

WAC 220-440-150 Application for cash compensation for deer or elk commercial crop damage—Procedure. The department shall develop claim procedures and application forms consistent with this section for cash compensation for commercial crop damage.

Filing a claim:

(1) Claimants who have met the requirements of WAC 220-440-140, yet still experience commercial crop loss, may file a claim for cash compensation.

(2) The claimant must notify the department within 72 hours of discovery of crop damage and at least 72 hours prior to harvest of the claimed crop.

(3) A complete written claim and completed crop assessment must be submitted to the department within 60 days of harvest.

(4) Claimants may only file one claim per year. Multiple partners in a farming operation are considered one claimant. Operations involving multiple partners must designate a "primary grower" to receive payment from the department.

(5) The 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.

(6) In addition to a completed claim form, a claimant must provide:

(a) A copy of claimant's Schedule F of Form 1040, Form 1120, or other applicable forms filed with the Internal Revenue Service or other documentation indicating the claimant's gross sales or harvested value of commercial crops for the previous tax year.

(b) The assessment method used is consistent with WAC 220-440-160, valuation of property damage.

(c) Proof of ownership of claimed commercial crops or contractual lease of claimed commercial crops consistent with department procedural requirements for submission of documents.

(d) Written documentation of approved methodology used to assess and determine final crop loss and value.

(e) Records documenting average yield on claimed crop and parcel, certified yield reports, production reports and weight certificates completed at the time weighed for claimed year, and other applicable documents that support yield loss and current market price. Current market price will be determined less transportation and cleaning costs when applicable.

(f) A declaration signed under penalty of perjury as provided in RCW 9A.72.085, indicating that the claimant is eligible for the claim, meets eligibility requirements listed under this section, and that all claim evaluation and assessment information in the claim application is true and accurate to the best knowledge of the claimant.

(g) A copy of the insurance policy, completed claim forms, and payment records on the commercial crop where loss is claimed.

(h) Copies of any applications for other sources of loss compensation and any payment records or denial documentation.

Damage claim assessment:

(7) Completion of a damage claim assessment for the amount and value of commercial crop loss is the responsibility of the claimant. A crop damage evaluation and assessment must be conducted by a licensed crop insurance adjustor in cooperation with the claimant:

(a) The claimant must submit a damage claim assessment prepared by a qualified crop insurance adjustor. A qualified adjustor means a

crop adjustor licensed by the state of Washington and certified by the federal crop insurance service.

An adjustor who is under contract with the department that has a current state of Washington insurance adjuster license with at least four years of verifiable deer and elk caused crop damage investigation experience may substitute that experience for the federal crop insurance certification.

(b) The department will provide the claimant with a list of approved contracted department adjustors. The claimant may select an adjustor from the approved list and work with the department and the adjustor to arrange for the completion of a crop damage assessment or select a qualified adjustor of their own choosing.

(i) If the claimant selects an adjustor from the approved list, the department will provide the adjustor written authorization to proceed with an assessment. Adjustor fees, including for multiple site visits, will be the shared responsibility of the owner and the department. The claimant portion of each assessment visit fee may not exceed one half or a maximum of \$600, whichever is smaller, and will be deducted from the final payment.

(ii) If, at the end of the claim evaluation process, no payment for the claim is made, the claimant's portion of a contracted adjustor's assessment fees shall be billed to the claimant for prompt reimbursement to the department and funds returned to the appropriate claim fund source.

(iii) If the claimant selects a qualified adjustor of their own choosing, then the claimant accepts full responsibility for the assessment fees.

(c) The department or the claimant may accept the damage claim assessment provided by the qualified adjustor or may hire a qualified adjustor of their choosing and conduct a separate assessment or evaluation of the crop loss amount and value. The party hiring an adjustor to conduct a separate assessment or evaluation is responsible for payment of all related fees.

(8) Disagreement between the claimant and the department over the crop loss value may be settled through an adjudicative proceeding pursuant to chapter 34.05 RCW and WAC 220-440-230, subject to the limit provided in RCW 77.36.130.

Settlement of claims:

(9) Compensation paid by the department, in addition to any other compensation received by the claimant, may not exceed the total value of the assessed crop loss.

(10) The claimant will be notified by the department upon completion of the evaluation and has 60 days to accept or appeal the department's offer for settlement or denial of the claim, or the claim offer or denial is considered accepted and not subject to appeal.

(11) The department will prioritize payment for commercial crop damage as set forth in RCW 77.36.100.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.36.120. WSR 25-15-035 (Order 24-10), s 220-440-150, filed 7/8/25, effective 8/8/25. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.36.080, 77.36.100, and 77.36.130. WSR 24-22-007 (Order 24-09), s 220-440-150, filed 10/23/24, effective 11/23/24. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-440-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240,

77.12.320, 77.12.150, 77.15.245, and chapter 77.36 RCW. WSR 16-04-066 (Order 16-18), § 232-36-110, filed 1/28/16, effective 2/28/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.240, chapter 77.36 RCW, and 2013 c 329. WSR 13-22-056 (Order 13-282), § 232-36-110, filed 11/4/13, effective 12/5/13. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.04.055. WSR 10-13-182 (Order 10-156), § 232-36-110, filed 6/23/10, effective 7/24/10.]