

1 Department of Agriculture

2

3 Adopted Permanent Rules Relating to Compensation for Crops

4 Damaged or Destroyed by Elk

5

6 Rules as Adopted

7 1506.0010 AUTHORITY.

8 Parts 1506.0010 to 1506.0040 are prescribed under Minnesota
9 Statutes, section 3.7371, by the commissioner of agriculture to
10 implement procedures to compensate agricultural crop owners for
11 crops that are damaged or destroyed by elk. The procedures in
12 parts 1506.0010 to 1506.0040 are in addition to those in
13 Minnesota Statutes, section 3.7371.

14 1506.0015 DEFINITIONS.

15 Subpart 1. **Applicability.** The definitions in this part
16 apply to parts 1506.0010 to 1506.0040.

17 Subp. 2. **Claim form.** "Claim form" means a form provided
18 by the commissioner, to be completed by the crop owner and the
19 county extension agent or federal crop adjuster, containing
20 information upon which payment for a loss must be based.

21 Subp. 3. **Commissioner.** "Commissioner" means the
22 commissioner of agriculture or the commissioner's authorized
23 agent.

24 Subp. 4. **Crop owner.** "Crop owner" means an individual,
25 firm, corporation, copartnership, or association with an
26 interest in crops damaged or destroyed by elk.

27 Subp. 5. **County extension agent.** "County extension agent"
28 means the University of Minnesota agricultural extension
29 service's county extension agent for the county in which the
30 crop owner resides.

31 Subp. 6. **Federal crop adjuster.** "Federal crop adjuster"
32 means a crop insurance adjuster having a contract with the
33 Federal Crop Insurance Corporation.

34 Subp. 7. **Market price.** "Market price" means the commodity
35 price published daily by the Minneapolis Grain Exchange in the

1 daily record of prices and receipts.

2 Subp. 8. **Target price.** "Target price" means the federal
3 commodity price available from the Agricultural Stabilization
4 and Conservation Service office.

5 1506.0020 REPORTING.

6 The crop owner shall notify either the federal crop
7 adjuster or the county extension agent of suspected crop loss or
8 damage within 24 hours of the discovery of a loss. The crop
9 owner shall also complete the appropriate part of the claim form
10 which must be available at the county extension office. The
11 crop owner shall provide all information required to investigate
12 the loss or damage to the federal crop adjuster or the county
13 extension agent. A telephone call or personal contact
14 constitutes notification.

15 1506.0025 INVESTIGATION AND CROP VALUATION.

16 Subpart 1. **Whether damaged by elk.** The federal crop
17 adjuster or the county extension agent shall investigate the
18 loss in a timely manner and shall make a finding in writing on
19 the appropriate part of the claim form regarding whether the
20 crop was destroyed or damaged by elk. The finding must be based
21 on physical and circumstantial evidence including:

- 22 A. the condition of the crop;
- 23 B. elk tracks;
- 24 C. the area of the state where the loss occurred;
- 25 D. sightings of elk in the area; and
- 26 E. any other circumstances considered pertinent by
27 the federal crop adjuster or the county extension agent.

28 The absence of affirmative evidence may be grounds for denial of
29 a claim.

30 Subp. 2. **Extent of damage.** The federal crop adjuster or
31 the county extension agent shall make a written finding on the
32 claim form of the extent of damage or the amount of crop
33 destroyed. The crop owner may choose to have the federal crop
34 adjuster or county extension agent use the method in item A or B
35 to complete the claim form and determine the amount of crop loss.

1 A. To submit the claim form at the time the suspected
2 elk damage is discovered, the federal crop adjuster or county
3 extension agent must determine the potential yield, per acre,
4 for the field and record this information on the form in the
5 column labeled "normal yield" and the average yield, per acre,
6 expected from the damaged acres and record this information on
7 the form in the column labeled "average yield expected from
8 damaged acres."

9 B. To submit the claim form at the time the crop is
10 harvested:

11 (1) the crop owner shall report the loss to the
12 federal crop adjuster or county extension agent within 24 hours
13 of discovery, and the loss must be investigated by the federal
14 crop adjuster or county extension agent in a timely manner;

15 (2) the crop owner and federal crop adjuster or
16 county extension agent shall complete the claim form at the time
17 of the investigation, entering the percent of crop loss from
18 damage in the column labeled "normal yield" and leaving the
19 column labeled "average yield expected from damaged acres"
20 blank; and

21 (3) when the crop is harvested the federal crop
22 adjuster or county extension agent shall enter the actual yield
23 of the damaged field in the column labeled "average yield
24 expected from damaged acres," enter the date in the same column,
25 and submit the form to the commissioner.

26 1506.0030 COMPLETION AND SIGNING OF CLAIM FORM.

27 A completed claim form must be signed by the owner and
28 county extension agent or the federal crop adjuster and
29 submitted by the crop owner to the commissioner for review and
30 payment. The commissioner shall return an incomplete claim form
31 to the crop owner, indicating the information necessary for
32 proper completion.

33 1506.0035 INSURANCE COVERAGE.

34 If insurance coverage exists on the crop, the commissioner
35 shall withhold payment under parts 1506.0010 to 1506.0040 until

1 the insurance claim has been paid and evidence of payment has
2 been submitted to the commissioner, at which time that insurance
3 payment must be deducted from the determined value. Payment
4 must not be made for claims of less than \$100 per claim or more
5 than \$20,000 in a calendar year.

6 1506.0040 PAYMENT.

7 After procedures in parts 1506.0020 to 1506.0035 are
8 completed, the commissioner shall make payment to the crop
9 owners.