

WAC 232-36-065 (~~Director or his/her designee is empowered to issue~~) **Use of wildlife control operators (permits) to address wildlife interactions.** The director or director's designee may issue permits to persons that fulfill the requirements to become a certified wildlife control operator (WCO) for purposes of assisting property owners in managing animals causing damage to private property(~~, the director or his/her designee may issue permits to wildlife control operators (WCOs). Only WCOs who are certified by the department~~). Only persons meeting the WCO certification requirements qualify for such a permit.

(1) (~~If the certification for a WCO included training for the use of live traps, the WCO may use live traps~~) Certified WCOs may use nonbody-gripping traps or body-gripping traps with a special trapping permit, outside of designated harvest season to capture ((any animal)) wildlife causing damage or creating an animal problem, as ((that term is)) defined in RCW 77.15.192.

(2) (~~Depending on a WCO's certification training, he or she may use body gripping traps, but only if he or she complies with RCW 77.15.194.~~

~~(3))~~ WCOs with a valid trapping license may retain raw fur of wildlife taken using a special trapping permit, for personal use or educational purposes that does not result in retail sale or commerce. The carcass must be disposed of in a lawful manner according to WAC 232-36-055.

(3) WCOs who trap wildlife under the authority of a department permit may not release wildlife outside of the property boundary where they were captured without a permit from the department or dispose of such wildlife without the consent of the property owner where ((the)) wildlife is to be ((released or)) disposed.

(4) It is unlawful to trap, harass, or otherwise control wildlife on the property of another for a fee without a WCO certification.

(5) WCOs must submit a complete annual report of all control activity ((on the form supplied)) as directed by the department. ((The report must be received or postmarked on or before the twentieth day of April each year.)) Failure to submit a report may result in ((the department revoking)) revocation of the WCO's certification ((and)) or permits and ((suspending the person's right to)) denial of future certifications ((and)) or permits.

~~((5))~~ (6) The department may develop additional conditions and procedures to include training requirements for WCOs consistent with this rule.

(7) WCO certification and associated permits will be revoked and future certification and permits may be denied by the director or ((issuing authority when, in the judgment of)) director's designee if the department determines:

(a) Information contained in a WCO's application was inaccurate or false;

(b) The WCO fails to comply with department statutes or rules;
(~~or~~)

(c) The WCO violates a trapping or other fish and wildlife law
~~(6) A WCO who provides false or misleading information in his or her WCO certification application may be punished under RCW 9A.76.175 or 40.16.030. A WCO who fails to comply with department statutes or rules as required by his or her WCO certification and permit may be punished under RCW 77.15.750. A WCO who violates trapping or other wildlife laws may be punished under the appropriate statute in Title 77 RCW for that crime.~~

~~(7))~~; or

(d) The WCO is no longer eligible to possess a firearm, has been convicted of a felony or domestic violence conviction including, but not limited to, convictions under chapter 9.41 RCW.

(8) Revocation of certifications and permits shall remain in effect until all issues pertaining to revocation are resolved.

(9) If the initial application (~~for WCO certification is denied or revoked,~~) or the application to renew a WCO's certification is denied or revoked, the department (~~shall~~) will provide the applicant, in writing, a notice containing a statement of the (~~specific~~) reason(s) for the denial or revocation.

(a) The applicant may request an appeal (~~in accordance with~~) to contest the denial or revocation pursuant to chapter 34.05 RCW. The department must receive an appeal request(~~s shall be filed~~) in writing (~~and returned~~) within twenty days from the mailing date of the notice of denial (~~and be addressed~~) or revocation. Address appeal requests to WDFW Legal Services Office, (~~600 Capitol Way North~~) P.O. Box 43137, Olympia, Washington (~~98501-1091~~) 98504-3137.

~~((8))~~ (b) A notice contested by written appeal is final when that proceeding ends in a final order pursuant to chapter 34.05 RCW, or is otherwise dismissed.

(c) If there is no timely request for an appeal, then the department's denial or revocation of the permit is final and effective on the 21st calendar day following the mailing date of the notice of denial or revocation.

(10) WCO certification (~~and permits are~~) is valid for three years.

~~((9) It is unlawful to trap, harass, or otherwise control wildlife on the property of another for a fee or other consideration without a WCO certification and permit.~~

~~(10) The department may develop additional conditions and procedures, to include training requirements, for WCOs consistent with this rule.)~~ (11) A WCO who provides false or misleading information in his or her WCO certification application may be subject to prosecution under RCW 9A.76.175 or 40.16.030. A WCO who fails to comply with department statutes or rules as required by his or her WCO certification and associated permit may be subject to prosecution under RCW 77.15.750. A WCO who violates trapping or other fish and wildlife laws may be subject to prosecution under the appropriate statute in Title 77 RCW for that crime or infraction.