

AMENDATORY SECTION (Amending WSR 13-22-056, filed 11/4/13, effective 12/5/13)

WAC 232-36-210 Application for cash compensation for livestock damage or ~~((other)) domestic animal—Procedure.~~ Pursuant to this section, the department may distribute money specifically appropriated by the legislature or other funding entity to pay livestock or guard dog losses caused by wild bear, cougar, or wolves in the amount of up to ten thousand dollars per claim unless, following an appeal, the department is ordered to pay more (see RCW 77.36.130(2)). The department will develop claim procedures and application forms consistent with this section for cash compensation of livestock or guard dog losses. Partnerships with other public and private organizations to assist with completion of applications, assessment of losses, and to provide funding for compensation are encouraged.

Filing a claim:

~~(1) ((Owners who have worked with the department to prevent livestock depredation, yet who still experience loss or losses that occur under emergent situations, may file a claim for cash compensation if they meet eligibility requirements.~~

~~(2))~~ Claimant must notify the department within twenty-four hours of discovery of livestock or other domestic animal attack or as soon as feasible.

~~((3))~~ (2) Damage claim assessment of amount and value of domestic animal loss is the primary responsibility of the claimant.

~~((4))~~ (3) Investigation of the loss and review and approval of the assessment will be conducted by the department:

(a) The (~~owner~~) claimant must provide access to department staff or designees to investigate the cause of death or injury to domestic animals and use reasonable measures to protect evidence at the depredation site.

(b) Federal officials may be responsible for the investigation when it is suspected that the attack was by a federally listed species.

~~((5) Claimant must request a damage claim application within ten days of a loss.~~

~~(6))~~ (4) To be eligible a claimant must submit a written statement, within thirty days of discovery of a loss to indicate his or her intent to file a claim.

(5) A complete, written claim must be submitted to the department within ~~(sixty)~~ ninety days of a discovery of an attack on domestic animals or livestock to be eligible for compensation.

~~((7) The)~~ (6) A claim form declaration must be signed, affirming that the information provided is factual and truthful, per the certification set out in RCW 9A.72.085 before the department will process ~~(a) the~~ claim.

~~((8))~~ (7) In addition to a completed claim form, ~~(an applicant)~~ a claimant must provide:

(a) ~~((Claimant must provide))~~ Proof of legal ownership or contractual lease of claimed livestock.

(b) ~~((Claimant must provide))~~ Records documenting the value of the domestic animal based on ~~(current)~~ either market price or value at the time of loss depending upon the determination for cause of loss.

(c) Declaration signed under penalty of perjury indicating that the ~~((applicant))~~ claimant is eligible for the claim, meets eligibility requirements listed under this chapter, and all claim evaluation and assessment information in the claim application is to the best knowledge of the claimant true and accurate.

(d) A copy of any insurance policy covering loss claimed.

(e) ~~((Copy))~~ Copies of applications for other sources of loss compensation and any payment or denial documentation.

(f) The department approved checklist of preventative measures that have been deployed or affirm compliance with the terms and conditions of the claimant's agreement with the department or the director approved waiver.

Settlement of claims:

~~((9))~~ (8) Subject to ~~(money)~~ funds appropriated to pay for domestic animal losses, undisputed claims will be paid up to ten thousand dollars.

~~((10))~~ (9) Valuation of the lost livestock;

(a) For losses caused by wolves, livestock value will be determined by the market at the time the animals would normally be sold. Livestock will be valued based on the average weight of herd mates at the time of sale multiplied by the cash market price received~~(+)~~ and depredated cows or ewes will be replaced based on the value of a bred animal of the same age and type as the one lost~~(, and)~~. Bulls will be replaced using actual purchase price prorated based on a four-year depreciation cycle minus salvage value.

(b) For losses caused by bear or cougar, livestock value will be determined by the market values at the time the animals are lost.

(c) The department may utilize the services of a certified livestock appraiser to assist in the evaluation of livestock claims.

~~((11))~~ (10) Claims for higher than normal livestock losses, reduced weight gains, or reduced pregnancy rates due to harassment of livestock caused by wolves must include:

(a) At least three years of records prior to the year of the claim. Claims will be assessed for losses in excess of the previous three-year running average;

(b) The losses must occur on large ~~((open))~~ pastures or range land used for grazing, lambing, or calving where regular monitoring of livestock is impractical (and therefore discovery of carcasses infeasible) as determined by the department;

(c) Verification by the department that wolves are occupying the area;

(d) The losses cannot be reasonably explained by other causes;

~~((Claims will be assessed for losses in excess of the previous three year running average; and~~

~~(f) Owners must be in compliance with the department's preventative measures checklist and/or damage prevention agreement.~~

~~(12))~~ Compliance with the department's preventative measures checklist and/or damage prevention cooperative agreement.

~~(11)~~ Compensation paid by the department ~~((, in addition to any other compensation,))~~ combined with any other compensation may not exceed the total value of the assessed loss.

~~((13))~~ (12) Upon completion of the evaluation, the department will notify the ~~((owner))~~ claimant of its decision to either deny the claim or make a settlement offer (order). The ~~((owner))~~ claimant has sixty days from the date received to accept the department's offer for settlement of the claim ~~((or to submit an appeal of the order))~~. If the claimant wishes to appeal the offer, they must request an informal resolution or adjudicative proceeding as described in WAC 232-36-400. The acceptance must be in writing and the signed originals must be mailed in to the department. The ~~((response))~~ appeal must be in writing and ~~((the signed document))~~ may be mailed or submitted by ~~((fax or))~~ e-mail. If no written acceptance or request for appeal is received, the offer is considered rejected and not subject to appeal.

~~((14))~~ (13) If the claimant accepts the department's offer, the department will send payment to the ~~((owner))~~ claimant within thirty days from receipt of the written acceptance document.

~~((15))~~ (14) The department will prioritize payment for livestock losses in the order the claims were received or upon final adjudication of an appeal. If the department is unable to make a payment for livestock losses during the current fiscal year, the claim shall be held over until the following fiscal year when funds become available. As funding becomes available to the department under this section, RCW 77.36.170, or any other source, the department must pay claims in the chronologic order. Claims that are carried over will take first priority and receive payment before any new claims are paid. The payment of a claim included on the list maintained by the department under this section is conditional on the availability of specific funding for this purpose and is not a guarantee of reimbursement.