

Hunter Orange Clothing Requirements

232-12-055

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Summary

Meeting dates: March 20-21, 2015

Agenda item: Hunter orange clothing requirements

Presenter: David Whipple, Hunter Education Division Manager, Wildlife Program

Background summary:

Regulatory clarity is needed in rule to ensure Master Hunters wear fluorescent hunter orange clothing while hunting during hunting seasons that allow the use of modern firearms.

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

Addressing gaps in rules related to hunter safety.

Public involvement process used and what you learned:

These proposed recommendations were sent to approximately 9000 organizations and individuals for their review and consideration. In addition, the agency's Master Hunter Advisory Group was consulted. These organizations and individuals were also informed of the opportunity to provide public testimony at the March 20-21, 2015 Commission meeting in Moses Lake.

Action requested:

Take public comment. Adoption is planned for the April 9-10, 2015 Commission meeting.

Draft motion language:

N/A – Briefing only

Justification for Commission action:

To clarify that Master Hunters are required to wear hunter orange when hunting during any season that allows the use of modern firearms. The proposal would ensure Master Hunters are consistent with the general hunting population relative to hunter orange requirements, and are thus visible to other hunters.

Communications Plan:

News Release
Hunting Pamphlets
Web site

Form revised 12/5/12

AMENDATORY SECTION (Amending WSR 09-09-083, filed 4/15/09, effective 5/16/09)

WAC 232-12-055 Hunting—Hunter orange clothing requirements. (1)

Except as authorized in subsection (~~(5)~~) (6) of this section, it is unlawful to hunt upland birds or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

(2) It is unlawful to hunt deer or elk during all modern firearm general seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

(3) All modern firearm permit holders must wear fluorescent hunter orange clothing.

(4) All master hunters must wear fluorescent hunter orange clothing during all deer and elk hunting seasons that allow the use of modern firearms, except as authorized by department permit.

(5) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

~~((5))~~ (6) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

~~((6))~~ (7) Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

~~((7))~~ (8) A violation of this section is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. WSR 09-09-083 (Order 09-53), § 232-12-055, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047. WSR 06-09-021 (Order 06-67), § 232-12-055, filed 4/11/06, effective 5/12/06; WSR 03-16-087 (Order 03-175), § 232-12-055, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.010 and 77.12.040. WSR 91-08-075 (Order 489), § 232-12-055, filed 4/3/91, effective 9/1/91; WSR 90-22-059 (Order 467), § 232-12-055, filed 11/5/90, effective 9/1/91.]



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 14-24-118 filed 12/3/14; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

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

Title of rule and other identifying information:

232-12-055 Hunting—Hunter orange clothing requirements
 220-55-174 Reduced rate combination elk general licenses
 232-28-294 Multiple season big game permits

Hearing location(s):

Civic Center
 411 South Balsam Street
 Moses Lake, WA 98837

Date: March 20-21, 2015 Time: 8:00 AM

Submit written comments to:

Name: Wildlife Program Commission Meeting Public Comments
 Address: 600 Capitol Way North,
 Olympia, WA 98501
 e-mail wildthing@dfw.wa.gov
 fax (360) 902-2162 by (date) 2/24/15

Assistance for persons with disabilities: Contact

Tami Lininger by March 1, 2015

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

Date of intended adoption: On or after April 9, 2015

(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: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150 and 77.12.240.

Statute being implemented: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150 and 77.12.240.

Is rule necessary because of a:

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: February 02, 2015

TIME: 1:54 PM

WSR 15-04-088

DATE

February 2, 2015

NAME (type or print)

Joanna Eide

SIGNATURE

TITLE

Rules Coordinator

(COMPLETE REVERSE SIDE)

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

When filing the permanent rule-making order (CR-103P), the WAC sections containing rule amendments will be consolidated into two or three Order Typing Service (OTS) documents.

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..... Nate Pamplin	Natural Resource Building	(360) 902-2515
Implementation....Nate Pamplin	Natural Resource Building	(360) 902-2515
Enforcement..... Steven Crown	Natural Resource Building	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal 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 apply to recreational hunting and do not affect 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: This proposal does not involve hydraulics.

ATTACHMENT A

Title of rule and other identifying information:

232-12-055 Hunting—Hunter orange clothing requirements
220-55-174 Reduced rate combination elk general licenses
232-28-294 Multiple season big game permits.

232-12-055 Hunting—Hunter orange clothing requirements

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

The purpose of the proposal is to provide definitive regulatory clarity to the hunter orange requirement in the hunting regulations relative to Master Hunters.

The hunting regulations pamphlet states that fluorescent hunter orange clothing is required to be worn by anyone hunting deer or elk in a modern firearm deer or elk general season, and also by anyone hunting in an area that is open for modern firearm deer or elk when hunting specific species, including deer or elk. The pamphlet also contains footnotes and Hunt Notes that require Master Hunters to wear hunter orange during deer and elk special permit seasons.

However, there is confusion about if and when Master Hunters are required to wear hunter orange, relative to factors such as if and when Master Hunters are hunting in an area that overlaps with modern firearm seasons, whether the Master Hunter is hunting during a special permit or a Master Hunter general season hunt (i.e. Elk Area 3911, 3912), etc.

The existing rules address the hunter orange requirement, but not specifically for Master Hunters. The effect of the rule proposal would be to increase safety by ensuring all Master Hunters wear hunter orange during all hunts that allow the use of modern firearms.

Reasons supporting proposal:

There is confusion about if and when Master Hunters are required to wear hunter orange, relative to factors such as if and when Master Hunters are hunting in an area that overlaps with modern firearm seasons, whether the Master Hunter is hunting during a special permit or a general season Master Hunter hunt (i.e. Elk Area 3911, 3912), etc.

The proposal would clarify that Master Hunters are required to wear hunter orange when hunting during any season that allows the use of modern firearms. The proposal would ensure Master Hunters are consistent with the general hunting population relative to hunter orange requirements, and are thus visible to other hunters.

220-55-174 Reduced rate combination elk general licenses

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

The purpose of the proposal is to provide a reduced license fee to Master Hunters who participate in general Master Hunter elk seasons.

WAC 220-55-174 was modified in 2014 to provide a discounted elk license to Master Hunters who purchase a second elk tag for special permit hunts. However, because Master Hunter hunts for some elk areas (e.g. Elk Area 3911) are general Master Hunter hunts, the reduced price could not be provided as intended.

The proposal will provide Master Hunters with an incentive to participate in hunts such as the early 3911 hunt, at a time when it can be difficult to provide address elk damage.

Reasons supporting proposal:

Incentivizing Master Hunters to help the agency address elk damage issues in areas such as Elk Area 3911 is critical to building and maintaining relationships with landowners experiencing damage.

232-28-294 Multiple season big game permits.

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

The purpose of the proposed changes will allow more hunters to purchase the multiple season big game permits. Changing the purchase deadline from September 1 to August 1 will allow time for those that were not drawn to purchase the permit. Adding item 3 (d) gives the department the flexibility to allow hunters the ability to buy leftover permits. This in turn should boost revenues and decrease staff time with regards to a secondary drawing and mailing.

Reasons supporting proposal:

The reason for changing the deadline to August 1 is to allow more opportunity for hunters to extend their season by purchasing a multi season permit. By allowing for the earlier deadline, hunters who get the permit will have a longer window of time to make hunting season plans and scout favorite hunting areas. Also by allowing the permits to be sold on a first come first served basis, it would decrease staff time and resources that have historically been used on second mailings or notifications.