

SENATE BILL REPORT

SB 5165

As Reported by Senate Committee On:
Agriculture & Natural Resources, January 30, 2025

Title: An act relating to compensation in frontier counties for deer and elk damage.

Brief Description: Concerning compensation in frontier counties for deer and elk damage. [
Revised for 1st Substitute: Concerning compensation in frontier one counties for deer and elk damage.]

Sponsors: Senators Short, Chapman, Dozier, Wagoner and Warnick.

Brief History:

Committee Activity: Agriculture & Natural Resources: 1/20/25, 1/30/25 [DPS].

Brief Summary of First Substitute Bill

- Reserves 20 percent of the available funds for damage caused to commercial crops by wild deer and elk for claims arising from frontier one counties.

SENATE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: That Substitute Senate Bill No. 5165 be substituted therefor, and the substitute bill do pass.

Signed by Senators Chapman, Chair; Krishnadasan, Vice Chair; Short, Ranking Member; Liias, Muzzall, Saldaña, Schoesler, Shewmake and Wagoner.

Staff: Elena Becker (786-7493)

Background: Compensation for Damage Caused by Wild Deer and Elk. State law authorizes payments to the owners of commercial crops for damage caused by wild deer or elk. Owners of commercial crops are eligible for a claim when they grew, raised, or produced agricultural products with an estimated value of more than \$10,000 in the

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previous year, or are in their first year of agricultural production, and have made efforts to prevent the damage.

The Fish and Wildlife Commission (Commission) is statutorily authorized to adopt additional criteria for the type of damage qualifying for compensation. Among other things, the Commission's rules require that the loss be at least \$1,000 in value, that claimants have a valid damage prevention cooperative agreement with the Washington Department of Fish and Wildlife and that a licensed crop insurance adjustor assess the damage.

Frontier Counties. Under state law, frontier counties are those counties with fewer than 50 people per square mile. A frontier one county is a county with a population density of 21 people or fewer per square mile. A frontier two county is a county with a population density between 21 and 50 people per square mile.

As of 2024, Pend Oreille, Stevens, Ferry, Okanogan, Lincoln, Adams, Columbia, Garfield, Klickitat, Skamania, Jefferson, and Wahkiakum counties were designated frontier one counties.

As of 2024, Clallam, Grays Harbor, Pacific, Lewis, Chelan, Kittitas, Douglas, Grant, Walla Walla, Whitman, and Asotin counties were designated frontier two counties.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (First Substitute): Twenty percent of the available funds for damage caused to commercial crops by wild deer and elk must be available for claims arising from frontier one counties. If the value of claims submitted from frontier one counties is insufficient to meet the requirements of this section, the remaining available funds may be awarded to any eligible claimant. A claimant is considered to be located in a frontier one county if any portion of the farm property where the damage occurred is located in a frontier one county.

EFFECT OF CHANGES MADE BY AGRICULTURE & NATURAL RESOURCES COMMITTEE (First Substitute):

- Changes "frontier counties" to "frontier one counties" and requires that at least 20 percent of available funds be awarded to frontier one counties.
- Clarifies that if the value of claims submitted from frontier one counties does not reach 20 percent, the remaining available funds may be awarded to any eligible claimant.
- States that a claimant is considered to be located in a frontier one county if any portion of the farm property where the damage occurred is located in a frontier one county.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Proposed Substitute: *The committee recommended a different version of the bill than what was heard.* PRO: Deer and elk are increasingly present in valleys and farm fields. People are challenged by going through the appraisal process and then finding that funding isn't available.

Elk damage threatens the longevity of multigenerational small farms and ranches. Deer and elk damage haystacks, spring pastures, and more. This damage is significant, especially as herd sizes have increased from 30 to 150 head, and threatens the longevity of multigenerational small farms.

OTHER: Clarity is needed. What happens if there are insufficient claims from frontier counties to meet the 20 percent threshold? Is the frontier county designation based on the location of the business or the location of the crop?

Persons Testifying: PRO: Senator Shelly Short, Prime Sponsor; John Hudspeth.

OTHER: Mick Cope, WDFW.

Persons Signed In To Testify But Not Testifying: No one.