

Individual State Agency Fiscal Note

Bill Number: 5784 2S SB AMH AGNR H3370.1	Title: Deer & elk crop damage	Agency: 477-Department of Fish and Wildlife
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	0.0	0.7	0.4	0.7	0.2
Account					
General Fund-State 001-1	646,000	650,000	1,296,000	926,000	600,000
Total \$	646,000	650,000	1,296,000	926,000	600,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

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Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Differences between 2SSB AMR 5784 and 2SSB 5784:

Section 6:

- Requires WDFW to coordinate with tribal comanagers in development of the pilot program.
- Changes the data sharing agreement with a technology company and farmers to optional.
- Specifies the intent for the data sharing agreement and pilot program is to help train and educate farmers to deploy hazing techniques more effectively.
- Authorizes, within the pilot program, the use of damage permits issued to tribal and nontribal hunters to reduce local elk population on private lands if there is an agreement signed by the landowner, tribal member, and the Department.
- Requires the Department to provide funding within appropriations in order to coordinate and involve the Yakama Nation in development and implementation of the pilot program.

New description:

- Section 1 specifies \$184,000 of one-time funding for claims awarded or agreed upon prior to the effective date of this section.
- Section 2 increases funding available to pay claims and assessment payments for commercial crop damage caused by deer and elk from \$30,000 General Fund State to \$300,000 per fiscal year.
- Section 3 sets an appeal of decision limit of \$30,000; prohibits payments for new claims in excess of available funds beyond the subsequent fiscal year unless legislature appropriates funds specifically for unpaid claims; and requires claim payment prioritization based on highest percentage of loss.
- Section 4 increases the claim limit from \$10,000 to \$30,000 and eliminates appeals except as allowed in RCW 77.36.100.
- Section 5 requires WDFW to report to legislature a list of recommendations for changes to Washington statutes after reviewing crop and livestock wildlife damage programs in other states by December 1, 2024.
- Section 6 directs the department, in coordination with the Yakama Nation, to develop a pilot program to collar elk nearest agriculture lands within the department's south central management region including data sharing to assist farmers with more effectively deploying hazing techniques and provide a report on the pilot program by December 1, 2027.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Beginning in 1996, current law limits claim payments for commercial crops damaged by deer and elk at \$150,000 per year and claims over \$10,000 require an administrative appeal. Current law lacks clarity regarding claims in excess of current appropriations placing the agency at risk of liability for denying awarded claims above appropriations. In addition to these legal limitations, funding has not kept up with increases in crop damage values and claim volume, resulting in a backlog of appeals processing. Current law does not have a claim ceiling. This has resulted in single claimants exhausting an entire fiscal year appropriation. The Department assumes all claims submitted prior to the effective date of this legislation would operate under the current process in accordance with current rules and regulations.

Section 1: Pass through funds, Object N, one-time in the amount of \$376,000 to pay awarded or agreed upon claims.

The Department assumes the Legislature intends to fully fund claims awarded or agreed upon prior to the effective date of this legislation. Unpaid, approved claims submitted prior to fiscal year 2024 total \$376,000.

Total section 1 costs: \$376,000 in fiscal year 2024 one-time.

Section 2: Pass through funds, Object N, requires an additional \$270,000 of General Fund State appropriations per fiscal year for claims and assessment costs from wild deer or elk damage to commercial crops.

Total section 2 costs: \$270,000 in fiscal year 2024 and ongoing.

Section 3 and Section 4:

WDFW assumes this requirement will require claims to be paid at the end of the fiscal year. All claims will be held until the end of the fiscal year for prioritizing. This change in procedure will significantly impact staff time with increased claimant communication and claim processing complexities, development of new forms and standard operating procedures, etc. WDFW anticipates crop producer inquiries and communications to substantially increase due to extended period of communication and increased questions related to the new laws and rules.

WDFW staff time, Objects A & B are estimated at 0.2 FTE for a Management Analyst 3 in each fiscal year for additional claim processing requirements, documentation collection and analysis, increased communication with claimants due to new timing challenges and document submission, \$21,000. Goods and services, Object E, includes \$8,000 for costs associated with rulemaking in fiscal year 2025 and \$7,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year. An infrastructure and program support rate of 36.03% is included in Object T and is calculated based on WDFW's federally approved indirect rate.

Fiscal year 2024 claims assessed to date total \$436,000. Claim packets are still being requested by producers, indicating additional claim submissions are likely to occur during fiscal year 2024. The proposed legislation clarifies that payment of a claim is conditional on the availability of specific funding and is not a guarantee of reimbursement. However, for claim submissions received prior to the effective date of this legislation, the Department anticipates additional funding needs, so the overall cost is indeterminate in fiscal year 2024.

Total section 3 and 4 costs: Costs are indeterminate in fiscal year 2024, \$41,000 in fiscal year 2025 and \$30,000 in fiscal year 2026 and ongoing.

Section 5: Contracts, Object C, are estimated at \$25,000. The Department assumes data collection would be contracted due to current staff restraints. The Department would form an oversight committee to direct data collection, analyze findings, and determine recommendations for changes to Washington statutes. An infrastructure and program support rate of 36.03% is included in Object T and is calculated based on WDFW's federally approved indirect rate.

Total section 5 costs: \$34,000 in fiscal year 2025.

Section 6: WDFW assumes the pilot program will be effective July 1, 2025 – June 30, 2028. WDFW assumes the Yakama Nation will require a minimum of \$50,000 per year to participate in the pilot program. WDFW staff time, Objects A and B are estimated at 0.5 FTE for a Fish and Wildlife Biologist 4 for tribal coordination and participation activities including all collar related activities, data sharing and platform development, purchases, capture coordination and preparation, data analysis and report writing, \$59,000 per fiscal year. Contracts, Object C, are estimated at \$65,000 for fiscal year 2025 for helicopter and capture services. For fiscal years 2026 and 2027 estimated helicopter and capture services are \$10,000 per fiscal year. Goods and services, Object E, includes \$7,000 per FTE, per year, for WDFW standard costs, which cover an average employee's supplies, communications, training, and subscription costs per year, \$1,700 per GPS collar for 30 collars

totaling \$51,000. Collar data monitoring fees and related costs are \$10,000 per fiscal year. Total Object E, \$64,000 in fiscal year 2025 and \$14,000 in fiscal years 2026 and 2027. Pass through funds, Object N, to the Yakama Nation for participation and coordination costs, totaling \$50,000 in each fiscal year of the pilot program. An infrastructure and program support rate of 36.03% is included in Object T and is calculated based on WDFW's federally approved indirect rate.

Total section 6 costs: \$305,000 in fiscal year 2025 and \$163,000 in fiscal years 2026 and 2027.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
001-1	General Fund	State	646,000	650,000	1,296,000	926,000	600,000
Total \$			646,000	650,000	1,296,000	926,000	600,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years		0.7	0.4	0.7	0.2
A-Salaries and Wages		58,000	58,000	116,000	30,000
B-Employee Benefits		22,000	22,000	44,000	12,000
C-Professional Service Contracts		90,000	90,000	20,000	
E-Goods and Other Services		73,000	73,000	30,000	2,000
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services	646,000	320,000	966,000	640,000	540,000
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements		87,000	87,000	76,000	16,000
9-					
Total \$	646,000	650,000	1,296,000	926,000	600,000

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
Fish and Wildlife Biologist 4	84,192		0.5	0.3	0.5	
Management Analyst 3	74,376		0.2	0.1	0.2	0.2
Total FTEs			0.7	0.4	0.7	0.2

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Section 3(4)(b) limits the payment authority and adds a claim ceiling to \$30,000 as a limit for appeal thus requiring WAC 220-440-140 to be changed.

Section 3(5) changes the current perpetual payment carryover to a single year subject to an appropriation for that purpose and changes the required documentation for claim submission thus requiring changes to both WAC 220-440-140 and WAC 220-440-150.

Section 4(1)(b) raises the claim payout that triggers an appeal from \$10,000 to \$30,000 thus requiring changes to WAC 220-440-150.