



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule:

Permanent Rules 09-215

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: In 2009, the Washington State Legislature passed SHB 1778, which includes two new statutes authorizing the Master Hunter Permit Program. These statutes provide the cost for initial and renewal master hunter permits; they allow the department to conduct background checks on initial and renewal permit applicants; they give the department authority to suspend permits for specific reasons; and they allow the department to establish the program's requirements and curriculum. These proposed rules mirror the two statutes and provide the accountability standards for initial and renewal applicants. These rules also indicate the conditions and lengths of time for which a permit will be suspended. The effect of these rules will be to ensure that master hunters are ethical hunters and can serve as highly regarded role models for the general hunting community.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 232-12-073
Suspended:

Statutory authority for adoption: RCW 77.12.047

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 09-14-132 on July 1, 2009 (date).
Describe any changes other than editing from proposed to adopted version: See Attachment A.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: September 11, 2009

NAME (TYPE OR PRINT)
Miranda Wecker

SIGNATURE

for Miranda Wecker

TITLE
Chair, Washington Fish and Wildlife Commission

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

**DATE: September 17, 2009
TIME: 4:10 PM**

WSR 09-19-084

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	Amended	_____	Repealed	_____
Federal rules or standards:	New	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New		Amended	<u>1</u>	Repealed	
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New		Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

ATTACHMENT A

Changes from proposed to adopted version WAC 232-12-073

In (2): Changed the language so the first sentence reads, “The master hunter permit program emphasizes safe, ~~((lawful, and))~~ ethical, responsible, and lawful hunting practices.” This is so that the wording parallels the wording in the new statute.

In (3)(b) and (8)(b): Changed “trespassing” to “criminal trespass” because the correct term for the crime is “criminal trespass.”

In (3)(d) and (8)(d): Added “in Washington or” to clarify that having a current revocation of a hunting or fishing license or a current suspension of hunting or fishing privileges in another state, including Washington, will preclude an initial applicant from entry into the master hunter permit program.

In (7): Changed “are entitled to participate” to “may participate,” because the department did not want to give the impression that we bestow entitlements on anyone.

In (9): Changed the language so it reads, “an infraction under a chapter 77.15 RCW or the department’s rules ~~infraction~~ shall have...” to clarify that a master hunter will have his permit suspended for two years if he pays the fine on, or is found to have committed, an infraction under chapter 77.15 RCW or the department’s rules. This makes the language conform to the statute’s language.

In (15): Changed “hunt or actively assist in a hunt restricted to master hunters” to “hunt or actively assist in a hunt restricted to master hunters.” It would be too difficult to define “or actively assist.” The definition of “hunt” is already included in this subsection.

In (15): Added, “Master hunters who have been issued a disabled hunter permit by the department may only hunt with a designated hunter companion who has been admitted into the master hunter permit program and maintained the requirements under this section.” This clarifies the law and reaffirms the Master Hunter Advisory Group’s role in assisting disabled master hunters with locating certified master hunters to serve as their Designated Hunting Companions.

In (15): Changed “Violation” to “Violations” because the plural is more appropriate.

AMENDATORY SECTION (Amending WSR 08-03-088, filed 1/16/08, effective 2/16/08)

WAC 232-12-073 Master hunter permit program. (1) In order to effectively manage wildlife in areas or at times when a higher proficiency and demonstrated skill level are needed for resource protection or public safety, the department establishes the master hunter permit program.

(2) The master hunter permit program emphasizes safe, ~~((lawful, and))~~ ethical, responsible, and lawful hunting practices. ~~((Two of the program's))~~ Program goals ~~((are to improve))~~ include improving the public's perception of hunting and ~~((to perpetuate))~~ perpetuating the highest hunting standards. A master hunter~~((s actively))~~ permit is required to participate in controlled hunts to eliminate problem animals that damage property ~~((and/))~~ or threaten public safety.

(a) The cost of initially applying for ~~((the))~~ a master hunter ~~((program is twenty))~~ permit shall be fifty dollars. The ~~((department will determine the program's prerequisites and curriculum. The department may establish an advisory group to assist agency staff in developing the prerequisites and curriculum))~~ cost of renewing a master hunter permit shall be twenty-five dollars.

(b) ~~((Master hunter candidates who successfully complete the master hunter program will receive a certificate, a master hunter patch, and a master hunter identification card. The master hunter identification card is valid for five consecutive years from the date of issuance. The card will be renewed for an additional five years if, during the period of validity, the master hunter completes forty hours of additional master hunter program requirements as determined by the department.))~~ The department shall determine the program's requirements and curriculum. The director shall establish an advisory group to assist agency staff in developing and managing the program.

(3) Master hunters are held to the highest ethical standards because these hunters are ambassadors for the department and are role models and mentors for the hunting community and for the public at large. ~~((As such, current advanced hunters must apply to be master hunters. Applicants must submit to a criminal background check. Applicants who have prior wildlife or trespassing while-hunting convictions within the last ten years, or prior felonies prohibiting the possession of firearms (unless firearm possession is reinstated), or who have a current hunting license suspension in another state, cannot apply for the master hunter program.~~

~~((a) Individuals who successfully complete the master hunter program must obey all laws and regulations.))~~ Initial master hunter permit applicants must submit to a criminal background check. The

department shall deny entry into the master hunter permit program to those applicants who have:

(a) Paid the required fine or been convicted within the last ten years of a chapter 77.15 RCW offense;

(b) Paid the required fine or been convicted within the last ten years of criminal trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement, while hunting, fishing, or engaging in any activity regulated by the department;

(c) Prior felonies prohibiting the possession of firearms, unless firearm possession is reinstated; or

(d) A current hunting or fishing license revocation or a current suspension of hunting or fishing license privileges in Washington or in another state.

(4) Master hunter((s)) permit applicants will be required to sign and abide by a hunter code of ethics ((in addition to all department laws and regulations.

(b) Persons who successfully pass the master hunter program and maintain the requirements set forth in this section are entitled to participate in special hunts. These hunters must possess a valid master hunter identification card while participating in the hunts. Master hunters who are convicted of wildlife misdemeanors, gross misdemeanors, or felonies; trespassing while hunting; or reckless endangerment involving hunting weapons, will be removed from the master hunter program for life. Master hunters who commit wildlife infractions may be removed from the master hunter program for up to a five-year period.

(c) The department's master hunter coordinator will maintain open communications with landowners and the community to investigate complaints about master hunters or the master hunter program. If a master hunter is charged with a wildlife or trespassing violation that does not result in a conviction, or an ethical violation that does not rise to a criminal law or regulation violation, a master hunter peer review committee, selected by the advisory group, will evaluate the behavior to decide whether it was egregious. If the committee deems the behavior egregious, the department may suspend the violator's master hunter privileges for any amount of time, up to and including life.

(d) Any person who has his or her master hunter privileges suspended under this subsection)) and pass a comprehensive examination based upon study materials provided by the department. An initial master hunter permit applicant found to have submitted fraudulent information to the department or to have cheated on the master hunter examination will be excluded from the master hunter permit program for life.

(5) Initial master hunter permit applicants who successfully complete the master hunter permit program will receive a master hunter patch and a master hunter permit. The initial master hunter permit is valid for five consecutive years from the date of issuance. The permit may be renewed for additional five-year increments if, during each five-year period of validity, the master

hunter fulfills the renewal requirements established by the department.

(6) Master hunters renewing their permit shall authorize the department to conduct a criminal background check each time they renew. The criminal background check will go back five years from the master hunter's anniversary date or back to the date this rule amendment was adopted, whichever period of time is shorter. The department's approval will be determined by compliance with this section.

(7) Persons who successfully complete the master hunter permit program and maintain the requirements developed by the department may participate in special hunts. These master hunters must possess a valid master hunter permit while participating in the hunts.

(8) The department shall suspend a master hunter's permit for life if the master hunter:

(a) Pays the required fine or is convicted of a chapter 77.15 RCW misdemeanor, gross misdemeanor, or felony;

(b) Pays the required fine or is convicted of criminal trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement, while hunting, fishing, or engaging in any activity regulated by the department;

(c) Pays the required fine or is convicted of a felony prohibiting the possession of firearms, unless firearm possession is reinstated;

(d) Has his or her hunting or fishing license revoked, or hunting or fishing license privileges suspended in Washington or in another state; or

(e) Submitted fraudulent information to the department.

(9) A master hunter who pays the required fine or is found to have committed an infraction under chapter 77.15 RCW or the department's rules shall have his or her master hunter permit suspended for a period of two years.

(10) If a master hunter is cited, or charged by complaint, for a chapter 77.15 RCW offense; or for trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement, while hunting, fishing, or engaging in any activity regulated by the department, the department may immediately suspend the person's master hunter permit until the offense has been adjudicated.

(11) The department's master hunter coordinator will maintain open communications with landowners and the community. The department will investigate written accusations about master hunters and determine whether such complaints have merit and warrant enforcement action.

(12) Except under subsection (10) of this section, if a master hunter has his or her initial or renewal master hunter permit suspended for less than life, and the person wants to become a master hunter again, he or she must repeat the entire master hunter permit application process once the suspension period is over.

(13) Any person who has been denied initial admission into the master hunter permit program, renewal of his or her master hunter

permit, or has had his or her master hunter permit suspended, has the right to an administrative hearing to contest the agency action. Such hearing will be held pursuant to chapter 34.05 RCW, the Administrative Procedure Act. Initial master hunter permit applicants who fail to submit the application fee or who submit an incomplete application will have their application returned. Denial of admission on these grounds does not trigger the right to an administrative hearing.

~~((e))~~ (14) "Conviction," as used in this section, is defined in RCW 77.15.050.

~~((4))~~ (15) It is unlawful for any person to ~~((participate))~~ hunt in a hunt restricted to master hunters if such person has not successfully ~~((passed))~~ been admitted into the master hunter ~~((course))~~ permit program and maintained the requirements set forth in this section, or if the person's master hunter ~~((privileges have))~~ permit has been suspended. Master hunters need a valid master hunter permit and a valid hunting license and tag to hunt in master hunter restricted hunts. "To hunt," as used in this section, is defined as "an effort to kill, injure, capture, or harass a wild animal or wild bird," pursuant to RCW 77.08.010(53). Master hunters who have been issued a disabled hunter permit by the department may only hunt with a designated hunter companion who has been admitted into the master hunter permit program and maintained the requirements under this section. Violations of this subsection shall be enforced under RCW 77.15.400 for wild birds, RCW 77.15.410 for big game, and RCW 77.15.430 for wild animals other than big game.

(16) Only Washington residents, as defined in RCW 77.08.010(39), may apply for an initial master hunter permit.