



Ontario Wildlife Damage Compensation Program: Overview of 2019 Program Updates

February 2019

Welcome

- This webinar will walk you through the new program updates to the Ontario Wildlife Damage Compensation Program (OWDCP) that came into effect on February 1, 2019.

Ontario Wildlife Damage Compensation Program – Background

- The OWDCP provides financial assistance to owners whose: livestock or poultry have been killed or injured due to wildlife predation; or bee colonies, beehives or bee-hive related equipment have been damaged by eligible wildlife.
- The OWDCP is part of the Canadian Agricultural Partnership (the Partnership), a five-year \$3 billion federal-provincial-territorial funding program launched in 2018. The Partnership supports Ontario's agri-food and agri-products sector by encouraging innovation, competitiveness and market development, and offering business risk management assistance.
- In 2018, OMAFRA undertook an evaluation of the OWDCP to ensure it was delivering services to owners in an effective, efficient, and transparent manner.
- The changes that have been brought forward are the result of the program evaluation and consultations with producers, municipal investigators, predation experts, and commodity organizations and will ensure greater transparency as well as fair and consistent compensation for producers across the province.

What's **New**, What's Not?

What's Not New

- The program will continue to pay 100 per cent of fair market value, as well as premiums, where reasonable evidence substantiates predation.
- List of eligible livestock/poultry and wildlife species remain the same.
- Standardized pricing model will continue to be used to assign value.
- Municipal Investigators continue to play a key role in collecting and documenting evidence of predation.
- Completion of a Reasonable Care Plan is required after submitting five claims within in a calendar year in order to remain eligible for future claims within the year.

What's **New**, What's Not: Fair Market Compensation

Valuing Livestock Losses

- A standardized pricing table is used to assign a value to livestock that has been found to be eligible for compensation. The tables are reviewed regularly and updated based on the availability of new market data.
- The standardized pricing tables are developed using industry-recognized sources of market data (e.g. commodity reports, Statistics Canada).
- Standardized pricing tables can be found at : www.ontario.ca/predation
- Private insurance is strongly recommended for higher value livestock

Weaning Weight for Beef Calves:

- Heifer calves will be assumed to weigh 530 pounds and steer/bull calves will be assumed to weigh 560 pounds at weaning age, rather than the previous standard weight of 500 pounds.
- Newborn calves and calves up to one month of age are to be compensated at 75 per cent of weaning value rather than 70 per cent.
- The value increases by five per cent each month until it reaches the full value in the 6th month of life.

What's **New**, What's Not: Fair Market Compensation Cont'd.

Other Livestock

- Alpaca, Bison, Deer, Donkey, Elk, Horse, Llama, Mule, and Ostrich will have a pro-rated value assigned in the first year of life.
- Young animals in their first month of life will be compensated at 45% of the corresponding Fair Market Value (FMV) and will increase 5% per month until reaching full value in their twelfth month of life.

Bee Damage

- The bee investigator will determine the FMV of damaged beehives, bee colonies, or beehive-related equipment and use that to calculate the value of a claim under the program.
- The maximum compensation for a bee colony increases from \$150 to \$250.
- The maximum compensation for beehive-related equipment is \$100.

What's **New**, What's Not: Premium Compensation

Cattle

- Pregnant cattle will be compensated at one-and-a-half times the FMV set out in standardized pricing tables, up to the maximum compensation value for unregistered cattle.
- For the purposes of the program, pregnant heifers will be valued as pregnant cows.
 - The owner must provide an ultrasound report or breeding records for the predated animal.

Sheep and Goats

- Pregnant ewes and does will be compensated at one-and-a-half times the FMV set out in standardized pricing tables up to the maximum compensation value for unregistered sheep or goats.
- For the purposes of the program, pregnant ewe lambs will be valued as pregnant ewes and pregnant kids will be valued as pregnant nanny goats.
 - The owner must provide an ultrasound report or breeding records for the predated animal.

Other Livestock

- Pregnant Alpaca, Bison, Deer, Donkey, Elk, Fisher, Fox, Horse, Llama, Lynx, Marten, Mink and Raccoon will be compensated at one-and-a-half times the FMV set out in standardized pricing tables, up to the maximum compensation value.
- The owner must provide an ultrasound report or breeding records for the predated animal.

What's **New**, What's Not: Sufficient Evidence Standards

The program is moving away from the three pillars of evidence and will be requiring investigators to document both primary and **secondary evidence**.

Primary Evidence

- A full or partial carcass is required.
- Evidence that the animal was healthy and alive prior to the attack as well as evidence that a predatory attack occurred (e.g. blood, sign of tissue damage/struggle).

Secondary Evidence

- Additional supporting information that can help show that predation may have been the cause of death (e.g. scat, tracks, herd behaviour, client predation history), or that provides detail on factors that may have impacted evidence (e.g. weather conditions).
- Secondary evidence is intended to support decision-making, particularly in difficult cases where primary evidence may be inconclusive. Secondary evidence on its own cannot be used to demonstrate predation.

What's **New**, What's Not: Application Updates

- Applications have been adjusted to capture both primary and secondary evidence.
- Applications will be deemed incomplete and returned to the municipality to complete, if the section shown here is not filled out.
- Provide detailed explanations. Information is used to evaluate claims, reach decisions, and to support future audits of the program.

Evidence Of Predation: *Provide Photos To Support Your Descriptions.

Is there evidence that the animal was alive prior to the attack? (Newborns: no hoof membrane, ID tag, cleanliness, etc.) Explanation Required. Yes No

Are there signs of bleeding and/ or hemorrhaging present? (Pooling blood, blood trails, etc.) Explanation Required. Yes No

Are there signs of claw and/ or puncture wounds visible on the carcass? Explanation Required. Yes No

Were there any other signs of predation? Explanation Required. Yes No

What's **New**, What's Not Application Assessment

- Applications are received within required timelines.
- The application is complete:
 - If the application is incomplete or missing information, OMAFRA will contact the Municipality to request that the information be provided within fifteen (15) business days. If the information is not provided to OMAFRA within this period, the application may be deemed ineligible and will not be assessed.
- Applicant (Owner) meets all eligibility requirements:
 - Valid Farm Business Registration Number (FBRN) from the current or previous year, or an exemption (Religious, Gross Farm Income or First Nations exemption);
 - Valid Premises Identification (PID) Number for the farm property where the damage or kill occurred (or for beehive, bee colony or beehive-related equipment damage, have a beekeeper ID registered under the Bees Act);
 - The application is for an eligible livestock, poultry species and wildlife predator species;
 - In compliance with and remain in compliance with all federal, provincial, and municipal laws.
- Applications that do not meet basic program eligibility requirements (i.e. valid FBRN or photos) will be deemed ineligible and will not be assessed.

What's **New**, What's Not Application Assessment Cont'd.

- Sufficient evidence to demonstrate that the reported kill or injury was the result of predation. A full or partial carcass must be available for assessment by the Municipal or Territorial Investigator.
- Available primary and **secondary evidence in support of the predation event** must be captured through photographic and written evidence:
 - **Secondary evidence is intended to support decision-making, particularly in difficult cases where primary evidence may be inconclusive. Secondary evidence on its own cannot be used to demonstrate predation.**
- Evidence that reasonable care has been and continues to be taken to prevent future cases of predation.

What's **New**, What's Not: Appeal Requests

- OMAFRA will provide written notification to the owner and the municipality of the application assessment results, including any compensation value assigned and **whether an application can be appealed.**
 - **Eligible for Appeal:** Appeals can be made if the owner disagrees with the administrator's decision on sufficient evidence, incorrect information (e.g. age or weight of an animal), reasonable care, standardized pricing that was not accurately applied, and application of a premium (where allowable).
 - **Ineligible for Appeal:** Applications that are incomplete (e.g. no photos provided/ available) or deemed ineligible because basic eligibility criteria were not met (e.g. FBRN, PID) cannot be appealed.
- If an owner does not agree with the outcome of their application and is eligible to appeal, he or she may request, in writing, a review of the decision.
- **The scope of review is limited to the specific issue(s) brought forward by the applicant.**

What's **New**, What's Not: Appeal Process

- The Business Risk Management Review Committee (BRMRC) is an agency of OMAFRA and is responsible for hearing review requests for BRM program administrator decisions and making non-binding recommendations to the delivery agent.
- A specialized roster member of the BRMRC will review the appeal and provide a non-binding recommendation to the OMAFRA Program Director who will make a final decision.
- Specialized roster members will be knowledgeable in livestock production and predation.

Steps:

1. A written request for a review must be received by the Program Director within 20 business days of the date on the notification letter along with a \$25 fee.
2. The Program Director will determine whether the application is eligible for review within five (5) business days.
 - If it is determined the appeal is ineligible, the applicant is notified within five (5) business days of the decision and the \$25 fee is returned.
3. If eligible for appeal, OMAFRA will send the application and related documents to the BRMRC specialized roster member within three (3) business days.

What's **New**, What's Not: Appeal Process

4. The BRMRC specialized roster member will complete their review and send a recommendation to OMAFRA within seven (7) business days.
5. If the Program Director does not agree with the recommendation of BRMRC, he or she shall provide reasons and provide the BRMRC member with an opportunity to reconsider. The BRMRC member will have seven (7) business days to affirm or amend their recommendation.
6. Subject to step 5, the Program Director will review the recommendation and make a final decision within fifteen (15) business days.
7. The Program Director will notify the applicant of the BRMRC recommendation, the reconsideration (if applicable), and the appeal result within three (3) business days of the final decision. A copy of the Director's decision and BRMRC recommendation will be provided to the applicant.
 - If the final decision favours the owner's position, the \$25 fee will be refunded.

What's **New**, What's Not: Payment Process

- OMAFRA will provide a decision letter to the livestock owner regarding the application assessment results, including the assigned compensation value.
- **If compensation is declined, the relevant Municipality will receive a copy of the decision letter. If an owner does not agree with the reason for decline, they may appeal the decision, if eligible.**
- Where an appeal is not requested, OMAFRA will initiate the process to reimburse Municipalities twenty (20) business days after the a decision letter is issued to owners.
- Municipalities will be informed of all application assessment results at this time and subsequently will begin the process of issuing payment to the producers.
- If an appeal has been requested, the owner and the Municipality will be notified of the decision and compensation (if any), after the appeal has been decided.

What's **New**, What's Not: Owner Responsibilities

- Demonstrating reasonable care of livestock, poultry, beehives, bee colonies and beehive-related equipment in relation to the prevention of predation.
- Notifying their municipality within 48 hours of discovering the injury or death of livestock or poultry, or discovering damage to beehives, a bee colony and/or beehive-related equipment.
 - If the incident occurs in a territory without municipal organization, the owner must notify OMAFRA at 1-877-424-1300.
- Preserving the injury or kill site and carcass (or carcasses) until the municipal or territorial investigator has investigated and agrees it/they can be destroyed or disposed of, unless it contravenes deadstock requirements under Ontario Regulation 106/09 of the *Nutrient Management Act, 2002*.
 - It is strongly suggested that upon discovery, producers document the predatory event by taking clear photographs and notes of the carcass and kill site that can be submitted in addition to the photographs taken by the investigator.

What's **New**, What's Not: Owner Responsibilities Cont'd.

- Reviewing applications completed by the Investigator for accuracy and signing the application form prior to its submission.
- Disposing of all dead livestock and poultry in a manner that is acceptable under Ontario Regulation 106/09 of the *Nutrient Management Act, 2002*.
- Immediately seeking veterinary care or other treatment to prevent further suffering of an injured animal. If the animal is in distress and suffering, the producer may euthanize it before the investigator arrives without affecting program eligibility.
- Submitting a completed Reasonable Care Plan (see section called Reasonable Care) if an owner has submitted five applications to the program within one calendar year (January 1 to December 31) and intends to submit a subsequent application.
- Submitting any additional evidence (i.e. photos, breeding records, registration documents etc.) to the investigator within seven (7) business days of the on-site investigation.

What's **New**, What's Not: Investigator Responsibilities

- Carrying out a full and impartial investigation within 72 hours of receiving the notification of the injury or death of livestock or poultry.
- Taking three to six colour photos per eligible kill/injury incurred and document all necessary information to accurately complete the application.
- Municipal investigators are responsible for providing a completed program application to the owner and municipality within seven business days of completing an investigation.
 - **Application updates include new mandatory fields to better collect primary and secondary predation evidence.**
- Territorial investigators are responsible for providing a completed program application to the owner and OMAFRA's program administrator within seven business days of completing an investigation, as well as any additional evidence from the owner.

What's **New**, What's Not: OMAFRA Responsibilities

- Overall administration of the program and financial accountability to federal government.
- Appointing investigators for territories without a municipal organization.
- Posting the standardized pricing table containing the FMVs for all eligible livestock and poultry, and updating the table on a regular basis.
- Reviewing applications to determine eligibility and assigning values based on the evidence provided.
- Declining or **deeming applications ineligible if they do not meet the eligibility criteria identified in the program guidelines.**
- Providing the owner and municipality with a written decision within 30 business days of receiving a complete application.
- **Receiving owners' requests for appeal, determining eligibility for appeal and notifying the Program Director and BRMRC panel member of all eligible requests for review.**
 - **Notifying the owner of the recommendation from the reviewer as well as the final decision.**
- Reimbursing municipalities in accordance with the program guidelines.

What's **New**, What's Not: Municipal Responsibilities

- Appointing Municipal Investigators.
- Notifying a Municipal Investigator immediately after an owner reports a livestock or poultry attack.
- Reviewing and submitting completed program applications.
 - **Application updates includes new mandatory fields to better collect primary and secondary predation evidence.**
- Submitting additional evidence provided by the owner to OMAFRA.
- Paying an owner's approved application, in accordance with the program guidelines and values assigned by the Program Administrator.
- Providing Statement of Farm Support Payments (AGR -1) to owners who receive compensation (compensation is taxable income).
- Paying and reimbursing Municipal Investigators.

Training and Resources

- Updated program tip sheets for municipal investigators, municipalities, and farmers can be found on the OMAFRA website: www.ontario.ca/predation
 - Additional materials including, updated application forms, program guidelines and standardized pricing tables can be found on the website.
- Municipal Investigators can register for a training session online at: <http://www.ontario.ca/predation>

Questions?