

SUPPLEMENTAL INFORMATION

Please replace all the materials

Behind Tab # 5

in your Commission notebook

with following pages

RULE ACTION

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“GREEN SHEET”

Meeting: June 5 - 6, 2009

Agenda Item: Hunter Education Training Program Requirements – Rule Action

Prepared By: Mik Mikitik, Hunter Education Division, Enforcement Program

Presented By: Mik Mikitik, Hunter Education Division, Enforcement Program

Background:

The current language in WAC 232-12-227(4) allows hunting license purchasers to present either a hunter education certificate or a previous Washington hunting license as evidence that the purchaser is authorized to obtain a new Washington hunting license. This provision has caused considerable confusion at the dealer level because sometimes there is no evidence that a license purchaser lawfully obtained his or her initial license or is lawfully exempt from the hunter education training requirements established in RCW 77.32.155.

The provision was originally a valuable customer service concession when RCW 77.32.155 changed in the mid-1990s. However, the hard-copy license records issued prior to 2001 do not always contain sufficient information to determine whether a license-holder was lawfully entitled to purchase the original license document.

The proposed changes to WAC 232-12-227 will help ensure that the only individuals who are eligible to purchase hunting licenses are those who: (1) were born prior to January 1, 1972; (2) are past or future hunter education graduates; or (3) are hunting license holders currently in the department's licensing data system with a valid hunter education certificate number.

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

Does the Washington Fish and Wildlife Commission want to replace problematic hunting-license requirements with more stringent, straight-forward requirements?

Public involvement process used and what you learned:

WDFW briefed the Commission and took public comment on this rule change as part of the 3-year hunting-package presentation at the March 2009 meeting. Information about the change also was on the department's Web site through the Wildlife Program, asking for public comment.

Normally staff would have requested adoption of these rule changes in April, along with the rest of the 3-year hunting package. However, Senate Bill 5008, which was active during the 2009 legislative session, provided an exclusion for military members. Therefore, the department withdrew its request for adoption until the status of SB 5008 was known.

On April 29, 2009, Governor Gregoire signed SB 5008 into law. The bill authorizes a waiver for members of the U.S. military from the skills-portion of WDFW's **online** hunter education training course. SB 5008 does not completely waive the hunter education training requirement for

members of the U.S. military. Therefore, the bill does not impact license vendors, and it has no effect on this rule proposal.

Action requested (identify the specific Commission decisions you are seeking):

Adopt WAC 232-12-227, Hunter education training program requirements.

Draft motion language:

"I move to adopt WAC 232-12-227, as proposed."

Justification for Commission action:

The proposed changes will allow license purchases only by individuals who: (1) were born prior to January 1, 1972; (2) are past or future hunter education graduates; or (3) are hunting license holders currently in the department's licensing data system with a valid hunter education certificate number. These limitations will eliminate confusion at the dealer level because they will weed out potential purchasers who have no evidence that they lawfully obtained their initial license or are lawfully exempt from the hunter education training requirements established in RCW 77.32.155.

Communications plan:

The department will explain the changes to WAC 232-12-227 on its Web site and on the Enforcement Program's Web page. The department will also coordinate with Public Affairs to issue a press release.



PROPOSED RULE MAKING

CR-102 (June 2004)
(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 08-10-108 & 08-24-103 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)
Hunting Rules – See Attachment A

Hearing location(s):
Ellensburg Quality Inn and Conference Center
1700 Canyon Road
Ellensburg, WA 98926
(509) 925-9800

Date: March 6-7, 2009 Time: 8:00 am

Submit written comments to:
Name: Wildlife Program Commission Meeting Public Comments
Address: 600 Capitol Way North, Olympia WA 98501-1091
e-mail Wildthing@dfw.wa.gov
fax (360) 902-2162

By: Friday, February 20, 2009

Assistance for persons with disabilities:

Contact: Susan Yeager by March 1, 2009

TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: April 2-3-4, 2009
(Note: This is **NOT** the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
See Attachment A

Reasons supporting proposal:
See Attachment A

Statutory authority for adoption: 77.12.047; 77.12.020; 77.12.570;
77.12.210; 77.12.015; 77.12.240; 77.12.040; 77.32.155

Statute being implemented: 77.12.047; 77.12.020; 77.12.570;
77.12.210; 77.12.015; 77.12.240; 77.12.040; 77.32.155

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE
January 21, 2009

NAME
Lori Preuss

SIGNATURE *Lori M. Preuss*

TITLE
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 21, 2009
TIME: 11:44 AM

WSR 09-03-111

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

None

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Dave Brittell	Natural Resources Building, Olympia	(306) 902-2504
Implementation.... Dave Brittell	Natural Resources Building, Olympia	(360) 902-2504
Enforcement..... Bruce Bjork	Natural Resources Building, 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:
Address:

phone () _____
fax () _____
e-mail _____

No. Explain why no statement was prepared.

These rules regulate recreational hunters and do not directly regulate small business.

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: Not hydraulics rules.

ATTACHMENT A

WAC 232-12-227 Hunter education training program requirements

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose behind the proposal is to minimize confusion and avoid possible mistakes by license vendors. Currently subsection (4) authorizes an individual who has a Washington hunting license from a preceding year to show that license and purchase a subsequent hunting license even if the initial license was not issued in compliance with the hunter education training requirement. The proposal will allow individuals to purchase a Washington hunting license only if they have a hunter education certificate *or* are identified as previous Washington hunters in the current license data system.

Reasons supporting proposal: The proposal ensures that only hunter education graduates or individuals currently identified as hunting-license buyers within the WDFW license data system are eligible to purchase.

WAC 232-12-047 Unlawful methods for hunting

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Amendments to this rule help clarify the title of the WAC which deals with more than firearms. The proposal clarifies language related to using handguns for hunting and also removes a conflict with the muzzleloading equipment WAC that proposes to allow muzzleloading handguns for hunting. The proposal would also allow crossbows to be used in firearm restriction areas as designated by the Fish and Wildlife Commission. Currently only hunters with disabilities that meet certain criteria are allowed to use crossbows.

Reasons supporting proposal: To provide more flexibility in designing hunting seasons that address urban and suburban big game issues by allowing crossbows in some situations. The proposal also removes a conflict with a proposed change in the muzzleloading equipment WAC.

WAC 232-12-051 Muzzleloading firearms

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposal is to clarify language related to lawful ignition systems for muzzleloading firearms. The proposal also no longer restricts projectiles to lead only. The proposal would allow muzzleloading handguns to be used for hunting big game and clarifies muzzleloading handgun use for small game. Also the proposal would allow modern handguns to be carried for personal protection during a muzzleloader season.

Reasons supporting proposal: To help clarify what types of muzzleloader equipment is lawful for hunting; allow hunters more flexibility in the types of projectiles they are allowed to use; removes an unnecessary restriction related to using muzzleloading handguns for big game and clarifies other allowed uses for muzzleloading handguns; and allows muzzleloader hunters to carry handguns for personal safety as long as they are not in conflict with existing big game hunting season restrictions.

WAC 232-12-054 Archery requirements – Archery special use permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposal is to allow modern handguns to be carried for personal protection during an archery season and allow the use of crossbows in firearm restriction areas as designated by the Fish and Wildlife Commission.

Reasons supporting proposal: The proposal would provide more flexibility in designing hunting seasons that address urban and suburban big game issues by allowing crossbows in some situations.

AMENDATORY SECTION (Amending WSR 97-22-003, filed 10/23/97, effective 11/23/97)

WAC 232-12-227 Hunter education training program requirements. (1) The director may designate a state coordinator for the purpose of administering the hunter education program. The state coordinator shall be responsible for the certification of volunteer instructors and the development of instructional materials, training aids, operating policies and procedures necessary to comply with the provisions of this section and RCW 77.32.155.

(2) It is unlawful for any person born after January 1, 1972, to obtain an initial hunting license in the state of Washington without having completed a department-approved course involving at least ten hours of instruction in conservation, safety and sportsmanship.

(3) Upon satisfactory completion of these requirements, each student shall be issued a certificate of accreditation signed by an authorized instructor or the state coordinator.

(4) It is unlawful for a license dealer to issue a hunting license for a person born after January 1, 1972, unless a hunter education certificate (~~(or a Washington hunting license for a preceding year issued to said person)~~) is presented at the time of purchase. This subsection does not apply to individuals listed in the department's licensing data base system with a valid hunter education certificate number.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-12-227 Hunter education training program requirements

COMMENTS	AGENCY RESPONSE
<p>The recommendation to make everyone take hunter's education who has been hunting for years but born since 1972, that have not taken the course but are in the current WILD system, shows proof that they have been hunting and do not need to take the classes. It is of course a great idea that everyone takes the classes. Maybe a modified class could be given for people who have been hunting for years and are born since 1972 but have not taken the class because they started hunting at the age of 18 and made sure to keep the year-before license to show that they have been hunting.</p>	<p>The hunter education division currently offers two types of modified hunter education training activities that are ideal for someone who has been hunting for years, was born after 1972, but hasn't taken a hunter education course. These two types of modified hunter education training are (1) online education; and (2) compressed hunter education training. You can find information about these training activities on WDFW's Web site, along with information about our traditional hunter education classes.</p>