

WAC 220-440-110 Use of wildlife control operators 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. Only persons meeting the WCO certification requirements qualify for such a permit.

(1) Certified WCOs may use nonbody-gripping traps or body-gripping traps with a special trapping permit, outside of designated harvest season to capture wildlife causing damage or creating an animal problem, as defined in RCW 77.15.192.

(2) 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 220-440-090.

(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, except for beaver released according to RCW 77.32.585, or dispose of such wildlife without the consent of the property owner where wildlife is to be 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 as directed by the department. Failure to submit a report may result in revocation of the WCO's certification or permits and denial of future certifications or permits.

(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 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;

(c) The WCO violates a trapping or other fish and wildlife law;
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 or the application to renew a WCO's certification is denied or revoked, the department will provide the applicant, in writing, a notice containing a statement of the reason(s) for the denial or revocation.

(a) The applicant may request an appeal to contest the denial or revocation pursuant to chapter 34.05 RCW. The department must receive an appeal request in writing within twenty days from the mailing date of the notice of denial or revocation. Address appeal requests to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

(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 is valid for three years.

(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.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-440-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240, 77.12.320, 77.12.150, 77.15.245, and chapter 77.36 RCW. WSR 16-04-066 (Order 16-18), § 232-36-065, filed 1/28/16, effective 2/28/16. Statutory Authority: RCW 77.04.012, 77.04.020, and 77.04.055. WSR 10-13-182 (Order 10-156), § 232-36-065, filed 6/23/10, effective 7/24/10.]