



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: January 28, 2025

TIME: 11:36 AM

WSR 25-04-031

Agency: Washington Department of Fish and Wildlife (WDFW) (25-15)

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) January 29, 2025

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, the department 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Repealed: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: WACs 220-440-150; 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 for several reasons:

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.

This emergency rule was last filed on October 1, 2024, under WSR# 24-20-132 and is being extended to provide coverage while the permanent rule is being developed. The permanent rule related to this emergency rule was filed under WSR# 24-16-048 on July 30, 2024 and is still under development..

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

New	<u>2</u>	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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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: January 27, 2025

Name: Kelly Susewind

Title: WDFW Director

Signature:



NEW SECTION

WAC 220-440-15000C 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 in this section. All other provisions of WAC 220-440-150 not addressed in this section 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 220-440-18000C 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 in this section. All other provisions of WAC 220-440-180 not addressed in this section 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 77.36.13