



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207

Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

November 27, 2024

The Honorable Timm Ormsby
Chair, House Appropriations
315 John L. O'Brien Building
Post Office Box 40600
Olympia, WA 98504-0600

The Honorable June Robinson
Chair, Senate Ways & Means
303 John A. Cherberg Building
Post Office Box 40438
Olympia, WA 98504-0438

The Honorable Melanie Morgan
Vice Chair, House Agriculture &
Natural Resources
370 John L. O'Brien Building
Post Office Box 40600
Olympia, WA 98504-0600

The Honorable Sharon Shewmake
Chair, Senate Agriculture,
Water, Natural Resources, & Parks
213 John A. Cherberg Building
Post Office Box 40442
Olympia, WA 98504-0442

The Honorable Kristine Reeves
Vice Chair, House Agriculture &
Natural Resources
132E Legislative Building
Post Office Box 40600
Olympia, WA 98504-0600

Dear Chairs,

I am writing to provide you with the Washington Department of Fish and Wildlife's (Department) report to the Legislature regarding the passage and funding of Senate Bill 5784 during the 2024 legislative session for deer and elk damage to commercial crops and the payment of claims. The bill required a report to the relevant committees of the Legislature on crop and livestock damage programs in other states, as well as recommendations for future changes to Washington statutes.

The Department plans to start rulemaking in 2025 to amend commercial crop damage sections in WAC Chapter 220-440 (Wildlife Management and Wildlife Interaction). The purpose of this rulemaking is to make administrative improvements in the Department's current crop claims process. In support of this rule making, the CR-101 ([WSR 24-16-048](#)) was filed on July 30, 2024. The Department will propose rule changes, solicit public comments during a public comment period, and conduct a public briefing and hearing before the Fish and Wildlife Commission (Commission). The Department's Wildlife Program has identified rule changes that are being further refined before beginning the rule making process. The Department is looking forward to receiving comments from the [Wolf Advisory Group](#) (WAG) for livestock change

recommendations and will conduct public outreach, including outreach with livestock and crop producers, to better understand the public's challenges with the current program before the Wildlife Program makes a final rule recommendation to the Commission to review and adopt.

It has long been recognized that there are challenges for both the Department and for claimants who have claims for livestock losses caused by wolf and cougar depredation. The WAG was created to provide a platform to a broad range of perspectives on wolf management to help the Department's ongoing management of wolves. The WAG is currently working on suggested changes to RCW and several WACs related to livestock compensation. They are anticipating completing their recommendations in December 2024. The Department will review these recommended rule changes and will consider their merits and, if accepted, will use the recommendations to undertake rulemaking in winter 2025.

Due to the changes in the processes contained in Senate Bill 5784, and the timing of damage claims receipt and processing, the Department is currently in the middle of the cycle for processing damage claims. Therefore, staff are not yet able to report on the effect of the statutory changes from the bill on the claim process. We will need additional time to process a year of claims to know whether the existing program is satisfying its statutory purpose and how the Department's program compares to other states before recommending further changes to the Legislature. This information on the claim process outcome will help inform the Department of future potential RCW changes, any additional needed WAC changes, and proposals of any alternative funding options. We are anticipating that this year's process and review will conclude in summer 2025 and will provide an update at time of completion.

However, the Department has conducted an extensive review of other states and the federal government's compensation programs related to crop and livestock damage. The review included applicable laws, payment structures, and funding sources utilized by these various jurisdictions. This review is included as an enclosure to this letter.

If you have any questions or concerns about this report, please feel free to contact Melena Thompson, WDFW's Legislative Director, at (360) 902-2527.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kelly Sussewind".

Kelly Sussewind
Director

Enclosures (2)

Enclosure

Crop Damage Compensation Programs Comparison by State					
State	Payment?	Funding	Species	Ranking	Notes
Wyoming	\$1.165M/FY21	\$5 license fee dedicated	Big game, trophy game, game birds	TBD	Website only has limited general information
Washington	\$150,000/FY	WFS and GFS	Deer, Elk	NA	Current program, underfunded vs claims, no deductible or limit
Wisconsin	\$1M/FY20	Hunt license surcharge	Deer, Elk, Bear, Geese Turkeys	TBD	Partial payment, \$500 deductible, max \$10,000 per claim , must have been in production at least 5 years. 100% to \$5,500, 80% to \$10K max.
Idaho	\$2.5M	As available, dedicated "access/depredation" stamp caps amount	Elk, Deer, Moose, Pronghorn, Bear (crop)	TBD	Funds split to cover access improvement. Similar application requirements to WA. <i>Half paid, and then balance at end of FY only if fund has money left in the account.</i>
Utah	\$500K/FY	1/2 GF, 1/2 WLF	Elk, Deer	TBD	Every valid claimant gets min \$1000. Then prorate across the claimants. Have gone back to the leg for more funds. Heavy use of novel programs for permit distribution and allowing sale of permits. "Cooperative Wildlife Management Unit" program for owner >10K acres where they get sellable permits every year for that "unit", some sell at \$30K/permit. Benefits and problems of system.
Colorado	\$500K/FY*	State general licenses	Elk, Deer, Moose, Pronghorn, Bear (crop)	TBD	*5 yr average \$750,000 but that includes \$250K livestock. Utah CWMU program designed after Colorado's
Iowa	None	None	Deer, Turkey	0	Assistance only
Missouri	None	None	Deer	0	Assistance only
Montana	None	None	None	0	Proposed crop payments in HB 697 in 2021, but tabled. Livestock payments only. Block Management program pays landowner for public access.
Oregon	None	None	None	0	Assistance only
South Dakota	None	None	Elk, etc.	0	Assistance only
California	Permits	NA	Elk	0	Assistance, though Elk permits for damage can be sold by ag land owners
Federal programs that may inform program adjustments:					
Fed Crop Insurance (FCIP)	Up to 85%	Insurance	Multi-peril, includes WL if follow procedures	TBD	Purchase through private provider. Different types of loss protection choices. Choose level of protection/liability. 85% max coverage level. Must adhere to BFMPs for growers. NOTE: State could require FCIP coverage at some minimum level and cover the balance of a loss payment. Could also cover up to the limit if FCIP does not.
USDA (NAP)	\$125K per crop per yr	Disaster program	Natural disaster	TBD	Cap per crop per year. Insurance program--premiums based on factors. Crop loss that exceeds 50% of production. Many requirements.

In 2022, the Department's Wildlife Program staff made an initial search of various states' who had publicly available on-line resources to determine what other states use for compensation, if they have any. As it is on-line, it is presumed to not be an exhaustive list. The table above reflects that work.

Subsequently, research was conducted to establish a greater level of detail in the various state and federal damage compensation programs in existence.

I will describe the current federal compensation programs available to Washington and other states for claims arising from both crop and livestock depredation on commercial farms and ranches. Specifically, I will review the United States Farm Service Agency ("FSA"), the Wolf Livestock Demonstration Project Grant, the Federal Crop Insurance Corporation (FCIC) and the Risk Management Agency ("RMA") compensation programs as well as the procedures for submitting compensation claims under the FSA programs.

The federal compensation programs are separate from state depredation compensation programs and stand alone as a form of reimbursement for crop and livestock losses due to wildlife depredation across the US. A future research paper will survey specific Western states' individual compensation programs for local

commercial farms and ranches.

QUESTION PRESENTED

What forms of compensation does the United States Government (USG) offer to commercial farmers and producers (livestock ranchers) who lose crops and livestock due to wildlife depredation?

BACKGROUND

Livestock depredation refers to wild animals causing harm or killing domestic livestock, resulting in economic losses for livestock owners.¹ Livestock depredation can include attacks on animals such as cattle, sheep, goats, or poultry.² Crop depredation can also occur when wild animals damage commercial crops generally grown for human or animal consumption.³ Livestock and crop depredation are significant concerns for crop producers; unforeseen losses can drastically impact business revenue and disrupt operations.⁴ Various measures are often taken to mitigate and prevent livestock depredation, including the use of deterrents, fencing, and herd and predator management strategies.⁵ In the context of depredation caused by wolves in Western states and Canadian provinces where wolves have been reintroduced or have co-existed with humans, a producer must detect a suspected wolf depredation, report the incident to the local investigating agency, and wait for confirmation of wolf depredation before submitting a compensation application.⁶

In a recent study, Richard B. Harris, Montana's Grizzly Bear Coordinator, identified five non-exclusive objectives for livestock compensation programs.⁷ Programs should be designed to do the following:

1. Reduce retaliatory or preventative killing of predators;
2. Improve producer attitudes toward predators;
3. Improve compliance with suggested deterrence schemes;
4. Assist ranches that may coexist with predators (provided they are not subdivided and converted to rural residences) to become economically stable;
5. Improve economic fairness by distributing the costs of large carnivore conservation instead of placing the burden on affected producers.⁸

These foregoing objectives have become the cornerstone and stated goals of many state depredation compensation programs and to a certain extent, serve as a foundation for private crop and livestock insurance.

Over the years, funding for depredation compensation programs for commercial farmers and producers has come from a variety of sources such as non-profit organizations, conservation groups and federal and state agencies, depending on the statutory framework of each state, the protected status of the predating species, and the availability of funds.⁹ For example, a popular program funded by the national non-profit Defenders of Wildlife ("DOW") helped encourage government funding for depredation in the 1990s.¹⁰ DOW transitioned

¹ https://wdfw.wa.gov/sites/default/files/2020-09/20200915_wdfw_wolf_livestock_interaction_protocol.pdf

² Id.

³ Id.

⁴ Bano, R., Khan, A., Mehmood, T. et al. Patterns of livestock depredation and Human-wildlife conflict in Misgar valley of Hunza, Pakistan. *Sci Rep* 11, 23516 (2021). <https://doi.org/10.1038/s41598-021-02205-2>

⁵ Id.

⁶ Harris, R. B. (2020). Literature Review of Livestock Compensation Programs: Considering Ways to Assist Livestock Producers with Grizzly Bear Conservation Efforts in Montana. Report submitted to Montana Fish, Wildlife, and Parks.

⁷ Id. Lee, T. 2011. A review of compensation programs for livestock in Southwestern Alberta. Miistakis Institute, University of Calgary; Morrison, C. 2013 Carnivores and conflict: A community approach to carnivore compensation. Report 1: Proposed amendments to Alberta Wildlife Predator Compensation Program. Waterton Biosphere Reserve Association Carnivore Working Group; Nyhus, P. J., S. Osofsky, P. Ferrero, F. Madden and H. Fisher. 2005. Bearing the costs of human wildlife conflict: the challenges of compensation schemes. Pp. 107-121 in *People and Wildlife: Conflict or coexistence*. Woodroffe, R., S. Thirgood, and A. Rabinowitz, editors. Cambridge University Press.

⁸ Harris (2020) at 5-6.

⁹ Id. at 9.

¹⁰ Id. at 10.

away from paying compensation when the federal government provided greater funding via the FSA. DOW now has a broad conservation agenda across the US to protect both native wildlife and plant from disruption or extinction, mainly through public education and developing strategic partnerships.¹¹ DOW established the first compensation program for livestock killed or damaged by wolves in 1995, which reimbursed producers 100 percent of the fair market value of a certified loss to wolves, up to \$3,000. At the time, this program was funded entirely by private donations. During the 1995-2009 period, DOW paid out over \$500,000 dollars to producers in the Greater Yellowstone area to compensate them for the loss of approximately 1,517 animals (combined cattle, sheep, and other livestock). The program's focus then shifted to implementing conflict-avoidance tactics like range riding and fladry, and the compensation payments ended.¹²

OVERVIEW OF FSA PROGRAMS

I. Federal compensation programs have proven useful for some depredation issues but apply under very limited circumstances.

Although federal programming is not nationally advertised as a depredation compensation program for commercial farmers and producers, the FSA does provide compensation primarily to livestock producers for depredation losses under certain circumstances.¹³ The FSA administers FOUR programs - the Livestock Indemnity Program ("LIP"), the Livestock Forage Program ("LFP"), the Emergency Assistance for Livestock, Honeybees, and the Farm-raised Fish Program ("ELAP"), and the Noninsured Crop Assistance Program ("NAP") to assist commercial farmers and producers who have experienced crop or livestock losses due to certain wildlife depredation or environmental disasters.¹⁴ These programs aim to provide financial support to help offset the economic impact of such losses. It should be noted that FSA-based compensation is not denied if the farmer or producer has applied for or received compensation for the same loss from a state depredation program. Also, the eligibility criteria and compensation amounts vary depending on each of the four programs and the nature of the depredation incident.¹⁵ As one Washington state producer said in an interview with the author, "*Some of these programs sound good and maybe helpful, but don't hold your breath for the money.*"

A. LIVESTOCK INDEMNITY PROGRAM (LIP)

The most applicable FSA program for the loss of livestock due to wildlife depredation is LIP. This program serves to provide money to eligible commercial producers (or contract third parties hired to manage livestock) for dead livestock where there has been more than normal mortality caused by certain "loss conditions". These conditions include **adverse weather, animal disease and attacks** by animals that have been reintroduced into the wild by the federal government or protected by federal law, including wolves and avian predators under 7 CFR 1400. Furthermore, LIP helps eligible producers who must sell their livestock at a reduced price because of an injury caused by an eligible loss condition (adverse weather, animal disease and attacks).

The Agriculture Improvement Act of 2018 (the 2018 Farm Bill) authorized the creation of LIP to provide benefits to eligible livestock producers (who commercially raise beef, poultry, swine, sheep, and goats) and or contract growers of the same. It should be noted that the occurrence of an eligible loss from a defined "condition" (7 C.F.R. 1400) requires evidence that the loss was caused directly by the condition. Under 7 CFR 1500, acceptable evidence includes commercial receipts, sales receipts from a livestock auction, warehouse ledger sheets, appraisal information from a loss adjuster, similar livestock sale facilities, rendering facility receipts, photographic and forensic documentation and business accounting records. The documentation for any injured livestock sales must have the price for which the animal was sold as well as information on livestock kind, type, and weight sold.

The following types of livestock are eligible for compensation from LIP:

¹¹ <https://defenders.org/about>

¹² <https://www.perc.org/2021/12/06/securing-a-future-for-wolves-in-the-west/>

¹³ <https://defenders.org/about>.

¹⁴ <https://www.fsa.usda.gov/programs-and-services/disaster-assistance-program/index>

¹⁵ Id.

Cattle	Poultry	Swine	Other
Adult Beef Bulls	Chickens, Broilers,	Suckling/Nursery	Alpacas
Adult Beef Cows	Pullets	Pigs (less	Deer
Adult	(Regular size - 4.26	than 50 pounds)	Elk
Buffalo/Bison/Water	to 6.25 pounds)	Swine, Lightweight	Emus
Buffalo Bulls	Chickens, Chicks	Barrows, Gilts	Equine
Adult Beefalo Bulls	Chickens, Layers	(50 to 150 pounds)	Goats, Bucks Goats,
Adult Beefalo Cows	Chickens,	Swine, Sows, Boars,	Nannies
Adult	Pullets/Cornish Hens	Barrows, Gilts	Goats, Slaughter
Buffalo/Bison/Water	(Small	(151 to 450 pounds)	Goats/Kids
Buffalo Cows	Size - less than 4.26	Swine, Sows, Boars	Llamas
Adult Dairy Bulls	pounds)	(over 450 pounds	Ostriches
Adult Dairy Cows	Roasters (6.26 to		Reindeer
Non-Adult	7.75 pounds)		Caribou
Beef Cattle	Super Roasters/Parts		Sheep, Rams
Non-Adult	(7.76 pounds or		Sheep, Ewes
Buffalo/Bison/	more)		Sheep, Lambs
Water Buffalo	Ducks, Ducklings		
Non-Adult Beefalo	Ducks, Ducks		
Non-Adult Dairy	Geese, Goslings		
Cattle	Geese, Goose		
	Turkeys, Poult		
	Turkeys, Toms,		
	Fryers, Roaster		

The LIP allows producers to apply for direct compensation for losses due to “federally reintroduced predators or species protected by federal law, including avian predators and wolves.” While the LIP covers 75 percent of the fair market value for losses over “normal expected loss”, it evidently does not require field verification.¹⁶ Consequently, regional FSA offices seem to have broad discretion in managing depredation claims.¹⁷ Despite the existence of these programs nationwide and in Washington state, they continue to be underutilized by the producer community. For example, there has not been one recorded payout on a LIP claim arising from an attack by wolves on commercially raised cattle, poultry, or swine in the last three calendar years in Washington state. For the same period, the Washington department of Fish and Wildlife has received multiple livestock depredation claims for the same period.

Producers must apply online or at their local FSA offices for a LIP claim. All the producer’s interest in inventory of damaged livestock in that county for the calendar year of the loss must be accounted for. For 2023 and subsequent years, a producer must file a notice of loss as well as file an application for payment within 60 calendar days after the end of the calendar year in which the loss occurred.

Here is a sample of the current payout amounts for livestock losses:

¹⁶ https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/2022/fsa_lip_livestockindemnityprogram_factsheet_2022.pdf

¹⁷ Harris (2020) at 10.

TABLE 1: LIP PAYMENT RATES FOR ELIGIBLE LIVESTOCK OWNERS (rates have been reduced by the required 75%)			
KIND	TYPE	WEIGHT RANGE	2023 PAYMENT RATE PER HEAD
Alpacas			\$365.00
Beef	Adult	Bull	\$1512.19
		Cow	\$1163.23
	Non-Adult	Less than 400 pounds	\$540.47
		400 to 799 pounds	\$746.77
800 pounds or more		\$1618.00	
Beefalo	Adult	Bull	\$1,605.74
		Cow	\$1,274.58
	Non-Adult	Less than 400 pounds	\$588.39
		400 to 799 pounds	\$916.72
800 pounds or more		\$1,381.98	
Buffalo/Bison/ Water Buffalo	Adult	Bull	\$1,761.65
		Cow	\$1,460.18
	Non-Adult	Less than 400 pounds	\$588.39
		400 to 799 pounds	\$1,199.98
800 pounds or more		\$1,610.91	
Caribou	All		\$492.88
Chickens	Broilers/ Pullets (Regular Size)	4.26 to 6.25 pounds	\$3.49
	Chicks		\$0.32
	Layers		\$11.99
	Pullets/ Cornish Hens (Small size)	Less than 4.26 pounds	\$2.35
	Roasters	6.26 to 7.75 pounds	\$4.44
	Super Roasters/Parts	7.76 pounds or more	\$5.84
Dairy	Adult	Bull	\$1,254.02
		Cow	\$1,198.13
	Non-Adult	Less than 400 pounds	\$299.53
		400 to 799 pounds	\$599.06
		800 pounds or more	\$978.47

B. LIVESTOCK FORAGE PROGRAM (LFP)

The LFP provides compensation to eligible producers of grazed forage crop acreage for grazing losses incurred due to qualifying drought or fire conditions.¹⁸ LFP will assist producers with ownership interest in grazing land acreage at least during the 60 days before the qualifying drought or fire event; the acreage must be located in a county affected by the qualifying drought or be rangeland from which livestock are prohibited from grazing by a federal agency due to a qualifying fire.¹⁹ The LFP does NOT involve the loss of livestock as a result of attacks from other wildlife as allowed under LIP.

LFP also provides compensation to eligible producers who have covered livestock and who are also producers of grazed forage crop acreage on rangeland managed by a federal agency (e.g., department of Interior, Bureau of Land Management, USFWS) if the eligible producer is prohibited by the federal agency from grazing the normal permitted livestock on the manage rangeland due to a qualifying fire.

The qualifying drought and qualifying grazing losses, and/or notification of prohibition to graze federal land due to fire, must have occurred in the grazing period and crop year. For grazing losses on rangeland managed by a federal agency, an eligible producer may elect to receive assistance for losses due to drought conditions or fire conditions, if applicable, but not both.²⁰

According to the FSA, eligible livestock are grazing animals that satisfy the majority of net energy requirement of nutrition via grazing of forage grasses or legumes and include such species as alpacas, beef cattle, buffalo/ bison, beefalo, dairy cattle, deer, elk, emus, equine, goats, llamas, ostrich, reindeer, or sheep. Within those species animals that are eligible include those that are or would have been grazing the eligible grazing land

¹⁸ 7 CFR §1416.201.

¹⁹ 7 CFR §1416.203.

²⁰ 7 CFR §1416.205

or pastureland:

- During the normal grazing period for the specific type of grazing land or pastureland for the county; or
- When the federal agency prohibited the producer from having livestock graze the normally permitted livestock on the managed land.²¹

FSA calculate LFP payments for an accepted claim for grazing losses based on a qualifying drought equal to payment factors of one, three, four or five times the LFP monthly payment rate which is established in CFR. The LFP monthly payment rate for drought is equal to 60 percent of the lesser of either the monthly feed cost

- For all covered livestock owned or leased by the eligible producer; OR
- Calculated by using the normal carrying capacity of the eligible grazing land of the eligible livestock producer²²

To apply for LFP benefits, producers of grazed forage crop acreage must provide an application to their local FSA office within 30 calendar days after the end of the calendar year in which the grazing loss occurred. Contract producers must include a copy of their contract and any other supporting documents required for determining contract eligibility. Supporting documents must show evidence of loss and that grazing land or pastureland is owned or leased by the producer or a federal agency. If a loss of grazing was due to a fire that the eligible livestock producer was prohibited by the federal agency from having livestock graze the normal permitted livestock on the managed rangeland due to a fire supporting documentation received from that federal agency must be provided.²³

C. EMERGENCY ASSISTANCE FOR LIVESTOCK, HONEYBEES, AND FARM RAISED FISH PROGRAM (ELAP)

ELAP provides emergency assistance to eligible producers of livestock, honeybees, and farm-raised fish that have incurred losses due to adverse weather or other conditions.²⁴ ELAP assistance is designed to cover losses not eligible for compensation under LFP or LIP.²⁵

ELAP covers five categories of livestock losses: (1) grazing losses on federally managed lands that are not due to drought or wildfires, (2) livestock feed losses (such as feed destruction, above-normal feed purchases, and additional feed delivery costs), (3) losses from cost of transporting water to livestock during an eligible drought, (4) losses from above-average feeding relocation expenses, and (5) losses from above-average expenses for gathering livestock for cattle tick fever inspection and treatment.²⁶ Weaned grazing animals and livestock prevented from grazing normally due to an eligible loss condition are covered under ELAP.²⁷ Still, eligible producers must have suffered grazing losses on land that was either native or improved pastureland or specifically planted for and provided to eligible livestock.²⁸

Here is a list of the qualified adverse weather or loss conditions:

- Eligible adverse weather or loss conditions for livestock feed and grazing losses include, but are not limited to:
- Blizzard;
- Eligible winter storm;

²¹ 7 CFR §1416.206

²² 7 CFR §1416.206

²³ 7 CFR § 1416.207

²⁴ 7 CFR §1416.101

²⁵ Id.

²⁶ FSA Emergency Assistance for Livestock, Honeybees and Farm-Raised Fish Program Fact Sheet at 1; <https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdfiles/FactSheets/elap-livestock-fact-sheet.pdf>

²⁷ Id. at 2.

²⁸ Id.

- Flood;
- Hurricane;
- Lightning;
- Tidal surge;
- Tornado;
- Volcanic eruption; or
- Wildfire on non-federal land

Producers can apply for ELAP assistance at state FSA service centers.²⁹ Producers must include a copy of their contract, as well as any other documents required for determining eligibility.³⁰ Finally, droughts and wildfires on federally managed land are not eligible adverse conditions for livestock feed and grazing losses under ELAP, but they are covered under the LFP.³¹

D. NONINSURED CROP DISASTER PROGRAM (NAP)

Finally, NAP provides financial assistance to producers of non-insurable crops to protect against natural disasters that result in lower yields, crop losses, or prevent crop planting.³² NAP provides basic coverage equivalent to catastrophic risk protection plans based on the amount of loss exceeding 50 percent of expected production.³³ Under NAP, the FSA reimburses 55 percent of the average market price of the crop.³⁴ It is important to remember NAP acts like a crop insurance policy and requires that a commercial farmer apply and have in place NAP coverage *before* the loss occurs.

Eligible crops must be commercially produced agricultural commodities for which crop insurance for catastrophic risk or additional coverage under 7 U.S.C. 1508(b), (c), or (h) is unavailable.³⁵ Using a pilot insurance plan does not exclude producers from NAP coverage.³⁶ Eligible causes (for coverage) include damaging weather and related weather conditions such as excessive heat, plant disease, insect infestation, and volcanic smog.³⁷ Requirements regarding the notice of loss, appraisal procedure, and application payment protocol vary by the covered crop, qualifying weather event, and available alternative coverages.³⁸ The Washington department of Agriculture has had experience with leveraging this program's resources for producers who have crop losses due to insect and infestation and plant disease.

Under NAP, the FSA office located in Spokane made payouts to commercial farmers across Washington state due to crop losses from adverse weather conditions such as drought or excessive heat over the last several years:

- **2022** - \$34,000 paid out on losses for canola, wheat, lentil, dry peas and chick pea crops
- **2021** - \$13,000 paid out on losses for canola, wheat, lentil, dry peas and chick pea crops

Eligible producers can apply for NAP coverage with their local FSA office. For all coverage levels, the NAP service fee is the lesser of \$325 per crop or \$825 per farmer per administrative county, not to exceed a total of \$1,950 for a farmer with farming interests in multiple counties.

WOLF LIVESTOCK DEMONSTRATION PROJECT GRANT PROGRAM

The Wolf Livestock Loss Demonstration Project Grant Program is administered by the US Fish and

²⁹ Id. at 5.

³⁰ Id. at 5.

³¹ Id. at 2.

³² FSA Noninsured Crop Disaster Assistance Program at 1; https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/FactSheets/2023/fsa_nap_noninsuredcropdisasterassistance

³³ Id. at 2.

³⁴ Id.

³⁵ Id. at 1.

³⁶ Id.

³⁷ Id.

³⁸ 7 CFR §1437.11

Wildlife Service (USFWS). This program has two purposes: (1) prevention - grant dollars assist producers in undertaking proactive, nonlethal activities to reduce the risk of livestock loss due to predation by wolves; and (2) compensation - grant dollars reimburse producers for livestock losses due to wolf predation. Both states and federally-recognized tribal governments can apply for these grants from the USFWS.³⁹ The USFWS grant program was authorized by Subtitle “C” of the Omnibus Public Lands Management Act passed by Congress in 2009.

Those approved for the program must provide a 50 percent cost-share match and administer programs to assist producers in taking “proactive, non-lethal activities” to reduce wolf depredation risk and to compensate producers for losses due to wolf depredation.⁴⁰ Proactive, non-lethal preventive measures include fencing, livestock guard dogs, and range riders.⁴¹ Depredation compensation funding may be used for the reimbursement of livestock losses of cattle, sheep, livestock guard animals, and other livestock losses due to confirmed wolf depredation.⁴²

Grants are awarded directly to applicants – states or tribes. According to the USFWS, applicants must establish their own procedures for accepting applications from producers (including individual ranchers, for-profit corporations, and not-for-profit organizations) interested in obtaining Program funds. Those seeking funds must adhere to the procedures established by their state wildlife management/animal damage control agency (e.g., state department of fish and wildlife). Applicants are eligible to compete for either Depredation Compensation or Depredation Prevention funding, or both.

OVERVIEW OF FEDERAL CROP INSURANCE CORPORATION (“FCIC”)

As we have seen, the FSA does not generally require producers to maintain private insurance to recover under FSA disaster programs.⁴³ Indeed, FSA programs intentionally assist uninsured producers through some of their disaster programs.⁴⁴

The FCIC is a wholly-owned government corporation that administers the nation’s federal crop insurance program.⁴⁵ The principle behind FCIC coverage is to promote economic stability in commercial agriculture through a system of different types of crop insurance as well as providing funding for research in improving agricultural insurance policy.⁴⁶ The FCIC has a stated goal to encourage the sale of crop insurance for all commercial farmers, regardless of the type of crop or annual sales volume from that crop.⁴⁷ When insured farmers and their commercial insurance providers enter into a contract of insurance, the FCIC acts as reinsurance to approved private insurers who use FCIC-approved insurance plans (coverage for the designated crop).⁴⁸ The federal Risk Management Agency (“RMA”) administers the federal crop insurance program in partnership with private insurance companies that sell policies and adjust claims on a local level.⁴⁹ Under this system, private insurance companies share in a percent of the risk of loss or opportunity for gain associated with each policy that is written.⁵⁰

Crop insurance is divided into two categories - the federally subsidized multiple-peril crop insurance and the state-regulated private crop insurance. In 2021, over \$14 million in premiums (total insurance policies) were written for multiple-peril crop insurance and over \$1.2 million in premiums were written for private crop

³⁹ Harris at 10.

⁴⁰ Omnibus Appropriations Act, 2009, Sec. 6202(a)-(f).

⁴¹ <https://www.fws.gov/service/wolf-livestock-loss-demonstration-project-grant-program>.

⁴² Id.

⁴³ <https://www.fsa.usda.gov/programs-and-services/disaster-assistance-program/index>.

⁴⁴ Id.

⁴⁵ <https://www.rma.usda.gov/Federal-Crop-Insurance-Corporation>

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Id.

⁵⁰ Id.

insurance.⁵¹

Brief History

In 1938, to help agriculture recover from the combined effects of the Great Depression and severe dust storms (the Dust Bowl), Congress passed the Federal Crop Insurance Act which established the first federal crop insurance program. The FCIC was created to carry out the federal crop insurance program.⁵²

Before the federal crop insurance program was established, private insurers had difficulty providing affordable insurance products because of the inherent risks and potential for widespread catastrophic losses associated with agricultural production. The FCIC was created with three objectives in mind: "(a) to protect the income of farmers against crop failure or price collapse; (b) to protect consumers against shortage of food supplies and extreme prices; and (c) to assist business and employment by providing an even flow of farm supplies and establishing stable farm buying power."⁵³

Over the years, the size and scope of the federal crop insurance program has expanded dramatically. The passage of the Federal Crop Insurance Act of 1980 encouraged participation by authorizing a subsidy for premiums. The Federal Crop Insurance Act of 1980 also added coverage for additional crops and regions of the country. Natural disasters led to passage of assistance bills in 1988, 1989, 1992 and 1993 in Congress. Participation in the program drastically increased with the passage of the Federal Crop Insurance Reform Act of 1994 which increased subsidies and made coverage mandatory for certain benefits previously offered for free. In 1996 the requirement for mandatory enrollment was lifted and the USDA created the Risk Management Agency (RMA) to operate and manage the FCIC.

The federal crop insurance program was most recently reformed with the 2018 Farm Bill. The 2018 Farm Bill made improvements to product pricing through use of additional USDA data, including data from the National Agricultural Statistics Service (NASS) and Farm Service Agency (FSA). The bill also expanded coverage options to specialty crops including industrial hemp and expanded coverage to include farm operations in multiple counties. In addition, the bill created a Veteran Farmer or Rancher category to allow for additional benefits to Veterans.

Here is a recent snapshot of key crop insurance figures:

- In 2022, crop insurance protected 5.2 million acres providing \$4.5 billion in liability protection.
- Farmers paid \$121.1 million for this insurance coverage in 2022.
- Crop insurers paid \$186.5 million to cover crop losses in 2022. *

*Most payments arose from weather-related crop failures.

Types of Crop Insurance

Two types of crop insurance are available to all commercial farmers in the United States: Crop-Hail and Multiple Peril Crop Insurance (MPCI).

1. Crop-Hail

Crop-Hail policies are not part of the Federal Crop Insurance Program and provided directly to farmers by private insurers. Many commercial farmers purchase Crop-Hail coverage because hail has the unique ability to totally destroy a significant part of a planted crop while leaving the rest of the field undamaged. In areas of the country where hail is a frequent event, farmers often purchase a Crop-Hail policy to protect high-yielding crops. Unlike MPCI, a Crop-Hail policy can be purchased at any time during the growing season. This type of insurance is regulated not by the FCIC but state insurance regulators.

⁵¹ <https://www.statista.com/topics/3968/crop-insurance-in-the-united-states/#topicOverview>

⁵² <https://crsreports.congress.gov/product/pdf/R/R46686>

⁵³ Id.

2. Multiple Peril Crop Insurance (MPCI)

MPCI policies must be purchased before planting to cover the loss of crop yields from all types of natural causes including drought, excessive moisture, freeze and disease. Newer coverage options combine yield protection and price protection to guard farmers against potential loss in revenue, whether due to low yields or changes in market price.

The term “Multi-Peril Crop Insurance” (MPCI) is confusing. In the past, there has been some dispute between state insurance regulators and the FCIC about who regulated MPCI insurance policies. For now, all MPCI policies are regulated by the FCIC.

Optional Coverage

According to the FCIC, private insurers may offer farmers optional and additional coverage for certain types of risk – this is a separate policy known as “optional coverage”. It is authorized under 7 U.S.C. §1508 for crop insurance:

*(l) **Optional Coverages.**—The Corporation may offer specific risk protection programs, including protection against prevented planting, wildlife depredation, tree damage and disease, and insect infestation, under such terms and conditions as the Board may determine, except that no program may be undertaken if insurance for the specific risk involved is generally available from private companies.*

Thus, a private insurer can provide a farmer exclusive protection from crop loss caused by wildlife depredation under a specialized insurance policy.

Types of Livestock Insurance

The RMA offers protection to producers with two main policy types - Livestock Gross Margin (LGM) and Livestock Risk Protection (LRP).

1. Livestock Gross Margin

This coverage provides protection against loss of gross margin (market value of livestock minus feed costs). LGM policies are available for cattle, dairy and swine.

2. Livestock Risk Protection

This coverage provides protection against price declines and includes policies for cattle, lambs, and swine.

Like farmers, producers can also seek additional or optional coverage to cover the risk of livestock loss caused by wildlife depredation.

Challenges with Private Insurance

While private insurance through FCIC and RMA-approved policies may be available as an additional risk management tool for farmers and producers, there are many difficulties related to claims for losses caused by wildlife depredation. One of the problems with FCIC and RMA insurance is the likelihood that the loss will be rejected because the farmer or producer failed to mitigate their damages and/or failed to take early measures to prevent the loss caused by wildlife. Here is an example from the USDA Risk Management Agency (RMA) Loss Adjustment Manual for crop adjusters to follow in evaluating a basic crop insurance claim due caused by wildlife:

1235 Claims Involving Severe Wildlife Damage, Insect, Disease, or Weed Infestation

- (1) The first crop year damage resulting from severe wildlife damage (only CP which mentions control measures for wildlife), insect, disease, or weed infestations (such as cheat grass) will generally be considered unavoidable if the insured was unaware of the conditions at planting time. However, if:
 - (a) It is determined that the insured was (or should have been) aware of the wildlife presence, insect, disease, or weed infestation at planting time or later but did not follow appropriate recognized GFPs (e.g., crop rotation or soil treatment practices), or recognized wildlife control measures that could be effectively used on agricultural acreages, some or all of the loss will be considered an avoidable (uninsured) COL.
 - (b) A disease resistant variety exists for a disease that agriculture experts in the local area are recommending be planted, and the insured does not plant such a variety, the disease is considered to be an avoidable COL, even in the first year.

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1235 Claims Involving Severe Wildlife Damage, Insect, Disease, or Weed Infestation (Continued)

- (2) Disease is not an insured COL, even when the first crop year damage is considered unavoidable, if the sole loss of production is due to a Federal or State quarantine that requires destruction of the diseased crop, unless otherwise stated in the CP or SP. Refer to subparagraph 1221H(1).
- (3) Advise the insured that some or all of the damage due to the same cause in subsequent years on the same acreage will be considered avoidable (uninsured) unless recognized GFPs or recognized wildlife control measures have been followed. Suggest that the insured contact the local county extension office to obtain their recommendations for treating and eradicating the infestation, or the state conservation department to determine if there are any recommended control measures for the wildlife on agricultural crop acreage.
- (4) Record the details of the case and identify the cause and name of weed, disease, or other pest and list the control measure(s) taken, in the Narrative section of the PW or on a Special Report.
- (5) Identify the infested field(s) on an aerial photomap and the PW or on a Special Report.
- (6) Appraise and record loss of production from avoidable causes according to applicable procedure. Refer to paragraph 1221.

Often, farmers and producers are ill-prepared to document and prove that the direct cause of their crop loss was wildlife depredation. Furthermore, they may not have the funds to hire a lawyer to privately challenge their rejected crop or livestock claim and be forced to absorb the financial loss. Indeed, RMA admits that most policies will provide coverage in the first year for damage caused by wildlife but not in successive years! The majority of crop and livestock claim payouts arise from weather.

Here are some of the documented problems associated with private crop and livestock insurance compiled by state insurance regulators:

- Poor awareness among farmers and producers about the benefits and procedures of crop and livestock insurance.
- Poor implementation and monitoring of crop and livestock insurance schemes by the government and private insurers.
- Poor coordination among banks, agriculture department and insurers in providing timely and accurate information and services to farmers and producers.
- Poor private investment in infrastructure and technology for crop insurance, such as weather stations, satellite imagery, etc.
- Restricted fund allocation and subsidy sharing by the central and state governments for supporting crop insurance.
- Delays in payments of compensation to farmers and producers due to bureaucratic hurdles in damage assessment and disbursement.

On the private insurance side of the relationship, there are challenges in administering crop and livestock insurance. For example, it continues to be a problem both before and after the Covid pandemic to secure adequate numbers of insurance investigators to investigate crop and livestock claims. Many qualified insurance investigators and adjusters migrate to more profitable positions in the commercial property and casualty loss industry. Further, the lack of appropriate underwriting funds has made many companies reluctant to invest in private agricultural insurance policies.⁵⁴ Insurance schemes covering depredation require producers to pay a premium at the start of the season; participating producers receive funds when they experience depredation.⁵⁵

Programs vary, but insurance schemes may benefit farmers and producers by providing more consistent funding than claim compensation normally provided by the government.⁵⁶ Still, participating farmers and producers must self-fund the program, and during high-conflict years, funding may deplete quickly.⁵⁷ In the large carnivore context such as cattle, insurance researchers have found that the viability of insurance depends on maintaining a high number of policyholders.⁵⁸ If only producers who are at high risk for damage subscribe to insurance, then the premiums would substantially increase to the point of becoming unaffordable for most producers.⁵⁹ Indeed, in reviewing compensation instruments internationally, a recent paper explained that most producers investing in livestock depredation insurance schemes ultimately abandoned their program because of low compensation rates, lack of participation, subsidization needs, and low satisfaction among participants.⁶⁰

CONCLUSION

Given the limitations of FSA-based program compensation combined with the narrow coverage available through private insurance for losses caused by wildlife depredation, commercial farmers and producers have increasingly looked to state programs for compensation to cover their crop and livestock losses. The focus of the next research memorandum will be to survey current compensation programs for wildlife depredation administered by the Western states.

⁵⁴ Id. For more tales of woe regarding crop insurance, see this testimony from 2010: “In 2002, the largest crop insurance company in the program, American Growers Insurance Company, failed in large part because of high commissions paid to retain and acquire agents. American Growers’ expenses exceeded the amount of A&O received so they were forced to rely on underwriting gains to remain solvent. Since 2002 was a moderately bad crop year, many crop insurance companies did not receive underwriting gains. American Growers actually ended the year with a small underwriting gain. However, its failure to receive an underwriting gain large enough to cover its commitments caused the company to collapse. This major failure caused widespread confusion and uncertainty in the crop insurance program, and the remnants of this failure still are being felt by the program today. Eight years later, in 2010, companies are still relying on large underwriting gains to operate the program and have been fortunate to have seen an unprecedented run of profitable underwriting years. The real possibility of even a modest loss year, such as 2002, however, creates a situation where several companies could be at risk for failure and thus jeopardize the entire delivery system.”

Hearing Before the Subcommittee on General Farm Commodities and Risk Management of the Committee on Agriculture, House of Representatives, One Hundred Eleventh Congress, Second Session, JULY 22, 2010, Serial No. 111-58.

⁵⁵ Nickerson, R. (2021). Exploring Compensation Programs and Depredation Reporting for Wolf-Livestock Conflict Across the North American West. Thesis submitted to Colorado State University.

⁵⁶ Harris at 24-25.

⁵⁷ Miquelle, D. I. Nikolaev, J. Goodrich, B. Litvenov, E. Smirnov, and E. Surorov. 2005. Searching for the coexistence recipe: a case study of conflicts between people and tigers in the Russian Far East. Pp. 305-322 in Woodroffe R, Thirgood S, Rabinowitz A, editors. People and Wildlife: conflict or coexistence? London, Cambridge University Press; Morrison, C. 2013 Carnivores and conflict: A community approach to carnivore compensation. Report 1: Proposed amendments to Alberta Wildlife Predator Compensation Program. Waterton Biosphere Reserve Association Carnivore Working Group; Marino, A., A. P. Bosch, S. Ricci, V. Salvatori, P Ciucci, J. C. Blanco, and J. V. Lopez-Bao. 2018. Performance of two insurance-based compensation systems for wolf damages in Italy and Spain. Carnivore Damage Prevention News 17: 43-51.

⁵⁸ Harris at 26-27.

⁵⁹ Id.

⁶⁰ Nickerson at 36-37.

	What compensation schemes exist for livestock and crop losses?	What proof is required for a successful livestock or crop loss claim?	What limitations exist on claims submitted/recovery received per year/quarter/biennium?	What is the claims procedure?	How do states treat fraudulent loss claims (specifically as it relates to inflated value of losses)?	What is the role of private insurance in loss claims and which states utilize the collateral source rule for losses?	State management of wildlife versus individual permitting for out-of-season hunting?
Federal Programs	<p>Livestock Forage Disaster Program (LFP) provides compensation to eligible livestock producers who have suffered grazing losses due to drought or fire on land that is native or improved pastureland with permanent vegetative cover or that is planted specifically for grazing.</p> <p>Livestock Indemnity Program (LIP) provides benefits to livestock producers for livestock death in excess of normal mortality that directly result from an eligible adverse weather event. Livestock owners may also receive assistance for attacks from an eligible disease and protected by federal government. LIP may also provide assistance to livestock owners who have to sell at a reduced price due to injury from an eligible loss. In July, 2022, the USDA revised the payment rate for LIP, almost tripling compensation for young calves in the April 2022 blizzards in Western N. Dakota and elsewhere. (Agfreak, Mikeel Fries, July 21, 2022).</p> <p>FSA provides agricultural producers assistance through five different programs: Livestock Indemnity Program (referred to as Livestock Indemnity Payments in the Farm Bill), Livestock Forage Disaster Program (LFP), Emergency Assistance for Livestock, Honey Bees, and Farm-Raised Fish (ELAP), Supplemental Revenue Assistance Payments Program (SURE) (which covers general crop production losses, but not those covered by LFP), and Tree Assistance Program (TAP).</p>	<p>Under the LIP, livestock deaths in excess of normal mortality caused by eligible disease and attacks introduced by the federal government or protected by federal law if the livestock owner or contractor must provide evidence acceptable to the FSA that the eligible loss not only occurred but occurred directly because of an eligible loss condition.</p> <p>LIP only applies on federally managed lands when the producer is prohibited from grazing the normally permitted livestock by the Federal agency as a result of qualifying fire.</p>	<p>Under the LIP, there is no limitation on payment, however, if a producer or legal entity has an average AGI of more than \$500,000, they are ineligible for LIP payments. LIP payments are equal to 75% of the average fair market value of the livestock.</p>	<p>Under the LFP, producers must provide a completed application for payment and supporting documentation to the FSA county office within 30 days of the end of the calendar year in which the loss occurred.</p> <p>Under the LIP, owners or growers who suffer livestock losses must submit a notice of loss (within 30 days of becoming aware of the loss) and an application for payment (within 60 days after end of calendar year that loss occurred) to the local FSA office that serves the county where the losses occurred.</p>	<p>The FSA assists the Risk Management Agency ("RMA") and insurance providers in conducting inspections, and will refer all suspected cases of fraud, waste, and abuse regarding the Federal Crop Insurance Program to the RMA. In a 2006 study, the Government Accountability Office found FSA only conducted 64% of inspections requested by the RMA.</p>	<p>No data found.</p>	<p>5 AAC 92.410 - Taking game in defense of life or property "Property" includes domesticated animals and "other property of substantial value necessary for the livelihood or survival of the owner."</p> <p>5 AAC 92.990 - Definitions (5) "Invasive wildlife" includes (A) a feral domestic bird or mammal, deleterious exotic wildlife, unclassified game, small game, far animals or furbearers, except wolf, vole/mink, or lynx, or migratory bird for which there is a federal depredation order for this state issued under 50 C.F.R. Sec. 21.45, (B) an animal that (i) invades or comes to occupy a dwelling, vessel, vehicle, structure, or storage container; (ii) causes property damage; or (iii) is an invasive species or introduced nonnative species that poses immediate or long term threats to human health, safety, or property or to native wildlife, wildlife health, or habitat.</p> <p>Alaska manages wildlife within its borders. Wildlife management in Alaska is primarily the responsibility of the Alaska Department of Fish and Game (ADF-G). The ADF-G is tasked with conserving and managing the state's diverse wildlife populations, ensuring sustainable use of wildlife resources, and regulating hunting, trapping, and fishing activities. Key aspects of wildlife management in Alaska include:</p> <ol style="list-style-type: none"> Hunting and Trapping Regulation: ADF-G establishes and enforces hunting and trapping regulations, including season dates, bag limits, and permit requirements. These regulations are designed to maintain healthy wildlife populations and provide opportunities for subsistence, sport, and commercial hunting and trapping. Conservation Efforts: ADF-G conducts research and conservation efforts to monitor wildlife populations, study animal behavior and habitat use, and address conservation challenges. These efforts help inform management decisions. Wildlife Habitat Management: ADF-G is involved in the management and protection of wildlife habitats, including efforts to preserve critical habitats and mitigate the impact of development on wildlife. Subsistence Hunting and Fishing: Alaska recognizes the importance of subsistence hunting and fishing for many rural and Indigenous communities. The state has specific regulations and programs to support subsistence users and ensure the sustainable harvest of wildlife resources. Endangered and Threatened Species: Alaska is home to a range of wildlife species, including some that are listed as endangered or threatened. ADF-G works to protect and recover these species, often in cooperation with federal agencies such as the U.S. Fish and Wildlife Service. Education and Outreach: ADF-G provides education and outreach programs to inform the public about responsible wildlife viewing, ethical hunting and fishing practices, and the importance of wildlife conservation.
Alaska	<p>Alaska has no compensation program for livestock depredation.</p>	N/A	N/A	N/A	N/A	<p>Alaska allows a post-verdict reduction in damages by the amounts received or to be received by the claimant as compensation for the same injury from collateral sources that do not have a right of subrogation by law or contract. Alaska Stat. § 08.17.070.</p>	<p>Alaska Game and Fish Department issues specific Wildlife Service Licenses that allow businesses to remove and relocate nuisance wildlife or give advice to resolve conflicts with wildlife, for a fee. The Arizona Game and Fish Department does not respond to calls to relocate or remove coyotes unless they are a public safety concern. Further, the AZGFD does not relocate bears.</p> <p>AZGFD also issues small game depredation permits for landowners, leasees, livestock operators, or municipalities to lethally remove small game species causing damage to property by a safe and humane means.</p> <p>Depredation Permits: The AZGFD may issue depredation permits that allow landowners or authorized individuals to take depredating animals that are causing damage or posing a threat. These permits are typically issued on a case-by-case basis and may specify the species, numbers, and methods of take.</p> <p>Species: The specific species that can be hunted as depredating animals may vary depending on the situation and location. Common depredating animals in Arizona may include coyotes, javelina, and certain bird species.</p>
Arizona	<p>The Livestock Loss Board was formed by the Arizona Legislature in 2016 and one of its charges was to research ways to reduce livestock depredations by Mexican wolves. The board found that in other states, removing livestock carcasses from wolf-occupied areas is one effective method for reducing wolf presence.</p> <p>In 2023, the board will pay ranchers \$250 for each carcass made unavailable to wolves because of its efficacy as a depredation reduction method. (https://www.12news.com/article/news/local/arizona-ranchers-paid-by-arizona-livestock-loss-board-for-removing-livestock-carcasses/75-4572a3e3-9446-460b-803a-1300292f04d)</p> <p>§ 17-493. Livestock compensation fund; exemption; definition A. The livestock compensation fund is established consisting of federal monies, legislative appropriations from the state general fund, public and private grants and private donations received for the purpose of compensating landowners, leasees and livestock operators for the following: 1. Wolf depredation on livestock. 2. Participating in a pay-for-presence program implemented by the livestock loss board pursuant to § 17-492. 3. Implementing avoidance measures to prevent wolf depredation on livestock. B. The livestock loss board shall administer the livestock compensation fund. Ariz. Rev. Stat. Ann. § 17-493</p> <p>3. Implement a pay-for-presence program that provides compensation for the landowner, leasee and livestock operators who allow wolves to be present on private property owned or leased by the landowner, leasee or livestock operator and accept potential wolf depredation on livestock. A pay-for-presence program may not provide compensation for the presence of wolves on public lands. Ariz. Rev. Stat. Ann. § 17-492</p>	<p>For a wolf depredation loss: Step 1: Immediately contact the Interagency Field Team to report the suspected wolf depredation and request an investigation by USDA Wildlife Services. Step 2: Upon completion of the depredation investigation, the investigating Wildlife Services Agent will complete a Depredation Report Form (DRF). If the Wildlife Services Agent determines that the cause of death or injury was a confirmed or probable wolf depredation the Owner/Claimant or his designee seeking reimbursement should send a copy of the DRF to: Arizona Livestock Loss Board P. O. Box 74973 Phoenix, AZ 85076 (A transmittal letter should accompany the DRF and include the Owner/Claimant or his designee's name, address, phone number and email address.) Step 3: At its next meeting, the ALLB will review the claim and notify Owner/Claimant or his designee of their decision. If approved for depredation reimbursement the ALLB will send a copy of IRS Form W-9 to Owner/Claimant or his designee to be completed and returned to the ALLB. Step 4: Upon receiving the completed document or having them on file, the ALLB will notify the National Fish and Wildlife Foundation authorizing payment to the Owner/Claimant or his designee of the approved amount.</p>	<p>None found.</p>	<p>17-239. Wildlife depredations; investigations; corrective measures; disposal; reports; judicial review. A. Any person suffering property damage from wildlife may exercise all reasonable measures to alleviate the damage, except that reasonable measures shall not include injuring or killing game mammals, game birds or wildlife protected by federal law or regulation unless authorized under subsection D of this section. A person may not retain or sell any portion of an animal taken pursuant to this subsection except as provided in section 3-2403. B. Any person suffering such property damage, after resorting to the relief as is provided in subsection A of this section, may file a written report with the director, advising the director of the damage suffered, and the species of animals causing the damage, and the director shall immediately order an investigation and report by an employee trained in the handling of wild animal depredation. C. The department shall provide technical advice and assist in the necessary anti-depredation measures recommended in the report, including trapping, capturing and relocating animals. D. If harvest of animals is found to be necessary to relieve damage, the commission may establish special seasons or special bag limits, and either set reduced fees or waive any or all license fees required by this title, to crop that wildlife. If the commission determines that this cropping by hunters is impractical, it may issue a special permit for taking that wildlife to the landowner, leasee, livestock operator or municipality suffering damage, provided that the edible portions, or other portions as prescribed by the commission, of all the wildlife taken by the person suffering damage are turned over to an agent of the department for delivery to a public institution or charitable organization. E. Except as provided in section 41-1002.08, subsection 41, in the event any person suffering property damage from wildlife is dissatisfied with the final decision of the commission, the person may seek judicial review pursuant to title 12, chapter 7, article 6.1 Ariz. Rev. Stat. Ann. § 17-239</p>	<p>§ 17-239. Wildlife depredations; investigations; corrective measures; disposal; reports; judicial review E. Except as provided in § 41-1002.08, subsection 41, in the event any person suffering property damage from wildlife is dissatisfied with the final decision of the commission, the person may seek judicial review pursuant to title 12, chapter 7, article 6.1 Ariz. Rev. Stat. Ann. § 17-239</p>	<p>Arizona does not cap compensatory damages.</p> <p>Arizona generally applies the collateral source rule to allow a plaintiff to recover damages even if they were not actually sustained. See Lopez v. Safeway Stores, Inc., 129 P.3d 487, 496 (Ariz. 2006).</p>	<p>§ 17-303. Taking of bear or mountain lion for protection of property; report A. Other provisions of this title notwithstanding, a landowner or lessee, who is a livestock operator and who has recently had livestock attacked or killed by bear or mountain lion, may, if he complies with subsection B, lawfully exercise such measures as necessary to prevent further damage from the offending bear or lion, including the taking of such bear or mountain lion in the following manner:</p>

	What compensation schemes exist for livestock and crop losses?	What proof is required for a successful livestock or crop loss claim?	What limitations exist on claims submitted/recovery received per year/quarter/biennium?	What is the claims procedure?	How do states treat fraudulent loss claims (specifically as it relates to inflated value of losses)?	What is the role of private insurance in loss claims and which states utilize the collateral source rule for losses?	State management of wildlife versus individual permitting for out-of-season hunting?
California	<p>CA Department of Fish and Wildlife launched a three-pronged wolf-livestock compensation pilot program to support payments for the impacts of wolf presence, depredation losses, and implementation of nonlethal deterrence methods.</p> <p>Livestock producers with livestock that have been injured or killed due to wolf depredation (confirmed or probable) can apply for compensation at fair market value for losses incurred on or after September 23, 2021. The Department provides a CDFW Depredation Determination Form to document each report and investigation of suspected wolf depredation.</p> <p>Drought is a major environmental factor for agricultural producers in California. CA Dept of Food and Agriculture announced the California Underserved and Small Producer (CUSP) Drought Relief Grant Program. The program has two components: drought relief direct producer grants for socially disadvantaged, small-scale and medium-scale producers to address immediate drought relief concerns and eligible expenses, and a separate technical assistance program. (https://www.cdfa.ca.gov/CUSP/)</p> <p>Department to develop and implement an Intermittent Livestock Compensation Grants Program for the first two prongs of the program: direct loss compensation (prong 1), which began in February 2022, and deterrent method compensation (prong 2), which began in May 2022. (CDFW Wolf-Livestock Pilot Program)</p>	<p>Producers are eligible for compensation of direct loss of livestock (death, injury) due to confirmed or probable wolf depredation, as determined during a Department-driven to conduct investigations investigation and documented in a CDFW Determination Form. The Department strives to conduct investigations as soon as reasonably possible to preserve physical evidence and gather information from producers and potential eyewitnesses.</p> <p>In prong 2, CDFW also provides compensation for use of nonlethal deterrent strategies. Compensation may be up to 100% for each approved method used. This includes certain costs associated with livestock guardian dogs.</p> <p>In prong 3, CDFW will identify each known wolf pack's territory and core areas during summer and winter. The Department works closely with each applicant to determine if (1) a producer operates in a pack territory, and (2) if those operations are within the core area of that territory. Producers raising livestock within any portion of the known territory of a resident wolf pack may apply for compensation. In general, and for this pilot program, individual animals considered eligible for compensation are those that spend at least three months within a pack's summer and/or winter territory. Producers grazing within known wolf territories are encouraged to consult with the Department to determine final eligibility. The program does not compensate producers for the presence of a dispersing wolf outside of known pack territory, as they are known to travel widely, and their movements are unpredictable.</p>	<p>None found, however the application form for livestock losses requires a reporting of previous compensation received under the program.</p> <p>After receiving compensation for a direct loss, producers are expected to consult with the Department to evaluate and implement a deterrent strategy that may be beneficial in reducing wolf-livestock conflict. The deterrent tools and actions implemented as part of this strategy may be eligible for compensation under prong 2 of the pilot program.</p> <p>Compensation is retroactive from September 23, 2021, and available annually during the pilot program until all funds are expended, or June 30, 2026, whichever comes sooner. The state budget allocated \$3 million to fund the pilot program.</p> <p>Prong 3 of the program pays for wolf presence based on CDFW estimates of wolf territory according to the season and based on satellite collar data and other tracking methods. (CDFW Pilot Program Guide)</p>	<p>Producers must host an investigation by CDFW and complete an application for compensation. Producers may apply for compensation for confirmed or probable wolf depredation that occurred on or after Sept. 23, 2021. CDFW has processed 41 applications for compensation and approved all 41 applications. So far, CDFW has not managed an appeal arising from a denial of compensation.</p> <p>Producers may also be eligible for compensation for employing nonlethal deterrent tools and actions. Livestock producers operating within known wolf pack territory may apply for compensation for the use of various nonlethal deterrent tools and techniques to deter wolf presence. The primary evidence requested by the CDFW for deterrent compensation is evocative or receipt for tools. The deterrent compensation program also funds ranch riders. CDFW requires an application documenting all costs be submitted via email.</p> <p>Finally, livestock producers operating within known wolf pack territory may apply for pay for presence compensation. Only producers operating in known wolf territory are eligible. The application for this prong requests documentation of deterrent methods used by producers.</p>	No data found	California has no cap on compensatory damages. California also does not have a private insurance requirement to be eligible for depredation compensation. The collateral source rule applies. See <i>Howell v. Hamilton Meats & Provisions, Inc.</i> , 257 P.3d 1130 (Cal. 2011).	<p>*Any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by the following depredation species may apply to the department for a permit to kill elk, bear, bobcat, beaver, wild pig, wild turkeys, or gray squirrels. The department, upon satisfactory evidence of the damage or destruction, actual or threatened, shall issue a revocable permit for the taking and disposition of the animals under regulations adopted by the commission. It is unlawful for any person to violate the terms of any permit issued pursuant to sections of the Fish and Game Code and Title 14 California Code of Regulations. (CDFW User Guide?)</p> <p>(a) Except as provided in Section 4181.1, any owner or tenant of land or property that is being damaged or destroyed or is in danger of being damaged or destroyed by elk, bear, beaver, wild pig, wild turkeys, or gray squirrels, may apply to the department for a permit to kill the animals. Subject to the limitations in subdivisions (b) and (d), the department, upon satisfactory evidence of the damage or destruction, actual or immediately threatened, shall issue a revocable permit for the taking and disposition of the animals under regulations adopted by the commission. (b) The permit issued for taking bears pursuant to subdivision (a) shall contain the following facts:</p> <ol style="list-style-type: none"> (1) Why the issuance of the permit was necessary (2) What efforts were made to solve the problem without killing the bears. (3) What corrective actions should be implemented to prevent recurrence. (4) With respect to wild pigs, the department shall provide an applicant for a depredation permit to take wild pigs or a person who reports taking wild pigs pursuant to subdivision (b) of Section 4181.1, with written information that sets forth available options for wild pig control, including, but not limited to, depredation permits, allowing periodic access to licensed hunters, and holding special hunts authorized pursuant to Section 4188. The department may maintain and make available to these persons lists of licensed hunters interested in wild pig hunting and lists of nonprofit organizations that are available to take possession of depredating wild pig carcasses. (5) With respect to elk, the following procedures shall apply: <ol style="list-style-type: none"> (i) Prior to issuing a depredation permit pursuant to subdivision (a), the department shall do all of the following: <ol style="list-style-type: none"> (A) Verify the actual or immediately threatened damage or destruction. (B) Provide a written summary of corrective measures necessary to immediately alleviate the problem. (C) Determine the viability of the local herd, and determine the minimum population level needed to maintain the herd. (D) Ensure the permit will not reduce the local herd below the minimum. (E) Work with affected landowners to develop measures to achieve long-term resolution, while maintaining viability of the herd. (ii) After completing the statewide elk management plan pursuant to Section 3962, the department shall use the information and methods contained in the plan to meet the requirements of subparagraphs (C), (D), and (E) of paragraph (1). <p>(1) CAL. FISH & GAME CODE § 4181.1: If a landowner or tenant applies for a permit under Section 4181 for wild pigs or wild turkeys, or under Section 4181.5 for deer, the department shall notify the landowner or tenant about available options for allowing access by licensed hunters, including, but not limited to, access authorized pursuant to Article 3 (commencing with Section 15707) of Chapter 5 of Division 2 to control wild pigs, wild turkeys, and deer.</p> <p>(b) The commission, in lieu of a permit as described in subdivision (a), and with the consent of, or upon the request of, the landowner or tenant, under appropriate regulations, may authorize the issuance of permits to persons holding valid hunting licenses to take wild pigs, wild turkeys, or deer in sufficient numbers to stop the damage or threatened damage. Before issuing permits to licensed hunters, the department shall investigate and determine the number of permits necessary, the territory involved, the dates of the proposed hunt, the manner of issuing the permits, and the fee for the permit. CAL. FISH & GAME CODE § 4181.</p>

What compensation schemes exist for livestock and crop losses?	What proof is required for a successful livestock or crop loss claim?	What limitations exist on claims submitted/recovery received per year/quarter/biennium?	What is the claims procedure?	How do states treat fraudulent loss claims (specifically as it relates to inflated value of losses)?	What is the role of private insurance in loss claims and which states utilize the collateral source rule for losses?	State management of wildlife versus individual permitting for out-of-season hunting?
<p>Colorado state is only liable for: (a) Damages to livestock or personal property used in the production of raw agricultural products, which under this article shall be no more than five thousand dollars per head of livestock injured or killed, caused by big game, except that damages to livestock shall be limited to physical trauma resulting in injury or death.</p> <p>(b) Damages to real or personal property, when such damages are caused by wildlife that is being moved or is otherwise under the direct control of division personnel at the time the damage occurs.</p> <p>(c) Damage to real or personal property caused by the use of damage prevention materials if the use of such material or equipment is under the control of any personnel who are under the direction of division personnel at the time damage occurs.</p> <p>(d) Damages caused by those species of wildlife enumerated in section 33-102(2) to orchards, nurseries, crops under cultivation, and harvested crops, damage to lawful fences as defined in section 35-46-10(1), C.R.S., when such damages exceed ten percent of the value of the specific fence involved, and damages to livestock forage in excess of ten percent of historic use levels for privately owned and fenced ranch or farm units which are specifically limited to hay meadows, pasture meadows, artificially seeded rangelands, and grazing land which is defined to seasonal users. Damages to alfalfa on alfalfa shall be paid to the full extent of such damages without regard to historic numbers of wildlife. Historic levels shall be designated by the claimant at the time of making a claim. Historic levels shall be expressed in average numbers of wildlife present on the property in question based on the twenty year period ending January 1, 1972. If the divisor does not agree with the claimant on normal historic levels or any element of a damage settlement, the matter shall be submitted to arbitration within ten days of notice by either party. The arbitration panel shall consist of one arbitrator chosen by the landowner, one arbitrator chosen by the division, and one arbitrator chosen by other parties. If the two arbitrators cannot agree within ten days on a third arbitrator, a panel. The division may, at its option, send a member to the district court for the judicial district of the county in which the damage is located for appointment of a third impartial arbitrator. The division and the landowner shall equally share the cost of the use of the third arbitrator. Historic levels or any element settled by arbitration may be included in an appeal to a court of competent jurisdiction, and the court shall not be bound by the finding of the arbitration panel. 33-3-103(1)</p> <p>§ 33-3-107. Claims procedure</p> <p>(1) When any person has sustained damage to property caused by any wildlife, he shall notify the division of such damages within ten days after the discovery thereof. In the case of recurring damage, the division shall be notified within ten days after the discovery of each new or different occurrence of damage.</p>	<p>(b) The division shall verify that the owner or lessee has made reasonable efforts to alleviate ongoing damage to livestock or crops through reasonable efforts using methods other than those prohibited by section 33-6-203. The use of at least two of the following methods is presumed to represent reasonable efforts:</p> <p>(i) Routine gathering of livestock in areas where predators are known to be present.</p> <p>(ii) The use of guard animals.</p> <p>(iii) The use of flashing lights, boom guns, or other scare tactics.</p> <p>(iv) The presence of human herders or guards.</p> <p>(v) Any other industry-accepted method that is effective in reducing losses and whose use is approved by the agriculture commission and the parks and wildlife commission for that purpose.</p> <p>(c) (i) An owner or lessee seeking to take the exemption stated in section 33-6-207 shall notify the division by telephone, teleconference, or first-class mail before the beginning of each period during which trapping, snaring, or poisoning activity is to take place. Within ten days after giving such notice, the owner or lessee shall provide the division with a written certification that there exists on-site evidence of ongoing damage to livestock or crops and that the owner or lessee has made reasonable efforts to alleviate such damage by the use of alternative methods.</p> <p>(ii) The owner or lessee need not present on-site evidence of damage or of reasonable efforts using alternative methods before commencing trapping, snaring, or poisoning activity, but the owner or lessee shall be prepared to do so upon request of the division at any time within the thirty-day period. The division may, at its option, send an employee or agent to visit the site and verify compliance with the requirements of this section and of section 33-6-207. Colo. Rev. Stat. § 33-6-208</p>	<p>(4)(a) The division shall expend any unexpended and unaccounted money in the fund that exceeds the following amounts for the purposes described in subsection (4)(b) of this section:</p> <p>(i) For state fiscal years 2023-24 and 2024-25, one hundred thousand dollars; and</p> <p>(ii) For state fiscal year 2025-26 and subsequent fiscal years, an amount equal to the amount of money expended from the fund for compensation of owners of livestock or livestock guard or herding animals during the immediately preceding state fiscal year plus twenty percent of this amount.</p> <p>(b) The division shall expend the money described in subsection (4)(a) of this section to implement the gray wolf restoration and management plan, created in accordance with section 33-2-106.6, as amended by the commission. Colo. Rev. Stat. Ann. § 33-1-128 (West)</p>	<p>(1) When any person has sustained damages to property caused by any wildlife, he shall notify the division of such damages within ten days after the discovery thereof. In the case of recurring damage, the division shall be notified within ten days after the discovery of each new or different occurrence of damage.</p> <p>(2) Proof of loss forms shall be filed within ninety days after the last notice of loss is submitted to the division under subsection (1) of this section. The division, within thirty days after the filing of such proof of loss forms, shall make an agreement with the claimant upon an amount of settlement. All such agreements shall be completed and the settlement amount paid in full within sixty days after the claimant does not agree with the claimant on normal historic levels, or any element of a damage settlement, the matter shall be submitted to arbitration within ten days of notice by either party unless the claimant waives arbitration. The arbitrator chosen by the division, and one arbitrator chosen by the other two arbitrators. If the two arbitrators cannot agree within ten days on a third arbitrator, a request by either party shall be made to the district court for the judicial district of the county in which the damage is located for appointment of a third impartial arbitrator. The division and the landowner shall equally share the cost of the use of the third arbitrator.</p> <p>(3) In any case which goes to arbitration, all arbitrators chosen shall reside within fifty miles of the subject property. The arbitration proceeding shall be conducted pursuant to part 2 of article 22 of title 13, C.R.S. The decision of the arbitration panel shall be binding and shall be subject to judicial review only for statutory compliance with the provisions of this article and the said act. The claimant or the division may seek such review by filing an action for same in the county or district court in the county or judicial district where the subject damage is alleged to have occurred within thirty days after receipt of the arbitration panel's decision.</p> <p>(4) Any waiver of arbitration shall be in writing and shall be mailed to the division within ten days after the claimant receives notification from the division of the denial of the claim, or within ten days after the claimant receives from the division an offer of settlement unacceptable to such claimant.</p> <p>(5) In adjudication of any claim, should the court find that the claimant has made or the division has contested the claim without a substantial legal or factual basis, the court shall award the other party reasonable attorney fees, not to exceed the actual amount incurred, upon the submission of satisfactory proof thereof.</p> <p>(6) Payment to a claimant, the controller shall draw a warrant upon a voucher approved by the division and the state treasurer shall pay the amount of settlement out of the wildlife cash fund.</p> <p>(7) The division shall furnish forms to be used for the notice and proof of loss required under this section. COLO. REV. STAT. § 33-3-107.</p>	<p>No data found</p>	<p>In Colorado, economic damages are not capped.</p> <p>Colorado reduces awards by the amount paid by a collateral source; however, no reduction is allowed where the collateral payment arises from contractual obligations intended to benefit the injured party, such as private insurance or social security payments. Colo. Rev. Stat. § 15-2-111.6.</p> <p>Hunting and Fishing Regulation: CPW is responsible for establishing and enforcing regulations related to hunting and fishing in the state. This includes setting hunting seasons, bag limits, license requirements, and harvest quotas to ensure sustainable and ethical hunting and fishing practices.</p> <p>Wildlife Conservation: CPW conducts research, habitat management, and conservation efforts to monitor wildlife populations, protect threatened and endangered species, and promote biodiversity. The agency works to maintain healthy wildlife populations throughout Colorado.</p> <p>CPW may provide prevention materials and/or reimbursement to landowners for damage caused by the following "big game" species: Bighorn Sheep, Black Bear, Elk, Moose, Mountain Goat, Mountain Lion, Mule Deer, Pronghorn Antelope, White-Tailed Deer. The State is not liable for damage from nuisance wildlife (starlings, coyotes, pigeons, bobcats, etc.) or domestic dogs. Gray Wolves are not considered "big game" for Game Damage purposes. CPW may provide reimbursement for damages that are caused by Gray Wolves to livestock defined in C.R.S. 33-2-106.8 and animals used for guard/denning purposes and provide Conflict Minimization Materials under a separate Gray Wolf Compensation and Conflict Minimization Program authorized per C.R.S. 33-2-106.8 and Regs. #17-161-#1712 Damage Caused By Gray Wolves.</p> <p>§ 33-6-207. Exemption--landowners' protection of crops and livestock--definitions--authority of division and of department of agriculture</p> <p>Landowners are exempt from penalty for using specific trapping methods under certain conditions.</p> <p>§ 35-40-203. Cattle program</p> <p>For the protection of cattle against predatory animals, the board of county commissioners of any county, upon the recommendation of an association of cattle growers in the county, has power, either alone or in conjunction with other counties, to establish a predatory animal control program for the protection of cattle in such county.</p>	<p>§ 35-40-204. Establishment of program--continuance or discontinuance--license fees</p> <p>(a) The owners of at least fifty-one percent of the sheep, or the owners of at least fifty-one percent of the cattle, or the owners of at least fifty-one percent of both sheep and cattle acting jointly or in the orderly and regular course of business of the last preceding assessment, may petition the board of county commissioners to establish a predatory animal control program as provided for in this part.</p> <p>(1)(a) Where wildlife is causing excessive damage to property, as determined by the division after consultation with the property owner, the division is authorized to issue a permit to the property owner, the property owner's designee, or to such other person selected by the division to kill a specified number of the species of wildlife causing such excessive damage. Upon request by the property owner, whenever the wildlife causing the excessive damage exceeds the wildlife objective set by the division for that species for that geographical area for the current year, the division is encouraged to issue a permit under this section. Any determination by the division that the damage being caused is not excessive may, upon application by the property owner, be reviewed by the commission.</p> <p>(b) No permit to take wildlife pursuant to this subsection (1) shall be issued or used in violation of any local restriction on firearm use.</p> <p>(2) Any wildlife killed, as permitted under subsection (1) of this section, shall remain the property of the state and shall be field dressed promptly, and such killing shall be reported to the division within forty-eight hours, except that the killing of a bear or mountain lion shall be reported within five days.</p> <p>(3) Nothing in this section shall make it unlawful to trap, kill, or otherwise dispose of beavers, mountain lions, or dogs without a permit in situations where it is necessary to prevent them from inflicting death, damage, or injury to livestock, real property, a motor vehicle, or human life and additionally, in the case of dogs, when it is necessary to prevent them from inflicting death or injury to big game and to small game, birds, and mammals. Any wildlife killed as permitted under this subsection (1) shall remain the property of the state, and such killing shall be reported to the division within five days. The division may bring a civil action against the owner of any dog inflicting death or injury to a big game animal or to small game, birds, and mammals for the value of each game animal injured or killed. The minimum value of each animal shall be as set forth in section 33-6-110. COLO. REV. STAT. § 33-3-106.</p>
<p>No program found</p> <p>§ 142-3.6. Animal industry special fund</p> <p>There is established the animal industry special fund to be administered by the board of agriculture. Moneys received by the board of agriculture from:</p> <p>(1) The use or rental of the division of animal industry's properties or facilities, including the animal quarantine property or facilities pursuant to section 142-3.5;</p> <p>(2) Revenue from fees for diagnostic, surveillance, and other work by the animal industry division veterinary laboratory and animal disease control branch; and</p> <p>(3) Appropriations or other moneys made available, shall be deposited into the special fund. All interest earned or accrued on moneys deposited in the special fund shall become part of the special fund. Moneys in the special fund shall be expended to cover costs of the division of animal industry, including the costs of salaries, fringe benefits, operating expenses, equipment, motor vehicles, contract with any qualified person or entity for livestock handling services, improvements to veterinary capabilities and operations, and operating and maintenance of the animal industry facilities provided that moneys in the special fund may be used to fund the department's resource management and planning programs. A reserve shall be maintained in the special fund to cover contingency costs, including accrued vacation leave, unemployment insurance, and workers' compensation. Haw. Rev. Stat. Ann. § 142-3.6 (West)</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Hawaii recognizes the collateral source rule, with exceptions for the recovery of medical expenses. See Byrum v. Magna, 101 P.3d 1145, 1155-57 (2004).</p>	<p>N/A</p>

What compensation schemes exist for livestock and crop losses?	What proof is required for a successful livestock or crop loss claim?	What limitations exist on claims submitted/recovery received per year/quarter/biennium?	What is the claims procedure?	How do states treat fraudulent loss claims (specifically as it relates to inflated value of losses)?	What is the role of private insurance in loss claims and which states utilize the collateral source rule for losses?	State management of wildlife versus individual permitting for out-of-season hunting?
<p>The Office of Species Conservation accepts applications for wolf depredation compensation due to loss. There is \$75,132 available to livestock producers for verified losses (confirmed kills and injuries that have been verified by Wildlife Services) due to wolves during the 2023 calendar year. Probable kills/injuries are not eligible for funding. The deadline for compensation applications is December 29th, 2023.</p> <p>Idaho Wolf Depredation Prevention Program: Eligible Expenses Guard dogs, visuals such as fladry and fox lights, range riders, increased human presence, trail cameras, other effective non-lethal prevention measures.</p> <p>36-1108. CONTROL OF DAMAGE BY PRONGHORN ANTELOPE, ELK, DEER OR MOOSE — COMPENSATION FOR DAMAGES. (b) 1. In order to establish eligibility for submission of claims for damages, persons suffering crop, prepared seedbed ground, or irrigation equipment damages on privately owned or leased land caused by pronghorn antelope, elk, deer or moose must: (A) Notify the department within seventy-two (72) hours of discovery of damage. (B) Follow up verbal notification with a written, which may be electronic, notice within twenty (20) days of the discovery of damages. (C) The department shall not be held liable or accountable for any damages occurring more than twenty (20) days prior to the initial notification of damage. However, the department may extend the period up to thirty (30) days under exceptional circumstances.</p> <p>(2) The wolf depredation control board shall use all funds in the wolf control fund, with the exception of money transferred from the fish and game fund as provided for in subsections (3), (4) and (5) of this section unless so directed by the fish and game commission pursuant to subsection (3) of this section, for all activities associated with legal lethal means of control and for the purposes of sections 22-5302 and 22-2034(A), Idaho Code. Idaho Code Ann. § 22-5306 (West)</p> <p>It is hereby made the duty of the state animal damage control board to coordinate and give general direction to programs to prevent and control damage or conflicts on federal, state, or other public or private lands caused by predatory animals, rodents, or birds injurious to animal husbandry, agriculture, horticulture, forestry, wildlife and human health or safety; and also to facilitate, coordinate or conduct such investigations, experiments or tests as deemed necessary to determine, demonstrate and promulgate the best methods of predatory animals and other vertebrate pest control. In carrying out these duties, the board may cooperate with federal, state, county, city and private agencies, organizations or individuals, provided, however, that the authority of this board is not to supersede the state fish and game department or the responsible federal agency in the utilization of the funds of those two (2) agencies in their conduct of similar work within the state of Idaho, but the board shall cooperate and work with these two (2) agencies. Prevention and control of predatory animals and other vertebrate pests does not include the payment of compensation for damages. Idaho Code Ann. § 25-2012A (West)</p> <p>§ 36-122 Fish and game advisory committee. (c) The department of fish and game shall provide staff assistance and support for the committee. (d) The committee shall have the authority to: 1. Act as a liaison between the commission, landowners, the department of agriculture, the department of fish and game, and wildlife, outdoor recreation and sportsman's organizations; 2. Act as an independent resource to give advice and recommendations on administration of the programs authorized in sections 36-1108 and 36-1109, Idaho Code. Idaho Code Ann. § 36-122 (West)</p>	<p>Only verified wolf depredation losses based on field examination are available for compensation. Verified wolf depredation loss compensation will not be eligible for compensation based on USFWS stipulations.</p> <p>Idaho Wolf Depredation Compensation Program Application Requires: 1. Documentation verifying livestock loss (Wildlife Services Depredation Investigative Report) for confirmed kill/stipulations. 2. Documentation of 50% cash or in-kind matching contributions. 3. Signed Combined Substitute W-9 form — Idaho State Controller's Office or IRS W-9 form.</p> <p>§ 36-1108. CONTROL OF DAMAGE BY PRONGHORN ANTELOPE, ELK, DEER OR MOOSE—COMPENSATION FOR DAMAGES (b) 1. In order to establish eligibility for submission of claims for damages, persons suffering crop, prepared seedbed ground, or irrigation equipment damages on privately owned or leased land caused by pronghorn antelope, elk, deer or moose must: (A) Notify the department within seventy-two (72) hours of discovery of damage. (B) Follow up verbal notification with a written, which may be electronic, notice within twenty (20) days of the discovery of damages. (C) The department shall not be held liable or accountable for any damages occurring more than twenty (20) days prior to the initial notification of damage. However, the department may extend the period up to thirty (30) days under exceptional circumstances. Idaho Code Ann. § 36-1108 (West)</p> <p>The Idaho Wolf Depredation Compensation and Prevention Program is partially funded through a federal grant titled the Wolf Livestock-Loss Demonstration Project (WLDLP). These funds require a 50% non-federal match. This can be in the form of cash, volunteer efforts, donations of goods and services, time and equipment used in dealing with wolf livestock conflicts.</p> <p>Matching Funds: Cash or "in-kind" support contributed to carry out the project. The required minimum match for Idaho Wolf Livestock Loss Demonstration Project funds is 50%. Only the additional use of immaterials, above and beyond normal livestock management activities can be counted toward match.</p> <p>In-Kind Contributions: The value of non-cash contributions provided. Non-cash contributions can be in the form of charges for personal services, real property, non-expendable personal property, and the value of goods and services directly benefiting and specifically identifiable to the project. Included in the Idaho claim packet is a list of standard rates used for labor and various types of equipment.</p> <p>For claims related to 36-1108, Idaho requires producers accept a net loss of \$750.</p> <p>2. Each claimant must submit a statement of total damages sustained per occurrence. For each such statement, the following conditions and requirements apply: (A) The amount of seven hundred fifty dollars (\$750) must be deducted from each such statement. This deductible is a net loss to the owner or lessee, and will not be compensated for from the expendable big game depredation fund, but the owner or lessee is required to absorb only a single seven hundred fifty dollar (\$750) deductible per claim. (B) Provided however, that for claims in subsequent years for damage to standing or stored crops in the same location as the first occurrence, the seven hundred fifty dollar (\$750) deductible will be waived if the department failed to prevent property loss following the first occurrence. Idaho Code Ann. § 36-115.</p>	<p>The Idaho Governor's Office of Species Conservation (OSCC) has received funding from the U.S. Fish and Wildlife Service's Wolf-Livestock Demonstration Project in order to implement preventative measures aimed at reducing wolf livestock conflict. A request for proposal (RFP) is available below to apply for these funds. A requirement for receiving these federal dollars is a 50% match by the applicant. Match can be in the form of cash or in-kind contributions.</p> <p>36-1109. CONTROL OF DAMAGE BY BLACK BEARS, GRIZZLY BEARS OR MOUNTAIN LIONS — COMPENSATION FOR DAMAGE. (c) Any claim for damages must be in written form, shall be in the form of a claim for damages substantially the same as required in section 6-907, Idaho Code, shall be attested by the claimant under oath, and the claim shall be for an amount of at least one thousand dollars (\$1,000) in damages per occurrence. The department shall prepare and make available suitable forms for claims for damages. Claims may be submitted only for the fiscal year (July 1 through June 30) in which they occurred. Any person submitting a fraudulent claim shall be prosecuted for a felony as provided in section 18-2706, Idaho Code.</p> <p>Payment for elk, antelope, deer, or moose is limited by Idaho Code Ann. § 36-115(6)(1).</p> <p>Under 36-115(6)(1), black bear, grizzly bear, or mountain lion damages are limited by the following conditions and requirements: 1. The full amount of any approved claim will not be paid at the time of approval, but shall be subject to the following conditions and requirements: (A) The director of the department of fish and game may order that not more than one-half (1/2) of the amount of the approved claim to be paid immediately, if, in the judgment of the director, such payment is within the estimated total claims liability for that fiscal year from the expendable big game depredation fund. (B) The total payment amount to any person for approved claims in the aggregate in a fiscal year, including any payment to any pass-through entity as defined in chapter 30, title 63, Idaho Code, from which the person receives income, and to any household member, shall not exceed ten percent (10%) of the original expendable big game depredation fund appropriation for the fiscal year. (C) The balance of all unpaid approved claim amounts shall be accumulated to a total as of June 30. If the balance in the expendable big game depredation fund appropriation is sufficient to pay all approved claims, the director shall promptly pay them. If the balance is not sufficient to pay the balance of all approved claims, the director shall pay a proportionate share to each claimant. (D) The director shall encumber the balance of the appropriation, or moneys sufficient to pay the approved claims, whichever is the lesser. Idaho Code Ann. § 36-115.</p>	<p>Idaho Wolf Depredation Prevention Program: Producers must submit proposal to parcel or Idaho and federal agriculture and wildlife experts. Reviewers rank proposals for compensation and send award letters for signature if the proposal is accepted. Required Documentation: 1. Completed Proposal (3 forms) (A) Basic Information, part 1 (B) Project Description, part 2 2. Signed IRS W-9 Form 3. Signed Letter Agreement</p> <p>36-1109. CONTROL OF DAMAGE BY BLACK BEARS, GRIZZLY BEARS OR MOUNTAIN LIONS — COMPENSATION FOR DAMAGE. (a) Prevention of damage by black bears, grizzly bears or mountain lions of the department, and it is the obligation of landowners to take all reasonable steps to prevent property loss from black bears, grizzly bears or mountain lions to or mitigate damage by such. The director, or his representative, will consult with appropriate land management agencies and landowners before transplanting or relocating any black bear, grizzly bear or mountain lion. (b) When any black bear, grizzly bear or mountain lion has done damage to or is destroying livestock on public, state or private land, whether owned or leased, or when any black bear or grizzly bear has done damage to or is destroying berries, bees, beehives or honey on private land, then the owner or his representative of such livestock shall, for the purposes of filing a claim, report such loss to a representative of the U.S. department of agriculture animal plant and health inspection services/animal damage control (APHIS/ADCO) who shall, within seventy-two (72) hours, investigate the conditions complained of. (c) Any claim for damages must be in written form, shall be in the form of a claim for damages substantially the same as required in section 6-907, Idaho Code, shall be attested by the claimant under oath, and the claim shall be for an amount of at least one thousand dollars (\$1,000) in damages per occurrence. The department shall prepare and make available suitable forms for claims for damages. Claims may be submitted only for the fiscal year (July 1 through June 30) in which they occurred. Any person submitting a fraudulent claim shall be prosecuted for a felony as provided in section 18-2706, Idaho Code. Lion receipt by the department, the department shall review the claim, and if approved, pay it as provided in section 36-115, Idaho Code. Failure on the part of the owner or representative to allow all access shall negate the claim and damages. 2. If the department accepts the claim for damages as submitted by the owner or his representative, the department may approve the claim for payment, or may make a counter offer. If the owner or his representative rejects the department's counter offer, his rejection or refusal must be in writing and submitted within five (5) business days. The value of the damage or destruction will be determined pursuant to the provisions of subsection (b)(3) of section 36-1108, Idaho Code, and, in circumstances so provided for by the provisions of subsection (b)(3) of section 36-1108, Idaho Code, pursuant to the provisions of subsection (b)(4) of section 36-1108, Idaho Code. Any claim received by the department under the provisions of this section must be processed by the department within sixty (60) calendar days of receipt. If the claim is approved for payment, the claim must be immediately forwarded to the department of administration for payment. Any damage claim determination by an independent insurance adjuster, accepted by the parties, must be paid by the department within forty-five (45) days of the determination. If the claim is disputed, the arbitration must be completed within one hundred eighty (180) days of filing the claim for such damages.</p> <p>36-1108. CONTROL OF DAMAGE BY PRONGHORN ANTELOPE, ELK, DEER OR MOOSE — COMPENSATION FOR DAMAGES. When any pronghorn antelope, elk, deer or moose is doing damage to or is destroying any property or is about to do so, the owner or lessee thereof may make complaint and verbally or electronically report the facts to the director or his designee who shall, within seventy-two (72) hours, investigate the conditions complained of. If it appears that the complaint is well-founded and the property of the complainant is being or is likely to be damaged or destroyed by such pronghorn antelope, elk, deer or moose... (b) 1. In order to establish eligibility for submission of claims for damages, persons suffering crop, prepared seedbed ground, or irrigation equipment damages on privately owned or leased land caused by pronghorn antelope, elk, deer or moose must: (A) Notify the department within seventy-two (72) hours of discovery of damage. (B) Follow up verbal notification with a written, which may be electronic, notice within twenty (20) days of the discovery of damages. (C) The department shall not be held liable or accountable for any damages occurring more than twenty (20) days prior to the initial notification of damage. However, the department may extend the period up to thirty (30) days under exceptional circumstances.</p> <p>36-1110. CONTROL OF DAMAGE BY GRAZING WILDLIFE — COMPENSATION FOR DAMAGE. (b) Claims submitted under the provisions of this section shall be limited to loss of forage on private lands, whether owned or leased, and shall be submitted and processed under the provisions of section 36-1108(b), Idaho Code, and approved claims shall be paid under the provisions of section 36-115(b), Idaho Code.</p>	<p>The Idaho Wolf Depredation Compensation Program requires attesting that "I hereby acknowledge the information contained in the submitted claim form and supporting documentation is true and correct. The Idaho Governor's Office of Species Conservation reserves the right to verify the undersigned claim. Should this verification reveal intentional falsehood on the part of the claimant, the undersigned will be legally obligated to return all received funds, and compensate the State for costs associated with verification."</p> <p>36-1109. CONTROL OF DAMAGE BY BLACK BEARS, GRIZZLY BEARS OR MOUNTAIN LIONS — COMPENSATION FOR DAMAGE. "Any person submitting a fraudulent claim shall be prosecuted for a felony as provided in section 18-2706, Idaho Code."</p> <p>§ 36-1108. CONTROL OF DAMAGE BY PRONGHORN ANTELOPE, ELK, DEER OR MOOSE—COMPENSATION FOR DAMAGES "Any person submitting a fraudulent claim shall be prosecuted for a felony as provided in section 18-2706, Idaho Code." Idaho Code Ann. § 36-1108.</p> <p>Generally, § 6-907. Contents of claims—Filing by agent or attorney—Effect of inaccuracies Idaho Code Ann. § 6-907.</p>	<p>Special controlled hunts are sometimes used to relieve big game damage problems on agricultural crops. Most regions issue only a handful of depredation permits each year. Deer, elk, black bear, harkny, and pronghorn are species available for a depredation hunt permit.</p> <p>36-1108. CONTROL OF DAMAGE BY PRONGHORN ANTELOPE, ELK, DEER OR MOOSE — COMPENSATION FOR DAMAGES. (a) Prevention of damage by black bears, grizzly bears or mountain lions of the department, and it is the obligation of landowners to take all reasonable steps to prevent property loss from wildlife or to mitigate damages by wildlife.</p> <p>§ 36-1107. Wild animals and birds damaging property Other provisions of law notwithstanding, any person may control, trap, and/or remove any wild animals or birds or may destroy the houses, dams, or other structures of subsisting animals for the purpose of protecting property from the depredations thereof as hereinafter provided: Idaho Code Ann. § 36-1107 (West)</p>	

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<p>2-15-3110. Livestock loss board (LLB) – purpose, membership, and qualifications: (1) There is a livestock loss board. The purpose of the board is to administer the programs called for in the Montana gray wolf conservation and management plan, the Montana mountain lion management plan, and the Montana grizzly bear management plan and established in 2-15-3111 through 2-15-3113, with funds provided through the accounts established in 81-1-110, in order to reimburse losses caused by wolves, mountain lions, and grizzly bears to livestock producers and to reimburse livestock producers for livestock losses from wolf, mountain lion, and grizzly bear predation.</p> <p>2-15-3111. Livestock loss reduction program: LLB shall establish and administer cost-share program for preventing predation.</p> <p>2-15-3112. Livestock loss mitigation program: LLB shall establish and administer program to reimburse livestock producers for livestock losses caused by wolves, mountain lions, and grizzly bears, subject to the following provisions...</p> <p>A landowner may also be reimbursed for livestock killed or injured as a result of allowing public hunting on lands under the landowners control, Montana Code Annotated (MCA) Title 81, Chapter 7, Part 1.</p> <p>The Montana LLB Livestock Loss Prevention Grant Program provides funding for loss prevention. Wolf or mountain lion grants require a 50% cost share from the applicant, whereas grizzly bear related grants require a 30% cost share. MCA 2-15-3111. Livestock loss reduction program.</p> <p>MONT. CODE ANN. §80-3-1101 (1) The department may establish and operate organized and systematic programs for the management and suppression of vertebrate pests. Vertebrate pests are defined as jackrabbits, prairie dogs, ground squirrels, pocket gophers, rats, mice, skunks, raccoons, bats, snakes, voles, and predatory and nuisance beavers. Predatory and nuisance beavers are defined as blackblacks, cowbirds, starlings, house sparrows, and feral pigeons, when they are nuisances to agriculture, other industries, and the public. For this purpose, the department may enter into written agreements with appropriate federal agencies, other state agencies, counties, associations, corporations, or individuals covering the methods and procedures to be followed in the management and suppression of these vertebrate pests, the extent of supervision to be exercised by the department, and the use and expenditure of funds appropriated, when this cooperation is necessary to promote the management and suppression of vertebrate pests. Management is: (a) the correct identification of a vertebrate pest; (b) recognition of its biology and environmental needs; (c) assessment of the pest's damage, injury, or nuisance to agriculture, industry, or the public prior to selecting and implementing any integrated or individual control methods to reduce, prevent, or suppress these damages; (d) evaluating the effects of these control methods. (2) This section does not apply to nongame wildlife managed or protected subject to Title 87, chapter 5, part 1.</p>	<p>For the Loss Prevention Grant Program, applicants must supply receipts for labor and materials used for prevention. Grant payments may be issued in increments as determined by the board. Applicants are required to supply a report showing proof of your cost share at the end of each segmented time period. Any following payments will not be issued until a satisfactory report is received by the board office. If applicants are unable to comply with this requirement, applicants must submit a letter explaining the reasons for the board's review. Further, applicants must be actively and directly involved in the raising and marketing of the following types of livestock, their offspring, or products derived from the livestock in the regular course of business: cattle, swine, horses, mules, sheep, goats, or lamas.</p> <p>Producers must show that they paid fees required by 15-24-021. Per capita fees to pay expenses of enforcing livestock laws.</p> <p>2-15-3112. Livestock loss mitigation program-definitions The livestock loss board shall establish and administer a program to reimburse livestock producers for livestock losses caused by wolves, mountain lions, and grizzly bears, subject to the following provisions: (1) The board shall establish eligibility requirements for reimbursement, which must provide that all Montana livestock producers are eligible for coverage for losses by wolves, mountain lions, and grizzly bears to cattle, swine, horses, mules, sheep, goats, lamas, and livestock guard dogs on state, federal, tribal, and private land. (2)(a) Except as provided in subsection (2)(b), the board may reimburse confirmed and probable livestock losses at an amount not to exceed the fair market value of the livestock. The LLB must prioritize grants for prevention measures of wolf and grizzly bear predation over those for mountain lion predation. 2-15-3110(6), MCA.</p>	<p>At the end of 2021, Montana's LLB was considering a 3-month time limit for livestock depredation claims to allow for more up-to-date data and budgeting by the LLB. (https://news.ktvl.com/news/montana-livestock-loss-board-considering-implementing-3-month-claims-limit/)</p>	<p>If you suspect a livestock loss due to wolf predation, you can request an investigation to see if the losses were due to a confirmed or probable wolf/grizzly bear depredation. The Livestock Loss Board can pay only for confirmed or probable losses as determined by USDA-Wildlife Services.</p> <p>Step 1: Contact USDA-Wildlife Services to request an investigation: West District (406) 458-9643 or State Office (406) 607-4464.</p> <p>Step 2: A USDA-WIS investigator will send your investigation report to the USDA-WIS state director in Billings.</p> <p>Step 3: USDA's Billings office will send a copy of the investigation and LLB's claim form to the livestock owner.</p> <p>Step 4: The livestock owner may now submit a claim to the Livestock Loss Board's office. If the livestock are contracted at a greater value, the owner must supply a copy of the contract or if an animal is registered, proof of registration is required.</p> <p>Step 5: The Livestock Loss Board's Executive Director prints a USDA Market Report from Billings to determine current cattle values or values as determined by the board.</p> <p>Step 6: Brand ownership, bank mortgages, and per-capita fee payments are researched (note: initial members are exempt from the per-capita fee requirement, per-capita must be current in order for a claim to be paid)</p> <p>Step 7: Typical claims are processed that same day. Non-typical claims are presented to the full board to determine values.</p> <p>Step 8: Livestock owners will receive a letter stating what the payment amount will be.</p> <p>Step 9: Payment is sent to the livestock owner by Department of Livestock accounting staff.</p> <p>Step 10: If a livestock owner disputes the value of the livestock, the owner must submit a letter to the board office and provide proof of the greater value. Appeals will be presented to the full board for review.</p> <p>To dispute value of lost livestock, the owner must submit a letter to the Livestock Loss Board office and provide proof of the greater value asserted. Appeals will be presented to the full board for review. (Step 10/10)</p> <p>Appeals: (5)(a) A process must be established to allow livestock producers to appeal reimbursement decisions. A producer may appeal a staff adjudger's decision by notifying the staff adjudger and the board in writing, stating the reasons for the appeal and providing documentation supporting the appeal. (b) The board may not accept any appeal on the question of whether the loss was or was not a confirmed or probable loss because that final determination lies solely with the U.S. department of agriculture wildlife services and may not be changed by the board.</p> <p>(c) The board shall hold a hearing on an appeal within 90 days of receipt of the written appeal, allowing the staff adjudger and the producer to present their positions. A decision must be rendered by the board within 30 days after the hearing. The producer must be notified in writing of the board's decision. Mont. Code Ann. § 2-15-3112.</p>	<p>No program data found.</p> <p>Related but different: Investigation left to USDA Wildlife Services (neutral third party)</p> <p>Part 1. Predatory Animal Control Penalty For Fraudulent Claims 81-7-122. Penalty for fraudulent claims. A person who catches up a skin or scalp or presents a punctured or patched skin or scalp or who brings in any skin or skins from other states or territories with the intent to fraudulently obtain a bounty or an officer who signs a certificate without first counting and examining the skins to determine the kind of skins and to see that the skin from the scalp or head is properly severed and preserved or a person who evades or violates any provision of law of the state of Montana relative to bounties or bounty claims shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding \$1,000 or by imprisonment in the county jail not exceeding 1 year or both. Two-thirds of the fine must be given to the person, if any, reporting the evasion or violation and the balance must be deposited in the state special revenue fund and used for the administration of 81-7-111 through 81-7-118 and 81-7-120 through 81-7-122.</p>	<p>Montana does not cap compensatory damages.</p> <p>Courts in Montana must reduce the amount of a verdict that was more than \$50,000 if the plaintiff will be fully compensated, not including courts costs and attorney fees. There is no right to subrogation except specifically granted by state or federal law. If an insurance policy reduces the award, several factors are considered in the reduction. Mont. Code Ann. § 27-1-308.</p> <p>Except for subrogation rights specifically granted by state or federal law or provided by contract, there is no right to subrogation for any amount paid or payable to a plaintiff from a collateral source. If for an award entered or provided in subsection (2), M.C.A. § 27-1-308(5)</p>	<p>Supplemental Game Damage License Hunts A supplemental game damage license hunt is a very small-scale measure trying to harvest more than 1000 bear crop or properly damaged game situations where larger-scale game damage hunts or management hunts are not applicable. Under MCA 87-2-520, the Department may issue a specific type of license called supplemental game damage license, valid only for antelope or doe/fawn elk, deer, or antelope, and valid only for a specific property, specific time period, and this specific type of hunt.</p> <p>87-2-520. Supplemental game damage license – terms and conditions. (1) If at any time the department determines, in conjunction with a landowner or a designated leasee acting as an agent for a landowner, that game animals on the property are causing a level of damage to crops or other vegetation that merits removal of a specific number of game animals or that the taking of a specific number of game animals is advisable for game management purposes, the department may issue nontransferable resident and nonresident supplemental game damage hunting licenses for game management purposes on the property.</p> <p>Part 2. County Bounty Program County Fee For Bounties On Predatory Animals – Definition 81-7-201. (1) County fee for bounties on predatory animals – definition. (1) Whenever the owners or agents of the owners of not less than 51% of the livestock of any county in this state present a petition to the board of county commissioners asking for the imposition of a fee upon the livestock of the county for the purpose of paying bounties on predatory animals killed in the county, the board of county commissioners shall impose the fee on all livestock in the county. The fee must remain in effect until a subsequent petition is submitted to modify or eliminate the fee.</p> <p>81-29-102. Control of feral swine. A person, a state agency, or a federal agency authorized by the state or the federal government is allowed to control or eradicate feral swine.</p> <p>81-29-103. Presence of feral swine – notification – immediate threat. (1) Except as provided in subsection (2), a person who believes feral swine are present on private or public property shall notify the board and, if authorized, assist in the control or eradication of the feral swine. (2) A person or the person's agent who eradicates feral swine on private property owned or leased by that person may immediately eradicate the feral swine if the person: (a) poses an immediate threat of harm to a person or property; or (b) will expend its range without immediate eradication. (3) A person who eradicates a feral swine pursuant to subsection (2) shall notify the board as soon as practicable, but no later than the limit established by board rule. The person shall follow instructions provided by the board, including but not limited to the handling, preservation for testing, or disposal of the carcass.</p> <p>Aside: Under the Game Damage Program, landowners may be eligible for game damage assistance if they allow public hunting during established hunting seasons. Assistance may include hazing, repellents, temporary or permanent stockyard fencing, damage hunts, fall permits, or supplemental game damage licenses. (https://wp.mt.gov/newsroom/landowner-programs/game-damage-program/) The primary intent of a damage hunt is to reduce crop and property damage by re-distributing game animals with only minimal harvest. By law (MCA 87-2-520), the Department may also issue a specific type of license called a supplemental game damage license, valid only for antelope or doe/fawn elk, deer, or antelope, and valid only for a specific property, specific time period, and this specific type of hunt.</p>

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<p>The Commission shall adopt regulations governing the disbursement of money to:</p> <p>(a) Prevent or mitigate damage to private property and privately maintained improvements, including, without limitation, fences.</p> <p>(b) Prevent or mitigate damage to fences on public lands;</p> <p>(c) Construct fences around sources of water on private lands or public lands where there has been damage to the area near such sources of water; and</p> <p>(d) Compensate persons for grazing reductions and the loss of stored and standing crops, caused by elk or game mammals not native to this State.</p> <p>2. The regulations must contain:</p> <p>(a) Requirements for the eligibility of those persons claiming damage to private property, privately maintained improvements, fences on public lands or areas near sources of water on public lands to receive money or materials from the Department, including:</p> <p>(1) A requirement that such a person enter into a cooperative agreement with the Director for purposes related to this title; and</p> <p>(2) A requirement that if the claim is for money or materials from the Department for the construction of a fence around a source of water on private land or public land, such a person must:</p> <p>(i) Conduct a physical inspection of the private land or public land upon which the fence is proposed to be constructed to determine the most effective manner in which to protect the source of water and to determine the most effective manner in which to provide access to a source of water for livestock and wildlife that is located outside the fence and within a reasonable distance from the fence;</p> <p>(ii) Conduct the inspection described in sub-paragraph (i) in consultation with the persons or entities which will be directly affected by the construction of the fence, including, without limitation, an owner of the private land on which the fence is proposed to be constructed;</p> <p>(iii) Enter into a cooperative agreement with the persons and entities described in sub-paragraph (ii) for purposes related to the construction of the fence in accordance with the results of the inspection conducted pursuant to this subparagraph;</p> <p>(iv) Procedures for the formation of a panel to assess damage caused by elk or game mammals not native to this State and to determine the value of a loss claimed if the person claims the loss and the Department do not agree on the value of the loss;</p> <p>(v) Procedures for the use on private property or public lands of materials purchased by the State to prevent damage caused by elk or game mammals not native to this State.</p> <p>(6) Any other regulations necessary to carry out the provisions of this section and NRS 504.155.</p> <p>3. The regulations must:</p> <p>(a) Provide for the payment of money or other compensation to cover the costs of labor and materials necessary to:</p> <p>(1) Prevent or mitigate damage to private property, privately maintained improvements and fences on public lands caused by elk or game mammals not native to this State; and</p> <p>(2) Construct fences around sources of water on private or public lands if:</p> <p>(i) Elk or game mammals not native to this State have caused damage to the area near such sources of water; and</p> <p>(ii) A source of water for livestock and wildlife is available outside such a fence and within a reasonable distance from such a fence or will be made available at such a location.</p> <p>(b) Prohibit a person who, within a particular calendar year, applied for or received a special incentive elk tag pursuant to NRS 502.142 from applying, within the same calendar year, for compensation pursuant to this section for the same private land.</p> <p>(c) An agreement between the claimant and an investigator of the Department, where possible, that the damage was caused by elk or game animals not native to this State. Nev. Admin. Code 504.411</p> <p>4. Money may not be disbursed to a claimant pursuant to this section unless the claimant shows by a preponderance of the evidence that the damage for which the claimant is seeking compensation was caused solely by elk or game mammals not native to this State.</p> <p>5. As used in this section, "public lands" means all lands within the exterior boundaries of the State of Nevada, except lands:</p> <p>(a) To which title is held by any private person or entity;</p> <p>(b) To which title is held by the State of Nevada, any of its local governments or the Nevada System of Higher Education;</p> <p>(c) Which are located within congressionally authorized national parks, monuments, national forests or wildlife refuges, or which are lands acquired by purchase consented to by the Legislature;</p> <p>(d) Which are controlled by the United States Department of Defense, Department of Energy or Bureau of Reclamation; or</p> <p>(e) Which are held in trust for Indian purposes or are Indian reservations. NEV. REV. STAT. ANN. §504.165.</p> <p>The provisions of this section and NRS 504.155 and 504.165 do not apply to:</p> <p>1. Alternative livestock; or</p> <p>2. Game mammals not native to this State, that are held in captivity for purposes other than as required by the Department. NEV. REV. STAT. ANN. §504.182.</p> <p>503.595. Prevention or alleviation of damage caused by wildlife.</p> <p>After the owner or tenant of any land or property has made a report to the Department indicating that such land or property is being damaged or destroyed, or is in danger of being damaged or destroyed, by wildlife,</p>	<p>NAC 504.365 Notice required from claimant. (NRS 504.165) Except as otherwise provided in NAC 504.370, to receive money or materials from the Department pursuant to the provisions of NAC 504.350 to 504.440, inclusive, a claimant must notify the Department in writing of any damage within 5 days after he or she discovers it. The notice must include the:</p> <ol style="list-style-type: none"> 1. Dates on which the damage occurred or an estimate of the date; 2. Estimated number of elk or game animals not native to this State that are causing the damage; 3. Type of damage; 4. Date on which the damage was discovered; 5. Estimated extent of the damage; and 6. Location of the damage. <p>NAC 504.370 Cooperative agreement between claimant and Director of Department. (NRS 504.165)</p> <ol style="list-style-type: none"> 1. To receive money or materials from the Department pursuant to the provisions of NAC 504.350 to 504.440, inclusive, a claimant must enter into a cooperative agreement with the Director of the Department. <p>504.440. Mitigation of damages required. Each claimant shall mitigate damages where possible. A claim may be denied or limited if the claimant fails to exercise reasonable care and diligence to avoid the loss or to minimize or lessen damage. The burden of proving a failure to mitigate damages rests with the Department.</p> <p>504.411. Proof of damage</p> <ol style="list-style-type: none"> 1. The Department shall develop a form to be used by a claimant to prove damage. 2. The claimant shall submit the form to the Department within 30 days after he or she files the notice required by NAC 504.365. The Department may return incomplete or incorrect forms. 3. The form must be accompanied by: <ol style="list-style-type: none"> (a) A statement that the damaged property was in good repair before the damage; (b) A statement setting forth the amount of property damaged, including the amount of material by type that is needed to repair or replace the property to its condition immediately before the damage; (c) An agreement between the claimant and an investigator of the Department, where possible, that the damage was caused by elk or game animals not native to this State. Nev. Admin. Code 504.411 	<p>A person who has, within a particular calendar year, applied for or received a special incentive elk tag pursuant to NRS 502.142 may not apply within the same calendar year for compensation for the same private land. NRS 504.165(3).</p> <p>No data found</p>	<p>The Department and the claimant shall inspect the property that is damaged as soon as is practicable, but not later than 10 days after the Department receives the notice required by NAC 504.365.</p> <p>504.416. Approval and payment of claims.</p> <ol style="list-style-type: none"> 1. If the Department approves a claim that is filed by a claimant, the Director of the Department or the Director's designee shall sign the form required by NAC 504.411 and date his or her signature. 2. The Department shall pay each approved claim as soon as is practicable, but not later than 30 working days after the Director or the Director's designee signs the form required by NAC 504.411. Nev. Admin. Code 504.415 <p>504.365. Notice required from claimant.</p> <p>Except as otherwise provided in NAC 504.370, to receive money or materials from the Department pursuant to the provisions of NAC 504.350 to 504.440, inclusive, a claimant must notify the Department in writing of any damage within 5 business days after he or she discovers it. The notice must include the:</p> <ol style="list-style-type: none"> 1. Dates on which the damage occurred or an estimate of the date; 2. Estimated number of elk or game animals not native to this State that are causing the damage; 3. Type of damage; 4. Date on which the damage was discovered; 5. Estimated extent of the damage; and 6. Location of the damage. 	<p>No data found</p>	<p>Nevada does not cap compensatory damages.</p> <p>The collateral source rule applies (see Proctor v. Castellel, 911 P.2d 853 (Nev. 1996)).</p> <p>Specifically, the Department shall not reimburse a claimant for losses for which the claimant is or can be reimbursed pursuant to a policy of insurance. Nev. Admin. Code 504.365.</p>	<p>502.424B. Cooperative agreement with Department.</p> <p>1. A cooperative agreement entered into pursuant to NAC 502.424B must provide that:</p> <p>(a) If the owner applicant's private land is adjacent to public land for which access is not available except through the private land, the owner applicant shall provide access to the public land during the hunting season to a person or hunting party with a tag for the purpose of hunting on the public land. The access may be at a specified location or locations as mutually agreed upon by the owner applicant and the Department and must be identified on the map provided by the Department which is required to be submitted with the application for a damage compensation tag pursuant to subparagraph (2) of paragraph (c) of subsection 1 of NAC 502.424B.</p> <p>(b) When the Department receives a notice from the owner applicant, the Department agrees to act expeditiously to:</p> <ol style="list-style-type: none"> (i) Consult with the owner applicant; (ii) Assess the cause of damage; (iii) Conduct a count of any depredating animals; and (iv) Recommend a course of action to mitigate damages. <p>(c) The owner applicant agrees to:</p> <ol style="list-style-type: none"> (i) Consult with the Department and consider its technical advice; and (ii) Allow a representative of the Department to enter his or her property at times mutually agreed upon to: <ol style="list-style-type: none"> (A) Inspect the property; (B) Assess the cause of damage; (C) Count the number of any depredating animals; and (D) Prevent further damage by any method the Department deems to be necessary, including, but not limited to, hazing, hunting, shooting and scaring. <p>2. If the owner applicant stops or attempts to stop any hunter holding a tag from entering or crossing his or her private land in violation of paragraph (a) of subsection 1 before the expiration of the agreement, the Department must refuse to issue any damage compensation tags to the owner applicant for 1 year.</p> <p>Aerial hunting will be conducted only under authorization of the Department of Wildlife through issuance of an aerial depredation permit, limited to bobcats, coyotes and weasels. Such permits shall be issued only to Wildlife Services or to landowners or tenants land or property that are being damaged by wildlife. An annual wildlife depredation permit may be issued to the State Supervisor, U. S. Department of Agriculture Wildlife Services, to kill mountain lion, common black bear, bobcat or others as needed causing or potentially causing a loss of private property, natural resources, or representing a threat to human health and safety. State of Nevada Board of Wildlife Commissioners Policy 257-25 K.</p> <p>502.425B. Formulation and implementation of plan to prevent or mitigate damage.</p> <p>1. After property that is claimed to have been damaged is inspected pursuant to NAC 502.4252, the Department and the owner applicant shall formulate a plan, if possible, to prevent or mitigate damage caused by the deer or antelope, including, but not limited to:</p> <ol style="list-style-type: none"> (i) Hazing and scaring; (ii) Erecting exclusionary devices; (iii) Issuing special depredation or emergency depredation hunt tags; or (iv) Removing the animals that are causing the damage. <p>2. Each owner applicant shall implement the plan formulated pursuant to subsection 1, where possible, by exercising reasonable care and diligence to minimize or lessen damage.</p> <p>502.4252. Notice of damage; inspection of property; assessment and proof of damage.</p> <p>502.424E. Requirements for eligibility; requests regarding damage to separate locations. (damage compensation tags)</p> <ol style="list-style-type: none"> 1. To be eligible for the issuance of a damage compensation tag, an owner applicant must: <ol style="list-style-type: none"> (a) Have sustained damage to his or her private property caused by deer or antelope; (b) In accordance with the requirements set forth in NAC 502.4252, notify the Department of any damage within 10 days after discovering it; (c) Enter into a cooperative agreement with the Department which complies with the requirements set forth in NAC 502.424B; (d) Submit an application for a damage compensation tag which includes, without limitation: <ol style="list-style-type: none"> (i) A form which sets forth any proof of the damage claimed by the owner applicant; (ii) A map which identifies the location on the private land at which the owner applicant will provide access to public land, if applicable; and (iii) The cooperative agreement entered into with the Department which is signed by the owner applicant and the Department; (e) Cooperate with the Department in inspecting the damage and formulating a plan to prevent or mitigate the damage; (f) Mitigate damages where possible and not feed or bait deer or antelope to attract the animals onto his or her land; (g) Comply with the requirements of NAC 502.424 to 502.425B, inclusive. <p>2. Except as otherwise provided in this subsection, a separate application must be made, and a separate cooperative agreement must be entered into, for each request for one or more damage compensation tags made with regard to each separate location on the property of the owner applicant at which damage was sustained. If the Department is able to conduct an investigation at each separate location on the property of the owner applicant at which the damage was sustained on the same day or consecutive days, a request for one or more damage compensation tags for multiple locations may be submitted on the same application and one cooperative agreement may be entered into for the multiple locations.</p>

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<p>Providing fencing materials or monetary payments and issuing kill permits are among a few of the options available to landowners in New Mexico. Typically, state agency personnel will evaluate depredation claims and recommend the best course of action to remedy the conflict.</p> <p>Section 19.30.2.13 - BIG GAME DEPREDATION DAMAGE FUND</p> <p>A. Expenditures. Allowable expenditures from the big game depredation damage fund shall be restricted to the procurement of goods and services intended to resolve or mitigate depredation in accordance with 17.3.13.4.B NMSA 1978, 17.2.2.1.B NMSA 1978, and 19.30.2.2 NMAC. Direct compensation shall not be allowed.</p> <p>§ 17.2-1. Short title, purpose</p> <p>Chapter 77, Articles 2 through 18 NMSA 1978 may be cited as "The Livestock Code". The Livestock Code shall be liberally construed to carry out its purposes, which are to promote greater economy, service and efficiency in the administration of the laws relating to the livestock industry of New Mexico, to control disease, to prevent the theft or illegal movement of livestock and to oversee the New Mexico meat inspection program.</p> <p>Direct compensation disallowed.</p> <p>§ 17-13.14. Big game depredation damage fund; creation; expenditure</p> <p>A. The "big game depredation damage fund" is created in the state treasury. The fund consists of appropriations made to the fund, revenues received by the department of game and fish from the sale of big game depredation damage stamps and earnings from the investment of the fund. The fund shall be administered by the department and money in the fund is appropriated to the department to carry out the provisions of Subsection B of this section.</p> <p>Payments from the fund shall be by warrant of the secretary of finance and administration vouchers signed by the director of the department or his authorized representative. Balances in the fund shall not revert to any other fund.</p> <p>The department of game and fish shall, by rule, establish a program to correct damage to federal, state or private land caused by big game and to prevent such damage in the future. Pursuant to rules adopted by the department, expenditures from the big game depredation damage fund shall be made by the department to carry out the established program, provided that money in the fund shall not be expended for any administrative costs.</p>	<p>For big game stamps, agency investigators must confirm depredation as part of the approval process for the stamp.</p> <p>Direct compensation disallowed.</p>	<p>Direct compensation disallowed.</p>	<p>Direct compensation disallowed.</p>	<p>Direct compensation disallowed.</p>	<p>There is no cap on either compensatory or punitive damages in New Mexico (except in medical malpractice cases), and the collateral source rule applies. Sunnyland Farms, Inc. v. Central N.M. Elec. Co-op., Inc., 201 P.3d 387 (N.M. 2013).</p>	<p>§ 17-13.13. Big game depredation damage stamp required; disposition of receipts</p> <p>A. Each license to hunt big game shall include a big game depredation damage stamp. The department of game and fish shall, by rule, set the fee for the stamp, provided that the fee shall not exceed five dollars (\$5.00) for each resident license or ten dollars (\$10.00) for each nonresident license.</p> <p>B. No license to hunt big game shall be considered to be a proper and valid license unless it includes, by a stamp, check off or other official mark, that the fee for the big game depredation damage stamp has been paid.</p> <p>C. Revenues received by the department of game and fish from the sale of big game depredation damage stamps shall be deposited to the credit of the big game depredation damage fund, N.M. Stat. Ann. § 17-13.13.1 (West)</p> <p>§ 17-13.14.2. Landowner permits; management of certain big game species</p> <p>The director of the department of game and fish may issue landowner permits for the lawful taking of elk, antelope, oxys, and deer. The permits may be issued when, in the determination of the director, they are necessary to effectively reduce conflicts between humans and wildlife and provide sporting hunting opportunities in accordance with regulations of the state game commission.</p> <p>19.30.2.12 BIG GAME DEPREDATION DAMAGE STAMP</p> <p>A. Purchase. Each person hunting any big game species in New Mexico must purchase a big game depredation damage stamp at the time of application purchase of a big game license. Stamp fees shall be in accordance with 19.30.2.19.</p> <p>B. Availability. Big game depredation damage stamps will be sold with all big game licenses by all hunting and fishing license vendors. The big game depredation damage stamp fee shall be included with every big game license type purchased.</p> <p>C. Expiration. Each big game hunter shall be required to purchase one stamp or validation per license. Each stamp will expire at the same time as the license it is issued to.</p>
<p>HB 3560 (2011) provided for OR Dept. of Ag. to establish & implement wolf depredation compensation/financial assistance grant program. OAR 603-019.</p> <p>ODA established and implemented a Wolf Depredation Compensation and Financial Assistance grant program (ORS 610.150) to assist livestock producers with costs associated with wolf depredation and non-lethal control measures. Funds from this grant program are awarded to counties to help create and implement county wolf depredation compensation programs under which:</p> <ul style="list-style-type: none"> Compensation is paid to persons who suffer loss or injury to livestock or working dogs due to wolf depredation. Financial assistance is provided to persons who implement livestock management techniques or non-lethal wolf deterrence techniques designed to discourage wolf depredation of livestock. Awards are only available to producers through counties with a wolf depredation compensation program to help with implementation and administrative costs. <p>The program is currently funded through a combination of federal grant funds, and funds in the Wolf Management Compensation and Proactive Trust Fund established by the Oregon Legislature in 2011 (ORS 610.155). Funds are made available to producers through Oregon counties participating in the program. In 2017, a total of 10 participating counties were awarded \$252,970 in grant funds. CDPW assists with the implementation of this program through two primary roles:</p> <ul style="list-style-type: none"> determining when wolf depredation occurs and delineating areas of known wolf activity. In addition, CDPW will continue to provide input to counties on appropriate non-lethal and preventative measures. Working dogs used to herd or protect livestock are considered livestock for the implementation of this Plan and the Oregon Department of Agriculture's Wolf Depredation Compensation and Financial Assistance Grant Program (ORS 610.150), and they are vulnerable to wolf depredation. 	<p>603-019-0020. Distribution of Grant Funds by County Advisory Committee</p> <p>Grant funds received by a county program from the Department may only be used to reimburse the following expenses or losses:</p> <ol style="list-style-type: none"> Compensation for documented death or injury to livestock and working dogs determined as attributed to wolf depredation. Compensation for missing livestock or working dogs only when the animals in question became missing from within an area of known wolf activity and the livestock owner or manager has satisfied the requirements described in 603-019-0015. Compensation for death, injury or missing livestock or working dogs within a known area of wolf activity requires the livestock owner or manager to demonstrate to the county advisory committee that they implemented best management practices to deter wolves, including reasonable use of nonlethal methods when practicable. Compensation for the cost of livestock management techniques or nonlethal wolf deterrence techniques designed to limit wolf/livestock interactions and discourage wolf depredation of livestock. These funds must amount to at least 30% of the total grant funds distributed by the Department to a county program. A county may submit up to 10% of expenses incurred by implementation of a county program meeting the requirements specified in OAR 603-019-0015. The county must make a money contribution equaling at least 10% of the expenses for one calendar year for implementation of a county program. 	<p>603-019-0010. Eligible County Applicants</p> <p>Eligible applicants are county governments that have established an advisory committee and otherwise meet the requirements listed in OAR 603-019-0015 and are prepared to assess applications from persons who are eligible to apply for grant funds from the county.</p> <p>603-019-0015. Standards to Determine Grant Award Eligibility</p> <ol style="list-style-type: none"> The Department will consider applications for funds from the Trust Fund from county programs that meet the stated purpose of this rule and contain the elements specified in this section. Grants are subject to available funding in the Trust Fund. A county may qualify for a grant if a county has a county program that meets the following requirements: 	<p>603-019-0025. County Application Procedures for the Wolf Depredation Compensation and Financial Assistance Grant Program</p> <ol style="list-style-type: none"> Grant application forms will be made available and distributed by the Department. Each county shall submit its proposal for funding on the Department's application form, including attachments as necessary. Applications for grant funds may be submitted to the Department by February 15th of each year. Late submissions may be accepted in the discretion of the Department as is consistent with law. Grant applications may be made for: <ul style="list-style-type: none"> (a) Funds to compensate for the loss or injury of livestock or working dogs due to wolf depredation. (b) Funds to compensate for missing livestock consistent with OAR 603-019-0015. (c) Funds for financial assistance for the implementation of nonlethal management techniques designed to discourage wolf depredation of livestock; and (d) For up to 90% of the expense for one calendar year of implementing a county program as described in 603-019-0015. 	<p>Oregon does not cap compensatory damages except in medical malpractice cases.</p> <p>In Oregon, the collateral source rule has been abrogated by statute and courts are permitted to reduce the verdict award based on payments from collateral sources (submitted via affidavit prior to a judgment), though the collateral source evidence is not admissible. Or. Rev. Stat. § 31.960.</p>	<p>603-010-0105. Permits and Applications; Airborne Hunting</p> <ol style="list-style-type: none"> Application for permit to engage in airborne hunting to protect livestock, domesticated animals or natural resources shall be made to the Department by the affected livestock or land owner or designated agent on forms prescribed by the Department. Should the Department determine there are circumstances resulting in insufficient time to mail the application to the Department, the application may be made by facsimile or telephone. The application shall contain the following: (among other things) (a) A statement describing the extent of claimed losses of livestock, domesticated animals or natural resources attributable to coyote depredation or feral canine existence, including the time periods thereof, the locations thereof and the methods used in verification thereof; and A statement describing the prior efforts to control coyote depredation, including the time periods thereof, the methods and types of devices used, and the apparent effectiveness thereof. <p>(1) of this rule, the Department shall: (b) Determine the necessity of using airborne hunting to control depredation or natural resource destruction rather than other acceptable methods therefore, including whether airborne hunting under the annual damage control program under the U.S.D.A.-APHIS, Wildlife Services is available.</p>	<p>635-110-0000. Wolf Conservation and Management Plan</p> <p>(1) The document entitled "Oregon Wolf Conservation and Management Plan" (Plan) dated June 2019 is incorporated here by reference as administrative rule. (This incorporation by reference includes the body of the Plan plus its Appendix A. Other appendices are excluded.) The Plan includes program direction, objectives and strategies to manage gray wolves in Oregon and defines the special status game mammal designation. Or. Admin. R. 635-110-0000</p>

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<p>Utah</p> <p>R657-44-5. Compensation for Damage to Crops, Fences, or Irrigation Equipment on Private Land.</p> <p>(1) The division may provide compensation to landowners or lessees for damage to cultivated crops on cleared and planted land, or fences or irrigation equipment on private land caused by big game animals pursuant to Sections 23-13-3 and 23-16-4.</p> <p>R657-44-2. Definitions</p> <p>(e) "Depredation mitigation plan" means a document prepared by the division pursuant to Section 23-16-2(2)(b) and R657-44-3(4) outlining the actions it will take to prevent and mitigate big game damage to livestock forage, cultivated crops, irrigation equipment, and fences on private land.</p>	<p>§ 23A-8-202. Livestock depredation by predators</p> <p>(1) If a predator harasses, chases, disturbs, harms, attacks, or kills livestock, within 60 hours of the act.</p> <p>(a) In a depredation case, the livestock owner, an immediate family member, or an employee of the livestock owner on a regular payroll and not specifically hired to take a predator, may take predators subject to the requirements of this section.</p> <p>(b) A landowner or livestock owner may notify the division of the depredation or human health and safety concerns, who may authorize a local hunter to take the offending predator or notify a wildlife specialist or</p> <p>(c) the livestock owner may notify a wildlife specialist of the depredation who may take the depredating predator.</p> <p>R657-44-3. Damage to Cultivated Crops, Fences, or Irrigation Equipment by Big Game Animals.</p> <p>(1) If big game animals are damaging cultivated crops on cleared and planted land, or fences or irrigation equipment on private land, the landowner or lessee shall immediately, upon discovery of big game damage, request that the division take action by notifying a division representative in the appropriate regional office pursuant to Section 23-16-3(1).</p> <p>(2) Notification may be made</p> <p>(a) orally to expedite a field investigation; or</p> <p>(b) in writing to a division representative in the appropriate division regional office.</p> <p>(3) (a) The regional supervisor or division representative shall contact the landowner or lessee within 72 hours after receiving notification to determine the nature of the damage and take appropriate action for the extent of the damage experienced or expected during the damage incident period.</p> <p>(b) The division shall consider the big game population management objectives as established in the wildlife unit management plan approved by the Wildlife Board.</p> <p>(c) Division action shall include:</p> <p>(i) removing the big game animals causing depredation; or</p> <p>(ii) implementing a depredation mitigation plan pursuant to Sections 23-16-3(2)(b) through 23-16-3(2)(f) and approved in writing by the landowner or lessee.</p> <p>(4) (a) The division mitigation plan may incorporate any of the following measures:</p> <p>(i) sending a division representative onto the premises to control or remove the big game animals, including:</p> <p>(A) hunting;</p> <p>(B) capture and relocation;</p> <p>(C) temporary or permanent fencing; or</p> <p>(D) removal, as authorized by the division director or the division director's designee.</p> <p>(ii) recommending to the Wildlife Board an antileague big game hunt in the next big game season framework.</p> <p>(iii) scheduling a depredation hunter pool hunt in accordance with Sections R657-44-1, R657-44-4, or R657-44-5.</p> <p>(iv) issuing mitigation permits to the landowner or lessee for the harvest of big game animals causing depredation during a general or special season hunt authorized by the Wildlife Board, of which:</p> <p>(A) the hunting area for big game animals may include a buffer zone established by the division that surrounds, or is adjacent to, the lands where depredation is occurring;</p> <p>(B) the landowner or lessee may designate an immediate family member or employee to receive mitigation permits;</p> <p>(C) a person may receive no more than five antileague deer permits, five doe pronghorn permits, and two antileague elk permits per mitigation plan;</p> <p>(D) each qualified recipient of a mitigation permit will receive from the division a Mitigation Permit Hunting License that satisfies the hunting license requirements in R657-44-11(c) to obtain the mitigation permit;</p> <p>(E) the Mitigation Permit Hunting License does not authorize the holder to hunt small game, nor does it qualify the holder to apply for or obtain a cougar, bear, turkey, or other big game permit;</p> <p>(v) issuing big game mitigation permit vouchers for use on the landowner's or lessee's private land during a general or special hunt authorized by the Wildlife Board of which:</p> <p>(A) mitigation permit vouchers for antileague deer may authorize the take of one or two deer as determined by the division;</p> <p>(B) mitigation permit vouchers for pronghorn may authorize the take of one or two doe pronghorn as determined by the division;</p> <p>(C) the division may not issue mitigation permit vouchers for moose, bison, bighorn sheep, or mountain goat; and</p> <p>(D) the hunting area for big game animals may include a buffer zone established by the division that surrounds, or is adjacent to, the landowner's or lessee's private lands where depredation is occurring.</p> <p>(b) The mitigation plan may describe how the division will assess and compensate for damage pursuant to Section 23-16-4.</p> <p>(c) The landowner or lessee and the division may agree upon a combination of mitigation measures to be used pursuant to Subsections 4(a)(i) through 4(a)(v), including a damage payment or a description of how the division will assess and compensate the landowner or lessee under Section 23-16-4 for damage to cultivated crops, fences, or irrigation equipment.</p> <p>(d) The agreement pursuant to Subsection 4(c) must be made before a claim for damage is filed and the mitigation measures are taken.</p>	<p>None found.</p>	<p>Utah Admin. Code r. R657-44-3</p> <p>(5) Vouchers may be issued in accordance with Subsection 4(a)(v) to:</p> <p>(i) the landowner or lessee; or</p> <p>(ii) a landowner association that:</p> <p>(i) applies in writing to the division;</p> <p>(ii) provides a map of the association lands; and</p> <p>(iii) provides signatures of the landowners in the association; and</p> <p>(iv) designates an association representative to act in liaison with the division.</p> <p>Utah Admin. Code r. R657-44-3</p> <p>(10)(a) If the landowner or lessee and the division are unable to agree on the assessed damage, they shall designate a third party pursuant to Subsection 23-16-4(3)(c).</p> <p>(b) Additional compensation may be paid above the value of any mitigation permits or vouchers granted to the landowner or lessee if the damage exceeds the value of the mitigation permits or vouchers.</p> <p>§ 23A-8-402. Damage to cultivated crops, livestock forage, fences, or irrigation equipment by big game animals--Action by division--Depredation mitigation plan</p> <p>(1)(a) If on private land big game animals damage cultivated crops, livestock forage, fences, or irrigation equipment, the landowner or lessee shall immediately, upon discovery of the damage, request that the division take action to alleviate the depredation problem.</p> <p>(b) The landowner or lessee shall allow division personnel reasonable access to the property sustaining damage to verify and alleviate the depredation problem.</p> <p>(2)(a) Within 72 hours after receiving the request for action under Subsection (1) (a), the division shall investigate the situation, and if it appears that depredation by big game animals may continue, the division shall:</p> <p>(i) remove the big game animals causing depredation; or</p> <p>(ii) implement a depredation mitigation plan that is approved, in writing, by the landowner or lessee.</p> <p>Utah Code Ann. § 23A-8-402 (West)</p>	<p>No data available.</p>	<p>Utah does not cap compensatory damages, generally.</p> <p>The collateral source rule applies in Utah. <i>Phillips v. Bennett</i>, 439 P.2d 457, 458 (Utah 1968). However, evidence of collateral source payments is admissible in medical malpractice actions, except where a right of subrogation exists. Utah Code Ann. § 78B-3-406 (2008).</p>	<p>Utah Admin. Code r. R657-44-3</p> <p>(7) Mitigation permits or vouchers may be withheld from persons who have violated this rule, any other wildlife rule, the Wildlife Resources Code, or are otherwise ineligible to receive a permit.</p> <p>(8) (a) The options provided in Subsections 4(a)(i) through 4(a)(v) are for antileague animals only.</p> <p>(b) Deer and pronghorn hunts may be August 1 through December 31, and elk hunts may be August 1 through January 31.</p> <p>(9) (a) The division director may approve mitigation permits or mitigation permit vouchers issued for antileague animals.</p> <p>(b) A mitigation permit may be issued to the landowner or lessee or a qualifying individual designated by the landowner or lessee to be big game for personal use, provided the division and the landowner or lessee desire the animals to be permanently removed.</p> <p>(c) A mitigation permit voucher may be issued to the landowner or lessee, provided:</p> <p>(i) (A) the division determines that the big game animals in the geographic area significantly contribute to the wildlife management unit;</p> <p>(B) the landowner or lessee agrees to perpetuate the animals on their land; and</p> <p>(C) the damage, or expected damage, to the landowner's or lessee's cleared and planted land equals or exceeds the expected value of the mitigation permit voucher on that private land within the wildlife unit; or</p> <p>(ii) (A) the big game damage occurs on the landowner's or lessee's cleared and planted land;</p> <p>(B) the division and the affected landowner or lessee desire the animals to be permanently removed; and</p> <p>(C) the damage, or expected damage, to the cleared and planted land equals or exceeds the expected value of the mitigation permit voucher on that private land within the wildlife unit.</p> <p>(d) The hunting area for a mitigation permit or permit voucher issued under this subsection includes the landowner's or lessee's cleared and planted land where the depredation occurs and may include a buffer zone established by the division that surrounds, or is adjacent to, that land.</p> <p>Utah Code Ann. § 23A-8-202 (West)</p> <p>4(a)(v) In accordance with Subsection 4(b), the division may issue a depredation permit to take a predator on specified private lands and public land grazing allotments with a chronic depredation situation when numerous livestock have been killed by predators.</p> <p>(i) Issue one or more depredation permits to an affected livestock owner or a designee of the affected livestock owner, provided that the livestock owner does not receive monetary consideration from the designee for the opportunity to use the depredation permit;</p> <p>(ii) determine the legal weapons and methods of taking allowed; and</p> <p>(iii) specify the area and season that the depredation permit is valid.</p> <p>5(a) A predator taken under Subsection 1(a) or (4) remains the property of the state and shall be delivered to a division office or employee within 96 hours of the take.</p>

What compensation schemes exist for livestock and crop losses?	What proof is required for a successful livestock or crop loss claim?	What limitations exist on claims submitted/recovery received per year/quarter/biennium?	What is the claims procedure?	How do states treat fraudulent loss claims (specifically as it relates to inflated value of losses)?	What is the role of private insurance in loss claims and which states utilize the collateral source rule for losses?	State management of wildlife versus individual permitting for out-of-season hunting?
<p>Washington's wolf compensation program requires that claimants first enter into a damage prevention cooperative agreement with WDFW, the terms of which are negotiated.</p> <p>220-440-170. Payment for livestock damage and other domestic animals--Limitations. Commercial livestock owners who have worked with the department to prevent depredation but continue to experience losses, or who experience unforeseen losses may be eligible to file a damage claim and receive cash compensation. Cash compensation will only be provided to livestock owners by the department when specifically appropriated by the legislature or other funding entity. Damages payable under this section are limited to the lost or diminished value of livestock caused by wild boars, cougars, or wolves and shall be paid only to the owner of the livestock, without assignment. Cash compensation for livestock losses from bears, cougars, and wolves shall not include damage to other real or personal property, including other vegetation or animals, consequential damages, or any other damages except veterinarian services may be eligible. However, livestock owners under written agreement with the department will be compensated consistent with their agreement which may extend beyond the limitations in this section.</p> <p>State law requires that only claims of \$500 or more may be filed with the department for compensation from state funds. https://wdfw.wa.gov/topics/wildlife/depredation/depredation-compensation</p> <p>(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 chronological 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. Wash. Admin. Code 220-440-180</p> <p>Claims for cash compensation will be deemed when:</p> <p>(1) Funds for livestock compensation have not been specifically appropriated by the legislature or other funding entity.</p> <p>(2) The claim is for livestock other than sheep, cattle, or horses, when only state funds are available; or any domestic animals not allowed by the funding entity.</p> <p>(3) The owner fails to provide the department with an approved checklist of the preventative and nonlethal means that have been employed, or the owner failed to comply with the terms and conditions of his or her agreement with the department.</p> <p>(4) The owner has accepted noncash compensation to offset livestock losses in lieu of cash. Acceptance of noncash compensation will constitute full and final payment for livestock losses within a fiscal year.</p> <p>(5) Damages to the livestock of other domestic animals claimed are covered by insurance or are eligible for payment from nonprofit organizations. However, any portion of the damage not covered by nonprofit organizations is eligible for filing a claim with the department.</p> <p>(6) The owner fails to provide on-site access to the department or designee for inspection and investigation of alleged attack or to verify eligibility for claim.</p> <p>(7) The owner has not provided a completed written claim form and all other required information, or met required timelines prescribed within this chapter.</p> <p>(8) No claim will be processed if the owner fails to sign a statement affirming that the facts and supporting documents are truthful to the best of the owner's knowledge; or</p> <p>(9) The owner or designee has salvaged or rendered the carcass or</p>	<p>The claimant is required to provide documentation that includes the commercial value of the lost livestock, an estimate of the percentage loss of value for the injured livestock, and a completed claim form. https://wdfw.wa.gov/topics/wildlife/depredation/depredation-compensation</p> <p>Filing a claim:</p> <p>(1) Claimant must notify the department within twenty-four hours of discovery of livestock or other domestic animal attack or as soon as feasible.</p> <p>(2) Damage claim assessment amount and value of eligible livestock or guard dog loss is the primary responsibility of the claimant. Investigation of the loss and review and approval of the assessment will be conducted by the department. (a) The claimant must provide access to department staff or designees to investigate the cause of death or injury to eligible livestock or guard dogs 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. (4) To be eligible a claimant must submit a written statement, electronic or hard copy, within thirty days of discovery of a loss to indicate his or her intent to file a claim. (5) A complete claim package must be submitted to the department within ninety days of a discovery of an attack on livestock or guard dogs to be eligible for compensation. (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 the claim. (7) In addition to a completed claim form, a claimant must provide: (a) Proof of legal ownership or contractual lease of claimed livestock. (b) Records documenting the value of the livestock or guard dog depending upon the determination for cause of loss. (c) Declaration signed under penalty of perjury indicating that the claimant is eligible for the claim, meets eligibility requirements listed under this chapter and in RCW 77.36.100, 77.36.110, and 77.36.120, and all claim evaluation and assessment information required under this chapter to the best knowledge of the claimant true and accurate. (d) A copy of any insurance policy covering loss claims. (e) Payment of any amount 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 documented compliance with the terms and conditions of the claimant's agreement with the department, or the director approved waiver. (g) For losses caused by bear or cougar, livestock value will be determined by the market value for an animal of the same breed, sex, and average pregnancy rates due to harassment of livestock. (10) Claims for higher than normal livestock losses, insured weight gains, or reduced pregnancy rates due to harassment of livestock caused by wild boars, cougars, or wolves shall be based on the preceding three-year running average. (6) The losses must occur on large pastures or range land used for grazing, lambing, or calving where regular monitoring of livestock is impractical (and therefore discovery of carcasses infrequent) as determined by the department. (c) Verification by the department that wolves are accessible to the area. (6) The losses cannot be reasonably explained by other cause. (f) Compliance with the department's preventative measures checklist, or departmental agreement, or a waiver signed by the director. (11) Compensation under this department combined with any other compensation may not exceed the total assessed value of the loss. (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 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, they must request an informal resolution or adjudicative proceeding as described in WAC 220-440-230. The appeal must be in writing and may be mailed or submitted by email. If no written acceptance or request for appeal is received within sixty days of receipt of the settlement offer, the offer is considered rejected and not subject to appeal. (13) If the claimant accepts the department's offer, the department will provide payment to the claimant within thirty days from receipt of the written acceptance document(s).</p> <p>(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 chronological 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. Wash. Admin. Code 220-440-180</p> <p>Claims for cash compensation will be deemed when:</p> <p>(1) Funds for livestock compensation have not been specifically appropriated by the legislature or other funding entity.</p> <p>(2) The claim is for livestock other than sheep, cattle, or horses, when only state funds are available; or any domestic animals not allowed by the funding entity.</p> <p>(3) The owner fails to provide the department with an approved checklist of the preventative and nonlethal means that have been employed, or the owner failed to comply with the terms and conditions of his or her agreement with the department.</p> <p>(4) The owner has accepted noncash compensation to offset livestock losses in lieu of cash. Acceptance of noncash compensation will constitute full and final payment for livestock losses within a fiscal year.</p> <p>(5) Damages to the livestock of other domestic animals claimed are covered by insurance or are eligible for payment from nonprofit organizations. However, any portion of the damage not covered by nonprofit organizations is eligible for filing a claim with the department.</p> <p>(6) The owner fails to provide on-site access to the department or designee for inspection and investigation of alleged attack or to verify eligibility for claim.</p> <p>(7) The owner has not provided a completed written claim form and all other required information, or met required timelines prescribed within this chapter.</p> <p>(8) No claim will be processed if the owner fails to sign a statement affirming that the facts and supporting documents are truthful to the best of the owner's knowledge; or</p> <p>(9) The owner or designee has salvaged or rendered the carcass or</p>	<p>The department is authorized to pay the market value for the eligible livestock or guard dog lost or the market value of indirect livestock losses as a result of harassment by wolves, including reduced weight gains for livestock, and no more than ten thousand dollars to the livestock owner per claim. Wash. Admin. Code 220-440-170</p> <p>Settlement of claims: (8) Subject to funds appropriated to pay for livestock or guard dog losses, undisputed claims will be paid up to ten thousand dollars. (9) Valuation of the lost livestock: (a) The department may utilize the services of an independent certified appraiser to assist in the valuation of livestock or guard dog claims. (b) For losses caused by wolves, the compensation value for livestock or guard dogs will be based on the value of the time the animal would normally be sold at market or the cost to replace the animal, and based on comparable types and/or weight of livestock or guard dogs, such as comparable coyote, sheep, steers, cows, ewes, and lambs; or (c) For losses caused by bears, the compensation value will be determined by the market or replacement value will be determined by an independent certified appraiser, the sales receipts from the most recent sale of comparable animals by the owner, or the sales receipts from the next sale of comparable animals by the owner. (i) Where the livestock grazing site was greater than or equal to one hundred acres, there is a rebuttable presumption that the number of commercial livestock wolf depredations that are eligible for compensation to have the number of wolf livestock depredations documented by the department, unless all remaining livestock are accounted for. On these grazing sites, the payment for each confirmed wolf depredation will be the full market value for two commercial livestock. The payment for each probable wolf depredation will be half the full market value for two commercial livestock. Payments will be reduced by half if the remaining livestock are accounted for. (j) Where the livestock grazing site was less than one hundred acres, there is a rebuttable presumption that all commercial livestock wolf depredations are discovered by the livestock owner. On these grazing sites, the payment for each confirmed wolf depredation will be the full market value for one commercial livestock. The payment for each probable wolf depredation will be half the full market value for one commercial livestock. Wash. Admin. Code 220-440-180</p> <p>The department may pay no more than one hundred twenty thousand dollars per fiscal year from the state wildlife account created in RCW 77.12.170 for claims and assessment costs for damage to commercial livestock caused by wild deer or elk submitted under RCW 77.36.100, WASH. REV. CODE ANN. § 77.36.070. (1) Unless the legislature declares an emergency under this section, the department may pay no more than thirty thousand dollars per fiscal year from the general fund for claims and assessment costs for damage to commercial livestock caused by wild deer or elk submitted under RCW 77.36.100. (2)(a) The legislature may declare an emergency if weather, fire, or other natural events result in deer or elk causing excessive damage to commercial crops. (b) After an emergency declaration, the department may pay as much as may be subsequently appropriated, in addition to the funds authorized under subsection (1) of this section, for claims and assessments costs under RCW 77.36.100. Such money shall be used to provide for wildlife interaction claims only if the claim meets the conditions of RCW 77.36.100 and the department has expended all funds authorized under RCW 77.36.070 and RCW 77.36.100. (1)(a) Except as limited by RCW 77.36.070, 77.36.100, and 77.36.110, the department may use state funds to distribute money appropriated to pay claims to the owner of commercial livestock that has been killed by bears, wolves, or cougars, or injured by bears, wolves, or cougars to such a degree that the market value of the livestock has been diminished. Payments for claims for damage to livestock are not subject to the limitations of RCW 77.36.070 and 77.36.080, but may not, except as provided in RCW 77.36.170 and 77.36.180, exceed the total amount specifically appropriated therefor. (b) Owners of commercial crops or livestock are only eligible for a claim under this subsection if:</p> <p>(i) The commercial crop owner satisfies the definition of "eligible farmer" in RCW 62.08.895;</p> <p>(ii) The conditions of RCW 77.36.110 have been satisfied; and</p> <p>(iii) The damage caused to the commercial crop or livestock satisfies the criteria for damage established by the commission under (c) of this subsection.</p> <p>(c) The commission shall adopt and maintain by rule criteria that clarify the damage to commercial crops and livestock qualifying for compensation under this subsection. An owner of a commercial crop or livestock must satisfy the criteria prior to receiving compensation under this subsection. The criteria for damage adopted under this subsection must include, but not be limited to, a required minimum economic loss to the owner of the commercial crop or livestock, which may not be set at a value of less than five hundred dollars.</p> <p>(2)(a) Subject to the availability of nonstate funds, nonstate resources other than cash, or amounts appropriated for this specific purpose, the department may offer to provide compensation to offset wildlife interactions to a person who applies to the department for compensation for damage to property other than commercial crops or livestock that is the result of a mammalian or avian species of wildlife on a case-specific basis. If the conditions of RCW 77.36.110 have been satisfied and if the damage satisfies the criteria for damage established by the commission under (b) of this subsection:</p> <p>(b) The commission shall adopt and maintain by rule criteria for damage to property other than a commercial crop or livestock that is damaged by wildlife and may be eligible for compensation under this subsection, including criteria for filing a claim for compensation under this subsection.</p> <p>(3)(a) To prevent or offset wildlife interactions, the department may offer materials or services to a person who applies to the department for assistance in providing mitigating actions designed to reduce wildlife interactions. If the actions are designed to address damage that satisfies the criteria for damage established by the commission under this section:</p> <p>(b) The commission shall adopt and maintain by rule criteria for mitigating actions designed to address wildlife interactions that may be eligible for materials and services under this section, including criteria for advancing an application under this section.</p> <p>(4) An owner who files a claim under this section may appeal the decision of the department pursuant to rules adopted by the commission if the claim:</p> <p>(a) Is denied; or</p> <p>(b) Is disputed by the owner and the owner disagrees with the amount of compensation determined by the department.</p> <p>(5) The commission shall adopt rules setting limits and conditions for the department's expenditures on claims and assessments for commercial crops, livestock, other property, and mitigating actions. WASH. REV. CODE ANN. § 77.36.100. (1) No owner may receive compensation for wildlife interactions under this chapter unless the owner has, as determined by the department, first:</p>	<p>To submit a claim for compensation, the claimant must complete the following steps: (1) Notify WDFW within 24 hours of discovering a livestock attack. (2) Protect the carcass to avoid scavenging and allow investigation to be completed by WDFW or its designee as to the cause of the death or injury. (3) Request a claim form within 30 days of discovering the loss by contacting the Wildlife Program in writing, by phone, or via email. (4) Submit a completed claim form within 90 days of notifying WDFW of the loss. A completed form includes a depredation claim eligibility checklist to show proactive measures in place, estimated value of lost or injured livestock, proof of ownership of lost or injured livestock, report of any related insurance policies, and signatures. https://wdfw.wa.gov/topics/wildlife/depredation/depredation-compensation</p> <p>(5) If parties cannot agree upon damages, or the owner wishes to appeal the claim denial or the department's settlement offer (order), the owner may request an adjudicative proceeding consistent with chapter 34.06 RCW within sixty days of receiving a copy of the department's decision. Wash. Admin. Code 220-440-230</p>	<p>220-440-230. Bear and cougar depredation permit hunts for domestic animal or livestock loss. This section applies to any person participating in a director authorized bear or cougar depredation permit hunt for domestic animal or livestock loss pursuant to RCW 77.12.240 or 77.15.245.</p> <p>220-440-110. Use of wildlife control operators to address wildlife interactions. The director or director's designee may issue permits to persons that fulfill the requirements to become a certified wildlife control operator (WC/O) for purposes of assisting property owners in managing animals causing damage to private property. Only persons meeting the WC/O certification requirements qualify for such a permit.</p> <p>220-440-040. Wildlife/human interaction and conflict resolution for private property damage. The department is the primary source for property owners seeking to determine legal and effective remedies for addressing wildlife interactions. Protection of property using nonlethal techniques is the primary response encouraged by the department. Harassment and/or lethal removal may also be important techniques to protect human safety or to protect property.</p> <p>The collateral source rule applies. Johnson v. Weyenbauer Co., 953 P.2d 808 (Wash. 1998).</p>	<p>220-440-230. 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What compensation schemes exist for livestock and crop losses?	What proof is required for a successful livestock or crop loss claim?	What limitations exist on claims submitted/recovery received per year/quarter/biennium?	What is the claims procedure?	How do states treat fraudulent loss claims (specifically as it relates to inflated value of losses)?	What is the role of private insurance in loss claims and what states utilize the collateral source rule for losses?	State management of wildlife versus individual permitting for out-of-season hunting?
<p>Wyoming</p> <p>(a) There is created the animal damage management board for the purposes of mitigating damage caused to livestock, wildlife and crops by predatory animals, predaceous birds and depredating animals for the protection of human health and safety. The board may mitigate damage caused by depredating animals and through a memorandum of understanding with the Wyoming game and fish commission. Wyo. Stat. Ann. § 11-6-302 (West)</p> <p>§ 11-6-305. Wyoming animal damage management board funding; sources; methods of collection (c) The ADMB may receive money for predatory animal, predaceous bird and depredating animal management from the federal government, state appropriations, counties, agencies, boards, associations, commissions, individuals and any other cooperators, and may expend money to purchase supplies, materials, services, and to employ or contract personnel for predatory animal, predaceous bird and depredating animal damage management. The ADMB may make supplies, materials, services and personnel available to cooperators at approximate cost.</p> <p>Provides damage prevention prevention through means of depredation huts, fencing, and materials such as fencing and harassment techniques; landowner must allow a minimum amount compensation for forage. The Habitat Extension Program uses money from a variety of sources for habitat improvement on private lands. Private landowners get nominal financial compensation per acre land to help manage the population objective of a herd and indirectly debt enrolled in PLFW program.</p>	<p>Must report the damage within 15 days upon discovery. (b) Any landowner, lessee or agent claiming damages from the state for injury or destruction of property by big or trophy game animals or game birds of this state shall present a verified claim for the damages to the Wyoming game and fish department not later than sixty (60) days after the damage or last item of damage is discovered. The claim shall specify the damage and amount claimed. As used in this subsection, "verified claim" means a claim which the claimant has signed and sworn to be accurate before a person authorized to administer oaths.</p> <p>Wyo. Stat. Ann. § 23-1-901 (West)</p>	<p>No award shall be allowed to any landowner who has not permitted hunting on his property during authorized hunting seasons.</p> <p>Wyo. Stat. Ann. § 23-1-901 (West)</p>	<p>§ 23-1-901. Owner of damaged property to report damage; claims for damages; time for filing; determination; appeal; arbitration (a) Any landowner, lessee or agent whose property is being damaged by any of the big or trophy game animals or game birds of this state shall, not later than fifteen (15) days after the damage is discovered by the owner of the property or the representative of the owner, report the damage to the nearest game warden, damage control warden, supervisor or commission member. (b) Any landowner, lessee or agent claiming damages from the state for injury or destruction of property by big or trophy game animals or game birds of this state shall present a verified claim for the damages to the Wyoming game and fish department not later than sixty (60) days after the damage or last item of damage is discovered. The claim shall specify the damage and amount claimed. As used in this subsection, "verified claim" means a claim which the claimant has signed and sworn to be accurate before a person authorized to administer oaths. (c) The department shall consider the claims based upon a description of the livestock or bees damaged or killed by a trophy game animal, the damaged land, growing cultivated crops, stored crops including honey and hives, seed crops, improvements and extraordinary damage to grass. The commission is authorized to establish by rule, methods, factors and formulas to be used for determining the amount to compensate any landowner, lessee or agent for livestock damaged as a result of missing as a result of, or killed by trophy game animals. Claims shall be investigated by the department and resolved or allowed within sixty (60) days after submission, and paid in the amount determined to be due. In the event the department fails to act within ninety (90) days, the claim, including interest based on local bank preferred rates, shall be deemed to have been allowed. No award shall be allowed to any landowner who has not permitted hunting on his property during authorized hunting seasons. Any person failing to comply with any provision of this section is barred from making any claim against the department for damages. Any claimant aggrieved by the decision of the department may appeal to the commission within thirty (30) days after receipt of the decision of the department as provided by rules of practice and procedure promulgated by the commission. The commission shall review the department decision at its next meeting following receipt of notice of request for review. The commission shall review the investigative report of the department, and it may approve, modify or reverse the decision of the department. (d) Within ninety (90) days after receiving notice of the decision of the commission, the claimant may in writing to the department call for arbitration. Within fifteen (15) days after the department receives the notice of arbitration, the claimant and the department shall each appoint a disinterested arbitrator who is an executor residing in the county where the damage occurred and notify each other of the appointment. Within twenty (20) days after their appointment, the two (2) arbitrators shall appear at a third arbitrator possessing the same qualifications. If the third arbitrator is not appointed within the time prescribed, the judge of the district court of the county or the court commissioner in the absence of the judge shall appoint the third arbitrator upon the application of either arbitrator. (e) At least twenty (20) days before the hearing, the board of arbitrators shall provide the claimant and department notice of the time and place in the county when and where the parties will be heard and the claim investigated and decided by the board. A written copy of the decision shall be promptly served upon each party. Within ten (10) days after receipt of the decision, either party may apply to the board for modification of the decision under W.S. 1-36-111. Either party may apply to the district court for vacation of a decision under W.S. 1-36-114(a) or correction or modification of a decision under W.S. 1-36-115 within thirty (30) days after receipt of the decision or within twenty (20) days after action by the board on an application for modification under W.S. 1-36-111. (f) If no applications under subsection (e) of this section are made after receipt of the decision, the commission shall promptly pay the amount, if any, including interest based on local bank preferred rates, awarded by the board. Within thirty (30) days after the award is final, the board's responsible service and expense charges shall be paid by: (i) The claimant if the award is greater than the amount originally authorized by the commission; (ii) Otherwise, the commission. (g) For purposes of this section, eligibility for damage compensation shall include any gray wolves located: (i) The area described in W.S. 23-1-101(a)(ii)(B)(i) or (ii) regardless of the date on which the damage occurs; (ii) Subject to subsection (h) of this section, an area of land designated by the commission in rule which is adjacent to the area described in W.S. 23-1-101(a)(ii)(B)(i) or (ii) regardless of the date on which the damage occurs; (iii) The commission shall establish in rule a process for persons to request that an area of land adjacent to the area described in W.S. 23-1-101(a)(ii)(B)(i) or (ii) be designated as an area where property owners are eligible for damage compensation for damage caused by gray wolves. The rules shall provide that: (i) The adjacent area of land is outside the area described in W.S. 23-1-101(a)(ii)(B)(i) or (ii); (ii) The adjacent area of land is a contiguous tract of land a portion of which is currently located within the boundaries described in W.S. 23-1-101(a)(ii)(B)(i) or (ii); (iii) The adjacent area of land is privately owned; (iv) The private landowner of the adjacent area of land consents to the designation; (v) The designation of the adjacent area of land shall not subtract from or diminish the area described in W.S. 23-1-101(a)(ii)(B)(i) or (ii).</p>	<p>No data available.</p>	<p>Wyoming does not have a cap on compensatory damages.</p> <p>The collateral source rule applies, but only in tort cases. Miller v Campbell Co, 901 P.2d 1107 (Wyo. 1995) (holding the collateral source rule is inapplicable in inverse condemnation cases).</p>	<p>(g) The commission is authorized, through rule and regulation, to use management techniques including the use of aerial hunting and hazing by the department and issuance of permits to private landowners to take wolves to protect private property including, but not limited to, livestock and other domesticated animals from wolf depredation. (h) Within forty-eight (48) hours of receiving notification from a landowner or his designee that any gray wolf in those areas of the state where gray wolves are designated as trophy game animals has harassed, injured, maimed or killed livestock or any domesticated animal, the department shall respond and initiate appropriate management actions. The department may use the management techniques authorized under subsection (g) of this section or any other management methods necessary, to minimize the harassing, injuring, maiming or killing of livestock and other domesticated animals in those areas of the state where gray wolves are designated as trophy game animals.</p> <p>Wyo. Stat. Ann. § 23-1-306 (West)</p>
<p>Alabama</p> <p>In 2023, the AL Dept. of Ag and Industries announced the Black Vulture Depredation Sub-Permit Program to protect livestock. It allows all approved applicants to take up to three black vultures, up to 500 statewide. (ag.alabama.gov)</p> <p>Wildlife Damage Permits are available to people experiencing property damage from feral hogs or other wildlife. (Wildlife and Freshwater Fisheries District Office) Property owners or renters may receive a permit to take protected wildlife causing crop damage. (Ala. Admin. Code § 220-2-27)</p> <p>Alabama otherwise relies on USDA farm programs to compensate for damaged grazing areas and livestock deaths from weather or predators. (fa.usda.gov/state-office/Alabama/programs/index)</p> <p>AR Code § 15-45-209 (2020)</p> <p>(a) There is created an appraisal board in each county of this state composed of the game warden of that county and two (2) farmers who are landowners in the county appointed by the county judge and county agent. (b) It shall be the duty of the appraisal board to investigate and determine the amount of damages payable to the owner, lessee, tenant, or other persons owning agricultural crops within, adjacent to, or near game refuges and game management areas where crops have been damaged by wildlife in the game reservation. (c) All monies appropriated by the General Assembly to be expended from the Game Protection Fund for damages to agricultural crops caused by wildlife as provided in this section shall be approved by the appraisal board before payment shall be made.</p> <p>§ 15-41-111. Funds from license fees. No funds accruing to the State of Arkansas from license fees paid by hunters and fishermen shall be diverted for any purpose other than the administration of the Arkansas State Game and Fish Commission.</p> <p>Notably, Mont. Code Ann. § 15-24-921 states "neither the Commission while acting in its sovereign capacity as trustee of the State's wildlife resources, nor any of its commissioners or employees, shall be held liable for any claims for personal injury, death, or property damage caused by the actions or habits of wildlife managed for all of the people."</p>	<p>Producers seeking to obtain a permit for taking black vultures may either apply for an individual migratory bird depredation permit through the USFWS or apply for an ADMB sub-permit through Ala.'s wildlife services office. (ag.alabama.gov/black-vulture-depredation-permit/)</p> <p>Producers of grazed forage crop claiming a loss under LFP must show they own or lease grazing or pastureland affected by the claimed cause of the loss. For example, to claim loss from drought, one must show their land is in a county rated by the U.S. Drought Monitor as experiencing D2, D3, or D4 drought conditions. For livestock lost from inadequate grazing or forage due to drought the producer must have had possession of the animal as of 60 days before the disaster, must have maintained the animal for commercial use only, and would not have otherwise have had the livestock in a feedlot as part of normal business on the day the disaster began. (FSA LFP Fact Sheet 2022)</p> <p>Producers claiming crop losses must show that they hold crops within, adjacent to, or near game refuges and management areas.</p>	<p>Agriculture Improvement Act (2018 Farm Bill) created maximum annual payment of \$120,000, but no person or entity with an adjusted gross income over \$900,000 will receive LFP payments. (FSA LFP Fact Sheet 2022)</p>	<p>Producers of grazed forage crop acreage must provide completed application with supporting documentation within 30 calendar days from the end of the calendar year in which the grazing loss occurred. (FSA LFP Fact Sheet 2022) FSA will use applicant information to determine eligibility for LFP benefits. (FSA LFP Fact Sheet 2022)</p>	<p>AR Game and Fish Commission Regulation 01.00-H - Upon conviction for violation of a Commission regulation, a court of competent jurisdiction may order payment of monetary restitution by that person. In addition to those penalties currently in effect, the Commission shall have the authority and right to seek monetary restitution, by whatever means appropriate, to recover the full value of destroyed wildlife. In determining the amount of restitution, the Court shall consider the values for wildlife species set by the Commission (Addendum Q1.0).</p>	<p>Alabama does not cap compensatory damages.</p> <p>Alabama recognizes the collateral source rule and created three statutes abrogating the collateral source rule. Ala. Code § 6-5-522; Ala. Code § 6-5-545; Ala. Code § 12-21-45.</p>	<p>Code 05-01 - It is unlawful for a wild wildlife species out of open season. Exceptions arise for permitted hunting. Arkansas code 05.10 makes it illegal to take game or furbearing animals damaging crops or personal property unless the party obtains a depredation permit from the AR Game and Fish Commission. Predator Control Permits are available in conjunction with general Hunting Permits, and allow the taking of specific wildlife species. No permit is required to protect domestic livestock from coyotes and raccoons; they may be shot and trapped during the day near-mound. A Depredation Permit is required to shoot them in defense of livestock at night. However, no permit is necessary to shoot or trap and kill nuisance nongame wildlife, beaver, muskrat, minks, otter, squirrel during the day when causing property damage. https://www.agf.com/hunting/predators/predator-control/</p> <p>§ 15-45-106. Double-crooked cornucorns; Elimination The double-crooked cornucorn is hereby declared a nuisance and the Arkansas State Game and Fish Commission is requested to work with the United States Fish and Wildlife Service and the Arkansas congressional delegation to permit bona fide fish farmers and other owners of private lakes in Arkansas to eliminate depredating double-crooked cornucorns under such terms as may be agreed upon by the Arkansas State Game and Fish Commission and the United States Fish and Wildlife Service.</p> <p>Producers cannot be issued a depredation permit by USFWS and apply for and be approved for the Arkansas Farm Bureau depredation sub-permit. The Arkansas Farm Bureau Commodity and Regulatory Affairs Department will assist livestock producers experiencing severe depredation in applying and receiving approval for a USFWS migratory bird depredation permit.</p> <p>AR Game and Fish Commission Regulation 01.00-P - Pursuant to Amendment 30 of the Arkansas Constitution, the Arkansas Game and Fish Commission is responsible for the control, management, restoration, conservation, and regulation of the birds, fish, game, and wildlife resources of the State as trustee for the use and common benefit of the people. The Commission fulfills its responsibilities through legal application and administration of the State's wildlife laws and regulations. However, in doing so, it generally is not within the Commission's ability to control the habits or actions of all of the individual wild animals throughout Arkansas so as to prevent them from causing moderate injury or damage...neither the Commission while acting in its sovereign capacity as trustee of the State's wildlife resources, nor any of its Commissioners or employees, shall be held liable for any claims for personal injury, death, or property damage caused by the actions or habits of wildlife managed for all of the people.</p>
					<p>The collateral source rule applies in Arkansas. Johnson v. Rockwell Automation, Inc., 308 S.W.2d 155 (Ark. 2003).</p>	

	What compensation schemes exist for livestock and crop losses?	What proof is required for a successful livestock or crop loss claim?	What limitations exist on claims submitted/recovery received per year/quarter/biennium?	What is the claims procedure?	How do states treat fraudulent loss claims (specifically as it relates to inflated value of losses)?	What is the role of private insurance in loss claims and which states utilize the collateral source rule for losses?	State management of wildlife versus individual permitting for out-of-season hunting?
Connecticut	None, however the Deer Crop Damage Permit Program (Connecticut General Statutes 26-62) provides commercial agriculturalists that have a minimum annual gross income of \$2,500.00 and an actual or potential loss of this income from their cultivated agricultural crops an opportunity to reduce damage caused by deer when the firearms deer hunting seasons are closed.	N/A	N/A	N/A	N/A	Connecticut does not cap compensatory damages. Connecticut allows for reduction of a verdict award by the amount paid by a collateral source. Conn. Gen. Stat. § 52-225a(a)-(b).	N/A
Delaware	N/A	N/A	N/A	N/A	N/A	There are no caps on compensatory damages in Delaware. Delaware recognizes the collateral source rule in actions involving private collateral sources of compensation. 18 DE Code § 6862 (2022). There are no caps on compensatory damages in Florida.	N/A
Florida	N/A	N/A	N/A	N/A	N/A	There is no reduction for collateral source payments for which there is a right of subrogation. Fla. Stat. § 768.76(1). Any reduction is also offset by any amount paid by the claimant or a family member in order to secure the collateral payment. Id.	N/A
Georgia	(b) The ownership of, jurisdiction over, and control of all wildlife, as defined in this title, are declared to be in the State of Georgia, in its sovereign capacity, to be controlled, regulated, and disposed of in accordance with this title. Wildlife is held in trust by the state for the benefit of its citizens and shall not be reduced to private ownership except as specifically provided for in this title. All wildlife of the State of Georgia is declared to be within the custody of the department for purposes of management and regulation in accordance with this title. However, the State of Georgia, the department, and the board shall be immune from suit and shall not be liable for any damage to life, person, or property caused directly or indirectly by any wildlife. GA. CODE ANN. § 27-1-3(b)	N/A	N/A	N/A	N/A	Compensatory damages are not capped in Georgia. The collateral source rule applies to bar admission of any evidence as to payments of expenses of a tortious injury paid for by a plaintiff, governmental entity, or third party and taking credit towards the defendant's liability in damages for such payments. Candler Hosp. v. Vent, 491 S.E.2d 688 (1997).	(a) The department is authorized to issue wildlife control permits authorizing the permittee to trap, transport and release, or sell wildlife and feral hogs where such action is otherwise prohibited by law or regulations. (1) When the department determines that there is a substantial likelihood the presence of such wildlife will endanger or cause injury to persons or will destroy or damage agricultural crops, domestic animals, buildings, structures, or other personal property. (2) For the control of white-tailed deer on airport property, provided, however, that permits shall be issued under this paragraph for purposes of public safety, and the control of white-tailed deer for other purposes and the removal of black bear shall be as provided in Code Sections 27-2-18 and 27-2-31, respectively. (3) For fur-bearing animals, as defined in paragraph (3) of Code Section 27-1-2, to implement a some fide wildlife management plan that has been approved by the department, and (4) For feral hogs, provided that: (A) All permitted activities must comply with all rules and regulations of the Department of Agriculture; and (B)(i) No person shall transport any live feral hog without carrying on his or her person a feral hog transport permit issued by the Department of Agriculture pursuant to Code Section 27-2-201, and no person shall release any trapped or transported feral hog into any area that is not fenced to prevent the escape of such feral hog onto the land of another. (ii) Any person who violates division (i) of this subparagraph shall, upon conviction thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be punished as provided by Code Section 17-10-4; provided, however, that if a fine is imposed pursuant to such Code section, such fine shall be not less than \$1,500.00. (iii) Any license or permit previously issued under this title to any person convicted of violating division (i) of this subparagraph shall by operation of law be revoked and shall not be reissued for a period of three years after the date of such conviction. The licensee or permit holder shall be notified of the revocation personally or by a letter sent by certified mail or statutory overnight delivery to the name and address indicated on the application for the license or permit, or both, as to the Secretary of State as provided in Code Section 27-2-24. (iv) In issuing a wildlife control permit, the department shall prescribe the method, means, species, numbers, time limits, location, and any other conditions it deems necessary to ensure the continued viability of the wildlife population involved and to ensure that the public safety and interest are not compromised. (c) Notwithstanding the provisions of paragraph (1) of this subsection, a wildlife control permit for feral hogs shall authorize the hunting or trapping of such feral hogs: (A) At night with a light except during the season prescribed for hunting deer; (B) From within a motor vehicle or while in a motor vehicle; and (C) By a Georgia resident without a hunting or trapping license if such hunting occurs on premises owned by the permittee or his or her immediate family or leased by him or her or his or her immediate family and used primarily for raising or harvesting crops other than timber or for containing livestock or poultry. Nothing in this subparagraph shall be construed to affect or negate the terms of any lease agreement. (3) A wildlife control permit for feral hogs shall expire not less than five years from the issuing date; provided, however, that if the permittee is leasing the premises upon which the hunting is to occur, such permit shall expire automatically upon the termination of the lease. The department shall provide for the renewal of permits. (c) Nothing in this Code section shall be construed to authorize the taking of any species which is protected by the federal Endangered Species Act of 1973, Public Law 93-205, as amended, or under any state law or regulation which has as its purpose the protection of endangered or threatened species. If, after investigation, the Department finds that damage does exist and can be abated only by removing or destroying that wildlife, a permit shall be issued by the Department to remove or destroy the species responsible for causing the damage. A permit to control the damage shall be for a period of up to 90 days, shall specify the means and methods by which the person or persons by whom the wildlife may be removed or destroyed, and shall set forth the disposition procedure to be made of all wildlife taken and other restrictions the Director considers necessary and appropriate in the circumstances of the particular case. Whenever possible, the specimens destroyed shall be given to a bona-fide public or State scientific, educational, or zoological institution. The permittee shall advise the Department in writing, within 10 days after the expiration date of the permit, of the number of individual species of wildlife taken, disposition made of them, and any other information which the Department may consider necessary. 520 ILL. COMP STAT. ANN. § 5-2-37
Illinois	Authority to kill wildlife responsible for damage. Subject to federal regulations and Section 3 of the Illinois Endangered Species Act 1 the Department may authorize owners and tenants of lands or their agents to remove or destroy any wild bird or wild mammal when the wild bird or wild mammal is known to be destroying property or causing a risk to human health or safety upon his or her land. Upon receipt by the Department of information from the owner, tenant, or sharecropper that any one or more species of wildlife is damaging dairs, levees, ditches, cattle pastures, or other property on the land on which he resides or controls, together with a statement regarding location of the property damages, the nature and extent of the damage, and the particular species of wildlife committing the damage, the Department shall make an investigation. Subject to federal regulations and Section 3 of the Illinois Endangered Species Act, the Department may grant to an individual, corporation, association or a governmental body the authority to control species protected by this Code. The Department shall set forth applicable regulations in an Administrative Order and may require periodic reports listing species taken, numbers of each species taken, dates when taken, and other pertinent information. 520 ILL. COMP STAT. ANN. § 5-2-37	N/A	N/A	N/A	N/A	Illinois does not cap compensatory damages. The collateral source rule applies. See <i>Wills v. Foster</i> , 892 N.E.2d 1018 (Ill. 2008).	
Indiana	Sec. 1. The director may issue to a person that owns or has an interest in property: (1) being damaged; (2) threatened with damage; or (3) on which a health or safety threat to persons or domestic animals is posed; (4) The expiration of the permit (3) The rules the director considers necessary. (4) The expiration of the animal. IND. CODE § 14-22-28-2, Sec. 3. The conditions and rules prescribed under section 2 of this chapter shall be incorporated in or attached to the permit when issued. IND. CODE § 14-22-28-3, Sec. 4. The director may have an investigation made of a complaint that wild animals are causing damage or posing a health or safety threat to persons or domestic animals. If it is found that: (1) the damage has not been caused by wild animals, or (2) the person has not complied with the requirements under this chapter or a rule adopted under this chapter, a permit shall be denied according to the procedures in IC 4-21.5. IND. CODE § 14-22-28-4.	N/A	N/A	N/A	N/A	There is no cap on compensatory damages in Indiana (except in the medical malpractice context). Evidence of collateral source payments are admissible, with the exception of (1) life insurance payments or death benefits, (2) insurance benefits which the plaintiff or members of the plaintiff's family have paid for directly, and (3) payments made by the United States or any subdivision thereof. Ind. Code § 34-44-1-2(d)(1). Proof of the amount of money that the plaintiff is required to testify, including the cost to the plaintiff or to members of the plaintiff's family of collateral benefits received by the plaintiff or the plaintiff's family are also admissible. Ind. Code § 34-44-1-2(d)-(5).	N/A

	What compensation schemes exist for livestock and crop losses?	What proof is required for a successful livestock or crop loss claim?	What limitations exist on claims submitted/recovery received per year/quarter/biennium?	What is the claims procedure?	How do states treat fraudulent loss claims (specifically as it relates to inflated value of losses)?	What is the role of private insurance in loss claims and which states utilize the collateral source rule for losses?	State management of wildlife versus individual permitting for out-of-season hunting?
Iowa	A wild animal depredation unit is established within the department of natural resources. The unit shall be comprised of two wild animal depredation biologists. IOWA CODE ANN. § 481.C.1. The director of the department of natural resources shall enter into a memorandum of agreement with the United States department of agriculture, animal damage control division. The wild animal depredation unit shall serve and act as the liaison to the department for the producers in the state who suffer crop, horticultural product, tree, or nursery damage due to wild animals.	N/A	N/A	N/A	N/A	Iowa does not cap compensatory damages. Iowa courts recognize the collateral source rule. However, the traditional rule has been partially abrogated by Iowa's comparative fault statute. See Iowa Code § 668.14.	N/A
Kansas	N/A	N/A	N/A	N/A	N/A	There is no cap on compensatory damages in Kansas (except in medical malpractice actions). Kansas follows the Restatement (Second) of Torts § 920A, which provides: "(1) A payment made by a tortfeasor or by a person acting for him to a person who has been injured is credited against his tort liability, as are payments made by another who is, or believes he is, subject to the same tort liability; and "(2) Payments made to or benefits conferred on the injured party from other sources are not credited against the tortfeasor's liability, although they cover all or a part of the harm for which the tortfeasor is liable."	N/A
Kentucky	N/A	N/A	N/A	N/A	N/A	Kentucky does not cap compensatory damages. Kentucky applies the collateral source rule without exception and allows for recovery of all expenses regardless of payment to the plaintiff by a collateral source. See O'Bryan v. Heigapfein, 802 S.W.2d 971 (Ky, 1995).	N/A
Louisiana	N/A	N/A	N/A	N/A	N/A	Louisiana does not cap compensatory damages. The collateral source rule applies in Louisiana. See Bloeman v. State, 879 So. 2d 692 (La, 2004). The collateral source rule applies. See Werner v. Lane, 302 A.2d 1329 (Me, 1978).	N/A
Maine	N/A	N/A	N/A	N/A	N/A	The collateral source rule applies. See Coraciopulo v. Roosevelt, 907 A.2d 885 (Md App, 2006).	N/A
Maryland	N/A	N/A	N/A	N/A	N/A	Massachusetts does not cap compensatory damages except in medical malpractice cases. The collateral source rule applies in Massachusetts. See Law v. Griffin, 930 N.E.2d 126 (Mass, 2010).	N/A
Massachusetts	N/A	N/A	N/A	N/A	N/A	Massachusetts does not cap compensatory damages except in medical malpractice cases. The collateral source rule applies in Massachusetts. See Law v. Griffin, 930 N.E.2d 126 (Mass, 2010).	N/A
Michigan	Wildlife depredations indemnification act: AN ACT to provide for indemnification for livestock killed, injured, or lost as a result of certain wildlife; and to prescribe the powers and duties of certain state agencies and officials. 285.365 Acceptance of compensation as full and complete release of claim, exceptions to right of indemnity.	Current through Public Act 32 of the 2023 Legislative Session Section 285.363 - Death, injury, or loss of livestock from wolves, coyotes, and cougars; indemnification; eligibility (1) The department shall provide indemnification for the death, injury, or loss of livestock from wolves, coyotes, and cougars. Indemnification for missing animals shall only be paid if there is a history of losses to the owner of livestock as evidenced by a prior payment by the department due to the death or injury of livestock from wolves. (2) To be eligible for indemnification under subsection (1), the owner of livestock shall do all of the following: (a) Report the incident to the department within 24 hours after the animal is discovered to be dead, injured, or missing. (b) File a claim for indemnification with the department verifying the type and number of animals for which indemnification is sought. The verification may include photographs of the animals or tracks or other information that provides support for the claim. If the claim seeks indemnification for missing animals, a notarized statement from the owner specifying the date and birth of each missing animal and the date on which the animals were discovered missing, along with evidence of prior indemnification payments due to death or injury of livestock from wolves, is sufficient documentation that 1 or more animals are missing and eligible for indemnification. (c) Upon request, provide the department of natural resources with access to the owner's property as necessary to conduct an investigation if the department of natural resources believes that an on-site visit will assist its investigation. (d) Upon request, provide the department with documentation that the animals have official identification, if required under the animal industry act, 1988 PA 466, MCL 287.701 to 287.746.	N/A	Owner must report the incident within 24 hours of discovery, then file a claim for indemnification with the verifying department. Verification of the type and number of animals is required; verification may include photographs of the animals or tracks or other supporting information. Indemnification for missing animals requires a notarized statement from the owner specifying the details of the incident.	N/A	Compensatory damages are not capped in Michigan, except in medical malpractice cases. The collateral source rule has been abrogated in part by statute, and the procedure for reducing a plaintiff's personal injury award by the amounts paid by a third party is set forth within that statute. See Mich. Comp. Laws Ann. § 600.6303. Mich. Comp. Laws Ann. 600.6303 provides in relevant part (1) In a personal injury action in which the plaintiff seeks to recover for the expense of medical care, rehabilitation services, loss of earnings, loss of earning capacity, or other economic loss, evidence to establish that the expense or loss was paid or is payable, in whole or in part, by a collateral source shall be admissible to the court in which the action was brought after a verdict for the plaintiff and before a judgment is entered on the verdict. (2) The court shall determine the amount of the plaintiff's expense or loss which has been paid or is payable by a collateral source. Except for premiums on insurance which is required by law, that amount shall then be reduced by an amount equal to the premiums, or that portion of the premiums paid for the particular benefit by the plaintiff or the plaintiff's family or incurred by the plaintiff's employer on behalf of the plaintiff if secured by the benefits received or receivable from the collateral source. (4) As used in this section, "collateral source" means benefits received or receivable from an insurance policy.	N/A
Minnesota	Wolf Depredation Compensation Program Elk Crop Compensation Program	Elk Crop Compensation Program: Crop or Fence Owners must provide separate claims for each loss, providing any applicable insurance compensation; the county/township where the loss occurred, the damage and evidence of elk. Farmers and ranchers seeking compensation need to follow specific reporting procedures to be eligible for state reimbursement. Approved agent will then investigate and verify the elk damage for compensation. The request is then sent to the MDA for payment. Wolf Depredation Compensation Program: Producers must preserve the loss as much as possible, complete a loss claim form, and call an investigator to the scene. When a producer of a farm animal discovers a loss of an animal caused by a wolf, the producer has 48 hours to report the wolf incident to an MDA approved investigator. Investigators may be a conservation officer, a USDA-APHIS Wildlife Services specialist, a peace officer from the county sheriff, a licensed veterinarian, or a university extension educator. All investigators must have successfully completed MDA approved training for conducting wolf depredation investigations.	No less than \$100/fiscal year, no more than \$20,000/fiscal year.	Wolf depredation program: 1. Discovery of Loss 2. Report to Minn. Dept. of Ag. Investigator 3. Investigation of Loss 4. Investigator completes form and sends findings to MDA 5. Claim reviewed by MDA 6. Claim form sent for market valuation 7. Market value determined 8. Claim form completed and sent to MDA with market value 9. Completed claim form processed for payment OR denied and producer notified (Optional) 10. An owner may request a trial (in non-jury appeals) in a court of the county where the loss occurred for a denied claim. The producer has 60 days from the receipt of the denial letter to file an appeal in court in the county in which the loss occurred. Elk Crop Compensation Program: 1. Complete and submit W9 to MDA. 2. Document, report, and verify instances of crop or fence damage with an approved agent.	Minnesota primarily avoids fraudulent claims by requiring an independent valuation of reported losses by approved MDA investigators.	There is no cap on compensatory damages in Minnesota. Minnesota has abrogated the traditional collateral source rule by statute, which allows a reduction (upon motion) in a verdict by the amount of collateral sources paid on behalf of the plaintiff, except where a subrogation right has been asserted. However, that reduction is substantially offset by amounts that have been paid, contributed, or forfeited by, or on behalf of, the plaintiff or members of the plaintiff's immediate family for the two-year period immediately before the accrual of the action to secure the right to a collateral source benefit that the plaintiff is receiving as a result of losses." Minn. Stat. § 548.251.	N/A
Mississippi	N/A	N/A	N/A	N/A	N/A	The collateral source rule is applicable and has no exceptions. See Busick v. St. John, 856 So. 2d 304 (Miss, 2003).	N/A
Missouri	N/A	N/A	N/A	N/A	N/A	There is no cap on compensatory damages in Missouri (except in medical malpractice cases. Mo. Rev. Stat. § 538.210). The collateral source rule applies. See Porter v. Toys 'R Us Delaware, Inc., 102 S.W.3d 310 (Mo. Ct. App, 2004).	N/A
Nebraska	N/A	N/A	N/A	N/A	N/A	Nebraska does not cap compensatory damages except in medical malpractice cases, and applies the collateral source rule generally. However, if the tort-feasor contributed in some way to the benefits provided to the injured person, then the tort-feasor might be entitled to mitigation of damages." Strasburg v. Union Pacific R.R. Co., 839 N.W.2d 273, 275 (Nebr, 2013).	N/A
New Hampshire	207:22-c Wildlife Damage Control Program: Administration There is established a wildlife damage control program which shall be administered by the executive director in cooperation with the United States Department of Agriculture and the New Hampshire department of agriculture, markets, and food. The program shall emphasize a comprehensive approach that integrates wildlife management and wildlife control methods and strategies and shall respond to conflicts between wildlife and human populations by stressing the importance of prevention of damage by initiating one or more of the following courses of action: (1) A general wildlife damage mitigation program. (a) The general wildlife damage mitigation program shall address conflicts between wildlife and human populations by disseminating educational and technical information, and providing assistance. The program may make available various repellents, install the type of direct control devices and materials including electric fences and frightening devices, and make referrals to nuisance wildlife cooperators, and (2) cooperative fencing program, and (3) a depredation permit program.	(a) Commercial growers may participate in a cost-share fencing program where the state pays for the full cost of fencing materials only. Under this program, the executive director may provide payment from funds designated for this program in the fish and game fund to an eligible contractor to allow for the purchase of fencing materials. N.H. Rev. Stat. Ann. § 207:22-c (b) Commercial growers desiring to participate in the cost share program shall submit written applications to the executive director in such manner as prescribed by the executive director on or before April 1 of each year. N.H. Rev. Stat. Ann. § 207:22-c	N/A	N/A	N/A	New Hampshire does not cap compensatory damages. The collateral source rule applies. See Cyr v. J.I. Case Co., 652 A.2d 685 (N.H., 1994).	(b) The depredation permit program shall include the issuance of pre-damage deer kill permits to commercial growers as defined in RSA 207:22-c. (b)(i) Upon request to the director, issuance of pre-damage deer kill permits will facilitate protection of qualifying crops at the onset of deer visitation in said crops. Any deer taken under this provision shall be subject to investigation by the local conservation officer to determine whether or not the potential existed at the time of taking for damage to have occurred. Depredation permits shall be issued following the procedures in this paragraph. N.H. Rev. Stat. Ann. § 207:22-c 207:26 Killing by Land Owner of Bird or Animal Inflicting Damage A person may pursue, wound or kill, on land owned or occupied by such person, any unprotected bird or wild animal which the person finds in the act of doing actual and substantial damage to poultry, crops, domestic animals, or the person's property, and may authorize a family member, employee, or other person requested to do so under the provisions of this section. Such permit shall be such from as the executive director of fish and game shall prescribe and may be suspended or revoked by him at any time. The provisions of RSA 214:2 to 23 inclusive shall apply to the permits granted under the provisions of this section. N.H. Rev. Stat. Ann. § 209:8-a

	What compensation schemes exist for livestock and crop losses?	What proof is required for a successful livestock or crop loss claim?	What limitations exist on claims submitted/recovery received per year/quarter/biennium?	What is the claims procedure?	How do states treat fraudulent loss claims (specifically as it relates to inflated value of losses)?	What is the role of private insurance in loss claims and which states utilize the collateral source rule for losses?	State management of wildlife versus individual permitting for out-of-season hunting?
New Jersey	23-4.63.5. Right to use mechanical devices to repel marauding birds and other wildlife. Any provision of law or municipal ordinance to the contrary notwithstanding, any owner of lands used for agricultural purposes, shall pursuant to rules and regulations promulgated by the Division of Fish and Wildlife, have the right to use certain noise making and other mechanical devices, including non-lethal propane-powered noise making devices, intended to scare or repel marauding birds or other wildlife so as to prevent the damage and destruction of crops and other property. f. Except as may be otherwise provided by law, rule, or regulation, or by the State Fish and Game Code, no State permit shall be required to control yellow-headed, red-winged, bi-colored red-winged, tri-colored red-winged, Rusty and Brewer's blackbirds, cowbirds, grackles, and crows when found committing or about to commit depredations upon ornamental or shade trees, crops, livestock, or wildlife, or when concentrated in such numbers or manner as to constitute a health hazard or other nuisance; provided, that none of the birds killed pursuant to this subsection, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized. N.J. Stat. Am. § 23-4.60 (West)	N/A	N/A	N/A	N/A	There is no cap on compensatory damages in New Jersey. N.J. Stat. Am. 2A:15-14 abrogates the collateral source rule, but the Third Circuit Court of Appeals has held that the collateral source aspect of this statute is preempted by ERISA. Levin v. United Healthcare Corp., 402 F.3d 156 (3rd Cir. 2009).	23-4.42.1. Hunting permits for deer: control of crop damage. Notwithstanding the provisions of R.S. 23-4.4 or any other law, rule, regulation, or provision of the State Fish and Game Code to the contrary, whenever a permit is issued by the State to a person to kill deer causing crop damage on land under cultivation pursuant to R.S. 23-4.42, it shall be lawful for the permittee or authorized agent thereof, for the purposes authorized by the permit and only while on this land or lands under cultivation which are owned or leased by that permittee, but not on or along any public highway adjacent thereto, and for which the permit is issued, to:
New York	N/A	N/A	N/A	N/A	N/A	New York does not cap compensatory damages. Payments from a collateral source are admissible to reduce the award after the verdict (excluding voluntary charitable contributions). N.Y. C.P.L.R. § 4545.	N/A
North Carolina	N/A	N/A	N/A	N/A	N/A	North Carolina does not cap compensatory damages and the collateral source rule applies. See Calles v. Wilson, 301 S.E.2d 74 (N.C. 1987).	N/A
North Dakota	The ND Game and Fish Department provides a variety of effective options for private landowners to alleviate or minimize damage to stored livestock feed supplies caused by big game animals. Options may include repellents, scare devices, temporary fencing, and permanent hay yard fences. Technical assistance is also available from the Department to help private landowners develop management techniques for storage of livestock feed supplies, improve hunter access, reduce potential disease risk (Chronic Wasting Disease), habitat management and depredation loss prevention. The Department does not make payments for damages caused by a Canada Goose taking permit. Landowners must allow for a site visit from a USDA-Wildlife Services agent and obtain approval to receive a permit application. No compensation is offered from NDGFD. The ND Dept. of Ag. also does not offer compensation for crop or livestock losses. The Wildlife Services Program is a cooperative effort of state and federal governments administered by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service through a memorandum of understanding with the North Dakota Agriculture Commissioner, Game and Fish and the Department of Water Resources. Complaints of wildlife damage to crops and other property most often involved coyote depredation of livestock, blackbird and waterfowl damage to sunflowers and small grain crops, and damage to trees, shrubs, and flooded cropland caused by beavers.	In order to obtain a Canada Goose taking permit, landowners must allow for a site visit from a USDA-Wildlife Services agent and obtain approval to receive a permit application. No compensation is offered from NDGFD.	N/A	N/A	North Dakota does not cap compensatory damages. In North Dakota, a court may reduce the verdict based on the introduction of collateral source payments. N.D.C.C. § 32-03.2(6). However, the jury may not be told about the other source. N.D.C.C. § 32-03.2(1).	The Canada Goose Agricultural Depredation Control Permit is explicitly not a hunting season; all protocol laid out by the NDGFD is followed otherwise individuals will be removed from the program.	
Ohio	N/A	N/A	N/A	N/A	N/A	In Ohio, a defendant can introduce evidence of any amount of collateral source unless the source has a mandatory, self-effectuating federal right of subrogation, a contractual subrogation, or a statutory subrogation. If the defendant elects to introduce collateral source evidence, the plaintiff may introduce evidence of any amount that the plaintiff has paid or contributed to secure the plaintiff's right to receive the benefits of which the defendant has introduced evidence. Oh. Rev. Code § 2315.20.	N/A
Oklahoma	N/A	N/A	N/A	N/A	N/A	The collateral source rule applies in Oklahoma. See Marlow v. State ex rel. Okla. State Univ., 348 P.3d 194 (2015). Pennsylvania does not cap compensatory damages.	N/A
Pennsylvania	N/A	N/A	N/A	N/A	N/A	The collateral source rule applies in Pennsylvania, but different rules apply based on the facts and third-party provider implicated. 40 Pa. Const. Stat. § 1303.508. Pennsylvania collateral source information focuses heavily on medical malpractice cases. Rhode Island does not cap compensatory damages.	N/A
Rhode Island	N/A	N/A	N/A	N/A	N/A	The collateral source rule applies generally, but the rule has been abrogated in the medical malpractice context. See R.I. Gen. Laws § 9-19-34.1. No cap on compensatory damages, generally.	N/A
South Carolina	N/A	N/A	N/A	N/A	N/A	The collateral source rule applies in South Carolina. See Citizens & S. Nat'l Bank of S.C. v. Gregory, 483 S.E.2d 317 (S.C. 1995). No cap on compensatory damages.	N/A
South Dakota	N/A	N/A	N/A	N/A	N/A	The collateral source rule applies with a statutory exception in medical malpractice actions. See Fujape v. Hartnett, 738 N.W.2d 910 (S.D. 2007).	N/A
Tennessee	N/A	N/A	N/A	N/A	N/A	The collateral source rule generally applies but has been abrogated in the medical malpractice context. See Dedmon v. Steelman, 535 S.W.3d 431 (Tenn. 2017).	N/A
Texas	(a) On receiving notice from a person under Section 43.151, the department may inspect the property and determine if damage or a threat to public safety is occurring as alleged in the notice. (b) If the notice received by the department under Section 43.151 alleges damage or a threat to public safety caused by mule deer, pronghorn antelope, or desert bighorn sheep, the department may not issue a permit under Section 43.154 unless the department inspects the property and determines whether serious damage or a threat to public safety is occurring. TEX. PARKS & WILDL. CODE ANN. §43.152	N/A	N/A	N/A	N/A	(a) A person who has evidence of damage by depredation or threat to public safety may file with the department an application for a permit to kill the protected wildlife. (b) The application must be in writing, be sworn to by the applicant, and contain: (1) a statement of facts relating to the damage or threat; and (2) an agreement by the applicant to comply with the provisions of this subchapter and any rules adopted by the commission under this subchapter. (c) Repealed by Acts 2009, 81st Leg., ch. 251, § 10. (d) The application must be accompanied by a permit application fee of \$50 or an amount set by the commission, whichever amount is more. Proceeds from the fee shall be deposited in the special game, fish, and water safety account. (e) TEX. PARKS & WILDL. CODE ANN. §43.153. (a) On receipt of an application, the department may issue a permit for the killing of wildlife without regard to the closed season, bag limit, or means and methods. As soon as practicable, but not later than the 10th business day after the date the department receives an application, the department shall approve or deny the application and, if the application is approved, issue the permit. (b) A permit must specify: (1) the period of time during which it is valid; (2) the area in which it applies; (3) the kind and number of wildlife authorized to be killed; and (4) the persons permitted to kill the noxious wildlife. (c) No state permit is required to authorize a person to kill migratory birds protected by the Federal Migratory Bird Treaty Act if the person has obtained a permit authorizing that activity from the United States Department of the Interior or the United States Department of Agriculture. TEX. PARKS & WILDL. CODE ANN. §43.154. The department may cancel a permit if: (1) the permit does not accomplish its intended purposes; (2) the permit holder fails to submit a required report to the department; or (3) the permit holder intentionally made false claims on the application for the permit. TEX. PARKS & WILDL. CODE ANN. §43.156. The department may refuse to reissue a canceled permit if the permit holder submits an application for reinstatement in the same manner as required by Section 43.153 for an original permit and pays a fee set by the commission. TEX. PARKS & WILDL. CODE ANN. §43.156. Nothing in this subchapter prevents a landowner or the landowner's agent or lessee from taking depredating feral hogs on the landowner's land without having acquired a permit under this subchapter. TEX. PARKS & WILDL. CODE ANN. §43.158. (f) A nonresident landowner or the landowner's agent or lessee may take feral hogs causing depredation on the nonresident landowner's land without having acquired a hunting license required by this chapter. TEX. PARKS & WILDL. CODE ANN. §42.009(f). (g) A resident landowner or the landowner's agent or lessee may take feral hogs causing depredation on the resident landowner's land without having acquired a hunting license. TEX. PARKS & WILDL. CODE ANN. §42.002(c)	

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<p>The State Fish and Wildlife Board shall adopt rules and regulations relating to application for reimbursement, examination by State fish and wildlife warden of damage and reimbursement report. VT. STAT. ANN. tit.10, §4830</p> <p>Related: Commissioner or his or her designee may issue an order requiring a person to remove or contain the bait, food, or edible material if the placing of bait or food results in the feeding of a bear.</p> <p>(c) As used in this section, "bait, food, or other edible material" means fuel, grain, salt, grease, garbage, or other materials intended to feed or lure wildlife. VT. STAT. ANN. tit. 10, §4827A. The Commissioner shall develop a Coyote Control Program for implementation in those areas of the State where he or she has determined that predation by coyotes is posing a threat to domesticated animals, deer, and other wildlife. In no event shall the Program use poison. VT. STAT. ANN. tit.10, §4833.</p>	<p>NA</p>	<p>NA</p>	<p>(a) A person engaged in the business of farming who suffers damage by deer to the person's crops, fruit trees, or crop-bearing plants on land not posted against the hunting of deer, or a person engaged in the business of farming who suffers damage by black bear to the person's cattle, sheep, swine, poultry, or bees or fives on land not posted against hunting or trapping of black bear is entitled to reimbursement for the damage, and may apply to the Department of Fish and Wildlife within 72 hours of the occurrence of the damage for reimbursement for the damage. As used in this section, "post" means any signage that would lead a reasonable person to believe that hunting is prohibited on the land.</p> <p>(b) As used in this section, a person is "engaged in the business of farming" if the person or the same or at least one of the farmer's annual gross income from the business of farming, as that term is defined in the Internal Revenue Code, 26 C.F.R. 15.31-175.3-VT. STAT. ANN. tit. 10, §4829</p> <p>Reimbursement under this subchapter shall be made by the State Treasurer on the voucher of the Commissioner of Fish and Wildlife, from money received by the State Treasurer under the provisions of this part. VT. STAT. ANN. tit.10, §4843. A person who is denied reimbursement under this subchapter or who is dissatisfied with the amount of the reimbursement granted may appeal to the Superior Court of the county in which he or she resides. VT. STAT. ANN. tit. 10, §4842.</p>	<p>NA</p>	<p>VT. STAT. ANN. tit.10, §4826</p> <p>(a) A person, including an authorized member of the person's family, an authorized regular on-premises employee, or an agent who holds a Vermont hunting license and who is designated by the person, may take, on land owned or occupied by the person, up to four deer per year which the person can prove were done damage to the following:</p> <ul style="list-style-type: none">(1) a tree which is being grown in a plantation or being cultivated for the purpose of harvesting an annual or perennial crop or producing any marketable item; or(2) a crop-bearing plant;(3) a crop, except grass. <p>(b) A person by whom, or under whose direction, a deer is wounded or killed, shall report in writing signed by him or her within 12 hours all the facts relative to the act to a game warden. The report shall state the time and place of the wounding or killing.</p> <p>(c) A person who kills a deer shall immediately properly dress the carcass and can cap for the meat.</p> <p>(d) The game warden shall immediately investigate the case and if satisfied that the deer was taken as provided in this section, shall give the person a certificate of the finding in the matter. The certificate shall entitle the person to the ownership of the carcass, but the person shall not sell or give away the same. However, the head and the antlers, if any, shall be turned over to a warden. In addition, any carcass not needed for home consumption in the household of the certificate holder shall be turned over to a game warden.</p> <p>(e) When a game warden finds that a deer had been wounded or killed contrary to the provisions of this section, he or she shall dispose of the deer under the direction of the Commissioner, and any monies received therefor shall be paid to the Commissioner.</p> <p>(f) ("Person" includes all people who jointly own or lease the land.</p> <ul style="list-style-type: none">(1) The land owned by the person is not posted against hunting;(2) The person can prove that the property is sustaining additional and ongoing damage; and(3) The person has taken reasonable measures to prevent the deer from continuing to damage the crop. <p>(h) The Commissioner is authorized to issue an order requiring any person to remove furt or bait which has the effect of luring deer into the vicinity of the property sustaining damage. In this subsection, hood does not include a crop or crop-bearing plant.</p> <p>VT. STAT. ANN. tit. 10, §4826</p> <p>(1) The land owned by the person is not posted against hunting;</p> <p>(2) The person can prove that the property is sustaining additional and ongoing damage; and</p> <p>(3) The person has taken reasonable measures to prevent the deer from continuing to damage the crop.</p> <p>(h) The Commissioner is authorized to issue an order requiring any person to remove furt or bait which has the effect of luring deer into the vicinity of the property sustaining damage. In this subsection, hood does not include a crop or crop-bearing plant.</p>	
<p>§3.2-6553. Compensation for livestock and poultry killed by dogs.</p> <p>Any person who has any livestock or poultry killed or injured by any dog not his own shall be entitled to receive as compensation the fair market value of such livestock or poultry not to exceed \$700 per animal or \$10 per fowl if (i) the claimant has furnished evidence within 60 days of discovery of the quantity and value of the dead or injured livestock and the reasons for the claimant believes that death or injury was caused by a dog; (ii) the animal control officer or other official authorized to be notified of the incident within 72 hours of its discovery; and (iii) the claimant first has exhausted the legal remedies against the owner. If known, of the dog doing the damage for which compensation under this section is sought. Exhaustion shall mean a judgment against the owner of the dog upon which an execution has been returned unsatisfied.</p> <p>Local jurisdictions may by ordinance waive the requirements of clause (i) or (ii) or both provided the ordinance adopted requires that the animal control officer has conducted an investigation and that its investigation supports the claim. Upon payment under this section, the local governing body shall be subrogated to the extent of compensation paid to the right of action to the owner of the livestock or poultry against the owner of the dog and may enforce the same in an appropriate action at law.</p> <p>Interestingly, coyote attacks also occur in Virginia, and evidence of dog versus coyote predation is difficult to attribute to just one species.</p>	<p>NA</p>	<p>NA</p>	<p>E. Whenever deer are damaging property in a locality in which deer herd population reduction has been recommended in the current Deer Management Plan adopted by the Board, the owner or lessee of the lands on which such damage is being done may request such damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are responsible for the damage occurred, lessee or any other person designated by the Director or his designee to kill such deer when they are found upon the land upon which damage occurred. The Director or his designee also may limit such authorization by specifying in writing the number of animals to be killed and the persons or persons authorized to carry out the effective. The requirement in subsection A of this section, that an owner or lessee of land demonstrate that during the period following the prior authorization deer or bear have been hunted on his land, shall not apply to any locality that has a deer or bear population control program authorized by the Department. VA. CODE ANN. §20-1509. Deer – It is unlawful for a person to bait or attempt to bait a deer in the waters of any stream, lake, or pond. It is unlawful to hunt deer with dogs in the counties west of the Blue Ridge Mountains. VA. CODE ANN. §20-1516.</p>	<p>No data found</p>	<p>Compensatory damages are not generally capped in Virginia, except in some medical malpractice actions.</p> <p>The collateral source rule is a long-standing principle in Virginia tort law and has been applied in tort cases for more than a century. <i>Acorn v. Leotaubau</i>, 231 S.E.2d 316, 320 (Va. 2005).</p>	<p>A. Whenever deer, elk or bear are damaging fruit trees, crops, livestock or personal property utilized for commercial agricultural production in the Commonwealth, the owner or lessee of the lands on which such damage is done shall immediately report the damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer or bear are responsible for the damage, he shall authorize in writing the owner, lessee or any other person designated by the Director or his designee to kill such deer or bear when they are found upon the land upon which the damage occurred. However, the Director or his designee shall have the option of authorizing nonlethal control measures rather than authorizing the killing of elk or bear, provided that such measures occur within a reasonable period of time; and whenever deer cause damage on parcels of land of five acres or less, except when such acreage is used for commercial agricultural production, the Director or his designee shall have discretion as to whether to issue a written authorization to kill the deer. The Director or his designee may limit such authorization by specifying in writing the number of animals to be killed and duration for which the authorization is effective and may in proximity to residential areas and under other appropriate circumstances limit or prohibit the authorization between 11:00 p.m. and one-half hour before sunrise of the following day. The Director or his designee issuing these authorizations shall specify in writing to any antlers deer shall be killed, unless the Director or his designee determines that there is clear and convincing evidence that the damage was done by deer with antlers. Any owner or lessee of land who has been issued a written authorization shall not be issued an authorization in subsequent years unless he can demonstrate to the satisfaction of the Director or his designee that during the period following the prior authorization, the owner or his designee has hunted deer or bear on the land for which he received a previous authorization. VA. CODE ANN. §29-1529</p>
<p>Wisconsin has a program that assists farmers when wildlife damages their agricultural crops. The Wildlife Damage Abatement and Claims Program (WDACP) provides damage prevention assistance and partial compensation to farmers when wild deer, elk, bear, pease and turkeys damage their agricultural crops. Wildlife manages cause agricultural damage shooting permits to farmers for removal of deer - occasionally bear, pease and turkeys - that cause damage. https://dnr.wisconsin.gov/wildlife/WDACP</p> <p>(2) Department authority. The department may remove or authorize the removal of all of the following:</p> <ul style="list-style-type: none">(a) A wild animal that is causing damage or that is causing a nuisance.(b) A structure of a wild animal that is causing damage or that is causing a nuisance. WIS. STAT. § 29.885. (2) Department powers and duties. (a) Assistance. The department shall assist counties in developing and administering the wildlife damage abatement and wildlife damage claim programs. The department shall provide this assistance through technical aid, program guidance, research, demonstration, funding, plan review, audit and evaluation services.(b) Eligibility and funding requirements. rules. The department shall promulgate rules for eligibility and funding requirements for the wildlife damage abatement program and the wildlife damage claim program in order to maximize the cost effectiveness of these programs. The department shall also promulgate rules to establish all of the following:	<p>NA</p>	<p>NA</p>	<p>1. File a complaint with the county, or the county's agent, within 14 days of the first damage each year.</p> <p>2. Follow the county, or the county's agent recommended abatement and all abatement eligibility requirements listed 1-5 above.</p> <p>3. Call the county, or the county's agent, 10 days prior to harvest to conduct an appraisal. Call for the first cutting of alfalfa, for each additional cutting, and for each crop field. If a field is harvested before an appraisal is conducted, that fieldings WILL NOT be eligible for compensation.</p> <p>4. Crops subject to the claim are not planted or manipulated to attract eligible species.</p> <p>5. If the enrollee has been issued a deer shooting permit, the enrollee has complied with the deer harvest objectives.</p> <p>7. Provide parking that is accessible to the land suitable for hunting access.</p> <p>8. The land subject to the claim has been in cultivation or in an approved stabilization and conservation service set-aside program for at least 5 years.</p> <p>9. Failure to meet any of these provisions will make you ineligible for damage compensation in that year and the following year.</p> <p>(3) Damage complaints. (a) Within 48 hours after receipt of a written complaint from a person who owns, leases or occupies property on which a wild animal or a structure of a wild animal is allegedly causing damage, the department shall both investigate the complaint and determine whether or not to authorize removal. (b) The department may remove or authorize removal of the wild animal or the structure of the wild animal if it finds that the wild animal or the structure is causing damage on the property.</p> <p>(c) A person who owns, leases or occupies property outside an incorporated municipality on which a wild animal or a structure of a wild animal is allegedly causing damage and who has made a complaint under par. (a), may remove the wild animal or the structure at any time from one hour before sunrise until one hour after sunset if all of the following conditions apply:</p> <ul style="list-style-type: none">1. The department has failed, within 48 hours of the receipt of the complaint, to investigate the complaint and to determine whether or not to authorize removal.2. The department has failed, within 48 hours of the receipt of the complaint, to investigate the complaint and to determine whether or not to authorize removal.3. The wild animal is not of an endangered or threatened species under s. 29.604 and is not a migratory bird on the list in §UCR 10.13 that is promulgated under § UC 701. <p>(4) A person who owns, leases or occupies property located within an incorporated municipality on which a wild animal or the structure of a wild animal is allegedly causing damage may capture and relocate the wild animal or may relocate its structure if the person has filed a complaint under par. (a) and all the conditions under par. (1) to 3 apply.</p> <p>(5) Nuisance complaints. (a) Upon the receipt of a complaint from a person who owns, leases or occupies property on which a wild animal or a structure of a wild animal is allegedly causing a nuisance, the department may remove or authorize the removal of the wild animal or the structure of a wild animal if it finds that the wild animal or the structure is causing a nuisance on the property.</p> <p>(b) The department may remove or authorize the removal of the wild animal or the structure of a wild animal if it finds that the wild animal or the structure is causing a nuisance on the property.</p> <p>(c) Hunting allowances. If the department removes or authorizes the removal of a wild animal or the structure of a wild animal under sub. (3) (b), the person who owns, leases or occupies the property on which the damage occurred shall open the property to others for hunting and trapping for one year beginning on the date on which the removal activity started unless hunting is prohibited under this chapter.</p> <p>(4) Land not required to be open to hunting. The requirements under sub. (4m) do not apply to a person to whom the department issues a shooting permit for deer causing damage that is issued as an abatement measure recommended under s. 29.889 if all of the following apply:</p> <ul style="list-style-type: none">(a) The permit is the only abatement measure the person receives under s. 29.889 for damage caused by deer.(b) The person waives any eligibility to receive a wildlife damage claim payment under s. 29.889(7) for damage caused by deer.(c) Abatement. (a) The department may refuse to investigate under sub. (3). (3) If the person making the complaint refuses to participate in any available wildlife damage abatement program administered under s. 29.889 or refuses to follow reasonable abatement measures recommended by the department or by the county in which the property is located if the county participates in a wildlife damage abatement program: (b) Before taking action under sub. (3) (b) or (4), the department may require the person making the complaint to participate in any available wildlife damage abatement program administered under s. 29.889 or to follow reasonable abatement measures recommended by the department. WIS. STAT. § 29.885	<p>(b) Penalties. If any person who is required to permit hunting on land as required under par. (a) fails to do so, the person is liable for all of the following:</p> <ul style="list-style-type: none">1. Reimbursement of any money paid for the wildlife damage claim. (d) Other liability. Any person who owns, leases or controls land or owns livestock or appears for which a benefit was received in violation of par. (b) who fails to allow hunting as required under sub. (7m) is not eligible for any benefits under the wildlife damage abatement program or the wildlife damage claim program for a period of 10 years commencing after the day on which the false statement or misrepresentation occurred, regardless whether the person knew or should have known of the false statement or misrepresentation.2. Payment of the cost of any wildlife damage abatement assistance paid for under this section. (10) Negligence; fraud; penalties. (a) Liability. For a given wildlife damage statement of claim or application for wildlife damage abatement assistance, if the person filing the claim or applying for the assistance negligently makes, or causes to be made, a false statement or representation of a material fact in making the claim or application, the person is liable for all of the following:<ul style="list-style-type: none">1. Reimbursement of any money paid for the wildlife damage claim.2. Payment of the cost of any wildlife damage abatement assistance paid for under this section.3. Payment of the costs for reviewing and approving the wildlife damage claim or wildlife damage abatement assistance and the costs in investigating and determining whether a false statement or representation was made.<p>(b) Fraud. No person may knowingly make or cause to be made any false statement or representation of material fact under the wildlife damage abatement program or the wildlife damage claim program.</p><p>(c) Fraud; penalties. A court finding a person to be in violation of par. (b) may order any of the following:</p><ul style="list-style-type: none">1. That the person make any of the payments under par. (a), 1) to 3.2. That the person pay a forfeiture equal to 2 times the total amount of wildlife damage claim payments received and the value of annual not to exceed \$1,000.3. The revocation of the person's privileges or approvals under s. 29.871 (1) if the person violates par. (b) owns, leases or controls land, or owns livestock or appears, to which the false statement or misrepresentation made.<p>4. That the person be prohibited from receiving any benefits under the wildlife damage abatement program or the wildlife damage claim program for a period of 10 years commencing after the day that the false statement or representation occurred.</p>	<p>No cap on compensatory damages, except in medical malpractice context. See W. Va. Code § 55-7B-4.</p> <p>In West Virginia, trial courts deduct collateral source payments from the jury's verdict per statute. W. Va. Code § 55-7B-9a (2015).</p>	<p>Wisconsin has no general cap on compensatory damages, but as with many other states, the legislature created a cap in the context of medical malpractice actions. Wis. Stat. Ann. § 89.55.</p> <p>The collateral source rule applies. See <i>Lettingier v. DiBart</i>, Inc., 736 N.W.2d 1 (Wis. 2007).</p>
<p>\$500 Deductible per claim \$100,000 Maximum per claim</p> <p>1. Authorized wildlife damage abatement measures and methods for implementing and paying for these abatement measures.</p> <p>2. Forms and procedures for payment and processing of statement of claims, and application for abatement assistance.</p> <p>3. Procedures and standards for determining the amount of wildlife damage.</p> <p>4. A methodology for provision of wildlife damage claim payments.</p> <p>5. Procedures for record keeping of wildlife incidents and responses.</p> <p>(c) Review of county administration plans. The department shall provide guidelines to counties applying for participation in the wildlife damage abatement and wildlife damage claim programs. The department shall review each plan of administration submitted under sub. (c), (3) (c), and shall approve the plan if it is substantial compliance with sub. (3) (c) and the rules promulgated by the department under this section. WIS. STAT. § 29.889</p>	<p>NA</p>	<p>NA</p>	<p>(4) Land not required to be open to hunting. The requirements under sub. (4m) do not apply to a person to whom the department issues a shooting permit for deer causing damage that is issued as an abatement measure recommended under s. 29.889 if all of the following apply:</p> <ul style="list-style-type: none">(a) The permit is the only abatement measure the person receives under s. 29.889 for damage caused by deer.(b) The person waives any eligibility to receive a wildlife damage claim payment under s. 29.889(7) for damage caused by deer.(c) Abatement. (a) The department may refuse to investigate under sub. (3). 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Any person who owns, leases or controls land or owns livestock or appears for which a benefit was received in violation of par. (b) who fails to allow hunting as required under sub. (7m) is not eligible for any benefits under the wildlife damage abatement program or the wildlife damage claim program for a period of 10 years commencing after the day on which the false statement or misrepresentation occurred, regardless whether the person knew or should have known of the false statement or misrepresentation.2. Payment of the cost of any wildlife damage abatement assistance paid for under this section. (10) Negligence; fraud; penalties. (a) Liability. For a given wildlife damage statement of claim or application for wildlife damage abatement assistance, if the person filing the claim or applying for the assistance negligently makes, or causes to be made, a false statement or representation of a material fact in making the claim or application, the person is liable for all of the following:<ul style="list-style-type: none">1. Reimbursement of any money paid for the wildlife damage claim.2. Payment of the cost of any wildlife damage abatement assistance paid for under this section.3. Payment of the costs for reviewing and approving the wildlife damage claim or wildlife damage abatement assistance and the costs in investigating and determining whether a false statement or representation was made.<p>(b) Fraud. No person may knowingly make or cause to be made any false statement or representation of material fact under the wildlife damage abatement program or the wildlife damage claim program.</p><p>(c) Fraud; penalties. 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