

WSR 26-04-119
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 25-20—Filed February 3, 2026, 1:31 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 25-22-030 on October 28, 2025.

Title of Rule and Other Identifying Information: 2025 Livestock compensation rule project proposes changes to WAC 220-440-020 Definitions, 220-440-170 Payment for livestock damage and other domestic animals—Limitations, 220-440-180 Application for cash compensation for livestock damage or domestic animal—Procedure, and 220-440-230 Commercial crop or livestock damage claim—Dispute resolution.

Hearing Location(s): On March 12-14, 2026, at 8:00 a.m., hybrid meeting at Courtyard by Marriott, 550 Rose Street, Walla Walla, WA 99362. Information on how to register to participate at the public hearing is available at <http://wdfw.wa.gov/about/commission.meetings>, or contact the fish and wildlife commission office at 360-902-2267.

Date of Intended Adoption: On or after April 17, 2026.

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email 2026livestockcr102@publicinput.com, fax 360-902-2162, <https://engage.wdfw.wa.gov/2026livestockcr102>, phone 855-925-2801, project code 5621, beginning February 4, 2026, 12:00 p.m., by March 16, 2026, 11:59 p.m.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov, <http://wdfw.wa.gov/accessibility/requests-accommodation>, by March 5, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed rule making seeks to amend current rules and achieve the following:

- (1) Remove redundant definitions from WAC rules to those definitions found in RCW and provide clarity to existing definition meanings.
- (2) Add new definitions for terms that are referenced in current claim eligibility and procedure rules, and terms referenced in other nonclaim wildlife conflict rules within chapter 220-440 WAC.
- (3) Remove redundant, inaccurate, or irrelevant rule language unrelated to claims in multiple rules.
- (4) Streamline and reformat rules so that they are easier to apply and administer.
- (5) Clarify the qualifications of a livestock appraiser to evaluate livestock compensation claims by establishing updated certification and experience standards. There has been a general decline in available livestock appraisers resulting in the department of fish and wildlife (department) being unable to comply with the existing rule. Consequently, the department has been unable to carry out this statutory obligation to assess livestock damage claims. This change will allow for the substitution of experience for a livestock appraiser certification.
- (6) Clarify the lease documentation that is required for leased livestock claim acceptance, processing, and payment.
- (7) Clarify the legal distinction between livestock owner and lessee in the claim process.

(8) Add a provision allowing the department to suspend timelines to allow for claimant hardship.

(9) Add a provision allowing the department to require submission of additional information needed to complete the processing of a claim.

(10) Add documentation requirements to establish that a claimant is a commercial livestock producer eligible to claim a loss.

(11) Add additional documentation options to establish livestock loss values.

(12) Clarify the required past records to be submitted and used for calculation of values in indirect claims.

(13) Remove the amount limit on specific claim award payments and allow the department to pay up to limits as described in RCW 77.36.130.

(14) Remove the unused livestock appeals board provision from the dispute resolution rule in WAC 220-440-230. That rule contains and retains the process of appeal that is used for claim decision appeals filed under chapter 34.05 RCW.

Reasons Supporting Proposal: The department is required to adopt rules to support the claim processes for the money damages caused to commercial livestock by cougar, bear, and wolf. These rule changes are necessary to provide clarity in the administrative claim process and ensure that the necessary claim documentation is made available by claimants to comply with the requirements of chapter 77.36 RCW.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.36.010, 77.36.100, 77.36.110, 77.36.120, and 77.36.130.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.047, 77.36.010, 77.36.100, 77.36.110, 77.36.120, and 77.36.130.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Mick Cope, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2515; Enforcement: Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

February 3, 2026
Scott Bird
Rules Coordinator

RDS-6964.2

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-440-020 Definitions. ~~The definitions ((used in rules of the fish and wildlife commission are defined)) in RCW 77.08.010 ((, and the definitions for wildlife interactions are defined in RCW)) and 77.36.010 apply to this chapter. In addition, unless otherwise provided, the following definitions are applicable to this chapter:~~

"Act of damaging" means that private property is in the process of being damaged by wildlife.

"Attack" means an aggressive and violent action against a person, domestic animal, and/or property.

"Big game" means those animals listed in RCW 77.08.030.

~~("Claim" means an application to the department for compensation under this chapter.)~~

"Claimant" means owner of commercial crop, livestock, or other private property who has filed a wildlife damage claim for cash compensation.

"Commercial crop" means a commercially raised horticultural and/or agricultural product and includes the growing or harvested product, but does not include livestock, forest land, or rangeland. For the purposes of this chapter, Christmas trees and managed pasture grown using agricultural methods including one or more of the following: Seeding, planting, fertilizing, irrigating, and all parts of horticultural trees, are considered a commercial crop and are eligible for cash compensation.

~~("Compensation" means a cash payment, materials, or service.)~~

"Commercial livestock" means a commercially raised livestock animal that is produced and raised for sale in a for-profit livestock production business.

"Completed written claim" means that all of the information required on a department property damage claim form is supplied and complete, including all supplemental information and certifications required to process the claim.

~~("Damage" means economic losses caused by wildlife interactions.)~~

"Damage claim assessment" means department approved methods to evaluate crop loss and value caused by deer or elk damage to commercial crops, livestock, and working dog losses and value caused by bear, cougar, or wolves, or damages to other property.

"Department fence" means a fence provided by the Washington department of fish and wildlife cooperative fencing program.

"Direct livestock loss" means a death or injury to livestock directly attributable to a physical attack by a wolf, cougar, or bear as supported by evidence and an investigation by the department.

"Domestic animal" means any animal that is lawfully possessed and controlled by a person including, but not limited to, commercial livestock and working dogs.

"Eligible farmer" means an owner who satisfies the definition of eligible farmer pursuant to RCW 82.08.855 (4) (b) (i) through (iv).

"Emergent" means an unforeseen circumstance beyond the control of the landowner or tenant, that presents a real and immediate threat to crops, domestic animals, or fowl.

~~("Game animal" means wild animals that shall not be hunted except as authorized by the commission.~~

~~"Guard dog" means dogs trained for the purpose of protecting livestock from attack by wildlife or for herding livestock.)~~

"Fair market value" means a price at which buyers and sellers with a reasonable knowledge of pertinent facts and not acting under any compulsion are willing to do business and purchase or sell a crop or animal at the first point of delivery from the origin, and does not include transportation, cleaning, processing, packaging, or other costs. This value also can be the replacement value of an equivalent animal in the same age and sex in an undamaged condition at the time of injury or loss.

"Immediate family member" means spouse, state registered domestic partner, brother, sister, grandparent, parent, child, or grandchild.

"Immediate threat of physical harm" means that animal-to-human bodily contact is imminent; and the animal is in attack posture/mode.

"Indirect livestock loss" means an injury that does not include direct evidence of a wolf physical attack and only includes claims involving higher than normal livestock losses of missing or unaccounted livestock, reduced weight gains, or reduced pregnancy rates due to harassment of livestock caused by wolves.

"Livestock" means horses, cattle, sheep, when claims are paid with state funds, and additionally means goats, swine, donkeys, mules, llamas, and alpacas when nonstate claims funds are available and consistent with the rules of the third-party funding entity.

"Owner" means a person who has a legal ownership, or leased property right to commercial crops, livestock, or other private property that was damaged during a wildlife interaction.

"Physical act of attacking" means actual or imminent animal-to-human or animal-to-animal physical contact.

"Private property" includes personal property, such as a vehicle, domestic animals, livestock, and commercial crops as well as real property, such as a barn.

"Public hunting" means an owner satisfies the "public hunting" requirement for his or her land, as defined in WAC 220-440-190.

~~(("Wild animal" means those species of the class Mammalia whose members exist in Washington in a wild state.))~~

"Qualified livestock appraiser" means an independent third party with at least four years of verifiable experience in livestock commercial marketing or valuation, or who holds current certification as a livestock appraiser to assist in the evaluation of livestock or working dog claims.

"Wildlife control operator" means a person who has successfully completed the department's designated training and obtained (~~one or more levels of~~) and maintains certification from the department to charge a fee to assist landowners to prevent or control problems caused by wildlife.

~~(("Wildlife interaction" means the negative interaction and the resultant damage between wildlife and commercial crops, livestock, or other property.))~~

"Working dog" means dogs trained for the purpose of guarding and protecting commercially raised livestock from attack by wildlife or for herding commercially raised livestock.

RDS-6965.2

AMENDATORY SECTION (Amending WSR 18-04-049, filed 1/31/18, effective 3/3/18)

WAC 220-440-170 Payment for commercial 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.))~~

(1) Eligibility. Damages payable under this section are limited to the lost or diminished value of commercial livestock, or to working dogs caused by wild bears, cougars, or wolves and shall be paid only to the owner or documented lessee of the commercial livestock, without assignment.

(a) Cash compensation for commercial 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,))~~ Commercial livestock owners ~~((under))~~ with a current written agreement with the department will be compensated consistent with the terms of their agreement ~~((which may extend beyond the limitations in this section))~~. If the agreement and this section differ, the terms of the agreement will control.

(b) The department is authorized to pay only the fair market value for the eligible direct livestock or ~~((guard))~~ working dog lost or the fair 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, subject to the limits in RCW 77.36.130.

(2) Denial. Claims for cash compensation will be denied when:

~~((1))~~ (a) Funds for livestock compensation have not been specifically appropriated by the legislature or other funding entity;

~~((2))~~ (b) The claim is for livestock other than sheep, cattle, or horses, or a claim for a working dog when only state funds are available; or any domestic animals not allowed by the requirements of a third-party funding entity;

~~((3))~~ (c) 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(s) with the department;

~~((4))~~ (d) 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;

~~((5))~~ (e) Damages to the livestock or other domestic animals claimed are covered by insurance or are eligible for payment from ~~((nonprofit))~~ third-party organizations. However, the owner may include any portion of the fair market value of the damage not covered by ~~((nonprofit organizations is eligible for filing a claim with))~~ a third-party organization in a claim to the department;

~~((6))~~ (f) The owner fails to provide on-site access to the department or department's designee for inspection and investigation of alleged attack or to verify eligibility for claim;

~~((7))~~ (g) The owner has not provided a completed written claim ~~((form and all other required information,))~~ or met required timelines prescribed within this chapter;

~~((8))~~ The department is authorized, at its discretion, to adjust required timelines by up to the end of the current fiscal year if the claimant can demonstrate a verifiable hardship to comply with the timeline. The hardship must be significant enough to cause a substantial impact on the claimant's ability to comply with the requirements to submit a claim and not the result of the claimant's own actions. The department reviews hardships on a case-by-case basis and reserves the right to determine whether a hardship is reasonable;

(h) 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

~~((9))~~ (i) The owner or designee has salvaged or rendered the carcass or allowed it to be scavenged without an investigation completed under the direction of the department.

RDS-6966.2

AMENDATORY SECTION (Amending WSR 24-22-007, filed 10/23/24, effective 11/23/24)

WAC 220-440-180 Application for cash compensation for commercial livestock damage or domestic animal—Procedure. Pursuant to this section, the department may distribute money specifically appropriated by the legislature or other funding entity to pay commercial livestock or ~~((guard))~~ working dog losses caused by wild bear, cougar, or wolves up to the amount set forth in RCW 77.36.130. The department will develop claim procedures and application forms consistent with this section for cash compensation of commercial livestock or guard dog losses. ~~((Partnerships with other public and private organizations to assist with completion of applications, assessment of losses, and to provide funding for compensation are encouraged.))~~

(1) Filing a claim:

~~((1))~~ (a) Claimant must notify the department within 24 hours of discovery of livestock or other domestic animal attack or as soon as feasible.

~~((2))~~ (b) Damage claim assessment of amount and value of eligible livestock or guard dog loss is the primary responsibility of the claimant.

~~((3))~~ (c) Investigation of the loss and review and approval of the assessment will be conducted by the department:

~~((a))~~ (i) The claimant must provide access to department staff or designees to investigate the cause of death or injury to eligible livestock or ~~((guard))~~ working dogs and use reasonable measures to protect evidence at the depredation site.

~~((b))~~ (ii) Federal officials may be responsible for the investigation when it is suspected that the attack was by a federally listed species.

~~((4))~~ (d) To be eligible a claimant must submit a written statement, electronic or hard copy, within 30 days of discovery of a loss to indicate ~~((his or her))~~ their intent to file a claim.

~~((5))~~ (e) A complete claim package must be submitted to the department within ~~((90))~~ 120 days of a discovery of an attack on livestock or ~~((guard))~~ working 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))~~ (f) In addition to a completed claim form, a claimant must provide:

~~((a))~~ (i) Proof of legal ownership or ~~((contractual))~~ signed lease contract of claimed livestock. ~~((b))~~ The signed lease contract must include:

(A) The lessor's name and brand registration and be signed by them.

(B) A statement that the payment for any losses to the animals is assigned to the lessee.

(C) The lessee may redact the terms, conditions, and values specified in the agreement.

(D) If a lease is in the form of a verbal agreement, the lessee shall provide a written attestation under penalty of perjury and signed by the lessor stating that the lessee is the sole claimant for the loss compensation; and

(ii) Records documenting the value of the livestock or guard dog depending upon the determination for cause of loss((-

~~(e))~~ 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 in the claim application is to the best knowledge of the claimant true and accurate.

~~((d))~~; and

(iii) Documentation solely for verifying that the claimant raises livestock for commercial purposes. The documentation includes, but is not limited to, the following:

(A) Copies of the prior year filed IRS Schedule F form;

(B) Current Washington business license;

(C) Articles of incorporation;

(D) Other official government document indicating claimant is involved in commercial livestock sales, marketing, or purchase; and

(iv) A copy of any insurance policy covering loss claimed((-

~~(e))~~, if any; and

(v) Copies of applications for other sources of loss compensation and any payment or denial documentation((-

~~(f))~~, if any; and

(vi) 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; and

(vii) Declaration signed under penalty of perjury under chapter 5.50 RCW 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 in the claim application is to the best knowledge of the claimant true and accurate. Any fraudulent statements made, or

documents submitted by the claimant in support of their claim shall be the basis for the department's rejection of a claim.

(2) Settlement of claims:

~~((+8))~~ Subject to funds appropriated to pay for livestock or ~~((guard))~~ working dog losses, undisputed claims will be paid up to ~~((ten thousand dollars))~~ the limits found in RCW 77.36.130, or to any limitations of a third-party entity providing claim payment funding.

~~((+9))~~ **(3) Valuation of the lost livestock ~~((+))~~ or working dog.**

(a) The department may ~~((utilize))~~ use the services of an independent ~~((certified))~~ qualified appraiser to assist in the evaluation of livestock or ~~((guard))~~ working dog claims.

(b) For losses caused by wolves, the ~~((compensation))~~ calculation of fair market value for livestock or ~~((guard))~~ working dogs will be based on the following:

(i) The value at 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))~~ working dogs, such as comparable calves, steers, cows, ewes, and lambs ~~((+))~~.

Except bulls will be replaced based on the actual purchase price prorated on a four-year depreciation cycle minus salvage value if applicable.

(ii) The fair market ~~((or replacement))~~ value will be determined by ~~((an independent certified))~~ one or more of the following documents:

(A) A report by a qualified livestock appraiser ~~((+))~~;

(B) The sales receipts from the most recent sale of comparable animals by the owner ~~((,+or))~~;

(C) The sales receipts or invoices from the next sale of comparable animals by the owner;

(D) Private treaty records;

(E) Sale barn values, including average values for the same weight, sex, and age class of the breed at the time that it would have normally been sold.

(c) The direct loss payment amount for wolf depredations to livestock will be based on the following criteria:

(i) Where the livestock grazing site was greater than or equal to 100 acres, there is a rebuttable presumption that the number of commercial livestock wolf depredations that are eligible for compensation is twice the number of wolf livestock depredations documented by the department, unless all remaining livestock are accounted for.

(A) On these grazing sites, the payment for each confirmed wolf depredation will be the full fair market value for two commercial livestock.

(B) The payment for each probable wolf depredation will be half the full fair market value for two commercial livestock. Payments will be reduced by half if all the remaining livestock are accounted for.

(C) Payments for unaccounted livestock may not exceed the total number of livestock that were originally in the affected herd before a documented loss occurred.

(ii) Where the livestock grazing site was less than 100 acres, there is a rebuttable presumption that all the commercial livestock wolf depredations are discovered by the livestock owner.

(A) On these grazing sites, the payment for each confirmed wolf depredation will be the full fair market value for one commercial livestock.

(B) The payment for each probable wolf depredation will be half the full fair market value for one commercial livestock.

(d) For direct losses caused by bear or cougar, livestock value will be determined by the fair market value for an animal of the same breed, sex, and average weight at the time the animal is lost. That value may be determined by one or more of the following:

(i) A report by a qualified livestock appraiser;

(ii) The sales receipts from the most recent sale of comparable animals by the owner;

(iii) The sales receipts from the next sale of comparable animals by the owner or invoices;

(iv) Private treaty records;

(v) Sale barn values, including average values for same weight, sex, and age class of the breed at the time that it would have normally been sold.

~~((10) Claims for higher than normal livestock losses, reduced weight gains, or reduced pregnancy rates))~~ (e) Indirect loss claims due to harassment of livestock caused by wolves must include:

~~((a) At least))~~ (i) The three consecutive years of records immediately preceding the year of the claim((-)), and claims will be assessed for losses in excess of the immediate preceding three-year running average;

~~((b))~~ (ii) The losses must occur on large pastures or range land over 100 acres used for grazing, lambing, or calving where regular monitoring of livestock is impractical (and therefore discovery of carcasses infeasible) as determined by the department;

~~((e))~~ (iii) Verification by the department that wolves are occupying the area;

~~((d))~~ (iv) The losses cannot be reasonably explained by other causes;

~~((e))~~ (v) Compliance with the department's preventative measures checklist, or damage prevention cooperative agreement, or a waiver signed by the director.

~~((11))~~ (f) Compensation paid by the department combined with any other compensation may not exceed the total assessed value of the loss. ~~((12))~~ Compensation is paid to either the owner of the livestock, or the lessee of the livestock, not both.

(g) 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 60 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 or denial of claim, 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 60 days of receipt of the settlement offer, the offer is considered ~~((rejected))~~ accepted, or the denial of claim is considered accepted and not subject to appeal.

~~((13))~~ (h) If the claimant accepts the department's offer, the department will provide payment to the claimant within 30 days from receipt of the completed written acceptance document(s).

~~((14))~~ (4) Payment of claims. The department will prioritize payment for livestock losses as set forth in RCW 77.36.100, 77.36.170, and 77.36.180.

RDS-6967.2

AMENDATORY SECTION (Amending WSR 24-22-007, filed 10/23/24, effective 11/23/24)

WAC 220-440-230 Commercial crop or livestock damage claim—Dispute resolution. For claims where the owner has met all claim eligibility criteria and procedures, but ultimately rejects the written settlement offer (order) for crop or livestock loss and/or value assessment, the provisions of this section shall apply:

Informal resolution:

(1) If the owner rejects the property loss or value assessment and would like to discuss a negotiated settlement, ~~((he or she can))~~ they may request a meeting by notifying the department in writing within 10 days of receiving the settlement offer or claim denial (order).

(2) A department designated representative and the owner ~~((or designee(s)))~~ will meet and attempt to come to mutual resolution.

~~(3) ((A livestock appeals committee may be established with a minimum of six citizen members appointed by the director, and a representative from the department of fish and wildlife to review and recommend a settlement if requested by the claimant or the department. The citizen members must represent a variety of interests including at least: Three statewide organizations representing the interests of livestock owners; two representing wildlife advocates; and one at large.~~

~~(4))~~ Monetary compensation or noncash compensation, mutually agreed upon by both the department and owner, shall be binding and constitute full and final payment for claim.

~~((5))~~ (4) 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 34.05 RCW within 60 days of receiving a copy of the department's decision.

~~((6))~~ (5) The request must comply with the following:

(a) The request must be in writing, and the signed document may be mailed or submitted by fax or email;

(b) It must clearly identify the order being contested (or attach a copy of the order);

(c) It must state the grounds on which the order is being contested and include the specific facts of the order that are relevant to the appeal; and

(d) The request must identify the relief being requested from the proceeding (e.g., modifying specific provisions of the order).

~~((7))~~ (6) The proceeding may only result in the reversal or modification of an order when the preponderance of evidence shows:

(a) The order was not authorized by law or rule;

(b) A fact stated in the order is not supported by substantial evidence;

(c) The award amount offered is inconsistent with applicable procedures; or

(d) Material evidence was made available by the owner at the time of the damage assessment, but was not considered in the order.

~~((8))~~ (7) The burden of proof is on the appellant (owner) to show that he or she is eligible for a claim and that the damage assessment is reliable (see RCW 77.36.130(3)).

~~((9))~~ (8) Findings of the hearings officer are subject to the annual funding appropriated by the legislature and to the limit found in RCW 77.36.130 and payment rules (WAC 220-440-150 and 220-440-180~~((9))~~) of the commission.