



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: May 31, 2024

TIME: 10:33 AM

WSR 24-12-051

**Agency:** Washington Department of Fish and Wildlife (WDFW) (24-80)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) June 1, 2024

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
- No
- If Yes, explain:

**Purpose:**

1. Allow the Department to continue to use contracted crop damage claim adjusters. To do so we must establish updated certification and experience standards for Department contracted crop adjusters.
2. Follow 2024 Legislative Substitute Senate Bill 5784, changing the value limits of an appeal.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: WAC 220-440-150 and WAC 220-440-180
- Suspended:

**Statutory authority for adoption:** RCWs 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.36.170, and 77.36.180

**Other authority:** None

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** This emergency rule is necessary:

1. Because of a change in the availability of federal crop insurance continuing education training for crop adjusters has resulted in the department being unable to comply with existing rule. This has rendered the department unable to assess crop damage claims by current department contracted adjusters. This change will allow for substitution of experience for the federal license and allow claims to continue to be processed with only a state license.
2. To comply with recently enacted state statutes resulting from Substitute Senate Bill 5784.

The department is preparing to develop permanent rules to address the foregoing issues.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>2</u>	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New 2 Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_  
Pilot rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_  
Other alternative rule making: New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**Date Adopted:** May 31, 2024

**Name:** Kelly Susewind

**Title:** WDFW Director

**Signature:**



## NEW SECTION

### **WAC 220-440-15000A Application for cash compensation for commercial crop damage—Procedure.**

Notwithstanding the provisions of WAC 220-440-150, effective immediately, until further notice, WAC 220-440-150 subsection (7)(a) shall be modified as described below. All other provisions of WAC 220-440-150 not addressed herein remain in effect unless otherwise amended by emergency rule:

The claimant must submit a damage claim assessment prepared by a crop insurance adjustor licensed by the state of Washington and certified by the federal crop insurance service, or by a crop adjuster who is under contract with the department that has a current State of Washington insurance adjuster license and a minimum of 10 years of verifiable deer and elk caused crop damage investigation experience which may substitute for the additional federal crop insurance certification.

## NEW SECTION

### **WAC 220-440-18000A Application for cash compensation for livestock damage or domestic animal—Procedure.**

Notwithstanding the provisions of WAC 220-440-180, effective immediately, until further notice, subsections (8) and (12) of WAC 220-440-180 shall be modified as described below. All other provisions of WAC 220-440-180 not addressed herein remain in effect unless otherwise amended by emergency rule:

(8) Subject to funds appropriated to pay for livestock or guard dog losses, undisputed claims will be paid up to the limits in RCW 77.36.130.

(12) Upon completion of an evaluation, the department will notify the claimant of its decision to either deny the claim or make a settlement offer (order). The claimant has sixty days from the date that the offer is received to accept, sign, and mail to the department the original offer for settlement of the claim. If the claimant wishes to appeal the offer, the claimant must request an informal resolution or adjudicative proceeding as described in WAC 220-440-230 up to the limit set forth in RCW 77.36.130.