
SUBSTITUTE SENATE BILL 6622

State of Washington

61st Legislature

2010 Regular Session

By Senate Natural Resources, Ocean & Recreation (originally sponsored by Senators Haugen, Morton, and Jacobsen)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to mitigating damage to crops from migratory
2 waterfowl; amending RCW 77.36.100 and 67.28.1815; adding a new section
3 to chapter 77.36 RCW; creating a new section; and providing an
4 effective date.

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

6 NEW SECTION. **Sec. 1.** The legislature finds efforts to maintain
7 and enhance populations of migratory waterfowl, particularly snow
8 geese, have been quite successful and provide enhanced hunting
9 opportunities, increased opportunities for watchable wildlife
10 enthusiasts and the public, economic stimulus to local communities from
11 resulting tourism, and enjoyment by local residents. The legislature
12 finds that there have been many positive contributions from increasing
13 numbers of migratory waterfowl to residents of the state and also to
14 residents of other countries that share the yearly migratory routes of
15 these birds.

16 The legislature also recognizes that there are disproportionate
17 negative impacts in the form of damage to crops, such as fall planted
18 wheat and perennial forages, that occur when a large number of birds
19 concentrate and stay on a limited number of acres growing such green

1 over-winter crops. Further, that if uncompensated damage associated
2 with growing green over-wintering crops becomes sufficiently severe,
3 farmers will have insufficient economic reason to grow these crops,
4 which will further reduce available food and adversely affect the
5 migratory waterfowl population.

6 The legislature finds that proactive management strategies such as
7 the quality snow goose hunting program contained in chapter 232-28 WAC,
8 and the mutually beneficial program to reimburse costs incurred by
9 agricultural landowners to plant winter cover crops specifically to
10 provide feed for over-wintering migratory waterfowl, have helped to
11 mitigate the economic impact of crop damage to farmers and sustain
12 waterfowl populations, but that instances of significant crop damage
13 continue to occur.

14 The purpose of this act is to encourage proactive management
15 strategies for migratory waterfowl that will promote their continued
16 health and abundance while reducing the impacts to individual farmers,
17 and to provide compensation for loss of crops from migratory waterfowl
18 if these alternative proactive management strategies are ineffective.

19 **Sec. 2.** RCW 77.36.100 and 2009 c 333 s 55 are each amended to read
20 as follows:

21 (1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the
22 department shall offer to distribute money appropriated to pay claims
23 to the owner of commercial crops for damage caused by wild deer (~~(or)~~)
24 elk, or migratory waterfowl, or to the owners of commercial livestock
25 that has been killed by bears, wolves, or cougars, or injured by bears,
26 wolves, or cougars to such a degree that the market value of the
27 commercial livestock has been diminished. Payments for claims for
28 damage to commercial livestock or damage to commercial crops caused by
29 migratory waterfowl are not subject to the limitations of RCW 77.36.070
30 and 77.36.080, but may not exceed the total amount specifically
31 appropriated therefor.

32 (b) Owners of commercial crops or commercial livestock are only
33 eligible for a claim under this subsection if:

34 (i) The owner satisfies the definition of "eligible farmer" in RCW
35 82.08.855;

36 (ii) The conditions of RCW 77.36.110 have been satisfied; and

1 (iii) The damage caused to the commercial crop or commercial
2 livestock satisfies the criteria for damage established by the
3 commission under this subsection.

4 (c) The commission shall adopt and maintain by rule criteria that
5 clarifies the damage to commercial crops and commercial livestock
6 qualifying for compensation under this subsection. An owner of a
7 commercial crop or commercial livestock must satisfy the criteria prior
8 to receiving compensation under this subsection. The criteria for
9 damage adopted under this subsection must include, but not be limited
10 to, a required minimum economic loss to the owner of the commercial
11 crop or commercial livestock, which may not be set at a value of less
12 than five hundred dollars.

13 (2)(a) The department may offer to provide noncash compensation
14 only to offset wildlife interactions to a person who applies to the
15 department for compensation for damage to property other than
16 commercial crops or commercial livestock that is the result of a
17 mammalian or avian species of wildlife on a case-specific basis if the
18 conditions of RCW 77.36.110 have been satisfied and if the damage
19 satisfies the criteria for damage established by the commission under
20 this subsection.

21 (b) The commission shall adopt and maintain by rule criteria for
22 damage to property other than a commercial crop or commercial livestock
23 that is damaged by wildlife and may be eligible for compensation under
24 this subsection, including criteria for filing a claim for compensation
25 under this subsection.

26 (3)(a) To prevent or offset wildlife interactions, the department
27 may offer materials or services to a person who applies to the
28 department for assistance in providing mitigating actions designed to
29 reduce wildlife interactions if the actions are designed to address
30 damage that satisfies the criteria for damage established by the
31 commission under this subsection.

32 (b) The commission shall adopt and maintain by rule criteria for
33 mitigating actions designed to address wildlife interactions that may
34 be eligible for materials and services under this section, including
35 criteria for submitting an application under this section.

36 (4) An owner who files a claim under this section may appeal the
37 decision of the department pursuant to rules adopted by the commission
38 if the claim:

- 1 (a) Is denied; or
2 (b) Is disputed by the owner and the owner disagrees with the
3 amount of compensation determined by the department.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.36 RCW
5 to read as follows:

6 The migratory waterfowl crop damage compensation account is created
7 in the state treasury. All voluntary donations, grants, and other
8 moneys provided to compensate the owners of commercial crops for damage
9 caused by migratory waterfowl must be deposited in the account. Moneys
10 in the account may be spent only after appropriation. Expenditures
11 from the account may be used only to compensate the owners of
12 commercial crops for damage caused by migratory waterfowl.

13 **Sec. 4.** RCW 67.28.1815 and 2008 c 264 s 3 are each amended to read
14 as follows:

15 Except as provided in RCW 67.28.180, all revenue from taxes imposed
16 under this chapter shall be credited to a special fund in the treasury
17 of the municipality imposing such tax and used solely for the purpose
18 of paying all or any part of the cost of tourism promotion, acquisition
19 of tourism-related facilities, or operation of tourism-related
20 facilities. After the effective date of this act, revenue from taxes
21 imposed under this chapter may be used to compensate landowners for
22 commercial crop damage caused by wildlife where such commercial crops
23 promote tourism by providing wildlife habitat. Municipalities may,
24 under chapter 39.34 RCW, agree to the utilization of revenue from taxes
25 imposed under this chapter for the purposes of funding a
26 multijurisdictional tourism-related facility.

27 NEW SECTION. **Sec. 5.** Section 2 of this act takes effect July 1,
28 2010.

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