

**WAC 232-36-260 Application and payment of cash compensation for noncommercial livestock or guard dog losses--Procedure.**

**RECOMMENDED ADJUSTMENTS**

The following adjustments are proposed since the Code Reviser (CR 102) filing.

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- Language in Subsection 11 was changed from:

(11) Valuation of the lost livestock will be determined by the sales market at the time the animals would normally be sold. Replacement livestock to be retained by the owner will be valued based on the average weight of herd mates at the time of weaning at the cash market price received. 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. The department may utilize the services of a certified livestock appraiser to assist in the evaluation of livestock claims.

**to:**

(11) Valuation of the lost livestock 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; 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. The department may utilize the services of a certified livestock appraiser to assist in the evaluation of livestock claims.

This change better describes the way livestock values will be determined and is the result of recommendations from the cattle producers.

NEW SECTION

**WAC 232-36-260 Application and payment of cash compensation for noncommercial livestock or guard dog losses--Procedure.**

Pursuant to this section, the department may distribute money specifically provided for this purpose to pay livestock losses caused by wild 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 and 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 experience a loss or losses 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 attack.

(3) Damage claim assessment of amount and value of livestock loss is the primary responsibility of the claimant.

(4) Assessment/investigation of the cause of the loss will be conducted by the department:

(a) The owner must provide access to department staff or designees to investigate the cause of death or injury to livestock 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) A complete written claim must be submitted to the department within sixty days of an attack on livestock.

(7) The claim form declaration must be signed, affirming that the information provided is factual and truthful, before the department will process a claim.

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

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

(b) Claimant must provide records documenting livestock value based on current market price.

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

(d) Copy of any insurance policy covering livestock loss claimed.

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

Settlement of claims:

(9) Subject to money appropriated to pay for livestock losses, undisputed claims will be paid up to ten thousand dollars.

(10) Compensation paid by the department, in addition to any other compensation, may not exceed the total value of the assessed livestock loss.

(11) Valuation of the lost livestock will be determined by the ~~sales~~ market at the time the animals would normally be sold. ~~Replacement livestock~~ Livestock ~~(to be retained by the owner)~~ will be valued based on the average weight of herd mates at the time of ~~weaning~~ sale ~~at~~ multiplied by the cash market price received. ~~Depredated~~ 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. The department may utilize the services of a certified livestock appraiser to assist in the evaluation of livestock claims.

(12) Upon completion of the evaluation, the department will notify the owner of its decision to either deny the claim or make a settlement offer (order). The owner 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. The response 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.

(13) The department will prioritize payment for livestock losses first to owners with written agreements with the department and then 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 first fiscal year of a biennium, the claim shall be held over until the following fiscal year when funds become available. Claims that are carried over will take first priority and receive payment before any new claims are paid. Claims will not be carried from one biennium to the next.

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