

**WSR 24-12-051
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 24-80—Filed May 31, 2024, 10:33 a.m., effective June 1, 2024]

Effective Date of Rule: June 1, 2024.

Purpose: (1) Allow the department of fish and wildlife (department) to continue to use contracted crop damage claim adjusters. To do so, we must establish updated certification and experience standards for department-contracted crop adjusters.

(2) Follow 2024 legislative SSB [2SSB] 5784, changing the value limits of an appeal.

Citation of Rules Affected by this Order: Amending WAC 220-440-150 and 220-440-180.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.36.170, and 77.36.180.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency rule is necessary:

(1) Because of a change in the availability of federal crop insurance continuing education training for crop adjusters has resulted in the department being unable to comply with existing rule. This has rendered the department unable to assess crop damage claims by current department-contracted adjusters. This change will allow for substitution of experience for the federal license and allow claims to continue to be processed with only a state license.

(2) To comply with recently enacted state statutes resulting from SSB [2SSB] 5784.

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

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 2, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 2, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: May 31, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-440-15000A Application for cash compensation for commercial crop damage—Procedure. Notwithstanding the provisions of WAC 220-440-150, effective immediately, until further notice, WAC 220-440-150 subsection (7) (a) shall be modified as described below. All other provisions of WAC 220-440-150 not addressed herein remain in effect unless otherwise amended by emergency rule:

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

NEW SECTION

WAC 220-440-18000A Application for cash compensation for livestock damage or domestic animal—Procedure. Notwithstanding the provisions of WAC 220-440-180, effective immediately, until further notice, subsections (8) and (12) of WAC 220-440-180 shall be modified as described below. All other provisions of WAC 220-440-180 not addressed herein remain in effect unless otherwise amended by emergency rule:

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

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

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.