

Nova Scotia Wildlife Compensation Policy
made under Section 5(i) of the
Crop and Livestock Insurance Act
R.S.N.S. 1989, c. 113
O.I.C. 2008-255 (May 6, 2008)
as amended to O.I.C. 2008-256 (October 29, 2008)
as amended O.I. 2009-327 (July 28, 2009)
as amended O.I.C. 2015-99 (March 31, 2015)

Purpose

- 1** The purpose of this policy is to provide compensation to Nova Scotia farmers who experience damage to eligible agricultural products or eligible livestock caused by wildlife.

Interpretation

- 2** (a) “Commission” means the Nova Scotia Crop and Livestock Insurance Commission.

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 policy

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

Part 1
Compensation for Damage to Agricultural Products

Designation of perils

- 5** For the purpose of this Part, the wildlife species for which compensation may be paid are:
- (a) white-tailed deer
 - (b) black bear
 - (c) moose
 - (d) coyote
 - (e) rabbit
 - (f) skunk
 - (g) raccoon
 - (h) beaver
 - (i) raven and crow
 - (j) starlings
 - (k) robins
 - (l) seagulls
 - (m) bluejays

- (n) waterfowl
- (o) birds of prey

Eligible agricultural products

6 For the purpose of this policy, the following are designated as eligible agricultural products for which compensation may be made:

- (a) any plants, trees or vines that are grown in the Province for the purpose of producing a commercial crop, as designated by the Commission on or before March 1 annually.

Claims for compensation

7 A farmer 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 the occurrence of the loss or damage.

Production qualifier

- 8**
- (1) No compensation will be payable under this policy unless the acreage affected by the loss or damage is at least 2 acres, or the loss is a value of at least \$250.
 - (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

- 9**
- (1) A compensation payment will be based on values per acre or any other appropriate unit of measure, as approved and announced by the Province annually before March 1.
 - (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.
 - (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.
 - (4) No compensation will exceed 80% of the value of the loss.
 - (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.

Re-seeding compensation

- 10** (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 indemnity payments under the all risk policy of insurance for that agricultural product.
- (2) If the affected eligible agricultural product is not an insurable crop under an all risk policy of insurance, the compensation payment will be adjusted as determined by the Commission in its discretion.

Limitations

- 11** (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.
- (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.
- (3) Where the Commission has awarded compensation, the recipient is obligated to implement measures to prevent or mitigate further damage, as directed by the Commission.
- (4) Any claimant seeking compensation is restricted, without permission, from taking direct action against the wildlife.

Subsequent claims

- 12** (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.

- (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

- 13** 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 all risk policy of insurance, and for each eligible agricultural product for which a unit value is not offered by the Commission, it will be determined by the Commission.

No double recovery

- 14** 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 all risk policy of insurance, in all cases as determined by the Commission in its discretion.

Part 2 Compensation for Livestock Predation Losses

Purpose

- 15** Repealed O.I.C. 2015-99 (March 31, 2015)

Designation of perils

- 16** For the purpose of this Part, the wildlife species for which compensation may be paid are:
- (a) black bear;
 - (b) fox;
 - (c) coyote;
 - (d) wild cat
 - (e) raven or crow; and
 - (f) any birds of prey.

Eligible Livestock

- 17** A livestock death or injury must have resulted directly from a predatory attack of the type designated in Section 16 to be eligible for compensation.

- 18** (1) The following are eligible livestock for which compensation may be paid:
- (a) exotic game, as considered eligible by the Province in its discretion, and to be published by the Commission by March 1 annually;
 - (b) livestock, reared for an agricultural purpose, as considered eligible by the Province in its discretion, and to be published by the Commission by March 1 annually.
 - (c) honey, honeybees or broods, and beehives
 - (d) bumblebees;
 - (e) leafcutters; and
 - (f) 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.
- (2) For certainty, no species of fowl are eligible for compensation and no damage caused by dogs or feral cats is eligible for compensation.

Claims for compensation

- 19** A farmer who suffers the loss of or damage to eligible livestock caused by wildlife must notify the Commission as soon as possible but not later than 72 hours after the occurrence of the loss or damage.

Calculation of compensation

- 20** (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.
- (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 17, 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 17.
- (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 pursuant to section 22.
- (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.
- (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.

Livestock value

21 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 March 1 annually.

Limitations

- 22**
- (1) The Commission reserves the discretion to award no compensation where the claimant has failed to take measures that could have mitigated or prevented the damage.
 - (2) Where the Commission has awarded compensation, the recipient is obligated to implement measures to prevent or mitigate further damage, as indicated by the Commission.
 - (3) Any claimant seeking compensation is restricted, without permission, from taking direct action against the wildlife.

Subsequent claims

- 23**
- (1) Where a claimant suffers subsequent loss or damage resulting 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 avoid and/or prevent future loss or damage.
 - (2) Where the Commission has made recommendations in accordance with subsection (1) and the claimant suffers a further incident of livestock predation and would otherwise be entitled to a second or subsequent livestock predation loss compensation payment, 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.

No double recovery

24 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 all risk policy of insurance, in all cases as determined by the Commission in its discretion.