to claims arising on or after September 1, 2019.

Substitute Bill Compared to Original Bill:

Fencing and managed pasture are added to the definition of "other property" eligible for compensation. An existing section that limits damage claims payable from the State General Fund to \$30,000 per fiscal year is repealed.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The problem with elk impacts is getting worse, not better. Hundreds of elk on private property are bringing devastation and additional costs. This bill opens up eligibility for compensation to those who are growing grass or hay in fields. It is not yet a perfect bill. There are complications with the application process, and there is work being done with the Washington State Department of Fish and Wildlife (WDFW) to address those problems. The Skagit County Auditor identified \$1.5 million in damages in Skagit County, so increasing the annual cap on compensation to \$240,000 is a drop in the bucket.

Farmers in Skagit County have been experiencing losses for almost a decade. The WDFW has done a good job of meeting with farmers on this issue. The main change in the bill is to allow for compensation based on the loss of pasture grass. Farmers are having to buy extra hay to feed livestock, so they should be compensated for that. The money should come out of the General Fund so that taxpayers can help to pay for the chance to see wildlife. This bill requires the WDFW to cover the entire cost of the damage assessment. It would be good to amend the bill to allow compensation for farmers who farm on land that they lease from government entities.

(Opposed) None.

(Other) This bill increases the damage compensation pot of money, but it represents only 16 percent of annual elk damage losses. Almost 40 percent of the elk herd resides on just 0.5 percent of the herd's range. The current compensation program takes more than one year to go through. The current process discourages filing. Elk are defecating on crops, raising a health and safety issue. Actual losses need to be covered, including: fencing, loss of income, and damages to farm equipment. There should be no limit on the number of claims that can be filed. Elk are causing damage all year. A person who experiences elk damage should have 90 days to file a claim. Farmers are being forced out of business in Eastern Skagit County.

Small timberland owners are also being harmed by damages from elk. At some point in the future, it would be good to have a bigger, broader conversation about elk damage to tree crops and how to deal with that.

Persons Testifying: (In support) Representative Eslick, prime sponsor; Nate Pamplin, Washington Department of Fish and Wildlife; and Tom Davis, Washington Farm Bureau.

(Other) Randy Good, Skagit County Cattlemen's Association and Skagit County Farm Bureau; and Heather Hansen, Washington Farm Forestry Association.

Persons Signed In To Testify But Not Testifying: None.