

**11. WAC 232-12-073 Master Hunter Program – Briefing and Public Hearing**

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**“GREEN SHEET”**

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**Meeting dates:** December 7-8, 2007

**Agenda item:** WAC 232-12-073 Master Hunter Program – Briefing and Public Hearing

**Staff Contact:** Mik Mikitik, Administrator, Hunter Education Division

**Presenter(s):** Bruce Bjork, Assistant Director, Enforcement Program

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**Background:**

At the October 12-13 Commission meeting, the Hunter Education Division staff briefed the Commission on the newly named Master Hunter Program (formerly known as the Advanced Hunter Education Program). The Commission took public comment on the program. There were so many recommended changes that the Commission asked the Department to file a supplemental CR-102. The Commission scheduled additional public comment and rule adoption for its December 2007 meeting.

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**Policy issue(s) you are bringing to the Commission for consideration:**

Revisions to WAC 232-12-073 that would address long-standing deficiencies in the requirements to be a Master Hunter and the penalties for unethical or unlawful behavior by Master Hunters.

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**Public involvement process used and what you learned:**

The public was invited to testify at the October 2007 Commission meeting. The comments were varied, but they support the staff’s and the Commission’s consensus that the proposed changes are needed and long overdue.

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**Action requested:**

Listen to the staff briefing regarding changes since the October meeting. Invite additional public comment.

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**Draft motion language:**

I move to put adoption of this rule over to the January 10-12, 2008, meeting so that we can consider the proposed changes and the public’s comments.

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**Justification for Commission action:**

The Master Hunter program is important to the agency, hunters, and landowners. The current rule does not give the Department the tools and authority it needs to properly qualify Master Hunters, nor does it allow the Department to penalize these hunters if they fail to uphold the high standards of the Master Hunter Program.

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AMENDATORY SECTION (Amending Order 02-298, filed 12/13/02, effective 1/13/03)

**WAC 232-12-073 (~~(Advanced hunter education.)~~) Master hunter program.** (1) In order to (~~provide for additional hunting opportunity, on species,~~) effectively manage wildlife in areas(~~(r)~~) or at times when a higher proficiency and demonstrated skill level (~~(is)~~) are needed for resource protection or public safety, the department establishes the (~~advanced~~) master hunter (~~education~~) program. (~~Persons who successfully pass the master hunter level of advanced hunter education are entitled to exercise the privileges of participation in special hunts restricted to master hunters. It is unlawful for any person to participate in a hunt restricted to master hunters if such person has not successfully passed the advanced hunter education master hunter course and such person possesses a valid master hunter identification card while participating in such a hunt, and it is unlawful to participate in a hunt restricted to master hunters if the person's master hunter status has been suspended or revoked. Violation of this subsection shall be enforced under RCW 77.15.400 (1)(c) for wild birds, RCW 77.15.410 (1)(b) for big game, and RCW 77.15.430 (1)(b) for wild animals other than big game.~~)

~~(2) The advanced hunter education program has three levels, with the following proficiency requirements:~~

~~(a) Sharpshooter education: This program emphasizes marksmanship, with the goal of humanely killing game animals with the least number of shots. Successful graduates of the sharpshooter course must demonstrate above average shooting skills. The cost of applying for sharpshooter education is five dollars, and on successfully passing sharpshooter education each graduate will receive a certificate of completion and an advanced hunter education patch.~~

~~(b) Conservationist education: This program emphasizes habitat restoration and land use practices that maximize protection for wildlife. Successful graduates of the conservationist course will have spent a minimum of twelve hours participating in landowner sportsman or wildlife-related projects. The cost of applying for conservationist education is five dollars, and on successfully passing conservationist education each graduate will receive a certificate of completion and an advanced hunter education patch.~~

~~(c) Master hunter education: In addition to both sharpshooter and conservationist education, the master hunter program emphasizes ethical behavior while hunting, a detailed knowledge of hunting statutes and rules, and specialized knowledge in how to hunt in damage control hunts that successfully remove problem animals while maximizing public safety. Both extensive home study and passing a rigorous test are prerequisites for achieving the master hunter graduate status. The cost of applying for master hunter education is twenty dollars, and on successfully passing master hunter~~

~~education each graduate will be issued))~~

(2) The master hunter program emphasizes safe, lawful, and ethical hunting practices. Two of the program's goals are to improve the public's perception of hunting and to perpetuate the highest hunting standards. Master hunters actively participate in controlled hunts to eliminate problem animals that damage property and/or threaten public safety.

(a) The cost of applying for the master hunter program is twenty dollars. The department will determine the program's prerequisites and curriculum. The department may establish an advisory group to assist the agency staff in developing the prerequisites and curriculum.

(b) Master hunter candidates who successfully complete the master hunter program will receive a certificate, (~~an advanced~~) a master hunter (~~education~~) 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 (~~education graduate~~) completes (~~twelve hours of conservationist education, consisting of participating in landowner sportsman or wildlife-related projects~~) forty hours of additional master hunter program requirements as determined by the department.

(3) Master hunters are held to the highest ethical standards (~~while hunting, and are expected to respect all recreational and trapping laws. Accordingly, should a master hunter violate the trapping or recreational fishing or hunting~~

~~laws, that person's master hunter status will be suspended or revoked as provided in this subsection))~~ 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, applicants must submit to a criminal background check. Applicants who have prior wildlife or trespassing convictions, trespassing violations, felony convictions prohibiting the possession of firearms, or hunting license suspensions 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. Master hunters 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 ~~commit~~ ~~perpetrate~~ wildlife misdemeanors, gross misdemeanors, or felonies, or who ~~are convicted of violate~~ ~~trespassing laws~~ while hunting or ~~committing~~ reckless endangerment ~~laws involving with~~ hunting weapons, will have their master hunter privileges suspended for life. Master hunters who commit wildlife infractions will have their master hunter privileges suspended for 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 commits an ethical violation that does not rise to a criminal law or regulation violation, a master hunter peer review committee, selected by the department, 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) The grounds for ~~((suspension and revocation))~~ suspending master hunter privileges are proof by a preponderance of the evidence that the master hunter ~~((has))~~ committed a ~~((violation of law))~~ wildlife misdemeanor, gross misdemeanor, or felony, a wildlife infraction, or an ethical violation deemed egregious by a master hunter peer review committee. A criminal conviction is a rebuttable presumption that the violation occurred. Any person who has his or her master hunter ~~((status revoked or))~~ privileges suspended under this subsection has the right to an administrative hearing to contest the agency action~~((, and))~~. Such hearing will be held pursuant to chapter 34.05 RCW, the Administrative Procedure Act.

~~((a) A two-year suspension of master hunter status will be imposed for any hunting or hunting related violation.~~

~~(b) A five-year suspension of master hunter status and a requirement to retake the master hunter course will be imposed for:~~

~~(i) Any conviction resulting in a suspension of recreational hunting or fishing privileges or in a trapping~~

~~privilege suspension;~~

~~(ii) Any violations that involve two big game animals; or~~

~~(iii) Any violation that involves twice or more the daily limit of game or fish.~~

~~(c) A lifetime revocation of master hunter status will be imposed for:~~

~~(i) Any conviction resulting in a second suspension of hunting or fishing privileges or in a second trapping privilege suspension;~~

~~(ii) Any violation while recreational hunting or fishing privileges, trapping privileges, or master hunter status is suspended; or~~

~~(iii) Any violations that involve three or more big game animals.)~~ (e) "Conviction," as used in this section, is defined in RCW 77.15.050.

(4) It is unlawful for any person to participate in a hunt restricted to master hunters if such person has not successfully passed the master hunter course and maintained the requirements set forth in this section, or if the person's master hunter privileges have been suspended. Violation 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.

[Statutory Authority: RCW 77.12.047. 03-01-077 (Order 02-298), § 232-12-073, filed 12/13/02, effective 1/13/03.]



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as <u>WSR 07-07-110</u> ; or | <input type="checkbox"/> Original Notice  |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or                  | <input checked="" type="checkbox"/> Supplemental Notice to WSR <u>07-18-075</u> |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).   | <input type="checkbox"/> Continuance of WSR _____                               |

Title of rule and other identifying information: (Describe Subject) : WAC 232-12-073, Master hunter program.

**Hearing location(s):**

Red Lion Hotel  
221 North Lincoln  
Port Angeles, WA 98362

Date: December 7-8, 2007.

Time: 8 a.m.

**Submit written comments to:**

Name: Rules Coordinator

Address: 600 Capitol Way No., Olympia, WA 98501-1091

e-mail: [preuslmp@dfw.wa.gov](mailto:preuslmp@dfw.wa.gov)

fax: (360) 902-2155 by: Monday, November 19, 2007

**Assistance for persons with disabilities:**

Contact Susan Yeager by December 5, 2007

TTY (360) 902-2207 or (360) 902-2267

**Date of intended adoption:** On or after January 10, 2008

(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The current rule on this subject does not provide authority for the department to establish a Master Hunter Education program. The proposed amendments provide such authority and allow the department to determine the enrollment fee, prerequisites, curriculum, ethical standards, and other aspects of the program.

**Reasons supporting proposal:** Master hunters are role models and mentors for the hunting community and for the public at large. They also are ambassadors of the department. The department holds them to the highest ethical standards. The proposed amendments will allow the department to suspend hunting privileges of master hunters who violate fish and wildlife laws, trespass laws while hunting, and other related laws, as well as egregious ethical violations.

**Statutory authority for adoption:** RCW 77.12.047

**Statute being implemented:** RCW 77.12.047

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

**CODE REVISER USE ONLY**

**DATE**  
October 23, 2007

**NAME** (type or print)  
Lori Preuss

**SIGNATURE**

**TITLE**  
Rules Coordinator

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

None.

**Name of proponent:** (person or organization) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Mik Mikitik	1111 Washington Street, Olympia	(360) 902-8113
Implementation....Mik Mikitik	1111 Washington Street, Olympia	(360) 902-8113
Enforcement..... Bruce Bjork	1111 Washington Street, Olympia	(360) 902-2373

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Lori Preuss  
Address: 600 Capitol Way No., Olympia, WA 98501-1091

phone (360) 902-2930  
fax (360)902-2155  
e-mail preuslmp@dfw.wa.gov

No. Explain why no statement was prepared.

These proposals do not impact small businesses.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:

phone ( ) \_\_\_\_\_  
fax ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

No: Please explain: These proposals do not affect hydraulics.

## RECOMMENDED ADJUSTMENTS

### MASTER HUNTER PROGRAM WAC 232-12-073

**The following proposed adjustments came after the CR-102 supplemental filing and help the WAC to flow more logically.**

Moved from (2)(a) to (2):

The master hunter program emphasizes safe, lawful, and ethical hunting practices. Two of the program's goals are to improve the public's perception of hunting and to perpetuate the highest hunting standards. Master hunters actively participate in controlled hunts to eliminate problem animals that damage property and/or threaten public safety.

Moved this from (2) to (2)(a). Also, to avoid complications if I-960 passes, we reverted to language in the original WAC regarding the \$20 enrollment fee:

The cost of applying for the master hunter program is twenty dollars. The department will determine the ~~enrollment fee,~~ program's prerequisites, and curriculum ~~for the master hunter program.~~ The department may establish an advisory group to assist the agency staff in developing the prerequisites and curriculum ~~for the master hunter program.~~

Changed the language of the first sentence in (3) to tighten it up, and to clarify that it is a trespassing conviction in the context of hunting:

~~Master hunters are held to the highest ethical standards ((while hunting, and are expected to respect all recreational and trapping laws. Accordingly, should a master hunter violate the trapping or recreational fishing or hunting laws, that person's master hunter status will be suspended or revoked as provided in this subsection))~~  
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, applicants must submit to a criminal background check. Applicants who have prior wildlife or trespassing convictions, trespassing violations, felony convictions prohibiting the possession of firearms, or hunting license suspensions in another state, cannot apply for the master hunter program.

In (3)(a), added “and regulations” to the end of the first sentence, to cover WACs:

(a) Individuals who successfully complete the master hunter program must obey all laws and regulations.

Moved from (1) to (3)(b):

~~Persons who successfully pass the master hunter ((level of advanced hunter education))~~ program and maintain the requirements set forth in this section  
~~are entitled to ((exercise the privileges of~~

participation)) participate in special hunts  
(~~(restricted to master hunters))~~).

Moved from (1) to (3)(b), and dropped “also”:

These hunters ~~also~~ must possess a valid master hunter  
identification card while participating in (~~(such a))~~  
the hunt(~~(, and))~~).

In (3)(b), we exempted violations of fish laws and clarified lifetime-suspension predicates; and to clarify that it is a trespassing conviction in the context of hunting:

Master hunters who ~~commit~~ ~~perpetrate~~ wildlife  
misdemeanors, gross misdemeanors, or felonies, or ~~who~~  
~~are convicted of~~ ~~violate~~ trespassing ~~laws~~ while  
hunting or ~~committing~~ reckless endangerment ~~laws~~  
~~involving with~~ hunting weapons, will have their master  
hunter privileges suspended for life.

We moved this from (3)(c) to (3)(b) to follow the above, and cleaned it up slightly:

Master hunters ~~who commit wildlife infractions~~  
~~violations involving fish and wildlife infractions~~  
will ~~result in suspension of~~ have their master hunter  
privileges ~~suspended~~ for a five-year period.

Moved this from (4) to (3)(c) to follow the subsections on suspensions:

(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 commits an ethical violation that does not rise to a criminal law or regulation violation, a master hunter peer review committee, selected by the department, 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.

Took this out of (3)(b) and made it (3)(d):

The grounds for suspension ~~((and revocation))~~ are proof by a preponderance of the evidence that the master hunter ~~((has))~~ committed a wildlife misdemeanor, gross misdemeanor, or felony, criminal law violation of the laws listed in (b) of this subsection, a wildlife infraction, or ~~if the hunter's behavior was~~ an ethical violation deemed egregious by a master hunter peer review committee. ~~((of law))~~. A criminal conviction is a rebuttable presumption that the violation occurred. Any person who has his or her master hunter ~~((status revoked or))~~ privileges suspended under this subsection has the right to an administrative hearing to contest the agency action ~~((and))~~. Such hearing will be held pursuant to chapter 34.05 RCW, the Administrative Procedure Act.

Changed this from (3)(d) to (3)(e), since we added a new (3)(d), above:

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

Moved this from (1) to (4), and removed references to statutory subsections because such references are unnecessary:

It is unlawful to participate in a hunt restricted to master hunters if the person's master hunter (~~status has~~) privileges have been suspended (~~or revoked~~). Violation of this subsection shall be enforced under RCW 77.15.400 ~~(1)(c)~~ for wild birds, RCW 77.15.410 ~~(1)(b)~~ for big game, and RCW 77.15.430 ~~(1)(b)~~ for wild animals other than big game.