

## Introduction

The following draft recommendations were developed by WAG members, and informed by WDFW staff, who participated in the WAG’s assigned WAC-Compensation Subtask Group<sup>1</sup>. The Subtask Group’s assignment was to develop a draft set of recommendations based on the July WAG meeting discussion of this topic and bring them back to the full WAG for deliberation and action. The WAC Subtask Group did not try to rewrite the WACs line by line—they instead created recommendations that would simplify the current compensation claims process and improve the outcomes for those submitting claims for direct losses (confirmed or probable) and/or indirect losses due to the presence of wolves. If WAG moves forward with the recommendations, WDFW would create a document with tracked changes that would be required for specific WACs to be consistent with these recommendations and make that document available to WAG members for review and affirmation before being further acted upon by WDFW.

Recommendation #	Draft Recommended Text
<b>Claim Checklists</b>	
1	Create <b>one compensation eligibility checklist</b> that is sufficient for both direct and indirect claims. Producers may file for both direct and indirect claims.
2	Create <b>one non-lethal deterrent practices checklist</b> that is sufficient both for direct and indirect compensation claims, and for documenting non-lethal practices when there is a depredation event. Producers are eligible for compensation whether or not there is an associated decision for lethal removal of wolves.
3	For producers who are grazing within known wolf activity areas <sup>2</sup> , encourage completion of the non-lethal deterrent practices checklist in collaboration with WDFW and signed by both the producer and WDFW at the start of the grazing season to expedite potential claims during the current grazing season. Checklist agreements are binding unless both producer and WDFW parties agree to amendments. Non-lethal deterrent practices may evolve related to depredations through the year but will not impact compensation.
<b>Claim Process</b>	
4	Create a <b>flag within WDFW’s internal tracking system</b> that notifies the Wildlife Conflict Section when there is a confirmed loss of livestock to wolves, thus eliminating the need for a producer to file a “notice of claim” prior to submitting a claim package.
5	Provide <b>indirect and direct compensation packets online</b> so that producers can download them on demand.

<sup>1</sup> WAG Members: Sierra Smith, Samee Charriere, Lynn Okita, Todd Holmdahl. Scott Nielsen also provided insights. WDFW Staff: Jim Brown

<sup>2</sup> (Adapted from the P4P draft recommendations): Known wolf activity areas would be defined by GPS collar data, remote sensing (e.g., camera traps, acoustic recording units), depredation events, genetic evidence (e.g., feces), or other methods of verifying wolf presence. No distinction would be made between “core” and “non-core” wolf activity areas to reduce dependence on GPS collar data for delineating activity area types. Known wolf activity areas would be established at the beginning of the grazing season, and would be subject to change if wolf activity appears in new areas during the grazing season (with documented presence based on the kinds of evidence previously listed).

DRAFT WAG Recommendations for revisions to the Washington Administrative Code (WACs)

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6	Allow claims to be submitted by a producer <b>for each individual occurrence</b> throughout the fiscal year (July 1-June 30), <b>or bundled</b> at the end of the fiscal year if desired. All depredations in a fiscal year should be on the same claim regardless of the fiscal year cut off. There should be no limit on the number of claims a producer can file. Producers who bundle at the end of the year accept the risk of “first in/first out” for funding—that there may be insufficient funds to cover their claim.
<b>Claim Value</b>	
7	Separate the maximum wolf damage claim value from the crop damage claim value (currently both \$30k per claim) and <b>raise the maximum wolf damage claim value to \$100k per claim.</b> <i>[Note: Adoption of this recommendation would require additional legislative funding, and there is some concern with bringing this back to the legislature in 2025, as the maximum was inadvertently raised to \$30k in 2024 in association with raising the limit on crop damage claims.]</i>
	Producers can apply for direct compensation for losses caused by wolves for either 1) the <b>replacement cost</b> of the lost animal, or 2) the <b>lost opportunity cost</b> , which projects the projected value of the animal at the end of its expected lifespan. The decision about whether to pursue replacement cost or lost opportunity cost is at the livestock owner/lessee’s discretion.
8	a. Determination of the replacement cost or "like value" for the value of the lost animal can be documented through the use of a 1) certified livestock appraiser, 2) records and receipts, such as affidavit of value, invoices, private treaty records, or 3) non-receipt documentation, such as futures, or sale barn values (including average values for same weight, sex, and age class of the breed at time of that it would have normally been sold).
	b. Producers could be eligible to receive compensation for the lost opportunity cost of the lost livestock if the producer can document this value through a business analysis <sup>3</sup> that projects the future value of the animal had it reached the end of its expected lifespan. A fully documented business analysis could include factors such as the value expected from future calf crops, future siring fees for bulls, and other future livestock values. A document (not overly prescriptive) providing guidance for what constitutes an acceptable business analysis, with examples of supporting documentation, should be available online for producers to download.
9	Documentation options acceptable for establishing the value of cattle and sheep losses are also suitable for establishing the value for a working dog with a confirmed or probable loss due to wolves.
<b>Definitions</b>	
10	<b>Working Dog:</b> Replace all uses of the term "guard dog" with “working dog” (defined as dogs used in association with livestock management, such as herding, guarding, etc.).

<sup>3</sup> For example, the business analysis for the loss of a cow might include projecting out for that the cow would have “x” more calves until its expected end of life; each one of those calves would be worth “y” dollars; the cow would have a terminal value when sold at its expected end of life. Therefore, the sum of calves and the terminal value could be used to calculate the value of that depredated animal. For a bull, it could be a combination of the value of the calves it would have been expected to sire over time compared to a baseline; any artificial insemination fees; and its terminal value when sold at its expected end of life.

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11	<b>Owner or Lessee:</b> Means the producer who has a written or verbal legal right to the livestock damaged during a wolf depredation.
	a. If there is a written lease agreement, the lessee will provide the lease agreement to WDFW, and can choose to redact the terms, conditions, and values specified in the written agreement.
	b. If the lease agreement is verbal, the lessee will provide a simple brief written statement signed by the lessor that “[name of the producer] is leasing the livestock in question, and is the sole applicant for compensation for its loss.”
	c. Compensation is provided only to the owner <b>or</b> the lessee—not both parties.
	d. Remove references to “commercial livestock owners” and replace with the provision that the owner or lessee filing the claim must attest that they are a for-profit livestock business.
<b>Eligibility Based on Depredation Investigation</b>	
12	A salvaged, rendered, or scavenged carcass will not disqualify the owner or lessee from compensation, if they have verifiable evidence, such as date and time-stamped photographs submitted by producer or local or state law enforcement, witness accounts, or other evidence for WDFW to rely upon to make a depredation determination.
<b>Timelines</b>	
13	Producers should report a depredation to the <b>WILDCOMM Communications Center<sup>4</sup></b> within <b>24 hours, or as soon as feasible but not later than 3 days</b> , after discovering the livestock or other domestic animal depredation that the producer wishes to report (delays in reporting increase the risk to producers that evidence will be degraded). Within <b>24 hours of receiving the depredation report</b> (“notification”), WDFW should 1) call the producer to set a time with the producer when the Department will be out to investigate the attack, and 2) respond at the scene to preserve evidence. If WDFW is unable to respond at the scene <b>within 24 hours of notification</b> , the producer should receive an automatic award of the animal's <b>full replacement value</b> (based on an animal of the same breed, sex, and average weight at the time it would normally be sold).
14	Extend the <b>deadline to the end of the fiscal year</b> (June 30) for submittal of documentation that the producer has applied for other sources of loss compensation and any responsive payment or denial documentation, if the records to substantiate claims are waiting on an external source (e.g., FSA).
15	<b>For indirect loss claims:</b> Claims should be based on a minimum two-year average prior to wolf damages or presence (creates the baseline, as defined by the producer's first claim).
16	If the claimant accepts WDFW's offer, the department will provide payment to the claimant <b>within thirty days from receipt of the written acceptance document(s)</b> . An 18% interest rate, compounded daily, should be charged for any WDFW payments delayed beyond the 30-day window to offset the cost of the claimant borrowing other operating money or to account for other lost opportunity for investment, etc.

<sup>4</sup> Set up an automated system through WILDCOMM Communications Center for acknowledgement of receipt of the verbal depredation report.