

New Brunswick Wildlife Damage Compensation Policy

Purpose

- 1 The purpose of this policy is to provide compensation to New Brunswick farmers who experience livestock predation resulting in death or injury to eligible livestock or damage to eligible agricultural products caused by wildlife.

Meaning of Terms

- 2 In this Part

“Commission” means the New Brunswick Agricultural Insurance Commission;

“Department” means the New Brunswick Department of Agriculture, Aquaculture and Fisheries;

“Wildlife” means wildlife as defined by the *Fish and Wildlife Act*, and limited to, raccoon, woodchuck, gopher, porcupine, fox, cougar, lynx, bobcat, wolf, coyote, white-tailed deer, moose, black bear, beaver, skunk, crow, blackbirds, raven, ducks, geese, birds of prey, whimbrels, seagulls, wild turkey, and wild pheasant that have not been held in captivity. It does not include domestic dogs;

“Producer” means Agricultural producers operating a farm business within the meaning of the federal *Income Tax Act*, or start-up operations following a management plan approved by the Minister;

“Province” means the Province of New Brunswick.

Funding of Policy

- 3 The policy will be funded by monies appropriated for that purpose by the Province and by the Government of Canada and may be discontinued at the discretion of the Province.

Administration of the Policy

- 4 The policy will be administered by the Commission on behalf of the Province.

Designation of Perils

- 5 For the purpose of this policy, wildlife is designated as the peril for which compensation may be paid.

Part 1

Compensation for Damage to Agricultural Products (other than Livestock)

Eligible Agricultural Products

- 6** For the purpose of this Part, the following are designated as eligible agricultural products for which compensation may be made:
- (a)** honey, honeybees or broods, and beehives;
 - (b)** beekeeping equipment, including a manufactured enclosure or part of a manufactured enclosure in which a colony of bees lives or would normally be expected to live, but does not include new bee equipment that has never been in contact with bees; and
 - (c)** strawberries, lowbush blueberries, cranberries, raspberries, grapes, apples, apple trees, potatoes (seed and non-seed), field corn (grain, high-moisture and silage) , soybean, canola, barley, oats, mixed grain, wheat, broccoli, brussels sprouts, cauliflower, cabbage, processing carrots, fresh carrots, lettuce, onions, parsnips, rutabagas, sweet corn, winter squash, pumpkins, gourds or as determined by the Commission.
- 7** For the purpose of this Part, the wildlife species for which compensation of loss or damaged to eligible agricultural products may be paid are: raccoon, woodchuck, gopher, porcupine, skunk, white-tailed deer, moose, black bear, beaver, crow, blackbirds, raven, ducks, geese, birds of prey, whimbrels, seagulls, wild turkey, and wild pheasant that have not been held in captivity or as determined by the Commission.

Claims for Compensation

- 8** A producer who suffers the loss of or damage to an eligible agricultural product by wildlife must notify the Commission as soon as possible but not later than 72 hours after discovering the loss or damage. Compensation is not retroactive; it is paid from the date the damage or loss is reported.

Producer qualifier

- 9(1)** No compensation will be payable under this policy unless the acreage affected by the damage or loss is a value of at least \$500.
- 9(2)** Where the qualifier in subsection (1) is met, subsequent claims on the same eligible agricultural product in the same year shall be considered as part of the initial claim and so the qualifier need not be re-confirmed.

Calculation of Compensation

- 10(1)** A compensation payment will be based on values per acre or any other appropriate unit of measure, as approved and announced by the Commission annually before April 1.
- 10(2)** Despite subsection (1), a compensation payment will be calculated only on the basis of the actual loss or damage that has occurred and not on the basis of any potential or future value that may not be realized as a result of the original loss or damage.
- 10(3)** A compensation payment will be reduced by payments received by the claimant:
- (a)** for salvage or sale of the damaged eligible agricultural product; or
 - (b)** from any other person or agency, that are intended to compensate the claimant for the loss.
- 10(4)** Compensation will not exceed 80% of the value of the loss and the maximum compensation per producer shall not exceed \$50,000 per year.
- 10(5)** At the discretion of the Commission, all or part of a compensation payment may be made in the form of materials to help prevent similar damage in the future.
- 10(6)** Despite subsections (1), (2), (3), (4) and (5) initial compensation payments paid under this policy may represent fifty percent of the assistance calculated under sections 10, 11, 12 and 13. Depending on availability of funds, top-up payments may be made once all applications have been processed.

Re-Seeding Compensation

- 11(1)** Where the Commission, in its discretion, determines it to be agronomically feasible to grow another agricultural product in the same crop year on the land where the loss or damage occurred, the compensation payment will be adjusted in accordance with the procedures for compensation payments under the agricultural insurance policy for that agricultural product.
- 11(2)** If the affected eligible agricultural product is not an insurable crop under an agricultural insurance policy, the compensation payment will be adjusted as determined by the Commission in its discretion.

Limitations

- 12(1)** No compensation is payable for any loss or damage to an agricultural product if:

- (a) the acreage of the damaged eligible agricultural product has been harvested prior to inspection;
- (b) the Commission determines that the eligible agricultural product was seeded too late to reasonably expect normal yields;
- (c) the Commission determines that the damage occurred after the majority of the eligible agricultural products in the same vicinity were harvested;
- (d) the eligible agricultural product was a result of volunteer growth; or
- (e) the eligible agricultural product was seeded on land considered unsuitable for crop production.

12(2) The Commission reserves the discretion to not award compensation where the claimant has failed to take measures that could have mitigated or prevented the damage.

Subsequent Claims

13(1) Where a claimant suffers a subsequent loss of, or damage to, an eligible agricultural product and would otherwise be entitled to compensation, the Commission may, in consultation with such qualified person as the Commission may determine, notify the claimant in writing that prevention measures be implemented by the claimant to prevent future loss or damage.

13(2) Where the Commission has made recommendations in accordance with subsection (1) and the claimant suffers a subsequent loss, and would otherwise be entitled to additional compensation, and the claimant has failed to comply with those recommendations, the Commission may:

- (a) refuse to make the additional payment to the claimant;
- (b) reduce the additional payment by an amount in its discretion; or
- (c) retain all or part of the additional payment until the claimant has provided to the Commission evidence the recommended preventative measures have been implemented.

Unit Value

14 The unit value in each crop year for each eligible agricultural product will not exceed the maximum unit value offered by the Commission for that crop year under an agricultural insurance policy, and for each eligible agricultural product for which a unit value is not offered by the Commission, it will be determined by the Commission by April 1 annually.

No Double Recovery

- 15** The Commission will deduct the amount of any payment made under this policy in respect of loss or damage to an eligible agricultural product from any indemnity payable in respect of that eligible agricultural product for the same loss or damage under an agricultural insurance policy, in all cases as determined by the Commission in its discretion.

Recovery of monies paid in error

- 16** Where a compensation payment is paid to any producer
- (a)** in reliance on misinformation given by that producer, or the failure by that producer to disclose to the Commission any relevant information; or
 - (b)** due to an error by the Commission;
- the amount paid is recoverable and is a debt due to the Commission.

Appeal of decision of the Commission

- 17(1)** A claimant who disputes the decision of the Commission has fourteen (14) calendar days from the date of payment or of notice of the decision in which to register an objection to the decision.
- 17(2)** Objections must set out in detail the claimant's reason for the appeal and must be delivered in writing to:

Agriculture, Aquaculture and Fisheries
New Brunswick Agricultural Insurance Commission
PO Box 6000
Fredericton, NB E3B 5H1
Telephone: (506) 453-2185
Facsimile: (506) 453-7406

Part 2

Compensation for Livestock Predation Losses

- 18** For the purpose of this Part, the following are designated as eligible agricultural products for which compensation may be made: dairy cows, dairy calves, dairy bulls/steers, beef cows, beef calves, beef bulls, beef feeders (steers and heifers), sheep ewes, sheep lambs, sheep rams, goat does, goat kids, goat bucks, or as determined by the Commission.
- 19** For the purpose of this Part, the wildlife species for which compensation of loss or damage resulting from livestock predation may be paid are: black bear, bobcat (lynx), fox, coyote, cougar, wolf, raven or crow; and any birds of prey.

Eligible Losses

- 20** A livestock death or injury must have resulted directly from a predatory attack of the type designated in Section 19 to be eligible for compensation.

Claims for compensation

- 21** A farmer who suffers the loss or damage to eligible livestock caused by wildlife must notify the Commission as soon as possible but not later than 72 hours after discovering the loss or damage.
- 21(1)** A compensation payment is calculated on the basis of the value of the livestock at the time it was killed or injured and no consideration will be given to any future or potential value of the livestock.
- 21(2)** Where predation results in the death of livestock, the amount of compensation is at the discretion of the Commission, but will not exceed:
- (a)** 80% of the value of the livestock when the confirmed cause of death is livestock predation due to a wildlife species designated in Section 19; and
 - (b)** 50% of the value of the livestock when the probable cause of death is livestock predation due to a wildlife species designated in Section 19.
- 21(3)** The amount of compensation to be paid for injured livestock due to livestock predation is the lesser of:
- (a)** the amount paid by the claimant for veterinary treatment of the injured animals and any other out-of-pocket costs incurred for treatment of the injured animals, including drugs or medication; or

(b) the value of the livestock had it died of its injuries, as determined by the Commission.

21(4) Despite subsections (1), (2), and (3), compensation paid under this policy shall in no case exceed \$2000 for each head of livestock killed or injured and at no time exceed 80% of the value of the loss. The maximum compensation per producer shall not exceed \$50,000 per year.

21(5) At the discretion of the Commission, all or part of a compensation payment may be made in the form of materials to help prevent similar damage in the future.

21(6) Despite subsections (1), (2), (3), (4) and (5) initial compensation payments paid under this policy may represent fifty percent of the assistance calculated under sections 22, 24 and 25. Depending on availability of funds, top-up payments may be made once all applications have been processed.

Livestock value

22 The Commission will determine the value of different kinds and classes of livestock for this Part based on the commercial market value of livestock of the kind or class, and will publish these values by April 1 annually.

Limitations

23 The Commission reserves the discretion to not award compensation where the claimant has failed to take measures that could have mitigated or prevented the damage.

Subsequent Claims

24(1) Where a claimant suffers a subsequent loss or damage from livestock predation and would otherwise be entitled to compensation, the Commission may, in consultation with such qualified person as the Commission may determine, notify the claimant in writing that prevention measures be implemented by the claimant to prevent future loss or damage.

24(2) Where the Commission has made recommendations in accordance with subsection (1) and the claimant suffers a subsequent loss, and would otherwise be entitled to additional compensation, and the claimant has failed to comply with those recommendations, the Commission may:

(a) refuse to make the second or subsequent livestock predation loss compensation payment to the claimant;

- (b) reduce the additional payment by an amount in its discretion; or
- (c) retain all or part of the additional payment until the claimant has provided to the Commission evidence the recommended preventative measures have been implemented.

Recovery of monies paid in error

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- (a) in reliance on misinformation given by that producer, or the failure by that producer to disclose to the Commission any relevant information; or
- (b) due to an error by the Commission;

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