

2 **ESHB 2078** - S COMM AMD
3 By Committee on Natural Resources, Parks & Recreation

4 ADOPTED 3/2/00

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The purpose of this act is to recodify
8 Titles 75 and 77 RCW into Title 77 RCW ensuant to the merger of the
9 departments of wildlife and fisheries.

10 **PART I**
11 **TITLE 75**
12 **Amendments**

13 **Sec. 2.** RCW 75.08.012 and 1983 1st ex.s. c 46 s 5 are each amended
14 to read as follows:

15 Wildlife, fish, and shellfish are the property of the state. The
16 commission, director, and the department shall preserve, protect,
17 perpetuate, and manage the wildlife and food fish, game fish, and
18 shellfish in state waters and offshore waters.

19 The department shall conserve the wildlife and food fish, game
20 fish, and shellfish resources in a manner that does not impair the
21 resource. In a manner consistent with this goal, the department shall
22 seek to maintain the economic well-being and stability of the fishing
23 industry in the state. The department shall promote orderly fisheries
24 and shall enhance and improve recreational and commercial fishing in
25 this state.

26 The commission may authorize the taking of wildlife, food fish,
27 game fish, and shellfish only at times or places, or in manners or
28 quantities, as in the judgment of the commission does not impair the
29 supply of these resources.

30 The commission shall attempt to maximize the public recreational
31 game fishing and hunting opportunities of all citizens, including
32 juvenile, disabled, and senior citizens.

33 Recognizing that the management of our state wildlife, food fish,
34 game fish, and shellfish resources depends heavily on the assistance of

1 volunteers, the department shall work cooperatively with volunteer
2 groups and individuals to achieve the goals of this title to the
3 greatest extent possible.

4 Nothing in this title shall be construed to infringe on the right
5 of a private property owner to control the owner's private property.

6 **Sec. 3.** RCW 75.08.020 and 1988 c 36 s 31 are each amended to read
7 as follows:

8 (1) The director shall investigate the habits, supply, and economic
9 use of food fish and shellfish in state and offshore waters.

10 (2) The director shall make an annual report to the governor on the
11 operation of the department and the statistics of the fishing industry.

12 (3) Subject to RCW 40.07.040, the director shall provide a
13 comprehensive biennial report of all departmental operations to the
14 chairs of the committees on natural resources (~~((and ways and means))~~) of
15 the senate and house of representatives, the senate ways and means
16 committee, and the house of representatives appropriations committee,
17 including one copy to the staff of each of the committees, to reflect
18 the previous fiscal period. The format of the report shall be similar
19 to reports issued by the department from 1964-1970 and the report shall
20 include, but not be limited to, descriptions of all department
21 activities including: Revenues generated, program costs, capital
22 expenditures, personnel, special projects, new and ongoing research,
23 environmental controls, cooperative projects, intergovernmental
24 agreements, and outlines of ongoing litigation, recent court decisions
25 and orders on major issues with the potential for state liability. The
26 report shall describe the status of the resource and its recreational,
27 commercial, and tribal utilization. The report (~~((shall be given to the~~
28 ~~house and senate committees on ways and means and the house and senate~~
29 ~~committees on natural resources and))~~) shall be made available to the
30 public.

31 **Sec. 4.** RCW 75.08.040 and 1995 1st sp.s. c 2 s 23 are each amended
32 to read as follows:

33 The commission may acquire by gift, easement, purchase, lease, or
34 condemnation lands, buildings, water rights, (~~((and))~~) rights of way, or
35 other necessary property, and construct and maintain necessary
36 facilities for purposes consistent with this title. The commission may
37 authorize the director to acquire property under this section, but the

1 power of condemnation may only be exercised by the director when an
2 appropriation has been made by the legislature for the acquisition of
3 a specific property, except to clear title and acquire access rights of
4 way.

5 The commission may sell, lease, convey, or grant concessions upon
6 real or personal property under the control of the department.

7 **Sec. 5.** RCW 75.08.045 and 1995 1st sp.s. c 2 s 24 are each amended
8 to read as follows:

9 The (~~commission~~) director may accept money or real property from
10 persons under conditions requiring the use of the property or money for
11 the protection, rehabilitation, preservation, or conservation of the
12 state wildlife, food fish, and shellfish resources, or in settlement of
13 claims for damages to wildlife, food fish, and shellfish resources.
14 The (~~commission~~) director shall only accept real property useful for
15 the protection, rehabilitation, preservation, or conservation of these
16 fisheries resources.

17 **Sec. 6.** RCW 75.08.055 and 1995 1st sp.s. c 2 s 8 are each amended
18 to read as follows:

19 (1) The commission may enter into agreements with and receive funds
20 from the United States for the construction, maintenance, and operation
21 of fish cultural stations, laboratories, and devices in the Columbia
22 River basin for improvement of feeding and spawning conditions for
23 fish, for the protection of migratory fish from irrigation projects and
24 for facilitating free migration of fish over obstructions.

25 (2) The (~~commission~~) director and the department may acquire by
26 gift, purchase, lease, easement, or condemnation the use of lands where
27 the construction or improvement is to be carried on by the United
28 States.

29 **Sec. 7.** RCW 75.08.080 and 1995 1st sp.s. c 2 s 11 are each amended
30 to read as follows:

31 (1) The commission may adopt, amend, or repeal rules as follows:

32 (a) Specifying the times when the taking of wildlife, food fish, or
33 shellfish is lawful or unlawful.

34 (b) Specifying the areas and waters in which the taking and
35 possession of wildlife, food fish, or shellfish is lawful or unlawful.

1 (c) Specifying and defining the gear, appliances, or other
2 equipment and methods that may be used to take wildlife, food fish, or
3 shellfish, and specifying the times, places, and manner in which the
4 equipment may be used or possessed.

5 (d) Regulating the possession, disposal, landing, and sale of
6 wildlife, food fish, or shellfish within the state, whether acquired
7 within or without the state.

8 (e) Regulating the prevention and suppression of diseases and pests
9 affecting wildlife, food fish, or shellfish.

10 (f) Regulating the size, sex, species, and quantities of wildlife,
11 food fish, or shellfish that may be taken, possessed, sold, or disposed
12 of.

13 (g) Specifying the statistical and biological reports required from
14 fishermen, dealers, boathouses, or processors of wildlife, food fish,
15 or shellfish.

16 (h) Classifying species of marine and freshwater life as food fish
17 or shellfish.

18 (i) Classifying the species of wildlife, food fish, and shellfish
19 that may be used for purposes other than human consumption.

20 (j) Other rules necessary to carry out this title and the purposes
21 and duties of the department.

22 (2) Subsections (1)(a), (b), (c), (d), and (f) of this section do
23 not apply to private tideland owners and lessees and the immediate
24 family members of the owners or lessees of state tidelands, when they
25 take or possess oysters, clams, cockles, borers, or mussels, excluding
26 razor clams, produced on their own private tidelands or their leased
27 state tidelands for personal use.

28 "Immediate family member" for the purposes of this section means a
29 spouse, brother, sister, grandparent, parent, child, or grandchild.

30 (3) Except for subsection (1)(g) of this section, this section does
31 not apply to private sector cultured aquatic products as defined in RCW
32 15.85.020. Subsection (1)(g) of this section does apply to such
33 products.

34 **Sec. 8.** RCW 75.08.206 and 1983 1st ex.s. c 46 s 20 are each
35 amended to read as follows:

36 The director shall provide compensation insurance for (~~fisheries~~
37 ~~patrol~~) fish and wildlife officers, insuring these employees against
38 injury or death in the performance of enforcement duties not covered

1 under the workers' compensation act of the state. The beneficiaries
2 and the compensation and benefits under the compensation insurance
3 shall be the same as provided in chapter 51.32 RCW, and the
4 compensation insurance also shall provide for medical aid and
5 hospitalization to the extent and amount as provided in RCW 51.36.010
6 and 51.36.020.

7 **Sec. 9.** RCW 75.08.208 and 1983 1st ex.s. c 46 s 22 are each
8 amended to read as follows:

9 The director shall relieve from active duty (~~((fisheries patrol))~~)
10 fish and wildlife officers who are injured in the performance of their
11 official duties to such an extent as to be incapable of active service.
12 While relieved from active duty, the employees shall receive one-half
13 of their salary less any compensation received through the provisions
14 of RCW 41.40.200, 41.40.220, and 75.08.206.

15 **Sec. 10.** RCW 75.08.230 and 1996 c 267 s 3 are each amended to read
16 as follows:

17 (1) Except as provided in this (~~(section)~~) title, state and county
18 officers receiving the following moneys shall deposit them in the state
19 general fund:

20 (a) The sale of commercial licenses required under this title,
21 except for licenses issued under chapter 77.32 RCW; and

22 (~~(b) ((The sale of property seized or confiscated under this title;~~

23 ~~(c) Fines and forfeitures collected under this title;~~

24 ~~(d) The sale of real or personal property held for department~~
25 ~~purposes;~~

26 ~~(e) Rentals or concessions of the department;~~

27 ~~(f)) Moneys received for damages to food fish(~~(r)~~) or shellfish~~

28 (~~(or department property; and~~

29 ~~(g) Gifts)).~~

30 (2) The director shall make weekly remittances to the state
31 treasurer of moneys collected by the department.

32 (3) All fines and forfeitures collected or assessed by a district
33 court for a violation of this title or rule of the department shall be
34 remitted as provided in chapter 3.62 RCW.

35 (4) Proceeds from the sale of food fish or shellfish taken in test
36 fishing conducted by the department, to the extent that these proceeds
37 exceed the estimates in the budget approved by the legislature, may be

1 allocated as unanticipated receipts under RCW 43.79.270 to reimburse
2 the department for unanticipated costs for test fishing operations in
3 excess of the allowance in the budget approved by the legislature.

4 (5) Proceeds from the sale of salmon carcasses and salmon eggs from
5 state general funded hatcheries by the department of general
6 administration shall be deposited in the regional fisheries enhancement
7 group account established in RCW 75.50.100 (as recodified by this act).

8 (6) Moneys received by the commission under RCW 75.08.045 (as
9 recodified by this act), to the extent these moneys exceed estimates in
10 the budget approved by the legislature, may be allocated as
11 unanticipated receipts under RCW 43.79.270. Allocations under this
12 subsection shall be made only for the specific purpose for which the
13 moneys were received, unless the moneys were received in settlement of
14 a claim for damages to food fish or shellfish, in which case the moneys
15 may be expended for the conservation of these resources.

16 (7) Proceeds from the sale of herring spawn on kelp fishery
17 licenses by the department, to the extent those proceeds exceed
18 estimates in the budget approved by the legislature, may be allocated
19 as unanticipated receipts under RCW 43.79.270. Allocations under this
20 subsection shall be made only for herring management, enhancement, and
21 enforcement.

22 **Sec. 11.** RCW 75.08.245 and 1988 c 115 s 1 are each amended to read
23 as follows:

24 The department may supply, at a reasonable charge, surplus salmon
25 eggs to a person for use in the cultivation of salmon. The department
26 shall not intentionally create a surplus of salmon to provide eggs for
27 sale. The department shall only sell salmon eggs from stocks that are
28 not suitable for salmon population rehabilitation or enhancement in
29 state waters in Washington. All sales or transfers shall be consistent
30 with the department's egg transfer and aquaculture disease control
31 regulations as now existing or hereafter amended. Prior to department
32 determination that eggs of a salmon stock are surplus and available for
33 sale, the department shall assess the productivity of each watershed
34 that is suitable for receiving eggs.

35 ~~((The salmon enhancement advisory council, created in RCW~~
36 ~~75.48.120, shall consider egg sales at each meeting.))~~

1 **Sec. 12.** RCW 75.10.150 and 1996 c 267 s 14 are each amended to
2 read as follows:

3 Since violation of the rules of the department relating to the
4 accounting of the commercial harvest of food fish and shellfish result
5 in damage to the resources of the state, liability for damage to food
6 fish and shellfish resources is imposed on a wholesale fish dealer for
7 violation of a provision in chapter 75.28 RCW (as recodified by this
8 act) or a rule of the department related to the accounting of the
9 commercial harvest of food fish and shellfish and shall be for the
10 actual damages or for damages imposed as follows:

11 (1) For violation of rules requiring the timely presentation to the
12 department of documents relating to the accounting of commercial
13 harvest, fifty dollars for each of the first fifteen documents in a
14 series and ten dollars for each subsequent document in the same series.
15 If documents relating to the accounting of commercial harvest of food
16 fish and shellfish are lost or destroyed and the wholesale dealer
17 notifies the department in writing within seven days of the loss or
18 destruction, the director shall waive the requirement for timely
19 presentation of the documents.

20 (2) For violation of rules requiring accurate and legible
21 information relating to species, value, harvest area, or amount of
22 harvest, twenty-five dollars for each of the first five violations of
23 this subsection following July 28, 1985, and fifty dollars for each
24 violation after the first five violations.

25 (3) For violations of rules requiring certain signatures, fifty
26 dollars for each of the first two violations and one hundred dollars
27 for each subsequent violation. For the purposes of this subsection,
28 each signature is a separate requirement.

29 (4) For other violations of rules relating to the accounting of the
30 commercial harvest, fifty dollars for each separate violation.

31 **Sec. 13.** RCW 75.12.230 and 1998 c 190 s 81 are each amended to
32 read as follows:

33 Within the waters described in RCW 75.12.210 (as recodified by this
34 act), a person shall not transport or possess salmon on board a vessel
35 carrying fishing gear of a type other than troll lines or angling gear,
36 unless accompanied by a certificate issued by a state or country
37 showing that the salmon have been lawfully taken within the territorial
38 waters of the state or country.

1 **Sec. 14.** RCW 75.20.061 and 1983 1st ex.s. c 46 s 73 are each
2 amended to read as follows:

3 If the director determines that a fishway or fish guard described
4 in RCW 75.20.040 and 75.20.060 (as recodified by this act) and in
5 existence on September 1, 1963, is inadequate, in addition to other
6 authority granted in this chapter, the director may remove, relocate,
7 reconstruct, or modify the device, without cost to the owner. The
8 director shall not materially modify the amount of flow of water
9 through the device. After the department has completed the
10 improvements, the fishways and fish guards shall be operated and
11 maintained at the expense of the owner in accordance with RCW 75.20.040
12 and 75.20.060 (as recodified by this act).

13 **Sec. 15.** RCW 75.20.098 and 1997 c 424 s 6 are each amended to read
14 as follows:

15 When reviewing a mitigation plan under RCW 75.20.100 or 75.20.103
16 (as recodified by this act), the department shall, at the request of
17 the project proponent, follow the guidance contained in RCW 90.74.005
18 through 90.74.030.

19 **Sec. 16.** RCW 75.20.100 and 1998 c 190 s 87 are each amended to
20 read as follows:

21 (1) In the event that any person or government agency desires to
22 construct any form of hydraulic project or perform other work that will
23 use, divert, obstruct, or change the natural flow or bed of any of the
24 salt or fresh waters of the state, such person or government agency
25 shall, before commencing construction or work thereon and to ensure the
26 proper protection of fish life, secure the approval of the department
27 as to the adequacy of the means proposed for the protection of fish
28 life. This approval shall not be unreasonably withheld.

29 (2)(a) (~~(Except as provided in RCW 75.20.1001,)~~) The department
30 shall grant or deny approval of a standard permit within forty-five
31 calendar days of the receipt of a complete application and notice of
32 compliance with any applicable requirements of the state environmental
33 policy act, made in the manner prescribed in this section.

34 (b) The applicant may document receipt of application by filing in
35 person or by registered mail. A complete application for approval
36 shall contain general plans for the overall project, complete plans and
37 specifications of the proposed construction or work within the mean

1 higher high water line in salt water or within the ordinary high water
2 line in fresh water, and complete plans and specifications for the
3 proper protection of fish life.

4 (c) The forty-five day requirement shall be suspended if:

5 (i) After ten working days of receipt of the application, the
6 applicant remains unavailable or unable to arrange for a timely field
7 evaluation of the proposed project;

8 (ii) The site is physically inaccessible for inspection; or

9 (iii) The applicant requests delay. Immediately upon determination
10 that the forty-five day period is suspended, the department shall
11 notify the applicant in writing of the reasons for the delay.

12 (d) For purposes of this section, "standard permit" means a written
13 permit issued by the department when the conditions under subsections
14 (3) and (5)(b) of this section are not met.

15 (3)(a) The department may issue an expedited written permit in
16 those instances where normal permit processing would result in
17 significant hardship for the applicant or unacceptable damage to the
18 environment. In cases of imminent danger, the department shall issue
19 an expedited written permit, upon request, for work to repair existing
20 structures, move obstructions, restore banks, protect property, or
21 protect fish resources. Expedited permit requests require a complete
22 written application as provided in subsection (2)(b) of this section
23 and shall be issued within fifteen calendar days of the receipt of a
24 complete written application. Approval of an expedited permit is valid
25 for up to sixty days from the date of issuance.

26 (b) For the purposes of this subsection, "imminent danger" means a
27 threat by weather, water flow, or other natural conditions that is
28 likely to occur within sixty days of a request for a permit
29 application.

30 (c) The department may not require the provisions of the state
31 environmental policy act, chapter 43.21C RCW, to be met as a condition
32 of issuing a permit under this subsection.

33 (d) The department or the county legislative authority may
34 determine if an imminent danger exists. The county legislative
35 authority shall notify the department, in writing, if it determines
36 that an imminent danger exists.

37 (4) Approval of a standard permit is valid for a period of up to
38 five years from date of issuance. The permittee must demonstrate
39 substantial progress on construction of that portion of the project

1 relating to the approval within two years of the date of issuance. If
2 the department denies approval, the department shall provide the
3 applicant, in writing, a statement of the specific reasons why and how
4 the proposed project would adversely affect fish life. Protection of
5 fish life shall be the only ground upon which approval may be denied or
6 conditioned. Chapter 34.05 RCW applies to any denial of project
7 approval, conditional approval, or requirements for project
8 modification upon which approval may be contingent.

9 (5)(a) In case of an emergency arising from weather or stream flow
10 conditions or other natural conditions, the department, through its
11 authorized representatives, shall issue immediately, upon request, oral
12 approval for removing any obstructions, repairing existing structures,
13 restoring stream banks, or to protect property threatened by the stream
14 or a change in the stream flow without the necessity of obtaining a
15 written approval prior to commencing work. Conditions of an oral
16 approval to protect fish life shall be established by the department
17 and reduced to writing within thirty days and complied with as provided
18 for in this section. Oral approval shall be granted immediately, upon
19 request, for a stream crossing during an emergency situation.

20 (b) For purposes of this section and RCW 75.20.103 (as recodified
21 by this act), "emergency" means an immediate threat to life, the
22 public, property, or of environmental degradation.

23 (c) The department or the county legislative authority may declare
24 and continue an emergency when one or more of the criteria under (b) of
25 this subsection are met. The county legislative authority shall
26 immediately notify the department if it declares an emergency under
27 this subsection.

28 (6) The department shall, at the request of a county, develop five-
29 year maintenance approval agreements, consistent with comprehensive
30 flood control management plans adopted under the authority of RCW
31 86.12.200, or other watershed plan approved by a county legislative
32 authority, to allow for work on public and private property for bank
33 stabilization, bridge repair, removal of sand bars and debris, channel
34 maintenance, and other flood damage repair and reduction activity under
35 agreed-upon conditions and times without obtaining permits for specific
36 projects.

37 (7) This section shall not apply to the construction of any form of
38 hydraulic project or other work which diverts water for agricultural
39 irrigation or stock watering purposes authorized under or recognized as

1 being valid by the state's water codes, or when such hydraulic project
2 or other work is associated with streambank stabilization to protect
3 farm and agricultural land as defined in RCW 84.34.020. These
4 irrigation or stock watering diversion and streambank stabilization
5 projects shall be governed by RCW 75.20.103 (as recodified by this
6 act).

7 A landscape management plan approved by the department and the
8 department of natural resources under RCW 76.09.350(2), shall serve as
9 a hydraulic project approval for the life of the plan if fish are
10 selected as one of the public resources for coverage under such a plan.

11 (8) For the purposes of this section and RCW 75.20.103 (as
12 recodified by this act), "bed" means the land below the ordinary high
13 water lines of state waters. This definition does not include
14 irrigation ditches, canals, storm water run-off devices, or other
15 artificial watercourses except where they exist in a natural
16 watercourse that has been altered by man.

17 (9) The phrase "to construct any form of hydraulic project or
18 perform other work" does not include the act of driving across an
19 established ford. Driving across streams or on wetted stream beds at
20 areas other than established fords requires approval. Work within the
21 ordinary high water line of state waters to construct or repair a ford
22 or crossing requires approval.

23 **Sec. 17.** RCW 75.20.104 and 1993 sp.s. c 2 s 33 are each amended to
24 read as follows:

25 Whenever the placement of woody debris is required as a condition
26 of a hydraulic permit approval issued pursuant to RCW 75.20.100 or
27 75.20.103 (as recodified by this act), the department, upon request,
28 shall invite comment regarding that placement from the local
29 governmental authority, affected tribes, affected federal and state
30 agencies, and the project applicant.

31 **Sec. 18.** RCW 75.20.1041 and 1993 sp.s. c 2 s 34 are each amended
32 to read as follows:

33 The department and the department of ecology will work
34 cooperatively with the United States army corps of engineers to develop
35 a memorandum of agreement outlining dike vegetation management
36 guidelines so that dike owners are eligible for coverage under P.L.

1 84-99, and state requirements established pursuant to RCW 75.20.100 and
2 75.20.103 (as recodified by this act) are met.

3 **Sec. 19.** RCW 75.20.106 and 1993 sp.s. c 2 s 35 are each amended to
4 read as follows:

5 The department may levy civil penalties of up to one hundred
6 dollars per day for violation of any provisions of RCW 75.20.100 or
7 75.20.103 (as recodified by this act). The penalty provided shall be
8 imposed by notice in writing, either by certified mail or personal
9 service to the person incurring the penalty, from the director or the
10 director's designee describing the violation. Any person incurring any
11 penalty under this chapter may appeal the same under chapter 34.05 RCW
12 to the director. Appeals shall be filed within thirty days of receipt
13 of notice imposing any penalty. The penalty imposed shall become due
14 and payable thirty days after receipt of a notice imposing the penalty
15 unless an appeal is filed. Whenever an appeal of any penalty incurred
16 under this chapter is filed, the penalty shall become due and payable
17 only upon completion of all review proceedings and the issuance of a
18 final order confirming the penalty in whole or in part.

19 If the amount of any penalty is not paid within thirty days after
20 it becomes due and payable the attorney general, upon the request of
21 the director shall bring an action in the name of the state of
22 Washington in the superior court of Thurston county or of any county in
23 which such violator may do business, to recover such penalty. In all
24 such actions the procedure and rules of evidence shall be the same as
25 an ordinary civil action. All penalties recovered under this section
26 shall be paid into the state's general fund.

27 **Sec. 20.** RCW 75.20.130 and 1996 c 276 s 2 are each amended to read
28 as follows:

29 (1) There is hereby created within the environmental hearings
30 office under RCW 43.21B.005 the hydraulic appeals board of the state of
31 Washington.

32 (2) The hydraulic appeals board shall consist of three members:
33 The director of the department of ecology or the director's designee,
34 the director of the department of agriculture or the director's
35 designee, and the director or the director's designee of the department
36 whose action is appealed under subsection (6) of this section. A

1 decision must be agreed to by at least two members of the board to be
2 final.

3 (3) The board may adopt rules necessary for the conduct of its
4 powers and duties or for transacting other official business.

5 (4) The board shall make findings of fact and prepare a written
6 decision in each case decided by it, and that finding and decision
7 shall be effective upon being signed by two or more board members and
8 upon being filed at the hydraulic appeals board's principal office, and
9 shall be open to public inspection at all reasonable times.

10 (5) The board has exclusive jurisdiction to hear appeals arising
11 from the approval, denial, conditioning, or modification of a hydraulic
12 approval issued by the department: (a) Under the authority granted in
13 RCW 75.20.103 (as recodified by this act) for the diversion of water
14 for agricultural irrigation or stock watering purposes or when
15 associated with streambank stabilization to protect farm and
16 agricultural land as defined in RCW 84.34.020; or (b) under the
17 authority granted in RCW 75.20.190 (as recodified by this act) for off-
18 site mitigation proposals.

19 (6)(a) Any person aggrieved by the approval, denial, conditioning,
20 or modification of a hydraulic approval pursuant to RCW 75.20.103 (as
21 recodified by this act) may seek review from the board by filing a
22 request for the same within thirty days of notice of the approval,
23 denial, conditioning, or modification of such approval.

24 (b) The review proceedings authorized in (a) of this subsection are
25 subject to the provisions of chapter 34.05 RCW pertaining to procedures
26 in adjudicative proceedings.

27 **Sec. 21.** RCW 75.20.320 and 1995 c 328 s 1 are each amended to read
28 as follows:

29 The department may not require mitigation for adverse impacts on
30 fish life or habitat that occurred at the time a wetland was filled, if
31 the wetland was filled under the provisions of RCW 75.20.300 (as
32 recodified by this act).

33 **Sec. 22.** RCW 75.24.060 and 1998 c 245 s 152 are each amended to
34 read as follows:

35 It is the policy of the state to improve state oyster reserves so
36 that they are productive and yield a revenue sufficient for their
37 maintenance. In fixing the price of oysters and other shellfish sold

1 from the reserves, the director shall take into consideration this
2 policy. It is also the policy of the state to maintain the oyster
3 reserves to furnish shellfish to growers and processors and to stock
4 public beaches.

5 Shellfish may be harvested from state oyster reserves for personal
6 use as prescribed by rule of the director.

7 The ((department)) director shall periodically inventory the state
8 oyster reserves and assign the reserve lands into management
9 categories:

- 10 (1) Native Olympia oyster broodstock reserves;
- 11 (2) Commercial shellfish harvesting zones;
- 12 (3) Commercial shellfish propagation zones designated for long-term
13 leasing to private aquaculturists;
- 14 (4) Public recreational shellfish harvesting zones;
- 15 (5) Unproductive land.

16 The ((department)) director shall manage each category of oyster
17 reserve land to maximize the sustained yield production of shellfish
18 consistent with the purpose for establishment of each management
19 category.

20 The ((department)) commission shall develop an oyster reserve
21 management plan, to include recommendations for leasing reserve lands,
22 in coordination with the shellfish industry, by January 1, 1986.

23 The director shall protect, reseed, improve the habitat of, and
24 replant state oyster reserves ((and)). The director shall also issue
25 cultch permits and oyster reserve fishery licenses.

26 **Sec. 23.** RCW 75.24.065 and 1993 sp.s. c 2 s 40 are each amended to
27 read as follows:

28 The legislature finds that current environmental and economic
29 conditions warrant a renewal of the state's historical practice of
30 actively cultivating and managing its oyster reserves in Puget Sound to
31 produce the state's native oyster, the Olympia oyster. The
32 ((department)) director shall reestablish dike cultivated production of
33 Olympia oysters on such reserves on a trial basis as a tool for
34 planning more comprehensive cultivation by the state.

35 **Sec. 24.** RCW 75.24.070 and 1983 1st ex.s. c 46 s 82 are each
36 amended to read as follows:

1 The director shall determine the time, place, and method of sale of
2 oysters and other shellfish from state oyster reserves. Any person who
3 commercially takes shellfish from state oyster reserves must possess an
4 oyster reserve fishery license issued by the director pursuant to RCW
5 75.28.290 (as recodified by this act). Any person engaged in the
6 commercial cultching of oysters on state oyster reserves must possess
7 an oyster cultch permit issued by the director pursuant to RCW
8 75.28.295 (as recodified by this act).

9 To maintain local communities and industries and to restrain the
10 formation of monopolies in the industry, the director shall determine
11 the number of bushels which shall be sold to a person. When the
12 shellfish are sold at public auction, the director may reject any and
13 all bids.

14 **Sec. 25.** RCW 75.24.100 and 1998 c 190 s 91 are each amended to
15 read as follows:

16 (1) The ((department)) director may not authorize a person to take
17 geoduck clams for commercial purposes outside the harvest area
18 designated in a current department of natural resources geoduck
19 harvesting agreement issued under RCW 79.96.080. The ((department))
20 director may not authorize commercial harvest of geoduck clams from
21 bottoms that are shallower than eighteen feet below mean lower low
22 water (0.0. ft.), or that lie in an area bounded by the line of
23 ordinary high tide (mean high tide) and a line two hundred yards
24 seaward from and parallel to the line of ordinary high tide. This
25 section does not apply to the harvest of private sector cultured
26 aquatic products as defined in RCW 15.85.020.

27 (2) Commercial geoduck harvesting shall be done with a hand-held,
28 manually operated water jet or suction device guided and controlled
29 from under water by a diver. Periodically, the ((~~commission~~)) director
30 shall determine the effect of each type or unit of gear upon the
31 geoduck population or the substrate they inhabit. The ((~~commission~~))
32 director may require modification of the gear or stop its use if it is
33 being operated in a wasteful or destructive manner or if its operation
34 may cause permanent damage to the bottom or adjacent shellfish
35 populations.

36 **Sec. 26.** RCW 75.24.130 and 1995 1st sp.s. c 2 s 30 are each
37 amended to read as follows:

1 The commission may examine the clam, mussel, and oyster beds
2 located on aquatic lands belonging to the state and request the
3 commissioner of public lands to withdraw these lands from sale and
4 lease for the purpose of establishing reserves or public beaches. The
5 (~~commission~~) director shall conserve, protect, and develop these
6 reserves and the oyster, shrimp, clam, and mussel beds on state lands.

7 **Sec. 27.** RCW 75.25.092 and 1999 c 243 s 3 are each amended to read
8 as follows:

9 (1) A personal use shellfish and seaweed license is required for
10 all persons other than residents or nonresidents under fifteen years of
11 age to fish for, take, dig for, or possess seaweed or shellfish for
12 personal use from state waters or offshore waters including national
13 park beaches.

14 (2) The fees for annual personal use shellfish and seaweed licenses
15 are:

16 (a) For a resident fifteen years of age or older, seven dollars;

17 (b) For a nonresident fifteen years of age or older, twenty
18 dollars; and

19 (c) For a senior, five dollars.

20 (3) The license fee for a two-day personal use shellfish and
21 seaweed license is six dollars for residents or nonresidents fifteen
22 years of age or older.

23 (4) The personal use shellfish and seaweed license shall be visible
24 on the licensee while harvesting shellfish or seaweed.

25 **Sec. 28.** RCW 75.28.011 and 1997 c 418 s 1 are each amended to read
26 as follows:

27 (1) Unless otherwise provided in this title, a license issued under
28 this chapter is not transferable from the license holder to any other
29 person.

30 (2) The following restrictions apply to transfers of commercial
31 fishery licenses, salmon delivery licenses, and salmon charter licenses
32 that are transferable between license holders:

33 (a) The license holder shall surrender the previously issued
34 license to the department.

35 (b) The department shall complete no more than one transfer of the
36 license in any seven-day period.

1 (c) The fee to transfer a license from one license holder to
2 another is:

3 (i) The same as the resident license renewal fee if the license is
4 not limited under chapter 75.30 RCW (as recodified by this act);

5 (ii) Three and one-half times the resident renewal fee if the
6 license is not a commercial salmon license and the license is limited
7 under chapter 75.30 RCW (as recodified by this act);

8 (iii) Fifty dollars if the license is a commercial salmon license
9 and is limited under chapter 75.30 RCW (as recodified by this act);

10 (iv) Five hundred dollars if the license is a Dungeness crab-
11 coastal fishery license; or

12 (v) If a license is transferred from a resident to a nonresident,
13 an additional fee is assessed that is equal to the difference between
14 the resident and nonresident license fees at the time of transfer, to
15 be paid by the transferee.

16 (3) A commercial license that is transferable under this title
17 survives the death of the holder. Though such licenses are not
18 personal property, they shall be treated as analogous to personal
19 property for purposes of inheritance and intestacy. Such licenses are
20 subject to state laws governing wills, trusts, estates, intestate
21 succession, and community property, except that such licenses are
22 exempt from claims of creditors of the estate and tax liens. The
23 surviving spouse, estate, or beneficiary of the estate may apply for a
24 renewal of the license. There is no fee for transfer of a license from
25 a license holder to the license holder's surviving spouse or estate, or
26 to a beneficiary of the estate.

27 **Sec. 29.** RCW 75.28.020 and 1994 c 244 s 1 are each amended to read
28 as follows:

29 (1) Except as otherwise provided in this title, a person (~~as~~
30 ~~defined in RCW 75.08.011~~) may hold a commercial license established by
31 this chapter.

32 (2) Except as otherwise provided in this title, an individual may
33 hold a commercial license only if the individual is sixteen years of
34 age or older and a bona fide resident of the United States.

35 (3) A corporation may hold a commercial license only if it is
36 authorized to do business in this state.

37 (4) No person may hold a limited-entry license unless the person
38 meets the qualifications that this title establishes for the license.

1 (5) The residency requirements in subsection (2) of this section do
2 not apply to holders of nonsalmon delivery licenses.

3 **Sec. 30.** RCW 75.28.034 and 1995 c 227 s 1 are each amended to read
4 as follows:

5 If, for any reason, the department does not allow any opportunity
6 for a commercial fishery during a calendar year, the ((department))
7 director shall either: (1) Waive the requirement to obtain a license
8 for that commercial fishery for that year; or (2) refund applicable
9 license fees upon return of the license.

10 **Sec. 31.** RCW 75.28.042 and 1997 c 58 s 882 are each amended to
11 read as follows:

12 (1) The department shall immediately suspend the license of a
13 person who has been certified pursuant to RCW 74.20A.320 by the
14 department of social and health services as a person who is not in
15 compliance with a support order ((~~or a residential or visitation~~
16 ~~order~~)).

17 (2) A listing on the department of licensing's data base that an
18 individual's license is currently suspended pursuant to RCW
19 46.20.291((~~+7~~)) (8) shall be prima facie evidence that the individual
20 is in noncompliance with a support order ((~~or residential or visitation~~
21 ~~order~~)). Presentation of a written release issued by the department of
22 social and health services or a court stating that the person is in
23 compliance with an order shall serve as proof of compliance.

24 **Sec. 32.** RCW 75.28.046 and 1998 c 267 s 2 are each amended to read
25 as follows:

26 This section applies to all commercial fishery licenses and
27 delivery licenses, except for whiting--Puget Sound fishery licenses and
28 emergency salmon delivery licenses.

29 (1) The license holder may engage in the activity authorized by a
30 license subject to this section. With the exception of Dungeness
31 crab--coastal fishery class B licensees licensed under RCW 75.30.350(4)
32 (as recodified by this act), the holder of a license subject to this
33 section may also designate up to two alternate operators for the
34 license. Dungeness crab--coastal fishery class B licensees may not
35 designate alternate operators. A person designated as an alternate

1 operator must possess an alternate operator license issued under RCW
2 75.28.048 (as recodified by this act).

3 (2) The fee to change the alternate operator designation is twenty-
4 two dollars.

5 **Sec. 33.** RCW 75.28.047 and 1998 c 267 s 3 are each amended to read
6 as follows:

7 (1) Only the license holder and any alternate operators designated
8 on the license may sell or deliver food fish or shellfish under a
9 commercial fishery license or delivery license. A commercial fishery
10 license or delivery license authorizes no taking or delivery of food
11 fish or shellfish unless the license holder or an alternate operator
12 designated on the license is present or aboard the vessel.

13 (2) Notwithstanding RCW 75.28.010(1)(c) (as recodified by this
14 act), an alternate operator license is not required for an individual
15 to operate a vessel as a charter boat.

16 **Sec. 34.** RCW 75.28.048 and 1998 c 267 s 4 are each amended to read
17 as follows:

18 (1) A person who holds a commercial fishery license or a delivery
19 license may operate the vessel designated on the license. A person who
20 is not the license holder may operate the vessel designated on the
21 license only if:

22 (a) The person holds an alternate operator license issued by the
23 director; and

24 (b) The person is designated as an alternate operator on the
25 underlying commercial fishery license or delivery license under RCW
26 75.28.046 (as recodified by this act).

27 (2) Only an individual at least sixteen years of age may hold an
28 alternate operator license.

29 (3) No individual may hold more than one alternate operator
30 license. An individual who holds an alternate operator license may be
31 designated as an alternate operator on an unlimited number of
32 commercial fishery licenses or delivery licenses under RCW 75.28.046
33 (as recodified by this act).

34 (4) An individual who holds two Dungeness crab--Puget Sound fishery
35 licenses may operate the licenses on one vessel if the vessel owner or
36 alternate operator is on the vessel. The department shall allow a
37 license holder to operate up to one hundred crab pots for each license.

1 (5) As used in this section, to "operate" means to control the
2 deployment or removal of fishing gear from state waters while aboard a
3 vessel or to operate a vessel delivering food fish or shellfish taken
4 in offshore waters to a port within the state.

5 **Sec. 35.** RCW 75.28.055 and 1997 c 421 s 1 are each amended to read
6 as follows:

7 The (~~fish and wildlife commission~~) director may, by rule,
8 increase the number of alternate operators beyond the level authorized
9 by RCW 75.28.030 and 75.28.046 (as recodified by this act) for a
10 commercial fishery license, delivery license, or charter license.

11 **Sec. 36.** RCW 75.28.095 and 1998 c 190 s 95 are each amended to
12 read as follows:

13 (1) The director shall issue the charter licenses and angler
14 permits listed in this section according to the requirements of this
15 title. The licenses and permits and their annual fees and surcharges
16 are:

	License or Permit	Annual Fee	Governing
	(RCW 75.50.100 (<u>as recodified by this act</u>)	Surcharge)	
	Section		
		Resident	Nonresident
20			
21	(a) Nonsalmon charter	\$225	\$375
22	(b) Salmon charter	\$380	\$685 RCW 75.30.065
23			(<u>as recodified by this act</u>)
24		(plus \$100)	(plus \$100)
25	(c) Salmon angler	\$ 0	\$ 0 RCW 75.30.070
26			(<u>as recodified by this act</u>)
27	(d) Salmon roe	\$ 95	\$ 95 RCW 75.28.690
28			(<u>as recodified by this act</u>)

29 (2) A salmon charter license designating a vessel is required to
30 operate a charter boat to take salmon, other food fish, and shellfish.
31 The director may issue a salmon charter license only to a person who
32 meets the qualifications of RCW 75.30.065 (as recodified by this act).

33 (3) A nonsalmon charter license designating a vessel is required to
34 operate a charter boat to take food fish other than salmon and
35 shellfish. As used in this subsection, "food fish" does not include
36 salmon.

1 (4) "Charter boat" means a vessel from which persons may, for a
2 fee, fish for food fish or shellfish for personal use, and that brings
3 food fish or shellfish into state ports or brings food fish or
4 shellfish taken from state waters into United States ports. The
5 director may specify by rule when a vessel is a "charter boat" within
6 this definition. "Charter boat" does not mean a vessel used by a guide
7 for clients fishing for food fish for personal use in freshwater
8 rivers, streams, and lakes, other than Lake Washington or that part of
9 the Columbia River below the bridge at Longview.

10 (5) A charter boat licensed in Oregon may fish without a Washington
11 charter license under the same rules as Washington charter boat
12 operators in ocean waters within the jurisdiction of Washington state
13 from the southern border of the state of Washington to Leadbetter
14 Point, as long as the Oregon vessel does not land at any Washington
15 port with the purpose of taking on or discharging passengers. The
16 provisions of this subsection shall be in effect as long as the state
17 of Oregon has reciprocal laws and regulations.

18 (6) A salmon charter license under subsection (1)(b) of this
19 section may be renewed if the license holder notifies the department by
20 May 1st of that year that he or she will not participate in the fishery
21 during that calendar year. The license holder must pay the one
22 hundred-dollar enhancement surcharge, plus a fifteen-dollar handling
23 charge, in order to be considered a valid renewal and eligible to renew
24 the license the following year.

25 **Sec. 37.** RCW 75.28.110 and 1997 c 76 s 1 are each amended to read
26 as follows:

27 (1) The following commercial salmon fishery licenses are required
28 for the license holder to use the specified gear to fish for salmon in
29 state waters. Only a person who meets the qualifications of RCW
30 75.30.120 (as recodified by this act) may hold a license listed in this
31 subsection. The licenses and their annual fees and surcharges under
32 RCW 75.50.100 (as recodified by this act) are:

	Fishery	Resident	Nonresident	Surcharge
	License	Fee	Fee	
35	(a) Salmon Gill Net--Grays	\$380	\$685	plus \$100
36	Harbor-Columbia river			
37	(b) Salmon Gill Net--Puget	\$380	\$685	plus \$100
38	Sound			

1	(c) Salmon Gill Net--Willapa	\$380	\$685	plus \$100
2	Bay-Columbia river			
3	(d) Salmon purse seine	\$530	\$985	plus \$100
4	(e) Salmon reef net	\$380	\$685	plus \$100
5	(f) Salmon troll	\$380	\$685	plus \$100

6 (2) A license issued under this section authorizes no taking or
7 delivery of salmon or other food fish unless a vessel is designated
8 under RCW 75.28.045 (as recodified by this act).

9 (3) Holders of commercial salmon fishery licenses may retain
10 incidentally caught food fish other than salmon, subject to rules of
11 the department.

12 (4) A salmon troll license includes a salmon delivery license.

13 (5) A salmon gill net license authorizes the taking of salmon only
14 in the geographical area for which the license is issued. The
15 geographical designations in subsection (1) of this section have the
16 following meanings:

17 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,
18 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,
19 sounds, and estuaries lying easterly and southerly of the international
20 boundary line and a line at the entrance to the Strait of Juan de Fuca
21 projected northerly from Cape Flattery to the lighthouse on Tatoosh
22 Island and then to Bonilla Point on Vancouver Island.

23 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor
24 and tributary estuaries lying easterly of a line projected northerly
25 from Point Chehalis Light to Point Brown and those waters of the
26 Columbia river and tributary sloughs and estuaries easterly of a line
27 at the entrance to the Columbia river projected southerly from the most
28 westerly point of the North jetty to the most westerly point of the
29 South jetty.

30 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and
31 tributary estuaries and easterly of a line projected northerly from
32 Leadbetter Point to the Cape Shoalwater tower and those waters of the
33 Columbia river and tributary sloughs described in (b) of this
34 subsection.

35 (6) A commercial salmon troll fishery license may be renewed under
36 this section if the license holder notifies the department by May 1st
37 of that year that he or she will not participate in the fishery during
38 that calendar year. A commercial salmon gill net, reef net, or seine
39 fishery license may be renewed under this section if the license holder
40 notifies the department by August 1st of that year that he or she will

1 not participate in the fishery during that calendar year. The license
2 holder must pay the one hundred-dollar enhancement surcharge, plus a
3 fifteen-dollar handling charge, in order to be considered a valid
4 renewal and eligible to renew the license the following year.

5 **Sec. 38.** RCW 75.28.113 and 1998 c 190 s 96 are each amended to
6 read as follows:

7 (1) A salmon delivery license is required to deliver salmon taken
8 in offshore waters to a place or port in the state. The annual fee for
9 a salmon delivery license is three hundred eighty dollars for residents
10 and six hundred eighty-five dollars for nonresidents. The annual
11 surcharge under RCW 75.50.100 (as recodified by this act) is one
12 hundred dollars for each license. Holders of nonlimited entry delivery
13 licenses issued under RCW 75.28.125 (as recodified by this act) may
14 apply the nonlimited entry delivery license fee against the salmon
15 delivery license fee.

16 (2) Only a person who meets the qualifications established in RCW
17 75.30.120 (as recodified by this act) may hold a salmon delivery
18 license issued under this section.

19 (3) A salmon delivery license authorizes no taking of salmon or
20 other food fish or shellfish from the waters of the state.

21 (4) If the director determines that the operation of a vessel under
22 a salmon delivery license results in the depletion or destruction of
23 the state's salmon resource or the delivery into this state of salmon
24 products prohibited by law, the director may revoke the license under
25 the procedures of chapter 34.05 RCW.

26 **Sec. 39.** RCW 75.28.114 and 1999 c 103 s 1 are each amended to read
27 as follows:

28 (1) The legislature finds that landing salmon into the ports of
29 Washington state, regardless of where such salmon have been harvested,
30 is economically beneficial to those ports as well as to the citizens of
31 the state of Washington. It is therefore the intent of the legislature
32 to encourage this practice.

33 (2) Notwithstanding the provisions of RCW 75.28.010(1)(b) and
34 75.28.113 (as recodified by this act), a Washington citizen who holds
35 a valid Oregon or California salmon troll license may land salmon taken
36 during lawful seasons in Oregon and California into Washington ports
37 without obtaining a salmon delivery license. This exception is valid

1 only when the salmon were taken in offshore waters south of Cape
2 Falcon.

3 (3) The department shall adopt rules necessary to implement this
4 section, including rules identifying the appropriate methods for
5 verifying that salmon were in fact taken south of Cape Falcon.

6 **Sec. 40.** RCW 75.28.116 and 1993 sp.s. c 17 s 37 are each amended
7 to read as follows:

8 A person who does not qualify for a license under RCW 75.30.120 (as
9 recodified by this act) shall obtain a nontransferable emergency salmon
10 delivery license to make one delivery of salmon taken in offshore
11 waters. The director shall not issue an emergency salmon delivery
12 license unless, as determined by the director, a bona fide emergency
13 exists. The license fee is two hundred twenty-five dollars for
14 residents and four hundred seventy-five dollars for nonresidents. An
15 applicant for an emergency salmon delivery license shall designate no
16 more than one vessel that will be used with the license. Alternate
17 operator licenses are not required of persons delivering salmon under
18 an emergency salmon delivery license. Emergency salmon delivery
19 licenses are not renewable.

20 **Sec. 41.** RCW 75.28.120 and 1993 sp.s. c 17 s 38 are each amended
21 to read as follows:

22 (1) This section establishes commercial fishery licenses required
23 for food fish fisheries and the annual fees for those licenses. As
24 used in this section, "food fish" does not include salmon. The
25 director may issue a limited-entry commercial fishery license only to
26 a person who meets the qualifications established in applicable
27 governing sections of this title.

	Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
		Resident	Nonresident		
28					
29					
30	(a) Baitfish Lampara	\$185	\$295	Yes	No
31	(b) Baitfish purse seine	\$530	\$985	Yes	No
32	(c) Bottom fish jig	\$130	\$185	Yes	No
33	(d) Bottom fish pot	\$130	\$185	Yes	No
34	(e) Bottom fish troll	\$130	\$185	Yes	No
35	(f) Carp	\$130	\$185	No	No
36	(g) Columbia river smelt	\$380	\$685	No	No
37	(h) Dog fish set net	\$130	\$185	Yes	No

1	(i) Emerging commercial fishery (RCW 75.30.220 and 75.28.740 <u>(as recodified by this act)</u>)	\$185	\$295	Determined by rule	Determined by rule
2					
3					
4					
5	(j) Food fish drag seine	\$130	\$185	Yes	No
6	(k) Food fish set line	\$130	\$185	Yes	No
7	(l) Food fish trawl-	\$240	\$405	Yes	No
8	Non-Puget Sound				
9	(m) Food fish trawl-	\$185	\$295	Yes	No
10	Puget Sound				
11	(n) Herring dip bag net	\$175	\$275	Yes	Yes
12	(RCW 75.30.140 <u>(as</u>				
13	<u>recodified by this act)</u>)				
14	(o) Herring drag seine	\$175	\$275	Yes	Yes
15	(RCW 75.30.140 <u>(as</u>				
16	<u>recodified by this act)</u>)				
17	(p) Herring gill net	\$175	\$275	Yes	Yes
18	(RCW 75.30.140 <u>(as</u>				
19	<u>recodified by this act)</u>)				
20	(q) Herring Lampara	\$175	\$275	Yes	Yes
21	(RCW 75.30.140 <u>(as</u>				
22	<u>recodified by this act)</u>)				
23	(r) Herring purse seine	\$175	\$275	Yes	Yes
24	(RCW 75.30.140 <u>(as</u>				
25	<u>recodified by this act)</u>)				
26	(s) Herring spawn-on-kelp	N/A	N/A	Yes	Yes
27	(RCW 75.30.270 <u>(as</u>				
28	<u>recodified by this act)</u>)				
29	(t) Smelt dip bag net	\$130	\$185	No	No
30	(u) Smelt gill net	\$380	\$685	Yes	No
31	(v) Whiting-Puget Sound	\$295	\$520	Yes	Yes
32	(RCW 75.30.170 <u>(as</u>				
33	<u>recodified by this act)</u>)				

34 (2) The director may by rule determine the species of food fish
35 that may be taken with the commercial fishery licenses established in
36 this section, the gear that may be used with the licenses, and the
37 areas or waters in which the licenses may be used. Where a fishery
38 license has been established for a particular species, gear,
39 geographical area, or combination thereof, a more general fishery
40 license may not be used to take food fish in that fishery.

41 **Sec. 42.** RCW 75.28.125 and 1998 c 190 s 97 are each amended to
42 read as follows:

1 (1) Except as provided in subsection (2) of this section, a person
 2 may not use a commercial fishing vessel to deliver food fish or
 3 shellfish taken in offshore waters to a port in the state without a
 4 nonlimited entry delivery license. As used in this section, "food
 5 fish" does not include salmon. As used in this section, "shellfish"
 6 does not include ocean pink shrimp or coastal crab. The annual license
 7 fee for a nonlimited entry delivery license is one hundred ten dollars
 8 for residents and two hundred dollars for nonresidents.

9 (2) Holders of salmon troll fishery licenses issued under RCW
 10 75.28.110 (as recodified by this act), salmon delivery licenses issued
 11 under RCW 75.28.113 (as recodified by this act), crab pot fishery
 12 licenses issued under RCW 75.28.130 (as recodified by this act), food
 13 fish trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.120
 14 (as recodified by this act), Dungeness crab--coastal fishery licenses,
 15 ocean pink shrimp delivery licenses, and shrimp trawl--Non-Puget Sound
 16 fishery licenses issued under RCW 75.28.130 (as recodified by this act)
 17 may deliver food fish or shellfish taken in offshore waters without a
 18 nonlimited entry delivery license.

19 (3) A nonlimited entry delivery license authorizes no taking of
 20 food fish or shellfish from state waters.

21 **Sec. 43.** RCW 75.28.130 and 1999 c 239 s 2 are each amended to read
 22 as follows:

23 (1) This section establishes commercial fishery licenses required
 24 for shellfish fisheries and the annual fees for those licenses. The
 25 director may issue a limited-entry commercial fishery license only to
 26 a person who meets the qualifications established in applicable
 27 governing sections of this title.

Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
	Resident	Nonresident		
(a) Burrowing shrimp	\$185	\$295	Yes	No
(b) Crab ring net- Non-Puget Sound	\$130	\$185	Yes	No
(c) Crab ring net- Puget Sound	\$130	\$185	Yes	No

1	(d) Dungeness crab-	\$295	\$520	Yes	Yes
2	coastal (RCW 75.30.350				
3	<u>(as recodified by this act)</u>				
4	(e) Dungeness crab-	\$295	\$520	Yes	Yes
5	coastal, class B				
6	(RCW 75.30.350				
7	<u>(as recodified by this act)</u>				
8	(f) Dungeness crab-	\$130	\$185	Yes	Yes
9	Puget Sound				
10	(RCW 75.30.130				
11	<u>(as recodified by this act)</u>				
12	(g) Emerging commercial	\$185	\$295	Determined	Determined
13	fishery (RCW 75.30.220			by rule	by rule
14	and 75.28.740 <u>(as</u>				
15	<u>recodified by this act)</u>				
16	(h) Geoduck (RCW	\$ 0	\$ 0	Yes	Yes
17	75.30.280 <u>(as</u>				
18	<u>recodified by this act)</u>				
19	(i) Hardshell clam	\$530	\$985	Yes	No
20	mechanical harvester				
21	(RCW 75.28.280				
22	<u>(as recodified by this act)</u>				
23	(j) Oyster reserve	\$130	\$185	No	No
24	(RCW 75.28.290				
25	<u>(as recodified by this act)</u>				
26	(k) Razor clam	\$130	\$185	No	No
27	(l) Sea cucumber dive	\$130	\$185	Yes	Yes
28	(RCW 75.30.250				
29	<u>(as recodified by this act)</u>				
30	(m) Sea urchin dive	\$130	\$185	Yes	Yes
31	(RCW 75.30.210				
32	<u>(as recodified by this act)</u>				
33	(n) Shellfish dive	\$130	\$185	Yes	No
34	(o) Shellfish pot	\$130	\$185	Yes	No
35	(p) Shrimp pot-	\$185	\$295	Yes	Yes
36	Puget Sound				
37	(RCW 75.30.490				
38	<u>(as recodified by this act)</u>				
39	(q) Shrimp trawl-	\$240	\$405	Yes	No
40	Non-Puget Sound				
41	(r) Shrimp trawl-	\$185	\$295	Yes	Yes
42	Puget Sound				
43	(RCW 75.30.500				
44	<u>(as recodified by this act)</u>				
45	(s) Squid	\$185	\$295	Yes	No

1 (2) The director may by rule determine the species of shellfish
2 that may be taken with the commercial fishery licenses established in
3 this section, the gear that may be used with the licenses, and the
4 areas or waters in which the licenses may be used. Where a fishery
5 license has been established for a particular species, gear,
6 geographical area, or combination thereof, a more general fishery
7 license may not be used to take shellfish in that fishery.

8 **Sec. 44.** RCW 75.28.132 and 1994 c 260 s 15 are each amended to
9 read as follows:

10 A surcharge of fifty dollars shall be collected with each Dungeness
11 crab-coastal fishery license issued under RCW 75.28.130 (as recodified
12 by this act) until June 30, 2000, and with each Dungeness crab-coastal
13 class B fishery license issued under RCW 75.28.130 (as recodified by
14 this act) until December 31, 1997. Moneys collected under this section
15 shall be placed in the Dungeness crab appeals account hereby created in
16 the state treasury. The account is subject to allotment procedures
17 under chapter 43.88 RCW, but no appropriation is required for
18 expenditures. Expenditures from the account shall only be used for
19 processing appeals related to the issuance of Dungeness crab-coastal
20 fishery licenses.

21 **Sec. 45.** RCW 75.28.133 and 1997 c 418 s 5 are each amended to read
22 as follows:

23 A surcharge of one hundred twenty dollars shall be collected with
24 each Dungeness crab-coastal fishery license and with each Dungeness
25 crab-coastal class B fishery license issued under RCW 75.28.130 (as
26 recodified by this act). Moneys collected under this section shall be
27 placed in the coastal crab account created under RCW 75.30.390 (as
28 recodified by this act).

29 **Sec. 46.** RCW 75.28.280 and 1993 c 340 s 19 are each amended to
30 read as follows:

31 A hardshell clam mechanical harvester fishery license is required
32 to operate a mechanical or hydraulic device for commercially harvesting
33 clams, other than geoduck clams, unless the requirements of RCW
34 75.20.100 (as recodified by this act) are fulfilled for the proposed
35 activity.

1 **Sec. 47.** RCW 75.28.290 and 1993 c 340 s 20 are each amended to
2 read as follows:

3 A person who commercially takes shellfish from state oyster
4 reserves under RCW 75.24.070 (as recodified by this act) must have an
5 oyster reserve fishery license.

6 **Sec. 48.** RCW 75.28.300 and 1993 sp.s. c 17 s 43 are each amended
7 to read as follows:

8 A wholesale fish dealer's license is required for:

9 (1) A business in the state to engage in the commercial processing
10 of food fish or shellfish, including custom canning or processing of
11 personal use food fish or shellfish.

12 (2) A business in the state to engage in the wholesale selling,
13 buying, or brokering of food fish or shellfish. A wholesale fish
14 dealer's license is not required of those businesses which buy
15 exclusively from Washington licensed wholesale dealers and sell solely
16 at retail.

17 (3) Fishermen who land and sell their catch or harvest in the state
18 to anyone other than a licensed wholesale dealer within or outside the
19 state.

20 (4) A business to engage in the commercial manufacture or
21 preparation of fertilizer, oil, meal, caviar, fish bait, or other
22 byproducts from food fish or shellfish.

23 (5) A business employing a fish buyer as defined under RCW
24 75.28.340 (as recodified by this act).

25 The annual license fee for a wholesale dealer is two hundred fifty
26 dollars. A wholesale fish dealer's license is not required for persons
27 engaged in the processing, wholesale selling, buying, or brokering of
28 private sector cultured aquatic products as defined in RCW 15.85.020.
29 However, if a means of identifying such products is required by rules
30 adopted under RCW 15.85.060, the exemption from licensing requirements
31 established by this subsection applies only if the aquatic products are
32 identified in conformance with those rules.

33 **Sec. 49.** RCW 75.28.323 and 1996 c 267 s 30 are each amended to
34 read as follows:

35 (1) A wholesale fish dealer shall not take possession of food fish
36 or shellfish until the dealer has deposited with the department an
37 acceptable performance bond on forms prescribed and furnished by the

1 department. This performance bond shall be a corporate surety bond
2 executed in favor of the department by a corporation authorized to do
3 business in the state of Washington under chapter 48.28 RCW and
4 approved by the department. The bond shall be filed and maintained in
5 an amount equal to one thousand dollars for each buyer engaged by the
6 wholesale dealer. In no case shall the bond be less than two thousand
7 dollars nor more than fifty thousand dollars.

8 (2) A wholesale dealer shall, within seven days of engaging
9 additional fish buyers, notify the department and increase the amount
10 of the bonding required in subsection (1) of this section.

11 (3) The director may suspend and refuse to reissue a wholesale fish
12 dealer's license of a dealer who has taken possession of food fish or
13 shellfish without an acceptable performance bond on deposit with the
14 department.

15 (4) The bond shall be conditioned upon the compliance with the
16 requirements of this chapter and rules of the department relating to
17 the payment of fines for violations of rules for the accounting of the
18 commercial harvest of food fish or shellfish. In lieu of the surety
19 bond required by this section the wholesale fish dealer may file with
20 the department a cash deposit, negotiable securities acceptable to the
21 department, or an assignment of a savings account or of a savings
22 certificate in a Washington bank on an assignment form prescribed by
23 the department.

24 (5) Liability under the bond shall be maintained as long as the
25 wholesale fish dealer engages in activities under RCW 75.28.300 (as
26 recodified by this act) unless released. Liability under the bond may
27 be released only upon written notification from the department.
28 Notification shall be given upon acceptance by the department of a
29 substitute bond or forty-five days after the expiration of the
30 wholesale fish dealer's annual license. In no event shall the
31 liability of the surety exceed the amount of the surety bond required
32 under this chapter.

33 **Sec. 50.** RCW 75.28.340 and 1993 sp.s. c 17 s 46 are each amended
34 to read as follows:

35 (1) A fish buyer's license is required of and shall be carried by
36 each individual engaged by a wholesale fish dealer to purchase food
37 fish or shellfish from a licensed commercial fisherman. A fish buyer
38 may represent only one wholesale fish dealer.

1 (2) (~~Unless adjusted by the director pursuant to the director's~~
2 ~~authority granted in RCW 75.28.065,~~) The annual fee for a fish buyer's
3 license is ninety-five dollars.

4 **Sec. 51.** RCW 75.28.730 and 1993 c 376 s 4 are each amended to read
5 as follows:

6 An ocean pink shrimp delivery license is required to deliver ocean
7 pink shrimp taken in offshore waters and delivered to a port in the
8 state. (~~Unless adjusted by the director pursuant to the director's~~
9 ~~authority granted in RCW 75.28.065,~~) The annual license fee is one
10 hundred fifty dollars for residents and three hundred dollars for
11 nonresidents. Ocean pink shrimp delivery licenses are transferable.

12 **Sec. 52.** RCW 75.28.740 and 1998 c 190 s 99 are each amended to
13 read as follows:

14 (1) The director may by rule designate a fishery as an emerging
15 commercial fishery. The director shall include in the designation
16 whether the fishery is one that requires a vessel.

17 (2) "Emerging commercial fishery" means the commercial taking of a
18 newly classified species of food fish or shellfish, the commercial
19 taking of a classified species with gear not previously used for that
20 species, or the commercial taking of a classified species in an area
21 from which that species has not previously been commercially taken.
22 Any species of food fish or shellfish commercially harvested in
23 Washington state as of June 7, 1990, may be designated as a species in
24 an emerging commercial fishery, except that no fishery subject to a
25 license limitation program in chapter 75.30 RCW (as recodified by this
26 act) may be designated as an emerging commercial fishery.

27 (3) A person shall not take food fish or shellfish in a fishery
28 designated as an emerging commercial fishery without an emerging
29 commercial fishery license and a permit from the director. The
30 director shall issue two types of permits to accompany emerging
31 commercial fishery licenses: Trial fishery permits and experimental
32 fishery permits. Trial fishery permits are governed by subsection (4)
33 of this section. Experimental fishery permits are governed by RCW
34 75.30.220 (as recodified by this act).

35 (4) The director shall issue trial fishery permits for a fishery
36 designated as an emerging commercial fishery unless the director
37 determines there is a need to limit the number of participants under

1 RCW 75.30.220 (as recodified by this act). A person who meets the
 2 qualifications of RCW 75.28.020 (as recodified by this act) may hold a
 3 trial fishery permit. The holder of a trial fishery permit shall
 4 comply with the terms of the permit. Trial fishery permits are not
 5 transferable from the permit holder to any other person.

6 **Sec. 53.** RCW 75.28.760 and 1993 sp.s. c 4 s 2 are each amended to
 7 read as follows:

8 By July 1, 1994, the (~~departments of fisheries and wildlife~~)
 9 commission jointly with the appropriate Indian tribes, shall each
 10 establish a wild salmonid policy. The policy shall ensure that
 11 department actions and programs are consistent with the goals of
 12 rebuilding wild stock populations to levels that permit commercial and
 13 recreational fishing opportunities.

14 **Sec. 54.** RCW 75.28.770 and 1998 c 245 s 153 are each amended to
 15 read as follows:

16 The (~~department~~) director shall evaluate and recommend, in
 17 consultation with the Indian tribes, salmon fishery management
 18 strategies and gear types, as well as a schedule for implementation,
 19 that will minimize the impact of commercial and recreational fishing in
 20 the mixed stock fishery on critical and depressed wild stocks of
 21 salmonids. As part of this evaluation, the (~~department~~) director, in
 22 conjunction with the commercial and recreational fishing industries,
 23 shall evaluate commercial and recreational salmon fishing gear types
 24 developed by these industries.

25 **Sec. 55.** RCW 75.28.780 and 1993 sp.s. c 17 s 42 are each amended
 26 to read as follows:

27 The director shall issue the personal licenses listed in this
 28 section according to the requirements of this title. The licenses and
 29 their annual fees are:

Personal License	Annual Fee		Governing
	(RCW 75.50.100 <u>(as recodified</u>		
	<u>by this act)</u> Surcharge)		Section
	Resident	Nonresident	
(1) Alternate Operator	\$ 35	\$ 35	RCW 75.28.048
			<u>(as recodified by this act)</u>
(2) Geoduck Diver	\$185	\$295	RCW 75.28.750

1 (as recodified by this act)
2 (3) Salmon Guide \$130 \$630 RCW 75.28.710
3 (as recodified by this act)
4 (plus \$20) (plus \$100)

5 **Sec. 56.** RCW 75.30.021 and 1995 c 227 s 2 are each amended to read
6 as follows:

7 (1) The ((department)) director shall waive license requirements,
8 including landing or poundage requirements, if, during the calendar
9 year that a license issued pursuant to chapter 75.28 RCW (as recodified
10 by this act) is valid, no harvest opportunity occurs in the fishery
11 corresponding to the license.

12 (2) For each license limitation program, where the person failed to
13 hold the license and failed to make landing or poundage requirements
14 because of a license waiver by the ((department)) director during the
15 previous year, the person shall qualify for a license by establishing
16 that the person held the license during the last year in which the
17 license was not waived.

18 **Sec. 57.** RCW 75.30.050 and 1999 c 151 s 1601 are each amended to
19 read as follows:

20 (1) The director shall appoint three-member advisory review boards
21 to hear cases as provided in RCW 75.30.060 (as recodified by this act).
22 Members shall be from:

23 (a) The commercial sea urchin and sea cucumber fishery in cases
24 involving sea urchin and sea cucumber dive fishery licenses; ~~((and))~~
25 and

26 (b) The commercial coastal crab fishery in cases involving
27 Dungeness crab-coastal fishery licenses and Dungeness crab-coastal
28 class B fishery licenses. The members shall include one person from
29 the commercial crab processors, one Dungeness crab-coastal fishery
30 license holder, and one citizen representative of a coastal community.

31 (2) Members shall serve at the discretion of the director and shall
32 be reimbursed for travel expenses as provided in RCW 43.03.050,
33 43.03.060, and 43.03.065.

34 **Sec. 58.** RCW 75.30.060 and 1995 1st sp.s. c 2 s 32 are each
35 amended to read as follows:

1 A person aggrieved by a decision of the department under this
2 chapter may request administrative review under the informal procedure
3 established by this section.

4 In an informal hearing before a review board, the rules of evidence
5 do not apply. A record of the proceeding shall be kept as provided by
6 chapter 34.05 RCW. After hearing the case the review board shall
7 notify in writing the (~~commission~~) director and the initiating party
8 whether the review board agrees or disagrees with the department's
9 decision and the reasons for the review board's findings. Upon receipt
10 of the review board's findings the (~~commission~~) director may order
11 such relief as the (~~commission~~) director deems appropriate under the
12 circumstances.

13 Nothing in this section: (1) Impairs an aggrieved person's right
14 to proceed under chapter 34.05 RCW; or (2) imposes a liability on
15 members of a review board for their actions under this section.

16 **Sec. 59.** RCW 75.30.065 and 1993 c 340 s 28 are each amended to
17 read as follows:

18 (1) After May 28, 1977, the director shall issue no new salmon
19 charter licenses. A person may renew an existing salmon charter
20 license only if the person held the license sought to be renewed during
21 the previous year or acquired the license by transfer from someone who
22 held it during the previous year, and if the person has not
23 subsequently transferred the license to another person.

24 (2) Salmon charter licenses may be renewed each year. A salmon
25 charter license which is not renewed each year shall not be renewed
26 further.

27 (3) Subject to the restrictions in (~~section 11 of this act~~) RCW
28 75.28.011 (as recodified by this act), salmon charter licenses are
29 transferrable from one license holder to another.

30 **Sec. 60.** RCW 75.30.070 and 1998 c 190 s 100 are each amended to
31 read as follows:

32 (1) Except as provided in subsection (3) of this section, a person
33 shall not operate a vessel as a charter boat from which salmon are
34 taken in salt water without an angler permit. The angler permit shall
35 specify the maximum number of persons that may fish from the charter
36 boat per trip. The angler permit expires if the salmon charter license
37 is not renewed.

1 (2) Only a person who holds a salmon charter license issued under
2 RCW 75.28.095 and 75.30.065 (as recodified by this act) may hold an
3 angler permit.

4 (3) An angler permit shall not be required for charter boats
5 licensed in Oregon and fishing in ocean waters within the jurisdiction
6 of Washington state from the southern border of the state of Washington
7 to Leadbetter Point under the same regulations as Washington charter
8 boat operators, as long as the Oregon vessel does not land at any
9 Washington port with the purpose of taking on or discharging
10 passengers. The provisions of this subsection shall be in effect as
11 long as the state of Oregon has reciprocal laws and regulations.

12 **Sec. 61.** RCW 75.30.090 and 1993 c 340 s 30 are each amended to
13 read as follows:

14 A salmon charter boat may not carry more anglers than the number
15 specified in the angler permit issued under RCW 75.30.070 (as
16 recodified by this act). Members of the crew may fish from the boat
17 only to the extent that the number of anglers specified in the angler
18 permit exceeds the number of noncrew passengers on the boat at that
19 time.

20 **Sec. 62.** RCW 75.30.100 and 1993 c 340 s 31 are each amended to
21 read as follows:

22 (1) The total number of anglers authorized by the ~~((department))~~
23 director shall not exceed the total number authorized for 1980.

24 (2) Angler permits issued under RCW 75.30.070 (as recodified by
25 this act) are transferable. All or a portion of the permit may be
26 transferred to another salmon charter license holder.

27 (3) The angler permit holder and proposed transferee shall notify
28 the department when transferring an angler permit, and the
29 ~~((department))~~ director shall issue a new angler permit certificate.
30 If the original permit holder retains a portion of the permit, the
31 ~~((department))~~ director shall issue a new angler permit certificate
32 reflecting the decrease in angler capacity.

33 (4) The department shall collect a fee of ten dollars for each
34 certificate issued under subsection (3) of this section.

35 **Sec. 63.** RCW 75.30.120 and 1995 c 135 s 7 are each amended to read
36 as follows:

1 (1) Except as provided in subsection (2) of this section, after May
2 6, 1974, the director shall issue no new commercial salmon fishery
3 licenses or salmon delivery licenses. A person may renew an existing
4 license only if the person held the license sought to be renewed during
5 the previous year or acquired the license by transfer from someone who
6 held it during the previous year, and if the person has not
7 subsequently transferred the license to another person.

8 (2) Where the person failed to obtain the license during the
9 previous year because of a license suspension, the person may qualify
10 for a license by establishing that the person held such a license
11 during the last year in which the license was not suspended.

12 (3) Subject to the restrictions in RCW 75.28.011 (as recodified by
13 this act), commercial salmon fishery licenses and salmon delivery
14 licenses are transferable from one license holder to another.

15 **Sec. 64.** RCW 75.30.125 and 1993 c 340 s 33 are each amended to
16 read as follows:

17 Any commercial salmon fishery license issued under RCW 75.28.110
18 (as recodified by this act) or salmon delivery license issued under RCW
19 75.28.113 (as recodified by this act) shall revert to the department
20 when any government confiscates and sells the vessel designated on the
21 license. Upon application of the person named on the license as
22 license holder and the approval of the director, the department shall
23 transfer the license to the applicant. Application for transfer of the
24 license must be made within the calendar year for which the license was
25 issued.

26 **Sec. 65.** RCW 75.30.130 and 1999 c 151 s 1602 are each amended to
27 read as follows:

28 (1) A person shall not commercially take Dungeness crab (*Cancer*
29 *magister*) in Puget Sound without first obtaining a Dungeness crab--
30 Puget Sound fishery license. As used in this section, "Puget Sound"
31 has the meaning given in RCW 75.28.110(5)(a) (as recodified by this
32 act). A Dungeness crab--Puget Sound fishery license is not required to
33 take other species of crab, including red rock crab (*Cancer productus*).

34 (2) Except as provided in subsections (3) and (6) of this section,
35 after January 1, 1982, the director shall issue no new Dungeness crab--
36 Puget Sound fishery licenses. Only a person who meets the following
37 qualification may renew an existing license: The person shall have

1 held the Dungeness crab--Puget Sound fishery license sought to be
2 renewed during the previous year or acquired the license by transfer
3 from someone who held it during the previous year, and shall not have
4 subsequently transferred the license to another person.

5 (3) Where the person failed to obtain the license during the
6 previous year because of a license suspension, the person may qualify
7 for a license by establishing that the person held such a license
8 during the last year in which the license was not suspended.

9 (4) This section does not restrict the issuance of commercial crab
10 licenses for areas other than Puget Sound or for species other than
11 Dungeness crab.

12 (5) Dungeness crab--Puget Sound fishery licenses are transferable
13 from one license holder to another.

14 (6) If fewer than one hundred twenty-five persons are eligible for
15 Dungeness crab--Puget Sound fishery licenses, the director may accept
16 applications for new licenses. The director shall determine by random
17 selection the successful applicants for the additional licenses. The
18 number of additional licenses issued shall be sufficient to maintain
19 one hundred twenty-five licenses in the Puget Sound Dungeness crab
20 fishery. The director shall adopt rules governing the application,
21 selection, and issuance procedures for new Dungeness crab--Puget Sound
22 fishery licenses.

23 **Sec. 66.** RCW 75.30.140 and 1998 c 190 s 102 are each amended to
24 read as follows:

25 (1) A person shall not fish commercially for herring in state
26 waters without a herring fishery license. As used in this section,
27 "herring fishery license" means any of the following commercial fishery
28 licenses issued under RCW 75.28.120 (as recodified by this act):
29 Herring dip bag net; herring drag seine; herring gill net; herring
30 lampara; herring purse seine.

31 (2) Except as provided in this section, a herring fishery license
32 may be issued only to a person who held the license sought to be
33 renewed during the previous year or acquired the license by transfer
34 from someone who held it during the previous year, and if the person
35 has not subsequently transferred the license to another person.

36 (3) Herring fishery licenses may be renewed each year. A herring
37 fishery license that is not renewed each year shall not be renewed
38 further.

1 (4) The (~~department~~) director may issue additional herring
2 fishery licenses if the stocks of herring will not be jeopardized by
3 granting additional licenses.

4 (5) Subject to the restrictions of RCW 75.28.011 (as recodified by
5 this act), herring fishery licenses are transferable from one license
6 holder to another.

7 **Sec. 67.** RCW 75.30.170 and 1993 c 340 s 39 are each amended to
8 read as follows:

9 (1) A person shall not commercially take whiting from areas that
10 the department designates within the waters described in RCW
11 75.28.110(5)(a) (as recodified by this act) without a whiting-Puget
12 Sound fishery license.

13 (2) A whiting-Puget Sound fishery license may be issued only to an
14 individual who:

15 (a) Delivered at least fifty thousand pounds of whiting during the
16 period from January 1, 1981, through February 22, 1985, as verified by
17 fish delivery tickets;

18 (b) Possessed, on January 1, 1986, all equipment necessary to fish
19 for whiting; and

20 (c) Held a whiting-Puget Sound fishery license during the previous
21 year or acquired such a license by transfer from someone who held it
22 during the previous year.

23 (~~(2)~~) (3) After January 1, 1995, the director shall issue no new
24 whiting-Puget Sound fishery licenses. After January 1, 1995, only an
25 individual who meets the following qualifications may renew an existing
26 license: The individual shall have held the license sought to be
27 renewed during the previous year or acquired the license by transfer
28 from someone who held it during the previous year, and shall not have
29 subsequently transferred the license to another person.

30 (~~(3)~~) (4) Whiting-Puget Sound fishery licenses may be renewed
31 each year. A whiting-Puget Sound fishery license that is not renewed
32 each year shall not be renewed further.

33 **Sec. 68.** RCW 75.30.180 and 1993 c 340 s 40 are each amended to
34 read as follows:

35 A whiting-Puget Sound fishery license may be transferred through
36 gift, devise, bequest, or descent to members of the license holder's
37 immediate family which shall be limited to spouse, children, or

1 stepchildren. The holder of a whiting-Puget Sound fishery license
2 shall be present on any vessel taking whiting under the license. In no
3 instance may temporary permits be issued.

4 The director may adopt rules necessary to implement RCW (~~75.30.160~~
5 ~~through~~) 75.30.170 and 75.30.180 (as recodified by this act).

6 **Sec. 69.** RCW 75.30.220 and 1993 c 340 s 42 are each amended to
7 read as follows:

8 (1) The director may issue experimental fishery permits for
9 commercial harvest in an emerging commercial fishery for which the
10 director has determined there is a need to limit the number of
11 participants. The director shall determine by rule the number and
12 qualifications of participants for such experimental fishery permits.
13 Only a person who holds an emerging commercial fishery license issued
14 under RCW 75.28.740 (as recodified by this act) and who meets the
15 qualifications established in those rules may hold an experimental
16 fishery permit. The director shall limit the number of these permits
17 to prevent habitat damage, ensure conservation of the resource, and
18 prevent overharvesting. In developing rules for limiting participation
19 in an emerging or expanding commercial fishery, the director shall
20 appoint a five-person advisory board representative of the affected
21 fishery industry. The advisory board shall review and make
22 recommendations to the director on rules relating to the number and
23 qualifications of the participants for such experimental fishery
24 permits.

25 (2) RCW 34.05.422(3) does not apply to applications for new
26 experimental fishery permits.

27 (3) Experimental fishery permits are not transferable from the
28 permit holder to any other person.

29 **Sec. 70.** RCW 75.30.270 and 1993 c 340 s 37 are each amended to
30 read as follows:

31 (1) A herring spawn on kelp fishery license is required to
32 commercially take herring eggs which have been deposited on vegetation
33 of any type.

34 (2) A herring spawn on kelp fishery license may be issued only to
35 a person who:

36 (a) Holds a herring fishery license issued under RCW 75.28.120 and
37 75.30.140 (as recodified by this act); and

1 (b) Is the highest bidder in an auction conducted under subsection
2 (3) of this section.

3 (3) The department shall sell herring spawn on kelp commercial
4 fishery licenses at auction to the highest bidder. Bidders shall
5 identify their sources of kelp. Kelp harvested from state-owned
6 aquatic lands as defined in RCW 79.90.465 requires the written consent
7 of the department of natural resources. The department shall give all
8 holders of herring fishery licenses thirty days' notice of the auction.

9 **Sec. 71.** RCW 75.30.280 and 1998 c 190 s 106 are each amended to
10 read as follows:

11 (1) A person shall not harvest geoduck clams commercially without
12 a geoduck fishery license. This section does not apply to the harvest
13 of private sector cultured aquatic products as defined in RCW
14 15.85.020.

15 (2) Only a person who has entered into a geoduck harvesting
16 agreement with the department of natural resources under RCW 79.96.080
17 may hold a geoduck fishery license.

18 (3) A geoduck fishery license authorizes no taking of geoducks
19 outside the boundaries of the public lands designated in the underlying
20 harvesting agreement, or beyond the harvest ceiling set in the
21 underlying harvesting agreement.

22 (4) A geoduck fishery license expires when the underlying geoduck
23 harvesting agreement terminates.

24 (5) The director shall determine the number of geoduck fishery
25 licenses that may be issued for each geoduck harvesting agreement, the
26 number of units of gear whose use the license authorizes, and the type
27 of gear that may be used, subject to RCW 75.24.100 (as recodified by
28 this act). In making those determinations, the director shall seek to
29 conserve the geoduck resource and prevent damage to its habitat.

30 (6) The holder of a geoduck fishery license and the holder's agents
31 and representatives shall comply with all applicable commercial diving
32 safety regulations adopted by the federal occupational safety and
33 health administration established under the federal occupational safety
34 and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590
35 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations
36 is a violation of this subsection. For the purposes of this section,
37 persons who dive for geoducks are "employees" as defined by the federal
38 occupational safety and health act. A violation of this subsection is

1 grounds for suspension or revocation of a geoduck fishery license
2 following a hearing under the procedures of chapter 34.05 RCW. The
3 ((department)) director shall not suspend or revoke a geoduck fishery
4 license if the violation has been corrected within ten days of the date
5 the license holder receives written notice of the violation. If there
6 is a substantial probability that a violation of the commercial diving
7 standards could result in death or serious physical harm to a person
8 engaged in harvesting geoduck clams, the ((department)) director shall
9 suspend the license immediately until the violation has been corrected.
10 If the license holder is not the operator of the harvest vessel and has
11 contracted with another person for the harvesting of geoducks, the
12 ((department)) director shall not suspend or revoke the license if the
13 license holder terminates its business relationship with that person
14 until compliance with this subsection is secured.

15 **Sec. 72.** RCW 75.30.290 and 1998 c 190 s 107 are each amended to
16 read as follows:

17 A person shall not commercially deliver into any Washington state
18 port ocean pink shrimp caught in offshore waters without an ocean pink
19 shrimp delivery license issued under RCW 75.28.730 (as recodified by
20 this act), or an ocean pink shrimp single delivery license issued under
21 RCW 75.30.320 (as recodified by this act). An ocean pink shrimp
22 delivery license shall be issued to a vessel that:

23 (1) Landed a total of at least five thousand pounds of ocean pink
24 shrimp in Washington in any single calendar year between January 1,
25 1983, and December 31, 1992, as documented by a valid shellfish
26 receiving ticket; and

27 (2) Can show continuous participation in the Washington, Oregon, or
28 California ocean pink shrimp fishery by being eligible to land ocean
29 pink shrimp in either Washington, Oregon, or California each year since
30 the landing made under subsection (1) of this section. Evidence of
31 such eligibility shall be a certified statement from the relevant state
32 licensing agency that the applicant for a Washington ocean pink shrimp
33 delivery license held at least one of the following permits:

34 (a) For Washington: Possession of a delivery permit or delivery
35 license issued under RCW 75.28.125 ~~((or a trawl license (other than~~
36 ~~Puget Sound) issued under RCW 75.28.140))~~ (as recodified by this act);

37 (b) For Oregon: Possession of a vessel permit issued under Oregon
38 Revised Statute 508.880; or

1 (c) For California: A trawl permit issued under California Fish
2 and Game Code sec. 8842.

3 **Sec. 73.** RCW 75.30.300 and 1993 c 376 s 6 are each amended to read
4 as follows:

5 An applicant who can show historical participation under RCW
6 75.30.290(1) (as recodified by this act) but does not satisfy the
7 continuous participation requirement of RCW 75.30.290(2) (as recodified
8 by this act) shall be issued an ocean pink shrimp delivery license if:

9 (1) The owner can prove that the owner was in the process on
10 December 31, 1992, of constructing a vessel for the purpose of ocean
11 pink shrimp harvest. For purposes of this section, "construction"
12 means having the keel laid, and "for the purpose of ocean pink shrimp
13 harvest" means the vessel is designed as a trawl vessel. An ocean pink
14 shrimp delivery license issued to a vessel under construction is not
15 renewable after December 31, 1994, unless the vessel lands a total of
16 at least five thousand pounds of ocean pink shrimp into a Washington
17 state port before December 31, 1994; or

18 (2) The applicant's vessel is a replacement for a vessel that is
19 otherwise eligible for an ocean pink shrimp delivery license.

20 **Sec. 74.** RCW 75.30.320 and 1993 c 376 s 8 are each amended to read
21 as follows:

22 The owner of an ocean pink shrimp fishing vessel that does not
23 qualify for an ocean pink shrimp delivery license issued under RCW
24 75.28.730 (as recodified by this act) shall obtain an ocean pink shrimp
25 single delivery license in order to make a landing into a state port of
26 ocean pink shrimp taken in offshore waters. The director shall not
27 issue an ocean pink shrimp single delivery license unless, as
28 determined by the director, a bona fide emergency exists. A maximum of
29 six ocean pink shrimp single delivery licenses may be issued annually
30 to any vessel. ~~((Unless adjusted by the director pursuant to the~~
31 ~~director's authority granted in RCW 75.28.065,))~~ The fee for an ocean
32 pink shrimp single delivery license is one hundred dollars.

33 **Sec. 75.** RCW 75.30.330 and 1993 c 376 s 10 are each amended to
34 read as follows:

35 The director may reduce the landing requirements established under
36 RCW 75.30.290 (as recodified by this act) upon the recommendation of an

1 advisory review board established under RCW 75.30.050 (as recodified by
2 this act), but the director may not entirely waive the landing
3 requirement. The advisory review board may recommend a reduction of
4 the landing requirement in individual cases if in the advisory review
5 board's judgment, extenuating circumstances prevented achievement of
6 the landing requirement. The director shall adopt rules governing the
7 operation of the advisory review board and defining "extenuating
8 circumstances."

9 **Sec. 76.** RCW 75.30.350 and 1998 c 190 s 108 are each amended to
10 read as follows:

11 (1) A person shall not commercially fish for coastal crab in
12 Washington state waters without a Dungeness crab--coastal or a
13 Dungeness crab--coastal class B fishery license. Gear used must
14 consist of one buoy attached to each crab pot. Each crab pot must be
15 fished individually.

16 (2) A Dungeness crab--coastal fishery license is transferable.
17 Except as provided in subsection (3) of this section, such a license
18 shall only be issued to a person who proved active historical
19 participation in the coastal crab fishery by having designated, after
20 December 31, 1993, a vessel or a replacement vessel on the qualifying
21 license that singly or in combination meets the following criteria:

22 (a) Made a minimum of eight coastal crab landings totaling a
23 minimum of five thousand pounds per season in at least two of the four
24 qualifying seasons identified in subsection (5) of this section, as
25 documented by valid Washington state shellfish receiving tickets; and
26 showed historical and continuous participation in the coastal crab
27 fishery by having held one of the following licenses or their
28 equivalents each calendar year beginning 1990 through 1993, and was
29 designated on the qualifying license of the person who held one of the
30 following licenses in 1994:

31 (i) Crab pot--Non-Puget Sound license, issued under RCW
32 75.28.130(1)(b) (as recodified by this act);

33 (ii) Nonsalmon delivery license, issued under RCW 75.28.125 (as
34 recodified by this act);

35 (iii) Salmon troll license, issued under RCW 75.28.110 (as
36 recodified by this act);

37 (iv) Salmon delivery license, issued under RCW 75.28.113 (as
38 recodified by this act);

1 (v) Food fish trawl license, issued under RCW 75.28.120 (as
2 recodified by this act); or

3 (vi) Shrimp trawl license, issued under RCW 75.28.130 (as
4 recodified by this act); or

5 (b) Made a minimum of four Washington landings of coastal crab
6 totaling two thousand pounds during the period from December 1, 1991,
7 to March 20, 1992, and made a minimum of eight crab landings totaling
8 a minimum of five thousand pounds of coastal crab during each of the
9 following periods: December 1, 1991, to September 15, 1992; December
10 1, 1992, to September 15, 1993; and December 1, 1993, to September 15,
11 1994. For landings made after December 31, 1993, the vessel shall have
12 been designated on the qualifying license of the person making the
13 landings; or

14 (c) Made any number of coastal crab landings totaling a minimum of
15 twenty thousand pounds per season in at least two of the four
16 qualifying seasons identified in subsection (5) of this section, as
17 documented by valid Washington state shellfish receiving tickets,
18 showed historical and continuous participation in the coastal crab
19 fishery by having held one of the qualifying licenses each calendar
20 year beginning 1990 through 1993, and the vessel was designated on the
21 qualifying license of the person who held that license in 1994.

22 (3) A Dungeness crab-coastal fishery license shall be issued to a
23 person who had a new vessel under construction between December 1,
24 1988, and September 15, 1992, if the vessel made coastal crab landings
25 totaling a minimum of five thousand pounds by September 15, 1993, and
26 the new vessel was designated on the qualifying license of the person
27 who held that license in 1994. All landings shall be documented by
28 valid Washington state shellfish receiving tickets. License
29 applications under this subsection may be subject to review by the
30 advisory review board in accordance with RCW 75.30.050 (as recodified
31 by this act). For purposes of this subsection, "under construction"
32 means either:

33 (a)(i) A contract for any part of the work was signed before
34 September 15, 1992; and

35 (ii) The contract for the vessel under construction was not
36 transferred or otherwise alienated from the contract holder between the
37 date of the contract and the issuance of the Dungeness crab-coastal
38 fishery license; and

1 (iii) Construction had not been completed before December 1, 1988;

2 or

3 (b)(i) The keel was laid before September 15, 1992; and

4 (ii) Vessel ownership was not transferred or otherwise alienated
5 from the owner between the time the keel was laid and the issuance of
6 the Dungeness crab-coastal fishery license; and

7 (iii) Construction had not been completed before December 1, 1988.

8 (4) A Dungeness crab--coastal class B fishery license is not
9 transferable. Such a license shall be issued to persons who do not
10 meet the qualification criteria for a Dungeness crab--coastal fishery
11 license, if the person has designated on a qualifying license after
12 December 31, 1993, a vessel or replacement vessel that, singly or in
13 combination, made a minimum of four landings totaling a minimum of two
14 thousand pounds of coastal crab, documented by valid Washington state
15 shellfish receiving tickets, during at least one of the four qualifying
16 seasons, and if the person has participated continuously in the coastal
17 crab fishery by having held or by having owned a vessel that held one
18 or more of the licenses listed in subsection (2) of this section in
19 each calendar year subsequent to the qualifying season in which
20 qualifying landings were made through 1994. Dungeness crab--coastal
21 class B fishery licenses cease to exist after December 31, 1999, and
22 the continuing license provisions of RCW 34.05.422(3) are not
23 applicable.

24 (5) The four qualifying seasons for purposes of this section are:

25 (a) December 1, 1988, through September 15, 1989;

26 (b) December 1, 1989, through September 15, 1990;

27 (c) December 1, 1990, through September 15, 1991; and

28 (d) December 1, 1991, through September 15, 1992.

29 (6) For purposes of this section and RCW 75.30.420 (as recodified
30 by this act), "coastal crab" means Dungeness crab (cancer magister)
31 taken in all Washington territorial and offshore waters south of the
32 United States-Canada boundary and west of the Bonilla-Tatoosh line (a
33 line from the western end of Cape Flattery to Tatoosh Island
34 lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight
35 line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay,
36 and the Columbia river.

37 (7) For purposes of this section, "replacement vessel" means a
38 vessel used in the coastal crab fishery in 1994, and that replaces a
39 vessel used in the coastal crab fishery during any period from 1988

1 through 1993, and which vessel's licensing and catch history, together
2 with the licensing and catch history of the vessel it replaces,
3 qualifies a single applicant for a Dungeness crab--coastal or Dungeness
4 crab--coastal class B fishery license. A Dungeness crab--coastal or
5 Dungeness crab--coastal class B fishery license may only be issued to
6 a person who designated a vessel in the 1994 coastal crab fishery and
7 who designated the same vessel in 1995.

8 **Sec. 77.** RCW 75.30.370 and 1994 c 260 s 4 are each amended to read
9 as follows:

10 A person commercially fishing for Dungeness crab in offshore waters
11 outside of Washington state jurisdiction shall obtain a Dungeness crab
12 offshore delivery license from the director if the person does not
13 possess a valid Dungeness crab-coastal fishery license or a valid
14 Dungeness crab-coastal class B fishery license and the person wishes to
15 land Dungeness crab into a place or a port in the state. The annual
16 fee for a Dungeness crab offshore delivery license is two hundred fifty
17 dollars. The director may specify restrictions on landings of offshore
18 Dungeness crab in Washington state as authorized in RCW 75.30.360 (as
19 recodified by this act).

20 Fees from the offshore Dungeness crab delivery license shall be
21 placed in the ((~~coastal~~ {~~coastal~~}) coastal crab account created in RCW
22 75.30.390 (as recodified by this act).

23 **Sec. 78.** RCW 75.30.380 and 1997 c 418 s 3 are each amended to read
24 as follows:

25 Dungeness crab-coastal fishery licenses are freely transferable on
26 a willing seller-willing buyer basis after paying the transfer fee in
27 RCW 75.28.011 (as recodified by this act).

28 **Sec. 79.** RCW 75.30.390 and 1997 c 418 s 4 are each amended to read
29 as follows:

30 The coastal crab account is created in the custody of the state
31 treasurer. The account shall consist of revenues from fees from the
32 transfer of each Dungeness crab-coastal fishery license assessed under
33 RCW 75.28.011 (as recodified by this act), delivery fees assessed under
34 RCW 75.30.370 (as recodified by this act), and the license surcharge
35 under RCW 75.28.133 (as recodified by this act). Only the director or
36 the director's designee may authorize expenditures from the account.

1 The account is subject to allotment procedures under chapter 43.88 RCW
2 but no appropriation is required for expenditures. Funds may be used
3 for coastal crab management activities as provided in RCW 75.30.410 (as
4 recodified by this act).

5 **Sec. 80.** RCW 75.30.420 and 1994 c 260 s 9 are each amended to read
6 as follows:

7 (1) An Oregon resident who can show historical and continuous
8 participation in the Washington state coastal crab fishery by having
9 held a nonresident non-Puget Sound crab pot license issued under RCW
10 75.28.130 (as recodified by this act) each year from 1990 through 1994,
11 and who has delivered a minimum of eight landings totaling five
12 thousand pounds of crab into Oregon during any two of the four
13 qualifying seasons as provided in RCW 75.30.350(~~(+4)~~) (5) (as
14 recodified by this act) as evidenced by valid Oregon fish receiving
15 tickets, shall be issued a nonresident Dungeness crab-coastal fishery
16 license valid for fishing in Washington state waters north from the
17 Oregon-Washington boundary to United States latitude forty-six degrees
18 thirty minutes north. Such license shall be issued upon application
19 and submission of proof of delivery.

20 (2) This section shall become effective contingent upon reciprocal
21 statutory authority in the state of Oregon providing for equal access
22 for Washington state coastal crab fishers to Oregon territorial coastal
23 waters north of United States latitude forty-five degrees fifty-eight
24 minutes north, and Oregon waters of the Columbia river.

25 **Sec. 81.** RCW 75.30.440 and 1994 c 260 s 13 are each amended to
26 read as follows:

27 Except as provided under RCW 75.30.460 (as recodified by this act),
28 the director shall issue no new Dungeness crab-coastal fishery licenses
29 after December 31, 1995. A person may renew an existing license only
30 if the person held the license sought to be renewed during the previous
31 year or acquired the license by transfer from someone who held it
32 during the previous year, and if the person has not subsequently
33 transferred the license to another person. Where the person failed to
34 obtain the license during the previous year because of a license
35 suspension, the person may qualify for a license by establishing that
36 the person held such a license during the last year in which the
37 license was not suspended.

1 **Sec. 82.** RCW 75.30.460 and 1994 c 260 s 17 are each amended to
2 read as follows:

3 If fewer than one hundred seventy-five persons are eligible for
4 Dungeness crab-coastal fishery licenses, the director may accept
5 applications for new licenses. Additional licenses issued may maintain
6 a maximum of one hundred seventy-five licenses in the Washington
7 coastal crab fishery. If additional licenses are to be issued, the
8 director shall adopt rules governing the notification, application,
9 selection, and issuance procedures for new Dungeness crab-coastal
10 fishery licenses, based on recommendations of the advisory review board
11 established under RCW 75.30.050 (as recodified by this act).

12 **Sec. 83.** RCW 75.30.470 and 1994 c 260 s 19 are each amended to
13 read as follows:

14 The director may reduce the landing requirements established under
15 RCW 75.30.350 (as recodified by this act) upon the recommendation of an
16 advisory review board established under RCW 75.30.050 (as recodified by
17 this act), but the director may not entirely waive the landing
18 requirement. The advisory review board may recommend a reduction of
19 the landing requirement in individual cases if in the advisory review
20 board's judgment, extenuating circumstances prevented achievement of
21 the landing requirement. The director shall adopt rules governing the
22 operation of the advisory review board and defining "extenuating
23 circumstances." Extenuating circumstances may include situations in
24 which a person had a vessel under construction such that qualifying
25 landings could not be made. In defining extenuating circumstances,
26 special consideration shall be given to individuals who can provide
27 evidence of lack of access to capital based on past discrimination due
28 to race, creed, color, sex, national origin, or disability.

29 **Sec. 84.** RCW 75.30.490 and 1999 c 239 s 3 are each amended to read
30 as follows:

31 (1) The Puget Sound shrimp emerging fishery management regime is
32 converted from an emerging fishery status to a limited entry fishery
33 status effective January 1, 2000.

34 (2) Effective January 1, 2000, a person shall not fish for shrimp
35 taken from Puget Sound for commercial purposes with shrimp pot gear
36 except under the provisions of a shrimp pot-Puget Sound fishery license
37 issued under RCW 75.28.130 (as recodified by this act).

1 (3) Effective January 1, 2000, a shrimp pot-Puget Sound fishery
2 license shall only be issued to a natural person who held an emerging
3 commercial fishery license and Puget Sound shrimp pot experimental
4 fishery permit during 1999. Beginning January 1, 2001, a shrimp pot-
5 Puget Sound fishery license shall only be issued to a natural person
6 who held a shrimp pot-Puget Sound fishery license during the previous
7 year.

8 (4) Shrimp pot-Puget Sound fishery licenses are nontransferable.

9 (5) The department, by rule, may set licensee participation
10 requirements for Puget Sound shellfish pot shrimp harvest.

11 **Sec. 85.** RCW 75.30.500 and 1999 c 239 s 4 are each amended to read
12 as follows:

13 (1) The Puget Sound shrimp emerging fishery management regime is
14 converted from an emerging fishery status to a limited entry fishery
15 status effective January 1, 2000.

16 (2) Effective January 1, 2000, a person shall not fish for shrimp
17 taken from Puget Sound for commercial purposes with shrimp trawl gear
18 except under the provisions of a shrimp trawl-Puget Sound fishery
19 license issued under RCW 75.28.130 (as recodified by this act).

20 (3) Effective January 1, 2000, a shrimp trawl-Puget Sound fishery
21 license shall only be issued to a natural person who held an emerging
22 commercial fishery license and Puget Sound shrimp trawl experimental
23 fishery permit during 1999. Beginning January 1, 2001, a shrimp trawl-
24 Puget Sound fishery license shall only be issued to a natural person
25 who held a shrimp trawl-Puget Sound fishery license during the previous
26 licensing year.

27 (4) The department, by rule, may set licensee participation
28 requirements for Puget Sound shellfish trawl shrimp harvest.

29 (5) Shrimp trawl-Puget Sound fishery licenses are nontransferable.

30 **Sec. 86.** RCW 75.40.020 and 1995 1st sp.s. c 2 s 19 are each
31 amended to read as follows:

32 The commission may give to the state of Oregon such consent and
33 approbation of the state of Washington as is necessary under the
34 compact set out in RCW 75.40.010 (as recodified by this act). For the
35 purposes of RCW 75.40.010 (as recodified by this act), the states of
36 Washington and Oregon have concurrent jurisdiction in the concurrent
37 waters of the Columbia river (~~(as defined in RCW 75.08.011)~~).

1 **Sec. 87.** RCW 75.40.110 and 1994 c 148 s 2 are each amended to read
2 as follows:

3 Until such time as the agencies in California, Idaho, Oregon, and
4 Washington present a final proposed interstate compact for enactment by
5 their respective legislative bodies, the governor may establish
6 cooperative agreements with the states of California, Idaho, and Oregon
7 that allow the states to coordinate their individual efforts in
8 developing state programs that further the region-wide goals set forth
9 under RCW 75.40.100 (as recodified by this act).

10 **Sec. 88.** RCW 75.44.100 and 1985 c 7 s 150 are each amended to read
11 as follows:

12 As used in this chapter:

13 (1) "Case areas" means those areas of the Western district of
14 Washington and in the adjacent offshore waters which are within the
15 jurisdiction of the state of Washington, as defined in *United States of*
16 *America et al. v. State of Washington et al.*, Civil No. 9213, United
17 States District Court for Western District of Washington, February 12,
18 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as
19 amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an
20 area in which fishing rights are affected by court decision in a manner
21 consistent with the above-mentioned decisions;

22 (2) "Program" means the program established under RCW 75.44.100
23 through 75.44.150 (as recodified by this act).

24 **Sec. 89.** RCW 75.44.120 and 1983 1st ex.s. c 46 s 157 are each
25 amended to read as follows:

26 The purchase price of a vessel and appurtenant gear shall be based
27 on a survey conducted by a qualified marine surveyor. A license or
28 delivery permit shall be valued separately.

29 The director may specify a maximum price to be paid for a vessel,
30 gear, license, or delivery permit purchased under RCW 75.44.110 (as
31 recodified by this act). A license or delivery permit purchased under
32 RCW 75.44.110 (as recodified by this act) shall be permanently retired
33 by the department.

34 **Sec. 90.** RCW 75.44.130 and 1983 1st ex.s. c 46 s 158 are each
35 amended to read as follows:

1 The department may arrange for the insurance, storage, and resale
2 or other disposition of vessels and gear purchased under RCW 75.44.110
3 (as recodified by this act). Vessels shall not be resold by the
4 department to the seller or the seller's immediate family. The vessels
5 shall not be used by any owner or operator: (1) As a commercial
6 fishing or charter vessel in state waters; or (2) to deliver fish to a
7 place or port in the state. The department shall require that the
8 purchasers and other users of vessels sold by the department execute
9 suitable instruments to insure compliance with the requirements of this
10 section. The director may commence suit or be sued on such an
11 instrument in a state court of record or United States district court
12 having jurisdiction.

13 **Sec. 91.** RCW 75.44.150 and 1983 1st ex.s. c 46 s 160 are each
14 amended to read as follows:

15 The director is responsible for the administration and disbursement
16 of all funds, goods, commodities, and services received by the state
17 under the program.

18 There is created within the state treasury a fund to be known as
19 the "vessel, gear, license, and permit reduction fund". This fund
20 shall be used for purchases under RCW 75.44.110 (as recodified by this
21 act) and for the administration of the program. This fund shall be
22 credited with federal or other funds received to carry out the purposes
23 of the program and the proceeds from the sale or other disposition of
24 property purchased under RCW 75.44.110 (as recodified by this act).

25 **Sec. 92.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read
26 as follows:

27 The definitions in this section apply throughout this chapter
28 unless the context clearly requires otherwise.

29 (1) "Adaptive management" means reliance on scientific methods to
30 test the results of actions taken so that the management and related
31 policy can be changed promptly and appropriately.

32 (2) "Critical pathways methodology" means a project scheduling and
33 management process for examining interactions between habitat projects
34 and salmonid species, prioritizing habitat projects, and assuring
35 positive benefits from habitat projects.

36 (3) "Habitat project list" is the list of projects resulting from
37 the critical pathways methodology under RCW 75.46.070(2) (as recodified

1 by this act). Each project on the list must have a written agreement
2 from the landowner on whose land the project will be implemented.
3 Projects include habitat restoration projects, habitat protection
4 projects, habitat projects that improve water quality, habitat projects
5 that protect water quality, habitat-related mitigation projects, and
6 habitat project maintenance and monitoring activities.

7 (4) "Habitat work schedule" means those projects from the habitat
8 project list that will be implemented during the current funding cycle.
9 The schedule shall also include a list of the entities and individuals
10 implementing projects, the start date, duration, estimated date of
11 completion, estimated cost, and funding sources for the projects.

12 (5) "Limiting factors" means conditions that limit the ability of
13 habitat to fully sustain populations of salmon. These factors are
14 primarily fish passage barriers and degraded estuarine areas, riparian
15 corridors, stream channels, and wetlands.

16 (6) "Project sponsor" is a county, city, special district, tribal
17 government, a combination of such governments through interlocal
18 agreements provided under chapter 39.34 RCW, a nonprofit organization,
19 or one or more private citizens.

20 (7) "Salmon" includes all species of the family Salmonidae which
21 are capable of self-sustaining, natural production.

22 (8) "Salmon recovery plan" means a state plan developed in response
23 to a proposed or actual listing under the federal endangered species
24 act that addresses limiting factors including, but not limited to
25 harvest, hatchery, hydropower, habitat, and other factors of decline.

26 (9) "Tribe" or "tribes" means federally recognized Indian tribes.

27 (10) "WRIA" means a water resource inventory area established in
28 chapter 173-500 WAC as it existed on January 1, 1997.

29 (11) "Owner" means the person holding title to the land or the
30 person under contract with the owner to lease or manage the legal
31 owner's property.

32 **Sec. 93.** RCW 75.46.040 and 1999 1st sp.s. c 13 s 8 are each
33 amended to read as follows:

34 (1) The salmon recovery office is created within the office of the
35 governor to coordinate state strategy to allow for salmon recovery to
36 healthy sustainable population levels with productive commercial and
37 recreational fisheries. The primary purpose of the office is to
38 coordinate and assist in the development of salmon recovery plans for

1 evolutionarily significant units, and submit those plans to the
2 appropriate tribal governments and federal agencies as an integral part
3 of a state-wide strategy developed consistent with the guiding
4 principles and procedures under RCW 75.46.190 (as recodified by this
5 act). The governor's salmon recovery office may also:

6 (a) Act as liaison to local governments, the state congressional
7 delegation, the United States congress, federally recognized tribes,
8 and the federal executive branch agencies for issues related to the
9 state's endangered species act salmon recovery plans; and

10 (b) Provide the biennial state of the salmon report to the
11 legislature pursuant to RCW 75.46.030 (as recodified by this act).

12 (2) This section expires June 30, 2006.

13 **Sec. 94.** RCW 75.46.050 and 1999 1st sp.s. c 13 s 10 are each
14 amended to read as follows:

15 (1) The governor shall request the national academy of sciences,
16 the American fisheries society, or a comparable institution to screen
17 candidates to serve as members on the independent science panel. The
18 institution that conducts the screening of the candidates shall submit
19 a list of the nine most qualified candidates to the governor, the
20 speaker of the house of representatives, and the majority leader of the
21 senate. The candidates shall reflect expertise in habitat requirements
22 of salmon, protection and restoration of salmon populations, artificial
23 propagation of salmon, hydrology, or geomorphology.

24 (2) The speaker of the house of representatives and the majority
25 leader in the senate may each remove one name from the nomination list.
26 The governor shall consult with tribal representatives and the governor
27 shall appoint five scientists from the remaining names on the
28 nomination list.

29 (3) The members of the independent science panel shall serve four-
30 year terms. Vacant positions on the panel shall be filled in the same
31 manner as the original appointments. Members shall serve no more than
32 two full terms. The independent science panel members shall elect the
33 chair of the panel among themselves every two years. Based upon
34 available funding, the governor's salmon recovery office may contract
35 for services with members of the independent science panel for
36 compensation under chapter 39.29 RCW.

37 (4) The independent science panel shall be governed by generally
38 accepted guidelines and practices governing the activities of

1 independent science boards such as the national academy of sciences.
2 The purpose of the independent science panel is to help ensure that
3 sound science is used in salmon recovery efforts. The governor's
4 salmon recovery office shall request review of salmon recovery plans by
5 the science review panel. The science panel does not have the
6 authority to review individual projects or habitat project lists
7 developed under RCW 75.46.060, 75.46.070, and 75.46.080 (as recodified
8 by this act) or to make policy decisions. The panel shall periodically
9 submit its findings and recommendations under this subsection to the
10 legislature and the governor.

11 (5) The independent science panel, in conjunction with the
12 technical review team, shall recommend standardized monitoring
13 indicators and data quality guidelines for use by entities involved in
14 habitat projects and salmon recovery activities across the state.

15 (6) The independent science panel, in conjunction with the
16 technical review team, shall also recommend criteria for the systematic
17 and periodic evaluation of monitoring data in order for the state to be
18 able to answer critical questions about the effectiveness of the
19 state's salmon recovery efforts.

20 (7) The recommendations on monitoring as required in this section
21 shall be provided in a report to the governor and to the legislature by
22 the independent science panel, in conjunction with the salmon recovery
23 office, no later than December 31, 2000. The report shall also include
24 recommendations on the level of effort needed to sustain monitoring of
25 salmon projects and other recovery efforts, and any other
26 recommendations on monitoring deemed important by the independent
27 science panel and the technical review team. The report may be
28 included in the biennial state of the salmon report required under RCW
29 75.46.030 (as recodified by this act).

30 **Sec. 95.** RCW 75.46.070 and 1999 1st sp.s. c 13 s 12 are each
31 amended to read as follows:

32 (1) Critical pathways methodology shall be used to develop a
33 habitat project list and a habitat work schedule that ensures salmon
34 habitat projects will be prioritized and implemented in a logical
35 sequential manner that produces habitat capable of sustaining healthy
36 populations of salmon.

37 (2) The critical pathways methodology shall:

1 (a) Include a limiting factors analysis for salmon in streams,
2 rivers, tributaries, estuaries, and subbasins in the region. The
3 technical advisory group shall have responsibility for the limiting
4 factors analysis;

5 (b) Identify local habitat projects that sponsors are willing to
6 undertake. The projects identified must have a written agreement from
7 the landowner on which the project is to be implemented. Project
8 sponsors shall have the lead responsibility for this task;

9 (c) Identify how projects will be monitored and evaluated. The
10 project sponsor, in consultation with the technical advisory group and
11 the appropriate landowner, shall have responsibility for this task;

12 (d) Include a review of monitoring data, evaluate project
13 performance, and make recommendations to the committee established
14 under RCW 75.46.060 (as recodified by this act) and to the technical
15 review team. The technical advisory group has responsibility for this
16 task; and

17 (e) Describe the adaptive management strategy that will be used.
18 The committee established under RCW 75.46.060 (as recodified by this
19 act) shall have responsibility for this task. If a committee has not
20 been formed, the technical advisory group shall have the responsibility
21 for this task.

22 (3) The habitat work schedule shall include all projects developed
23 pursuant to subsection (2) of this section, and shall identify and
24 coordinate with any other salmon habitat project implemented in the
25 region, including habitat preservation projects funded through the
26 Washington wildlife and recreation program, the conservation reserve
27 enhancement program, and other conservancy programs. The habitat work
28 schedule shall also include the start date, duration, estimated date of
29 completion, estimated cost, and, if appropriate, the affected salmonid
30 species of each project. Each schedule shall be updated on an annual
31 basis to depict new activities.

32 **Sec. 96.** RCW 75.46.080 and 1999 1st sp.s. c 13 s 15 are each
33 amended to read as follows:

34 (1) Representatives from the conservation commission, the
35 department of transportation, the department of natural resources, the
36 department of ecology, and the department of fish and wildlife shall
37 establish an interagency review team. Habitat restoration project
38 lists shall be submitted to the interagency review team by January 1st

1 and July 1st of each year. The purpose of the team is to assist the
2 salmon recovery funding board in developing procedures and standards
3 for state-wide funding allocation, and to assist the board in reviewing
4 funding applications to identify the highest priority projects and
5 activities for funding.

6 (2) If a lead entity established under RCW 75.46.060 (as recodified
7 by this act) has been formed, the interagency review team shall
8 evaluate habitat project lists developed pursuant to RCW 75.46.060 (as
9 recodified by this act) and submitted to the board for consideration
10 for funding. The team shall advise the board on whether the list for
11 the area complies with the list development procedures and critical
12 path methodology provided by RCW 75.46.060 and 75.46.070 (as recodified
13 by this act). When the board determines the list to comply with those
14 requirements it shall accord substantial weight to the list's project
15 priorities when making determinations among applications for funding of
16 projects and activities within the area covered by the list. Projects
17 that include use of side channels, off-stream rearing enhancement,
18 improvement in overwintering habitat, or use of acclimation ponds shall
19 receive consideration for funding.

20 (3) The board may annually establish a maximum amount of funding
21 available for any individual project, subject to available funding.

22 (4) Where a lead entity has been established pursuant to RCW
23 75.46.060 (as recodified by this act), the board may provide grants to
24 the lead entity to assist in carrying out lead entity functions under
25 this chapter, subject to available funding.

26 (5) The interagency review team shall review, rank, and approve
27 projects submitted for funding until January 1, 2000.

28 (6) This section expires July 1, 2000.

29 **Sec. 97.** RCW 75.46.090 and 1998 c 246 s 10 are each amended to
30 read as follows:

31 (1) The conservation commission, in consultation with local
32 government and the tribes, shall invite private, federal, state,
33 tribal, and local government personnel with appropriate expertise to
34 act as a technical advisory group.

35 (2) For state personnel, involvement on the technical advisory
36 group shall be at the discretion of the particular agency. Unless
37 specifically provided for in the budget, technical assistance

1 participants shall be provided from existing full-time equivalent
2 employees.

3 (3) The technical advisory group shall identify the limiting
4 factors for salmonids to respond to the limiting factors relating to
5 habitat pursuant to RCW 75.46.070(2) (as recodified by this act).

6 (4) Where appropriate, the conservation district within the area
7 implementing this chapter shall take the lead in developing and
8 maintaining relationships between the technical advisory group and the
9 private landowners under RCW 75.46.080 (as recodified by this act).
10 The conservation districts may assist landowners to organize around
11 river, tributary, estuary, or subbasins of a watershed.

12 (5) Fishery enhancement groups and other volunteer organizations
13 may participate in the activities under this section.

14 **Sec. 98.** RCW 75.46.100 and 1999 1st sp.s. c 13 s 14 are each
15 amended to read as follows:

16 The sea grant program at the University of Washington is authorized
17 to provide technical assistance to volunteer groups and other project
18 sponsors in designing and implementing habitat projects that address
19 the limiting factors analysis required under RCW 75.46.070 (as
20 recodified by this act). The cost for such assistance may be covered
21 on a fee-for-service basis.

22 **Sec. 99.** RCW 75.46.110 and 1998 c 246 s 12 are each amended to
23 read as follows:

24 The southwest Washington salmon recovery region, whose boundaries
25 are provided in chapter 60, Laws of 1998, is created. (~~(If chapter 60,~~
26 ~~Laws of 1998 is not enacted by July 1, 1998, this section is null and~~
27 ~~void.))~~)

28 **Sec. 100.** RCW 75.46.120 and 1998 c 246 s 16 are each amended to
29 read as follows:

30 (1) The departments of transportation, fish and wildlife, and
31 ecology, and tribes shall convene a work group to develop policy
32 guidance to evaluate mitigation alternatives. The policy guidance
33 shall be designed to enable committees established under RCW 75.46.060
34 (as recodified by this act) to develop and implement habitat project
35 lists that maximize environmental benefits from project mitigation
36 while reducing project design and permitting costs. The work group

1 shall seek technical assistance to ensure that federal, state, treaty
2 right, and local environmental laws and ordinances are met. The
3 purpose of this section is not to increase regulatory requirements or
4 expand departmental authority.

5 (2) The work group shall develop guidance for determining
6 alternative mitigation opportunities. Such guidance shall include
7 criteria and procedures for identifying and evaluating mitigation
8 opportunities within a watershed. Such guidance shall create
9 procedures that provide alternative mitigation that has a low risk to
10 the environment, yet has high net environmental, social, and economic
11 benefits compared to status quo options.

12 (3) The evaluation shall include:

13 (a) All elements of mitigation, including but not limited to data
14 requirements, decision making, state and tribal agency coordination,
15 and permitting; and

16 (b) Criteria and procedures for identifying and evaluating
17 mitigation opportunities, including but not limited to the criteria in
18 chapter 90.74 RCW.

19 (4) Committees established under RCW 75.46.060 (as recodified by
20 this act) shall coordinate voluntary collaborative efforts between
21 habitat project proponents and mitigation project proponents.
22 Mitigation funds may be used to implement projects identified by a work
23 plan to mitigate for the impacts of a transportation or other
24 development proposal or project.

25 (5) For the purposes of this section, "mitigation" has the same
26 meaning as provided in RCW 90.74.010.

27 **Sec. 101.** RCW 75.46.160 and 1999 1st sp.s. c 13 s 4 are each
28 amended to read as follows:

29 (1) The (~~(salmon recovery funding)~~) salmon recovery funding board
30 is responsible for making grants and loans for salmon habitat projects
31 and salmon recovery activities from the amounts appropriated to the
32 board for this purpose. To accomplish this purpose the board may:

33 (a) Provide assistance to grant applicants regarding the procedures
34 and criteria for grant and loan awards;

35 (b) Make and execute all manner of contracts and agreements with
36 public and private parties as the board deems necessary, consistent
37 with the purposes of this chapter;

1 (c) Accept any gifts, grants, or loans of funds, property, or
2 financial or other aid in any form from any other source on any terms
3 that are not in conflict with this chapter;

4 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
5 the purposes of this chapter; and

6 (e) Do all acts and things necessary or convenient to carry out the
7 powers expressly granted or implied under this chapter.

8 (2) The interagency committee for outdoor recreation shall provide
9 all necessary grants and loans administration assistance to the board,
10 and shall distribute funds as provided by the board in RCW 75.46.170
11 (as recodified by this act).

12 **Sec. 102.** RCW 75.46.170 and 1999 1st sp.s. c 13 s 5 are each
13 amended to read as follows:

14 (1) The (~~{salmon recovery funding}~~) salmon recovery funding board
15 shall develop procedures and criteria for allocation of funds for
16 salmon habitat projects and salmon recovery activities on a state-wide
17 basis to address the highest priorities for salmon habitat protection
18 and restoration. To the extent practicable the board shall adopt an
19 annual allocation of funding. The allocation should address both
20 protection and restoration of habitat, and should recognize the varying
21 needs in each area of the state on an equitable basis. The board has
22 the discretion to partially fund, or to fund in phases, salmon habitat
23 projects. The board may annually establish a maximum amount of funding
24 available for any individual project, subject to available funding. No
25 projects required solely as a mitigation or a condition of permitting
26 are eligible for funding.

27 (2)(a) In evaluating, ranking, and awarding funds for projects and
28 activities the board shall give preference to projects that:

29 (i) Are based upon the limiting factors analysis identified under
30 RCW 75.46.070 (as recodified by this act);

31 (ii) Provide a greater benefit to salmon recovery based upon the
32 stock status information contained in the department of fish and
33 wildlife salmonid stock inventory (SASSI), the salmon and steelhead
34 habitat inventory and assessment project (SSHIAP), and any comparable
35 science-based assessment when available;

36 (iii) Will benefit listed species and other fish species; and

37 (iv) Will preserve high quality salmonid habitat.

1 (b) In evaluating, ranking, and awarding funds for projects and
2 activities the board shall also give consideration to projects that:

3 (i) Are the most cost-effective;

4 (ii) Have the greatest matched or in-kind funding; and

5 (iii) Will be implemented by a sponsor with a successful record of
6 project implementation.

7 (3) The board may reject, but not add, projects from a habitat
8 project list submitted by a lead entity for funding.

9 (4) For fiscal year 2000, the board may authorize the interagency
10 review team to evaluate, rank, and make funding decisions for
11 categories of projects or activities or from funding sources provided
12 for categories of projects or activities. In delegating such authority
13 the board shall consider the review team's staff resources, procedures,
14 and technical capacity to meet the purposes and objectives of this
15 chapter. The board shall maintain general oversight of the team's
16 exercise of such authority.

17 (5) The board shall seek the guidance of the technical review team
18 to ensure that scientific principles and information are incorporated
19 into the allocation standards and into proposed projects and
20 activities. If the technical review team determines that a habitat
21 project list complies with the critical pathways methodology under RCW
22 75.46.070 (as recodified by this act), it shall provide substantial
23 weight to the list's project priorities when making determinations
24 among applications for funding of projects within the area covered by
25 the list.

26 (6) The board shall establish criteria for determining when block
27 grants may be made to a lead entity or other recognized regional
28 recovery entity consistent with one or more habitat project lists
29 developed for that region. Where a lead entity has been established
30 pursuant to RCW 75.46.060 (as recodified by this act), the board may
31 provide grants to the lead entity to assist in carrying out lead entity
32 functions under this chapter, subject to available funding. The board
33 shall determine an equitable minimum amount of funds for each region,
34 and shall distribute the remainder of funds on a competitive basis.

35 (7) The board may waive or modify portions of the allocation
36 procedures and standards adopted under this section in the award of
37 grants or loans to conform to legislative appropriations directing an
38 alternative award procedure or when the funds to be awarded are from
39 federal or other sources requiring other allocation procedures or

1 standards as a condition of the board's receipt of the funds. The
2 board shall develop an integrated process to manage the allocation of
3 funding from federal and state sources to minimize delays in the award
4 of funding while recognizing the differences in state and legislative
5 appropriation timing.

6 **Sec. 103.** RCW 75.46.180 and 1999 1st sp.s. c 13 s 6 are each
7 amended to read as follows:

8 (1) Habitat project lists shall be submitted to the salmon recovery
9 funding board for funding by January 1st and July 1st of each year
10 beginning in 2000. The board shall provide the legislature with a list
11 of the proposed projects and a list of the projects funded by October
12 1st of each year beginning in 2000 for informational purposes.

13 (2) The interagency committee for outdoor recreation shall track
14 all funds allocated for salmon habitat projects and salmon recovery
15 activities on behalf of the board, including both funds allocated by
16 the board and funds allocated by other state or federal agencies for
17 salmon recovery or water quality improvement.

18 (3) Beginning in December 2000, the board shall provide a biennial
19 report to the governor and the legislature on salmon recovery
20 expenditures. This report shall be coordinated with the state of the
21 salmon report required under RCW 75.46.030 (as recodified by this act).

22 **Sec. 104.** RCW 75.48.100 and 1983 1st ex.s. c 46 s 170 are each
23 amended to read as follows:

24 The bonds authorized by this chapter shall be issued only after the
25 director has certified, based upon reasonable estimates and data
26 provided to the department, that sufficient revenues will be available
27 from sport and commercial salmon license sales and from salmon fees and
28 taxes to meet the requirements of RCW 75.48.080 (as recodified by this
29 act) during the life of the bonds.

30 **Sec. 105.** RCW 75.50.080 and 1997 c 389 s 5 are each amended to
31 read as follows:

32 Regional fisheries enhancement groups, consistent with the long-
33 term regional policy statements developed under RCW 75.50.020 (as
34 recodified by this act), shall seek to:

35 (1) Enhance the salmon and steelhead resources of the state;

- 1 (2) Maximize volunteer efforts and private donations to improve the
2 salmon and steelhead resources for all citizens;
- 3 (3) Assist the department in achieving the goal to double the
4 state-wide salmon and steelhead catch by the year 2000; and
- 5 (4) Develop projects designed to supplement the fishery enhancement
6 capability of the department.

7 **Sec. 106.** RCW 75.50.100 and 1998 c 245 s 155 and 1998 c 191 s 27
8 are each reenacted and amended to read as follows:

9 The dedicated regional fisheries enhancement group account is
10 created in the custody of the state treasurer. Only the commission or
11 the commission's designee may authorize expenditures from the account.
12 The account is subject to allotment procedures under chapter 43.88 RCW,
13 but no appropriation is required for expenditures.

14 A portion of each recreational fishing license fee shall be used as
15 provided in RCW 77.32.440. A surcharge of one hundred dollars shall be
16 collected on each commercial salmon fishery license, each salmon
17 delivery license, and each salmon charter license sold in the state.
18 All receipts shall be placed in the regional fisheries enhancement
19 group account and shall be used exclusively for regional fisheries
20 enhancement group projects for the purposes of RCW 75.50.110 (as
21 recodified by this act). Funds from the regional fisheries enhancement
22 group account shall not serve as replacement funding for department
23 operated salmon projects that exist on January 1, 1991.

24 All revenue from the department's sale of salmon carcasses and eggs
25 that return to group facilities shall be deposited in the regional
26 fisheries enhancement group account for use by the regional fisheries
27 enhancement group that produced the surplus. The commission shall
28 adopt rules to implement this section pursuant to chapter 34.05 RCW.

29 **Sec. 107.** RCW 75.50.105 and 1997 c 389 s 2 are each amended to
30 read as follows:

31 The department may provide start-up funds to regional fisheries
32 enhancement groups for costs associated with any enhancement project.
33 The regional fisheries enhancement group advisory board and the
34 (~~department~~) commission shall develop guidelines for providing funds
35 to the regional fisheries enhancement groups.

1 **Sec. 108.** RCW 75.50.110 and 1995 1st sp.s. c 2 s 40 and 1995 c 367
2 s 5 are each reenacted and amended to read as follows:

3 (1) A regional fisheries enhancement group advisory board is
4 established to make recommendations to the commission. The members
5 shall be appointed by the commission and consist of two commercial
6 fishing representatives, two recreational fishing representatives, and
7 three at-large positions. At least two of the advisory board members
8 shall be members of a regional fisheries enhancement group. Advisory
9 board members shall serve three-year terms. The advisory board
10 membership shall include two members serving ex officio to be
11 nominated, one through the Northwest Indian fisheries commission, and
12 one through the Columbia river intertribal fish commission. The chair
13 of the regional fisheries enhancement group advisory board shall be
14 elected annually by members of the regional fisheries enhancement
15 (~~(group)~~) group advisory board. The advisory board shall meet at
16 least quarterly. All meetings of the advisory board shall be open to
17 the public under the open public meetings act, chapter 42.30 RCW.

18 The department shall invite the advisory board to comment and
19 provide input into all relevant policy initiatives, including, but not
20 limited to, wild stock, hatcheries, and habitat restoration efforts.

21 (2) Members shall not be compensated but shall receive
22 reimbursement for travel expenses in accordance with RCW 43.03.050 and
23 43.03.060.

24 (3) The department may use account funds to provide agency
25 assistance to the groups, to provide professional, administrative or
26 clerical services to the advisory board, or to implement the training
27 and technical (~~(assistance)~~) assistance services plan as developed by
28 the advisory board pursuant to RCW 75.50.115 (as recodified by this
29 act). The level of account funds used by the department shall be
30 determined by the commission after review of recommendation by the
31 regional fisheries enhancement group advisory board and shall not
32 exceed twenty percent of annual contributions to the account.

33 **Sec. 109.** RCW 75.50.115 and 1998 c 96 s 1 are each amended to read
34 as follows:

35 (1) The regional fisheries enhancement group advisory board shall:

36 (a) Assess the training and technical assistance needs of the
37 regional fisheries enhancement groups;

1 (b) Develop a training and technical assistance services plan in
2 order to provide timely, topical technical assistance and training
3 services to regional fisheries enhancement groups. The plan shall be
4 provided to the director and to the senate and house of representatives
5 natural resources committees no later than October 1, 1995, and shall
6 be updated not less than every year. The advisory board shall provide
7 ample opportunity for the public and interested parties to participate
8 in the development of the plan. The plan shall include but is not
9 limited to:

10 (i) Establishment of an information clearinghouse service that is
11 readily available to regional fisheries enhancement groups. The
12 information clearinghouse shall collect, collate, and make available a
13 broad range of information on subjects that affect the development,
14 implementation, and operation of diverse fisheries and habitat
15 enhancement projects. The information clearinghouse service may
16 include periodical news and informational bulletins;

17 (ii) An ongoing program in order to provide direct, on-site
18 technical assistance and services to regional fisheries enhancement
19 groups. The advisory board shall assist regional fisheries enhancement
20 groups in soliciting federal, state, and local agencies, tribal
21 governments, institutions of higher education, and private business for
22 the purpose of providing technical assistance and services to regional
23 fisheries enhancement group projects; and

24 (iii) A cost estimate for implementing the plan;

25 (c) Propose a budget to the director for operation of the advisory
26 board and implementation of the technical assistance plan;

27 (d) Make recommendations to the director regarding regional
28 enhancement group project proposals and funding of those proposals; and

29 (e) Establish criteria for the redistribution of unspent project
30 funds for any regional enhancement group that has a year ending balance
31 exceeding one hundred thousand dollars.

32 (2) The regional fisheries enhancement group advisory board may:

33 (a) Facilitate resolution of disputes between regional fisheries
34 enhancement groups and the department;

35 (b) Promote community and governmental partnerships that enhance
36 the salmon resource and habitat;

37 (c) Promote environmental ethics and watershed stewardship;

38 (d) Advocate for watershed management and restoration;

1 (e) Coordinate regional fisheries enhancement group workshops and
2 training;

3 (f) Monitor and evaluate regional fisheries enhancement projects;

4 (g) Provide guidance to regional fisheries enhancement groups; and

5 (h) Develop recommendations to the director to address identified
6 impediments to the success of regional fisheries enhancement groups.

7 (3)(a) The regional fisheries enhancement group advisory board
8 shall develop recommendations for limitations on the amount of overhead
9 that a regional fisheries enhancement group may charge from each of the
10 following categories of funding provided to the group:

11 (i) Federal funds;

12 (ii) State funds;

13 (iii) Local funds; and

14 (iv) Private donations.

15 (b) The advisory board shall develop recommendations for
16 limitations on the number and salary of paid employees that are
17 employed by a regional fisheries enhancement group. The regional
18 fisheries enhancement group advisory board shall adhere to the founding
19 principles for regional groups that emphasize the volunteer nature of
20 the groups, maximization of field-related fishery resource benefits,
21 and minimization of overhead.

22 (c) The advisory board shall evaluate and make recommendations for
23 the limitation or elimination of commissions, finders fees, or other
24 reimbursements to regional fisheries enhancement group employees.

25 ~~((d) The regional fisheries enhancement group advisory board shall
26 report to the appropriate legislative committees by January 1, 1999, on
27 the board recommendations for overhead limitations, paid employee
28 limitations, and commission limitations for regional fisheries
29 enhancement groups.))~~

30 **Sec. 110.** RCW 75.50.160 and 1997 c 389 s 6 are each amended to
31 read as follows:

32 The department and the department of transportation shall convene
33 a fish passage barrier removal task force. The task force shall
34 consist of one representative each from the department, the department
35 of transportation, the department of ecology, tribes, cities, counties,
36 a business organization, an environmental organization, regional
37 fisheries enhancement groups, and other interested entities as deemed
38 appropriate by the cochairs. The persons representing the department

1 and the department of transportation shall serve as cochairs of the
2 task force and shall appoint members to the task force. The task force
3 shall make recommendations to expand the program in RCW 75.50.170 (as
4 recodified by this act) to identify and expedite the removal of human-
5 made or caused impediments to anadromous fish passage in the most
6 efficient manner practical. Program recommendations shall include a
7 funding mechanism and other necessary mechanisms to coordinate and
8 prioritize state, tribal, local, and volunteer efforts within each
9 water resource inventory area. A priority shall be given to projects
10 that immediately increase access to available and improved spawning and
11 rearing habitat for depressed, threatened, and endangered stocks. The
12 department or the department of transportation may contract with cities
13 and counties to assist in the identification and removal of impediments
14 to anadromous fish passage.

15 ~~((A report on the recommendations to develop a program to identify~~
16 ~~and remove fish passage barriers and any additional legislative action~~
17 ~~needed to implement the program shall be submitted to the appropriate~~
18 ~~standing committees of the legislature no later than December 1,~~
19 ~~1997.))~~

20 **Sec. 111.** RCW 75.52.020 and 1993 sp.s. c 2 s 50 are each amended
21 to read as follows:

22 Unless the context clearly requires otherwise, the definitions in
23 this section apply throughout this chapter.

24 (1) "Volunteer group" means any person or group of persons
25 interested in or party to an agreement with the department relating to
26 a cooperative fish or wildlife project.

27 (2) "Cooperative project" means a project conducted by a volunteer
28 group that will benefit the fish, shellfish, game bird, nongame
29 wildlife, or game animal resources of the state and for which the
30 benefits of the project, including fish and wildlife reared and
31 released, are available to all citizens of the state. Indian tribes
32 may elect to participate in cooperative fish and wildlife projects with
33 the department.

34 ~~((3) "Department" means the department of fish and wildlife.))~~

35 **Sec. 112.** RCW 75.52.050 and 1995 1st sp.s. c 2 s 42 are each
36 amended to read as follows:

37 The commission shall establish by rule:

1 (1) The procedure for entering a cooperative agreement and the
2 application forms for a permit to release fish or wildlife required by
3 RCW 75.08.295 (~~or 77.16.150~~) (as recodified by this act). The
4 procedure shall indicate the information required from the volunteer
5 group as well as the process of review by the department. The process
6 of review shall include the means to coordinate with other agencies and
7 Indian tribes when appropriate and to coordinate the review of any
8 necessary hydraulic permit approval applications.

9 (2) The procedure for providing within forty-five days of receipt
10 of a proposal a written response to the volunteer group indicating the
11 date by which an acceptance or rejection of the proposal can be
12 expected, the reason why the date was selected, and a written summary
13 of the process of review. The response should also include any
14 suggested modifications to the proposal which would increase its
15 likelihood of approval and the date by which such modified proposal
16 could be expected to be accepted. If the proposal is rejected, the
17 department must provide in writing the reasons for rejection. The
18 volunteer group may request the director or the director's designee to
19 review information provided in the response.

20 (3) The priority of the uses to which eggs, seed, juveniles, or
21 brood stock are put. Use by cooperative projects shall be second in
22 priority only to the needs of programs of the department or of other
23 public agencies within the territorial boundaries of the state. Sales
24 of eggs, seed, juveniles, or brood stock have a lower priority than use
25 for cooperative projects.

26 (4) The procedure for (~~notice in writing to a volunteer group of~~
27 ~~cause to revoke~~) the director to notify a volunteer group that the
28 agreement for the project is being revoked for cause and the procedure
29 for revocation. Revocation shall be documented in writing to the
30 volunteer group. Cause for revocation may include: (a) The
31 unavailability of adequate biological or financial resources; (b) the
32 development of unacceptable biological or resource management
33 conflicts; or (c) a violation of agreement provisions. Notice of cause
34 to revoke for a violation of agreement provisions may specify a
35 reasonable period of time within which the volunteer group must comply
36 with any violated provisions of the agreement.

37 (5) An appropriate method of distributing among volunteer groups
38 fish, bird, or animal food or other supplies available for the program.

1 **Sec. 113.** RCW 75.52.070 and 1984 c 72 s 7 are each amended to read
2 as follows:

3 (1) The volunteer group shall:

4 (a) Provide care and diligence in conducting the cooperative
5 project; and

6 (b) Maintain accurately the required records of the project on
7 forms provided by the department.

8 (2) The volunteer group shall acknowledge that fish and game reared
9 in cooperative projects are public property and must be handled and
10 released for the benefit of all citizens of the state. The fish and
11 game are to remain public property until reduced to private ownership
12 under rules of the ((department)) commission.

13 **Sec. 114.** RCW 75.52.100 and 1993 sp.s. c 2 s 52 are each amended
14 to read as follows:

15 A salmon spawning channel shall be constructed on the Cedar river
16 with the assistance and cooperation of the department. The department
17 shall use existing personnel and the volunteer fisheries enhancement
18 program outlined under chapter 75.52 RCW (as recodified by this act) to
19 assist in the planning, construction, and operation of the spawning
20 channel.

21 **Sec. 115.** RCW 75.52.110 and 1998 c 245 s 156 are each amended to
22 read as follows:

23 The department shall chair a technical committee, which shall
24 review the preparation of enhancement plans and construction designs
25 for a Cedar river sockeye spawning channel. The technical committee
26 shall consist of not more than eight members: One representative each
27 from the department, national marine fisheries service, United States
28 fish and wildlife service, and Muckleshoot Indian tribe; and four
29 representatives from the public utility described in RCW 75.52.130 (as
30 recodified by this act). The technical committee will be guided by a
31 policy committee, also to be chaired by the department, which shall
32 consist of not more than six members: One representative from the
33 department, one from the Muckleshoot Indian tribe, and one from either
34 the national marine fisheries service or the United States fish and
35 wildlife service; and three representatives from the public utility
36 described in RCW 75.52.130 (as recodified by this act). The policy
37 committee shall oversee the operation and evaluation of the spawning

1 channel. The policy committee will continue its oversight until the
2 policy committee concludes that the channel is meeting the production
3 goals specified in RCW 75.52.120 (as recodified by this act).

4 **Sec. 116.** RCW 75.52.130 and 1989 c 85 s 6 are each amended to read
5 as follows:

6 The legislature recognizes that, if funding for planning, design,
7 evaluation, construction, and operating expenses is provided by a
8 public utility that diverts water for beneficial public use, and if the
9 performance of the spawning channel meets the production goals
10 described in RCW 75.52.120 (as recodified by this act), the spawning
11 channel project will serve, at a minimum, as compensation for lost
12 sockeye salmon spawning habitat upstream of the Landsburg diversion.
13 The amount of funding to be supplied by (~~said~~) the utility will fully
14 fund the total cost of planning, design, evaluation, and construction
15 of the spawning channel.

16 **Sec. 117.** RCW 75.52.140 and 1989 c 85 s 7 are each amended to read
17 as follows:

18 In order to provide operation and maintenance funds for the
19 facility authorized by RCW 75.52.100 through 75.52.160 (as recodified
20 by this act), the utility shall place two million five hundred thousand
21 dollars in the state general fund Cedar river channel construction and
22 operation account herein created. The interest from the fund shall be
23 used for operation and maintenance of the spawning channel and any
24 unused interest shall be added to the fund to increase the principal to
25 cover possible future operation cost increases. The state treasurer
26 may invest funds from the account as provided by law.

27 **Sec. 118.** RCW 75.52.160 and 1993 sp.s. c 2 s 54 are each amended
28 to read as follows:

29 Should the requirements of RCW 75.52.100 through 75.52.160 (as
30 recodified by this act) not be met, the department shall seek immediate
31 legal clarification of the steps which must be taken to fully mitigate
32 water diversion projects on the Cedar river.

33 **Sec. 119.** RCW 75.54.140 and 1998 c 191 s 28 are each amended to
34 read as follows:

1 As provided in RCW 77.32.440, a portion of each saltwater and
2 combination fishing license fee shall be deposited in the recreational
3 fisheries enhancement account created in RCW 75.54.150 (as recodified
4 by this act).

5 **Sec. 120.** RCW 75.54.150 and 1993 sp.s. c 2 s 98 are each amended
6 to read as follows:

7 The recreational fisheries enhancement account is created in the
8 state treasury. All receipts from RCW 75.54.140 (as recodified by this
9 act) shall be deposited into the account. Moneys in the account may be
10 spent only after appropriation. Expenditures from the account may be
11 used only for recreational fisheries enhancement programs.

12 **Sec. 121.** RCW 75.56.050 and 1998 c 60 s 2 are each amended to read
13 as follows:

14 (1) A pilot program for steelhead recovery is established in Clark,
15 Cowlitz, Lewis, Skamania, and Wahkiakum counties within the habitat
16 area classified as evolutionarily significant unit 4 by the federal
17 national marine fisheries service. The management board created under
18 subsection (2) of this section is responsible for implementing the
19 habitat portion of the approved steelhead recovery initiative and is
20 empowered to receive and disburse funds for the approved steelhead
21 recovery initiative. The management board created pursuant to this
22 section shall constitute the (~~regional council for this area~~
23 ~~responsible for fulfilling the requirements and exercising the powers~~
24 ~~of a regional council under chapter 246, Laws of 1998~~) lead entity and
25 the committee established under RCW 75.46.060 (as recodified by this
26 act) responsible for fulfilling the requirements and exercising powers
27 under this chapter.

28 (2) A management board consisting of fifteen voting members is
29 created within evolutionarily significant unit 4. The members shall
30 consist of one county commissioner or designee from each of the five
31 participating counties selected by each county legislative authority;
32 one member representing the cities contained within evolutionarily
33 significant unit 4 as a voting member selected by the cities in
34 evolutionarily significant unit 4; a representative of the Cowlitz
35 Tribe appointed by the tribe; one state legislator elected from one of
36 the legislative districts contained within evolutionarily significant
37 unit 4 selected by that group of state legislators representing the

1 area; five representatives to include at least one member who
2 represents private property interests appointed by the five county
3 commissioners or designees; one hydro utility representative nominated
4 by hydro utilities and appointed by the five county commissioners or
5 designees; and one representative nominated from the environmental
6 community who resides in evolutionarily significant unit 4 appointed by
7 the five county commissioners or designees. The board shall appoint
8 and consult a technical advisory committee, which shall include four
9 representatives of state agencies one each appointed by the directors
10 of the departments of ecology, fish and wildlife, and transportation,
11 and the commissioner of public lands. The board may also appoint
12 additional persons to the technical advisory committee as needed. The
13 chair of the board shall be selected from among the five county
14 commissioners or designees and the legislator on the board. In making
15 appointments under this subsection, the county commissioners shall
16 consider recommendations of interested parties. Vacancies shall be
17 filled in the same manner as the original appointments were selected.
18 No action may be brought or maintained against any management board
19 member, the management board, or any of its agents, officers, or
20 employees for any noncontractual acts or omissions in carrying out the
21 purposes of this section.

22 (3)(a) The management board shall participate in the development of
23 a recovery plan to implement its responsibilities under (b) of this
24 subsection. The management board shall consider local watershed
25 efforts and activities as well as habitat conservation plans in the
26 implementation of the recovery plan. Any of the participating counties
27 may continue its own efforts for restoring steelhead habitat. Nothing
28 in this section limits the authority of units of local government to
29 enter into interlocal agreements under chapter 39.34 RCW or any other
30 provision of law.

31 (b) The management board is responsible for implementing the
32 habitat portions of the local government responsibilities of the lower
33 Columbia steelhead conservation initiative approved by the state and
34 the national marine fisheries service. The management board may work
35 in cooperation with the state and the national marine fisheries service
36 to modify the initiative, or to address habitat for other aquatic
37 species that may be subsequently listed under the federal endangered
38 species act. The management board may not exercise authority over land

1 or water within the individual counties or otherwise preempt the
2 authority of any units of local government.

3 (c) The management board shall prioritize as appropriate and
4 approve projects and programs related to the recovery of lower Columbia
5 river steelhead runs, including the funding of those projects and
6 programs, and coordinate local government efforts as prescribed in the
7 recovery plan. The management board shall establish criteria for
8 funding projects and programs based upon their likely value in
9 steelhead recovery. The management board may consider local economic
10 impact among the criteria, but jurisdictional boundaries and factors
11 related to jurisdictional population may not be considered as part of
12 the criteria.

13 (d) The management board shall assess the factors for decline along
14 each prioritized stream as listed in the lower Columbia steelhead
15 conservation initiative. The management board is encouraged to take a
16 stream-by-stream approach in conducting the assessment which utilizes
17 state and local expertise, including volunteer groups, interest groups,
18 and affected units of local government.

19 (4) The management board has the authority to hire and fire staff,
20 including an executive director, enter into contracts, accept grants
21 and other moneys, disburse funds, make recommendations to cities and
22 counties about potential code changes and the development of programs
23 and incentives upon request, pay all necessary expenses, and may choose
24 a fiduciary agent. The management board shall report on its progress
25 on a quarterly basis to the legislative bodies of the five
26 participating counties and the state natural resource-related agencies.
27 The management board shall prepare a final report at the conclusion of
28 the pilot program describing its efforts and successes in implementing
29 the habitat portion of the lower Columbia steelhead conservation
30 initiative. The final report shall be transmitted to the appropriate
31 committees of the legislature, the legislative bodies of the
32 participating counties, and the state natural resource-related
33 agencies.

34 (5) The pilot program terminates on July 1, 2002.

35 (6) For purposes of this section, "evolutionarily significant unit"
36 means the habitat area identified for an evolutionarily significant
37 unit of an aquatic species listed or proposed for listing as a
38 threatened or endangered species under the federal endangered species
39 act (16 U.S.C. Sec. 1531 et seq.).

1 **Sec. 122.** RCW 75.58.010 and 1998 c 190 s 110 are each amended to
2 read as follows:

3 (1) The director of agriculture and the director shall jointly
4 develop a program of disease inspection and control for aquatic farmers
5 as defined in RCW 15.85.020. The program shall be administered by the
6 department under rules established under this section. The purpose of
7 the program is to protect the aquaculture industry and wildstock
8 fisheries from a loss of productivity due to aquatic diseases or
9 maladies. As used in this section "diseases" means, in addition to its
10 ordinary meaning, infestations of parasites or pests. The disease
11 program may include, but is not limited to, the following elements:

12 (a) Disease diagnosis;

13 (b) Import and transfer requirements;

14 (c) Provision for certification of stocks;

15 (d) Classification of diseases by severity;

16 (e) Provision for treatment of selected high-risk diseases;

17 (f) Provision for containment and eradication of high-risk
18 diseases;

19 (g) Provision for destruction of diseased cultured aquatic
20 products;

21 (h) Provision for quarantine of diseased cultured aquatic products;

22 (i) Provision for coordination with state and federal agencies;

23 (j) Provision for development of preventative or control measures;

24 (k) Provision for cooperative consultation service to aquatic
25 farmers; and

26 (l) Provision for disease history records.

27 (2) The commission shall adopt rules implementing this section.
28 However, such rules shall have the prior approval of the director of
29 agriculture and shall provide therein that the director of agriculture
30 has provided such approval. The director of agriculture or the
31 director's designee shall attend the rule-making hearings conducted
32 under chapter 34.05 RCW and shall assist in conducting those hearings.
33 The authorities granted the department by these rules and by RCW
34 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030,
35 and 75.58.040 (as recodified by this act) constitute the only
36 authorities of the department to regulate private sector cultured
37 aquatic products and aquatic farmers as defined in RCW 15.85.020.
38 Except as provided in subsection (3) of this section, no action may be
39 taken against any person to enforce these rules unless the department

1 has first provided the person an opportunity for a hearing. In such a
2 case, if the hearing is requested, no enforcement action may be taken
3 before the conclusion of that hearing.

4 (3) The rules adopted under this section shall specify the
5 emergency enforcement actions that may be taken by the department, and
6 the circumstances under which they may be taken, without first
7 providing the affected party with an opportunity for a hearing.
8 Neither the provisions of this subsection nor the provisions of
9 subsection (2) of this section shall preclude the department from
10 requesting the initiation of criminal proceedings for violations of the
11 disease inspection and control rules.

12 (4) A person shall not violate the rules adopted under subsection
13 (2) or (3) of this section or violate RCW 75.58.040 (as recodified by
14 this act).

15 (5) In administering the program established under this section,
16 the department shall use the services of a pathologist licensed to
17 practice veterinary medicine.

18 (6) The director in administering the program shall not place
19 constraints on or take enforcement actions in respect to the
20 aquaculture industry that are more rigorous than those placed on the
21 department or other fish-rearing entities.

22 **Sec. 123.** RCW 75.58.020 and 1993 sp.s. c 2 s 56 are each amended
23 to read as follows:

24 The directors of agriculture and fish and wildlife shall jointly
25 adopt by rule, in the manner prescribed in RCW 75.58.010(2) (as
26 recodified by this act), a schedule of user fees for the disease
27 inspection and control program established under RCW 75.58.010 (as
28 recodified by this act). The fees shall be established such that the
29 program shall be entirely funded by revenues derived from the user fees
30 by the beginning of the 1987-89 biennium.

31 There is established in the state treasury an account known as the
32 aquaculture disease control account which is subject to appropriation.
33 Proceeds of fees charged under this section shall be deposited in the
34 account. Moneys from the account shall be used solely for
35 administering the disease inspection and control program established
36 under RCW 75.58.010 (as recodified by this act).

1 (8) RCW 75.25.090 (Personal use fishing licenses--Fees) and 1993 c
2 215 s 1, 1989 c 305 s 5, & 1987 c 87 s 1;

3 (9) RCW 75.25.160 (Recreational licenses--Penalties) and 1989 c 305
4 s 15, 1987 c 87 s 8, 1984 c 80 s 10, 1983 1st ex.s. c 46 s 100, & 1977
5 ex.s. c 327 s 16;

6 (10) RCW 75.25.210 (Duplicate licenses, permits, tags, stamps, and
7 catch record cards--Fees) and 1994 c 255 s 9;

8 (11) RCW 75.28.012 (Licensing districts--Created) and 1993 c 20 s
9 3, 1983 1st ex.s. c 46 s 102, 1971 ex.s. c 283 s 2, & 1957 c 171 s 1;

10 (12) RCW 75.28.335 (Wholesale fish dealers--Additional penalties)
11 and 1985 c 248 s 8; and

12 (13) RCW 75.30.160 (Whiting license required in designated areas)
13 and 1998 c 190 s 103, 1993 c 340 s 38, & 1986 c 198 s 6.

14 **Recodified Sections**

15 NEW SECTION. **Sec. 126.** RCW 75.08.012, 75.08.013, 75.08.020,
16 75.08.090, and 75.08.110 are each recodified as sections in chapter
17 77.04 RCW.

18 NEW SECTION. **Sec. 127.** RCW 75.08.025, 75.08.040, 75.08.045,
19 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120,
20 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255,
21 75.08.265, 75.08.285, 75.08.295, and 75.08.300 are each recodified as
22 sections in chapter 77.12 RCW.

23 NEW SECTION. **Sec. 128.** RCW 75.12.010, 75.12.015, 75.12.040,
24 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390,
25 75.12.440, and 75.12.650 are each recodified as sections in a new
26 chapter in Title 77 RCW.

27 NEW SECTION. **Sec. 129.** RCW 75.20.005, 75.20.015, 75.20.025,
28 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098,
29 75.20.100, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108,
30 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170,
31 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330,
32 75.20.340, 75.20.350, and 77.12.830 are each recodified as sections in
33 a new chapter added to Title 77 RCW.

1 NEW SECTION. **Sec. 130.** RCW 75.24.010, 75.24.030, 75.24.060,
2 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120,
3 75.24.130, 75.24.140, and 75.24.150 are each recodified as sections in
4 a new chapter in Title 77 RCW.

5 NEW SECTION. **Sec. 131.** RCW 75.28.010, 75.28.011, 75.28.014,
6 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044,
7 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095,
8 75.28.110, 75.28.113, 75.28.114, 75.28.116, 75.28.120, 75.28.125,
9 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295,
10 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328,
11 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730,
12 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900,
13 77.32.191, 77.32.197, 77.32.199, and 77.32.211 are each recodified as
14 sections in a new chapter in Title 77 RCW.

15 NEW SECTION. **Sec. 132.** RCW 75.30.015, 75.30.021, 75.30.050,
16 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120,
17 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210,
18 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270,
19 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330,
20 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410,
21 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470,
22 75.30.480, 75.30.490, and 75.30.500 are each recodified as sections in
23 a new chapter in Title 77 RCW.

24 NEW SECTION. **Sec. 133.** A new chapter is added to Title 77 RCW and
25 is named "Compacts and other agreements." The following sections are
26 recodified under the following subchapter headings:

27 (1) "Columbia river compact" as follows:

28 RCW 75.40.010; and

29 RCW 75.40.020.

30 (2) "Pacific marine fisheries compact" as follows:

31 RCW 75.40.030; and

32 RCW 75.40.040.

33 (3) "Coastal ecosystems compact" as follows:

34 RCW 75.40.100; and

35 RCW 75.40.110.

36 (4) "Wildlife violator compact" as follows:

1 RCW 77.17.010;

2 RCW 77.17.020; and

3 RCW 77.17.030.

4 (5) "Snake river boundary" as follows:

5 RCW 77.12.450;

6 RCW 77.12.470;

7 RCW 77.12.480; and

8 RCW 77.12.490.

9 (6) "Miscellaneous" as follows:

10 RCW 75.40.060;

11 RCW 77.12.430; and

12 RCW 77.12.440.

13 NEW SECTION. **Sec. 134.** RCW 75.44.100, 75.44.110, 75.44.120,
14 75.44.130, 75.44.140, and 75.44.150 are each recodified as sections in
15 a new chapter in Title 77 RCW.

16 NEW SECTION. **Sec. 135.** RCW 75.46.005, 75.46.010, 75.46.030,
17 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090,
18 75.46.100, 75.46.110, 75.46.120, 75.46.150, 75.46.160, 75.46.170,
19 75.46.180, 75.46.190, 75.46.200, 75.46.210, 75.46.300, 75.46.350,
20 75.56.050, and 75.46.900 are each recodified as sections in a new
21 chapter in Title 77 RCW.

22 NEW SECTION. **Sec. 136.** RCW 75.48.020, 75.48.040, 75.48.050,
23 75.48.060, 75.48.070, 75.48.080, 75.48.100, and 75.48.110 are each
24 recodified as sections in a new chapter in Title 77 RCW.

25 NEW SECTION. **Sec. 137.** RCW 75.50.010, 75.50.020, 75.50.030,
26 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100,
27 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150,
28 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245,
29 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450,
30 75.08.500, 75.08.510, 75.08.520, 75.08.530, and 75.50.900 are each
31 recodified as sections in a new chapter in Title 77 RCW.

32 NEW SECTION. **Sec. 138.** RCW 75.52.010, 75.52.020, 75.52.030,
33 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047,
34 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140,

1 75.52.150, 75.52.160, and 75.52.900 are each recodified as sections in
2 a new chapter in Title 77 RCW.

3 NEW SECTION. **Sec. 139.** RCW 75.54.005, 75.54.010, 75.54.020,
4 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080,
5 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140,
6 75.54.150, 75.54.900, and 75.54.901 are each recodified as sections in
7 a new chapter in Title 77 RCW.

8 NEW SECTION. **Sec. 140.** RCW 75.56.010, 75.56.020, 75.56.030,
9 75.56.040, 75.56.900, and 75.56.905 are each recodified as sections in
10 a new chapter in Title 77 RCW.

11 NEW SECTION. **Sec. 141.** RCW 75.58.010, 75.58.020, 75.58.030, and
12 75.58.040 are each recodified as sections in a new chapter in Title 77
13 RCW.

14 NEW SECTION. **Sec. 142.** RCW 75.25.092 is recodified as a new
15 section in chapter 77.32 RCW.

16 NEW SECTION. **Sec. 143.** RCW 75.10.150 is recodified as a new
17 section in chapter 77.15 RCW.

18 NEW SECTION. **Sec. 144.** RCW 75.25.901, 75.25.902, 75.30.055,
19 75.98.005, 75.98.006, 75.98.007, and 75.98.030 are each decodified.

20 **PART II**
21 **TITLE 77**
22 **Amendments**

23 **Sec. 201.** RCW 77.04.010 and 1990 c 84 s 1 are each amended to read
24 as follows:

25 This title is known and may be cited as "Fish and Wildlife Code of
26 the State of Washington."

27 **Sec. 202.** RCW 77.04.020 and 1996 c 267 s 32 are each amended to
28 read as follows:

29 The department consists of the state fish and wildlife commission
30 and the director. (~~The director is responsible for the administration~~

1 ~~and operation of the department, subject to the provisions of this~~
2 ~~title.)) The commission may delegate to the director any of the powers~~
3 ~~and duties vested in the commission. ((The director shall perform the~~
4 ~~duties prescribed by law and shall carry out the basic goals and~~
5 ~~objectives prescribed under RCW 77.04.055.))~~

6 **Sec. 203.** RCW 77.04.030 and 1994 c 264 s 52 are each amended to
7 read as follows:

8 The fish and wildlife commission consists of nine registered voters
9 of the state. In January of each odd-numbered year, the governor shall
10 appoint with the advice and consent of the senate two registered voters
11 to the commission to serve for terms of six years from that January or
12 until their successors are appointed and qualified. If a vacancy
13 occurs on the commission prior to the expiration of a term, the
14 governor shall appoint a registered voter within sixty days to complete
15 the term. Three members shall be residents of that portion of the
16 state lying east of the summit of the Cascade mountains, and three
17 shall be residents of that portion of the state lying west of the
18 summit of the Cascade mountains. Three additional members shall be
19 appointed at-large (~~effective July 1, 1993; one of whom shall serve a~~
20 ~~one and one-half year term to end December 31, 1994; one of whom shall~~
21 ~~serve a three and one-half year term to end December 31, 1996; and one~~
22 ~~of whom shall serve a five and one-half year term to end December 31,~~
23 ~~1998. Thereafter all members are to serve a six-year term)). No two
24 members may be residents of the same county. The legal office of the
25 commission is at the administrative office of the department in
26 Olympia.~~

27 **Sec. 204.** RCW 77.04.055 and 1995 1st sp.s. c 2 s 4 are each
28 amended to read as follows:

29 (1) In establishing policies to preserve, protect, and perpetuate
30 wildlife, fish, and wildlife and fish habitat, the commission shall
31 meet annually with the governor to:

32 (a) Review and prescribe basic goals and objectives related to
33 those policies; and

34 (b) Review the performance of the department in implementing fish
35 and wildlife policies.

1 The commission shall maximize fishing, hunting, and outdoor
2 recreational opportunities compatible with healthy and diverse fish and
3 wildlife populations.

4 (2) The commission shall establish hunting, trapping, and fishing
5 seasons and prescribe the time, place, manner, and methods that may be
6 used to harvest or enjoy game fish and wildlife.

7 (3) The commission shall establish provisions regulating food fish
8 and shellfish as provided in RCW 75.08.080 (as recodified by this act).

9 (4) The commission shall have final approval authority for tribal,
10 interstate, international, and any other department agreements relating
11 to fish and wildlife.

12 (5) The commission shall adopt rules to implement the state's fish
13 and wildlife laws.

14 (6) The commission shall have final approval authority for the
15 department's budget proposals.

16 (7) The commission shall select its own staff and shall appoint the
17 director of the department. The director and commission staff shall
18 serve at the pleasure of the commission.

19 **Sec. 205.** RCW 77.04.080 and 1995 1st sp.s. c 2 s 5 are each
20 amended to read as follows:

21 Persons eligible for appointment as director shall have practical
22 knowledge of the habits and distribution of fish and wildlife. The
23 director shall supervise the administration and operation of the
24 department and perform the duties prescribed by law and delegated by
25 the commission. The director shall carry out the basic goals and
26 objectives prescribed under RCW 77.04.055. The director may appoint
27 and employ necessary personnel. The director may delegate, in writing,
28 to department personnel the duties and powers necessary for efficient
29 operation and administration of the department.

30 Only persons having general knowledge of the fisheries and wildlife
31 resources and of the commercial and recreational fishing industry in
32 this state are eligible for appointment as director. The director
33 shall not have a financial interest in the fishing industry or a
34 directly related industry. The director shall receive the salary fixed
35 by the governor under RCW 43.03.040.

36 The director is the ex officio secretary of the commission and
37 shall attend its meetings and keep a record of its business.

1 (~~The director may appoint and employ necessary departmental~~
2 ~~personnel. The director may delegate to department personnel the~~
3 ~~duties and powers necessary for efficient operation and administration~~
4 ~~of the department.~~)

5 **Sec. 206.** RCW 77.04.100 and 1993 sp.s. c 2 s 65 are each amended
6 to read as follows:

7 The director shall develop proposals to reinstate the natural
8 salmon and steelhead trout fish runs in the Tilton and upper Cowlitz
9 rivers in accordance with RCW 75.08.020(3) (as recodified by this act).

10 **Sec. 207.** RCW 77.08.010 and 1998 c 190 s 111 are each amended to
11 read as follows:

12 As used in this title (~~or Title 75 RCW~~) or rules adopted
13 (~~pursuant to those~~) under this title(~~s~~), unless the context clearly
14 requires otherwise:

15 (1) "Director" means the director of fish and wildlife.

16 (2) "Department" means the department of fish and wildlife.

17 (3) "Commission" means the state fish and wildlife commission.

18 (4) "Person" means and includes an individual(~~(s)~~); a
19 corporation(~~(s)~~); a public or private entity or organization; a local,
20 state, or federal agency; all business organizations, including
21 corporations and partnerships; or a group of two or more individuals
22 acting with a common purpose whether acting in an individual,
23 representative, or official capacity.

24 (5) "Fish and wildlife officer" means a person appointed and
25 commissioned by the director, with authority to enforce (~~laws~~) this
26 title and rules adopted pursuant to this title, and other statutes as
27 prescribed by the legislature. Fish and wildlife officer includes a
28 person commissioned before June 11, 1998, as a wildlife agent or a
29 fisheries patrol officer.

30 (6) "Ex officio fish and wildlife officer" means a commissioned
31 officer of a municipal, county, state, or federal agency having as its
32 primary function the enforcement of criminal laws in general, while the
33 officer is in the appropriate jurisdiction. The term "ex officio fish
34 and wildlife officer" includes special agents of the national marine
35 fisheries service, state parks commissioned officers, United States
36 fish and wildlife special agents, department of natural resources

1 enforcement officers, and United States forest service officers, while
2 the agents and officers are within their respective jurisdictions.

3 (7) "To hunt" and its derivatives means an effort to kill, injure,
4 capture, or harass a wild animal or wild bird.

5 (8) "To trap" and its derivatives means a method of hunting using
6 devices to capture wild animals or wild birds.

7 (9) "To fish," "to harvest," and "to take," and ~~((its))~~ their
8 derivatives means an effort to kill, injure, harass, or catch a fish or
9 shellfish.

10 (10) "Open season" means those times, manners of taking, and places
11 or waters established by rule of the commission for the lawful hunting,
12 fishing, taking, or possession of game animals, game birds, ~~((or))~~ game
13 fish, food fish, or shellfish that conform to the special restrictions
14 or physical descriptions established by rule of the commission or that
15 have otherwise been deemed legal to hunt, fish, take, or possess by
16 rule of the commission. "Open season" includes the first and last days
17 of the established time.

18 (11) "Closed season" means all times, manners of taking, and places
19 or waters other than those established by rule of the commission as an
20 open season. "Closed season" also means all hunting, fishing, taking,
21 or possession of game animals, game birds, or game fish that do not
22 conform to the special restrictions or physical descriptions
23 established by rule of the commission as an open season or that have
24 not otherwise been deemed legal to hunt, fish, take, or possess by rule
25 of the commission as an open season.

26 (12) "Closed area" means a place where the hunting of some species
27 of wild animals or wild birds is prohibited.

28 (13) "Closed waters" means all or part of a lake, river, stream, or
29 other body of water, where fishing for game fish is prohibited.

30 (14) "Game reserve" means a closed area where hunting for all wild
31 animals and wild birds is prohibited.

32 (15) "Bag limit" means the maximum number of game animals, game
33 birds, or game fish which may be taken, caught, killed, or possessed by
34 a person, as specified by rule of the commission for a particular
35 period of time, or as to size, sex, or species.

36 (16) "Wildlife" means all species of the animal kingdom whose
37 members exist in Washington in a wild state. This includes but is not
38 limited to mammals, birds, reptiles, amphibians, fish, and
39 invertebrates. The term "wildlife" does not include feral domestic

1 mammals, old world rats and mice of the family Muridae of the order
2 Rodentia (~~((old world rats and mice))~~), or those fish, shellfish, and
3 marine invertebrates classified as food fish or shellfish by the
4 director. The term "wildlife" includes all stages of development and
5 the bodily parts of wildlife members.

6 (17) "Wild animals" means those species of the class Mammalia whose
7 members exist in Washington in a wild state and the species Rana
8 catesbeiana (bullfrog). The term "wild animal" does not include feral
9 domestic mammals or old world rats and mice of the family Muridae of
10 the order Rodentia (~~((old world rats and mice))~~).

11 (18) "Wild birds" means those species of the class Aves whose
12 members exist in Washington in a wild state.

13 (19) "Protected wildlife" means wildlife designated by the
14 commission that shall not be hunted or fished.

15 (20) "Endangered species" means wildlife designated by the
16 commission as seriously threatened with extinction.

17 (21) "Game animals" means wild animals that shall not be hunted
18 except as authorized by the commission.

19 (22) "Fur-bearing animals" means game animals that shall not be
20 trapped except as authorized by the commission.

21 (23) "Game birds" means wild birds that shall not be hunted except
22 as authorized by the commission.

23 (24) "Predatory birds" means wild birds that may be hunted
24 throughout the year as authorized by the commission.

25 (25) "Deleterious exotic wildlife" means species of the animal
26 kingdom not native to Washington and designated as dangerous to the
27 environment or wildlife of the state.

28 (26) "Game farm" means property on which wildlife is held or raised
29 for commercial purposes, trade, or gift. The term "game farm" does not
30 include publicly owned facilities.

31 (27) "Person of disability" means a permanently disabled person who
32 is not ambulatory without the assistance of a wheelchair, crutches, or
33 similar devices.

34 (28) "Fish" includes all species classified as game fish or food
35 fish by statute or rule, as well as all fin fish not currently
36 classified as food fish or game fish if such species exist in state
37 waters. The term "fish" includes all stages of development and the
38 bodily parts of fish species.

1 (29) "Raffle" means an activity in which tickets bearing an
2 individual number are sold for not more than twenty-five dollars each
3 and in which a permit or permits are awarded to hunt or for access to
4 hunt big game animals or wild turkeys on the basis of a drawing from
5 the tickets by the person or persons conducting the raffle.

6 (30) "Youth" means a person fifteen years old for fishing and under
7 sixteen years old for hunting.

8 (31) "Senior" means a person seventy years old or older.

9 (32) "License year" means the period of time for which a
10 recreational license is valid. The license year begins April 1st, and
11 ends March 31st.

12 (33) "Saltwater" means those marine waters seaward of river mouths.

13 (34) "Freshwater" means all waters not defined as saltwater
14 including, but not limited to, rivers upstream of the river mouth,
15 lakes, ponds, and reservoirs.

16 (35) "State waters" means all marine waters and fresh waters within
17 ordinary high water lines and within the territorial boundaries of the
18 state.

19 (36) "Offshore waters" means marine waters of the Pacific Ocean
20 outside the territorial boundaries of the state, including the marine
21 waters of other states and countries.

22 (37) "Concurrent waters of the Columbia river" means those waters
23 of the Columbia river that coincide with the Washington-Oregon state
24 boundary.

25 (38) "Resident" means a person who has maintained a permanent place
26 of abode within the state for at least ninety days immediately
27 preceding an application for a license, has established by formal
28 evidence an intent to continue residing within the state, and who is
29 not licensed to hunt or fish as a resident in another state.

30 (39) "Nonresident" means a person who has not fulfilled the
31 qualifications of a resident.

32 (40) "Shellfish" means those species of marine and freshwater
33 invertebrates that have been classified and that shall not be taken
34 except as authorized by rule of the commission. The term "shellfish"
35 includes all stages of development and the bodily parts of shellfish
36 species.

37 (41) "Commercial" means related to or connected with buying,
38 selling, or bartering. Fishing for food fish or shellfish with gear
39 unlawful for fishing for personal use, or possessing food fish or

1 shellfish in excess of the limits permitted for personal use are
2 commercial activities.

3 (42) "To process" and its derivatives mean preparing or preserving
4 food fish or shellfish.

5 (43) "Personal use" means for the private use of the individual
6 taking the food fish or shellfish and not for sale or barter.

7 (44) "Angling gear" means a line attached to a rod and reel capable
8 of being held in hand while landing the fish or a hand-held line
9 operated without rod or reel.

10 (45) "Fishery" means the taking of one or more particular species
11 of food fish or shellfish with particular gear in a particular
12 geographical area.

13 (46) "Limited-entry license" means a license subject to a license
14 limitation program established in chapter 75.30 RCW (as recodified by
15 this act).

16 (47) "Seaweed" means marine aquatic plant species that are
17 dependent upon the marine aquatic or tidal environment, and exist in
18 either an attached or free floating form, and includes but is not
19 limited to marine aquatic plants in the classes Chlorophyta,
20 Phaeophyta, and Rhodophyta.

21 (48) "Trafficking" means offering, attempting to engage, or
22 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
23 deleterious exotic wildlife.

24 NEW SECTION. Sec. 208. A new section is added to chapter 77.08
25 RCW to read as follows:

26 "Food fish" means those species of the classes Osteichthyes,
27 Agnatha, and Chondrichthyes that have been classified and that shall
28 not be fished for except as authorized by rule of the commission. The
29 term "food fish" includes all stages of development and the bodily
30 parts of food fish species.

31 NEW SECTION. Sec. 209. A new section is added to chapter 77.08
32 RCW to read as follows:

33 "Salmon" means all species of the genus *Oncorhynchus*, except those
34 classified as game fish in RCW 77.08.020, and includes:

35	Scientific Name	Common Name
36	<i>Oncorhynchus tshawytscha</i>	Chinook salmon

1	Oncorhynchus kisutch	Coho salmon
2	Oncorhynchus keta	Chum salmon
3	Oncorhynchus gorbusha	Pink salmon
4	Oncorhynchus nerka	Sockeye salmon

5 **Sec. 210.** RCW 77.12.010 and 1985 c 438 s 1 are each amended to
6 read as follows:

7 ~~((Wildlife is the property of the state. The department shall
8 preserve, protect, and perpetuate wildlife. Game animals, game birds,
9 and game fish may be taken only at times or places, or in manners or
10 quantities as in the judgment of the commission maximizes public
11 recreational opportunities without impairing the supply of wildlife.))~~

12 The commission shall not adopt rules that categorically prohibit
13 fishing with bait or artificial lures in streams, rivers, beaver ponds,
14 and lakes except that the commission may adopt rules and regulations
15 restricting fishing methods upon a determination by the director that
16 an individual body of water or part thereof clearly requires a fishing
17 method prohibition to conserve or enhance the fisheries resource or to
18 provide selected fishing alternatives. ~~((The commission shall attempt
19 to maximize the public recreational fishing opportunities of all
20 citizens, particularly juvenile, handicapped, and senior citizens.~~

21 ~~Nothing contained herein shall be construed to infringe on the
22 right of a private property owner to control the owner's private
23 property.))~~

24 **Sec. 211.** RCW 77.12.035 and 1995 c 370 s 1 are each amended to
25 read as follows:

26 The ~~((department))~~ commission shall protect grizzly bears and
27 develop management programs on publicly owned lands that will encourage
28 the natural regeneration of grizzly bears in areas with suitable
29 habitat. Grizzly bears shall not be transplanted or introduced into
30 the state. Only grizzly bears that are native to Washington state may
31 be utilized by the department for management programs. The department
32 is directed to fully participate in all discussions and negotiations
33 with federal and state agencies relating to grizzly bear management and
34 shall fully communicate, support, and implement the policies of this
35 section.

1 **Sec. 212.** RCW 77.12.055 and 1998 c 190 s 112 are each amended to
2 read as follows:

3 (1) Fish and wildlife officers and ex officio fish and wildlife
4 officers shall enforce this title, (~~Title 75 RCW,~~) rules of the
5 department, and other statutes as prescribed by the legislature.
6 However, when acting within the scope of these duties and when an
7 offense occurs in the presence of the fish and wildlife officer who is
8 not an ex officio fish and wildlife officer, the fish and wildlife
9 officer may enforce all criminal laws of the state. The fish and
10 wildlife officer must have successfully completed the basic law
11 enforcement academy course sponsored by the criminal justice training
12 commission, or a course approved by the department and the criminal
13 justice training commission and provided by the department or the
14 criminal justice training commission, prior to enforcing the criminal
15 laws of the state.

16 (2) Fish and wildlife officers are peace officers.

17 (3) Any liability or claim of liability under chapter 4.92 RCW that
18 arises out of the exercise or alleged exercise of authority by a fish
19 and wildlife officer rests with the department unless the fish and
20 wildlife officer acts under the direction and control of another agency
21 or unless the liability is otherwise assumed under an agreement between
22 the department and another agency.

23 (4) Fish and wildlife officers may serve and execute warrants and
24 processes issued by the courts.

25 (5) Fish and wildlife officers may enforce RCW 79.01.805 and
26 79.01.810.

27 (6) Fish and wildlife officers are authorized to enforce all
28 provisions of chapter 88.02 RCW and any rules adopted under that
29 chapter, and the provisions of RCW 79A.05.310 and any rules adopted
30 under that section.

31 (7) To enforce the laws of this title (~~and Title 75 RCW~~), fish
32 and wildlife officers may call to their aid any ex officio fish and
33 wildlife officer or citizen and that person shall render aid.

34 **Sec. 213.** RCW 77.12.080 and 1998 c 190 s 114 are each amended to
35 read as follows:

36 Fish and wildlife officers and ex officio fish and wildlife
37 officers may arrest without warrant persons found violating the law or
38 rules adopted pursuant to this title (~~and Title 75 RCW~~).

1 **Sec. 214.** RCW 77.12.090 and 1998 c 190 s 115 are each amended to
2 read as follows:

3 Fish and wildlife officers and ex officio fish and wildlife
4 officers may make a reasonable search without warrant of a vessel,
5 (~~container, or~~) conveyances, vehicles, containers, packages, (~~game~~
6 ~~baskets, game coats,~~) or other receptacles for fish and wildlife(~~(, or~~
7 ~~tents, camps, or similar places)~~) which they have reason to believe
8 contain evidence of a violation of law or rules adopted pursuant to
9 this title (~~or Title 75 RCW~~) and seize evidence as needed for law
10 enforcement. This authority does not extend to quarters in a boat,
11 building, or other property used exclusively as a private domicile,
12 does not extend to transitory residences in which a person has a
13 reasonable expectation of privacy, and does not allow search and
14 seizure without a warrant if the thing or place is protected from
15 search without warrant within the meaning of Article I, section 7 of
16 the state Constitution. Seizure of property as evidence of a crime
17 does not preclude seizure of the property (~~if authorized~~) for
18 forfeiture as authorized by law.

19 **Sec. 215.** RCW 77.12.103 and 1993 sp.s. c 2 s 68 are each amended
20 to read as follows:

21 (1) (~~The burden of proof of any exemption or exception to seizure~~
22 ~~or forfeiture of personal property involved with wildlife offenses is~~
23 ~~upon the person claiming it.~~

24 (2)) An authorized state, county, or municipal officer may be
25 subject to civil liability under RCW (~~77.12.101~~) 77.15.070 for
26 willful misconduct or gross negligence in the performance of his or her
27 duties.

28 (~~3~~) (2) The director, the fish and wildlife commission, or the
29 department may be subject to civil liability for their willful or
30 reckless misconduct in matters involving the seizure and forfeiture of
31 personal property involved with fish or wildlife offenses.

32 **Sec. 216.** RCW 77.12.170 and 1998 c 191 s 38 and 1998 c 87 s 2 are
33 each reenacted and amended to read as follows:

34 (1) There is established in the state treasury the state wildlife
35 fund which consists of moneys received from:

36 (a) Rentals or concessions of the department;

1 (b) The sale of real or personal property held for department
2 purposes;

3 (c) The sale of licenses, permits, tags, stamps, and punchcards
4 required by this title, except annual resident adult saltwater and all
5 shellfish licenses, which shall be deposited into the state general
6 fund;

7 (d) Fees for informational materials published by the department;

8 (e) Fees for personalized vehicle license plates as provided in
9 chapter 46.16 RCW;

10 (f) Articles or wildlife sold by the director under this title;

11 (g) Compensation for damage to department property or wildlife
12 losses or contributions, gifts, or grants received under RCW 77.12.320
13 or 77.32.380;

14 (h) Excise tax on anadromous game fish collected under chapter
15 82.27 RCW;

16 (i) The sale of personal property seized by the department for food
17 fish, shellfish, or wildlife violations; and

18 (j) The department's share of revenues from auctions and raffles
19 authorized by the commission.

20 (2) State and county officers receiving any moneys listed in
21 subsection (1) of this section shall deposit them in the state treasury
22 to be credited to the state wildlife fund.

23 **Sec. 217.** RCW 77.12.204 and 1993 sp.s. c 4 s 6 are each amended to
24 read as follows:

25 The department of fish and wildlife shall implement practices
26 necessary to meet the standards developed under RCW 79.01.295 on
27 agency-owned and managed agricultural and grazing lands. The standards
28 may be modified on a site-specific basis as necessary and as determined
29 by the department of (~~fisheries or~~) fish and wildlife, for species
30 that these agencies respectively manage, to achieve the goals
31 established under RCW 79.01.295(1). Existing lessees shall be provided
32 an opportunity to participate in any site-specific field review.
33 Department agricultural and grazing leases issued after December 31,
34 1994, shall be subject to practices to achieve the standards that meet
35 those developed pursuant to RCW 79.01.295.

36 This section shall in no way prevent the department of fish and
37 wildlife from managing its lands (~~to accomplish its statutory mandate~~
38 ~~pursuant to RCW 77.12.010, nor shall it prevent the department from~~

1 ~~managing its lands~~) according to the provisions of RCW 75.08.012,
2 77.12.210, or rules adopted pursuant to this chapter.

3 **Sec. 218.** RCW 77.12.210 and 1987 c 506 s 30 are each amended to
4 read as follows:

5 The director shall maintain and manage real or personal property
6 owned, leased, or held by the department and shall control the
7 construction of buildings, structures, and improvements in or on the
8 property. The director may adopt rules for the operation and
9 maintenance of the property.

10 The commission may authorize the director to sell, lease, convey,
11 or grant concessions upon real or personal property under the control
12 of the department. This includes the authority to sell timber, gravel,
13 sand, and other materials or products from real property held by the
14 department (~~and may authorize the director~~), and to sell or lease the
15 department's real or personal property or grant concessions or rights
16 of way for roads or utilities in the property. Oil and gas resources
17 owned by the state which lie below lands owned, leased, or held by the
18 department shall be offered for lease by the commissioner of public
19 lands pursuant to chapter 79.14 RCW with the proceeds being deposited
20 in the state wildlife fund: PROVIDED, That the commissioner of public
21 lands shall condition such leases at the request of the department to
22 protect wildlife and its habitat.

23 If the commission determines that real or personal property held by
24 the department cannot be used advantageously by the department, the
25 director may dispose of that property if it is in the public interest.

26 If the state acquired real property with use limited to specific
27 purposes, the director may negotiate terms for the return of the
28 property to the donor or grantor. Other real property shall be sold to
29 the highest bidder at public auction. After appraisal, notice of the
30 auction shall be published at least once a week for two successive
31 weeks in a newspaper of general circulation within the county where the
32 property is located at least twenty days prior to sale.

33 Proceeds from the sales shall be deposited in the state wildlife
34 fund.

35 **Sec. 219.** RCW 77.12.220 and 1987 c 506 s 31 are each amended to
36 read as follows:

1 For purposes of this title, the commission may make agreements to
2 obtain real or personal property or to transfer or convey property held
3 by the state to the United States or its agencies or instrumentalities,
4 (~~political subdivisions~~) units of local government of this state,
5 public service companies, or other persons, if in the judgment of the
6 commission and the attorney general the transfer and conveyance is
7 consistent with public interest. For purposes of this section, "local
8 government" means any city, town, county, special district, municipal
9 corporation, or quasi-municipal corporation.

10 If the commission agrees to a transfer or conveyance under this
11 section or to a sale or return of real property under RCW 77.12.210,
12 the director shall certify, with the attorney general, to the governor
13 that the agreement has been made. The certification shall describe the
14 real property. The governor then may execute and the secretary of
15 state attest and deliver to the appropriate entity or person the
16 instrument necessary to fulfill the agreement.

17 **Sec. 220.** RCW 77.12.250 and 1980 c 78 s 42 are each amended to
18 read as follows:

19 The director, (~~wildlife agents~~) fish and wildlife officers, ex
20 officio (~~wildlife agents~~) fish and wildlife officers, and department
21 employees may enter upon lands or waters and remain there while
22 performing their duties without liability for trespass. It is lawful
23 for aircraft operated by the department to land and take off from
24 beaches or waters of the state.

25 **Sec. 221.** RCW 77.12.315 and 1987 c 506 s 40 are each amended to
26 read as follows:

27 If the director determines that a severe problem exists in an area
28 of the state because deer and elk are being pursued, harassed, attacked
29 or killed by dogs, the director may declare by emergency rule that an
30 emergency exists and specify the area where it is lawful for fish and
31 wildlife (~~agents~~) officers to take into custody or destroy the dogs
32 if necessary. Fish and wildlife (~~agents~~) officers who take into
33 custody or destroy a dog pursuant to this section are immune from civil
34 or criminal liability arising from their actions.

35 **Sec. 222.** RCW 77.12.470 and 1980 c 78 s 63 are each amended to
36 read as follows:

1 To enforce RCW 77.12.480 and 77.12.490 (as recodified by this act),
2 courts in the counties contiguous to the boundary waters, fish and
3 wildlife (~~(agents)~~) officers, and ex officio fish and wildlife
4 (~~(agents)~~) officers have jurisdiction over the boundary waters to the
5 furthestmost shoreline. This jurisdiction is concurrent with the courts
6 and law enforcement officers of Idaho.

7 **Sec. 223.** RCW 77.12.480 and 1980 c 78 s 64 are each amended to
8 read as follows:

9 The taking of wildlife from the boundary waters or islands of the
10 Snake river shall be in accordance with the wildlife laws of the
11 respective states. Fish and wildlife (~~(agents)~~) officers and ex
12 officio fish and wildlife (~~(agents)~~) officers shall honor the license
13 of either state and the right of the holder to take wildlife from the
14 boundary waters and islands in accordance with the laws of the state
15 issuing the license.

16 **Sec. 224.** RCW 77.12.490 and 1980 c 78 s 65 are each amended to
17 read as follows:

18 The purpose of RCW 77.12.450 through 77.12.490 (as recodified by
19 this act) is to avoid the conflict, confusion, and difficulty of
20 locating the state boundary in or on the boundary waters and islands of
21 the Snake river. These sections do not allow the holder of a
22 Washington license to fish or hunt on the shoreline, sloughs, or
23 tributaries on the Idaho side, nor allow the holder of an Idaho license
24 to fish or hunt on the shoreline, sloughs, or tributaries on the
25 Washington side.

26 **Sec. 225.** RCW 77.12.610 and 1982 c 155 s 1 are each amended to
27 read as follows:

28 The purposes of RCW 77.12.610 through 77.12.630 (~~(and 77.16.610)~~)
29 are to facilitate the department's gathering of biological data for
30 managing wildlife, fish, and shellfish resources of this state and to
31 protect (~~(wildlife)~~) these resources by assuring compliance with Title
32 77 RCW, and rules adopted thereunder, in a manner designed to minimize
33 inconvenience to the public.

34 **Sec. 226.** RCW 77.12.620 and 1982 c 155 s 2 are each amended to
35 read as follows:

1 The department is authorized to require hunters and fishermen
2 occupying a motor vehicle approaching or entering a check station to
3 stop and produce for inspection: (1) Any wildlife, fish, shellfish, or
4 seaweed in their possession; (2) licenses, permits, tags, stamps, or
5 (~~punchcards~~) catch record cards, required under Title 77 RCW, or
6 rules adopted thereunder. For these purposes, the department is
7 authorized to operate check stations which shall be plainly marked by
8 signs, operated by at least one uniformed fish and wildlife (~~agent~~)
9 officer, and operated in a safe manner.

10 **Sec. 227.** RCW 77.12.630 and 1982 c 155 s 4 are each amended to
11 read as follows:

12 The powers conferred by RCW 77.12.610 through 77.12.630 (~~and~~
13 ~~77.16.610~~) are in addition to all other powers conferred by law upon
14 the department. Nothing in RCW 77.12.610 through 77.12.630 (~~and~~
15 ~~77.16.610~~) shall be construed to prohibit the department from
16 operating wildlife information stations at which persons shall not be
17 required to stop and report, or from executing arrests, searches, or
18 seizures otherwise authorized by law.

19 **Sec. 228.** RCW 77.12.655 and 1990 c 84 s 3 are each amended to read
20 as follows:

21 The department, in accordance with chapter 34.05 RCW, shall adopt
22 and enforce necessary rules defining the extent and boundaries of
23 habitat buffer zones for bald eagles. Rules shall take into account
24 the need for variation of the extent of the zone from case to case, and
25 the need for protection of bald eagles. The rules shall also establish
26 guidelines and priorities for purchase or trade and establishment of
27 conservation easements and/or leases to protect such designated
28 properties. The department shall also adopt rules to provide adequate
29 notice to property owners of their options under RCW 77.12.650
30 (~~through 77.12.655~~) and this section.

31 **Sec. 229.** RCW 77.12.830 and 1997 c 425 s 3 are each amended to
32 read as follows:

33 (1) Beginning in January 1998, the department of fish and wildlife
34 and the department of natural resources shall implement a habitat
35 incentives program based on the recommendations of federally recognized
36 Indian tribes, landowners, the regional fisheries enhancement groups,

1 the timber, fish, and wildlife cooperators, and other interested
2 parties. The program shall allow a private landowner to enter into an
3 agreement with the departments to enhance habitat on the landowner's
4 property for food fish, game fish, or other wildlife species. In
5 exchange, the landowner shall receive state regulatory certainty with
6 regard to future applications for hydraulic project approval or a
7 forest practices permit on the property covered by the agreement. The
8 overall goal of the program is to provide a mechanism that facilitates
9 habitat development on private property while avoiding an adverse state
10 regulatory impact to the landowner at some future date. A single
11 agreement between the departments and a landowner may encompass up to
12 one thousand acres. A landowner may enter into multiple agreements
13 with the departments, provided that the total acreage covered by such
14 agreements with a single landowner does not exceed ten thousand acres.
15 The departments are not obligated to enter into an agreement unless the
16 departments find that the agreement is in the best interest of
17 protecting fish or wildlife species or their habitat.

18 (2) A habitat incentives agreement shall be in writing and shall
19 contain at least the following: A description of the property covered
20 by the agreement, an expiration date, a description of the condition of
21 the property prior to the implementation of the agreement, and other
22 information needed by the landowner and the departments for future
23 reference and decisions.

24 (3) As part of the agreement, the department of fish and wildlife
25 may stipulate the factors that will be considered when the department
26 evaluates a landowner's application for hydraulic project approval
27 under RCW 75.20.100 or 75.20.103 (as recodified by this act) on
28 property covered by the agreement. The department's identification of
29 these evaluation factors shall be in concurrence with the department of
30 natural resources and affected federally recognized Indian tribes. In
31 general, future decisions related to the issuance, conditioning, or
32 denial of hydraulic project approval shall be based on the conditions
33 present on the landowner's property at the time of the agreement,
34 unless all parties agree otherwise.

35 (4) As part of the agreement, the department of natural resources
36 may stipulate the factors that will be considered when the department
37 evaluates a landowner's application for a forest practices permit under
38 chapter 76.09 RCW on property covered by the agreement. The
39 department's identification of these evaluation factors shall be in

1 concurrence with the department of fish and wildlife and affected
2 federally recognized Indian tribes. In general, future decisions
3 related to the issuance, conditioning, or denial of forest practices
4 permits shall be based on the conditions present on the landowner's
5 property at the time of the agreement, unless all parties agree
6 otherwise.

7 (5) The agreement is binding on and may be used by only the
8 landowner who entered into the agreement with the department. The
9 agreement shall not be appurtenant with the land. However, if a new
10 landowner chooses to maintain the habitat enhancement efforts on the
11 property, the new landowner and the departments may jointly choose to
12 retain the agreement on the property.

13 (6) If the departments receive multiple requests for agreements
14 with private landowners under the habitat incentives program, the
15 departments shall prioritize these requests and shall enter into as
16 many agreements as possible within available budgetary resources.

17 **Sec. 230.** RCW 77.12.858 and 1999 c 342 s 6 are each amended to
18 read as follows:

19 All receipts from the salmon stamp program created under RCW
20 77.12.850 through 77.12.860 must be deposited into the regional
21 fisheries enhancement salmonid recovery account created under RCW
22 75.50.125 (as recodified by this act). Expenditures from the account
23 may be used only for the purposes specified in RCW 75.50.125 (as
24 recodified by this act) and chapter 342, Laws of 1999. The department
25 shall report biennially to the legislature on the amount of money the
26 salmon stamp program has generated.

27 **Sec. 231.** RCW 77.15.070 and 1998 c 190 s 69 are each amended to
28 read as follows:

29 (1) Fish and wildlife officers and ex officio fish and wildlife
30 officers may seize without warrant boats, airplanes, vehicles,
31 motorized implements, conveyances, gear, appliances, or other articles
32 they have probable cause to believe have been held with intent to
33 violate or used in violation of this ((chapter)) title or rule of the
34 commission or director. However, fish and wildlife officers or ex
35 officio fish and wildlife officers may not seize any item or article,
36 other than for evidence, if under the circumstances, it is reasonable
37 to conclude that the violation was inadvertent. The property seized is

1 subject to forfeiture to the state under this section regardless of
2 ownership. Property seized may be recovered by its owner by depositing
3 into court a cash bond equal to the value of the seized property but
4 not more than twenty-five thousand dollars. Such cash bond is subject
5 to forfeiture in lieu of the property. Forfeiture of property seized
6 under this section is a civil forfeiture against property and is
7 intended to be a remedial civil sanction.

8 (2) In the event of a seizure of property under this section,
9 jurisdiction to begin the forfeiture proceedings shall commence upon
10 seizure. Within fifteen days following the seizure, the seizing
11 authority shall serve a written notice of intent to forfeit property on
12 the owner of the property seized and on any person having any known
13 right or interest in the property seized. Notice may be served by any
14 method authorized by law or court rule, including service by certified
15 mail with return receipt requested. Service by mail is deemed complete
16 upon mailing within the fifteen-day period following the seizure.

17 (3) Persons claiming a right of ownership or right to possession of
18 property are entitled to a hearing to contest forfeiture. Such a claim
19 shall specify the claim of ownership or possession and shall be made in
20 writing and served on the director within forty-five days of the
21 seizure. If the seizing authority has complied with notice
22 requirements and there is no claim made within forty-five days, then
23 the property shall be forfeited to the state.

24 (4) If any person timely serves the director with a claim to
25 property, the person shall be afforded an opportunity to be heard as to
26 the person's claim or right. The hearing shall be before the director
27 or director's designee, or before an administrative law judge appointed
28 under chapter 34.12 RCW, except that a person asserting a claim or
29 right may remove the matter to a court of competent jurisdiction if the
30 aggregate value of the property seized is more than five thousand
31 dollars.

32 (5) The hearing to contest forfeiture and any subsequent appeal
33 shall be as provided for in (~~Title 34 RCW~~) chapter 34.05 RCW, the
34 administrative procedure act. The seizing authority has the burden to
35 demonstrate that it had reason to believe the property was held with
36 intent to violate or was used in violation of this title or rule of the
37 commission or director. The person contesting forfeiture has the
38 burden of production and proof by a preponderance of evidence that the
39 person owns or has a right to possess the property and:

1 (a) That the property was not held with intent to violate or used
2 in violation of this title (~~(or Title 75 RCW)~~); or

3 (b) If the property is a boat, airplane, or vehicle, that the
4 illegal use or planned illegal use of the boat, airplane, or vehicle
5 occurred without the owner's knowledge or consent, and that the owner
6 acted reasonably to prevent illegal uses of such boat, airplane, or
7 vehicle.

8 (6) A forfeiture of a conveyance encumbered by a perfected security
9 interest is subject to the interest of the secured party if the secured
10 party neither had knowledge (~~(of)~~) of nor consented to the act or
11 omission. No security interest in seized property may be perfected
12 after seizure.

13 (7) If seized property is forfeited under this section the
14 department may retain it for official use unless the property is
15 required to be destroyed, or upon application by any law enforcement
16 agency of the state, release such property to the agency for the use of
17 enforcing this title, or sell such property, and deposit the proceeds
18 to the wildlife fund, as provided for in RCW 77.12.170.

19 NEW SECTION. **Sec. 232.** A new section is added to chapter 77.15
20 RCW to read as follows:

21 Fish and wildlife officers and ex officio fish and wildlife
22 officers may seize without a warrant wildlife, fish, and shellfish they
23 have probable cause to believe have been taken, transported, or
24 possessed in violation of this title or rule of the commission or
25 director.

26 **Sec. 233.** RCW 77.15.080 and 1998 c 190 s 113 are each amended to
27 read as follows:

28 Based upon articulable facts that a person is engaged in fishing or
29 hunting activities, fish and wildlife officers have the authority to
30 temporarily stop the person and check for valid licenses, tags,
31 permits, stamps, or catch record cards, and to inspect all fish and
32 wildlife in possession as well as the equipment being used to ensure
33 compliance with the requirements of this title (~~(and Title 75 RCW)~~).

34 **Sec. 234.** RCW 77.15.090 and 1998 c 190 s 117 are each amended to
35 read as follows:

1 On a showing of probable cause that there has been a violation of
2 any fish or wildlife law of the state of Washington, or upon a showing
3 of probable cause to believe that evidence of such violation may be
4 found at a place, a court shall issue a search warrant or arrest
5 warrant. Fish and wildlife officers may execute any such arrest or
6 search warrant reasonably necessary to their duties under this title
7 (~~or Title 75 RCW~~) and may seize fish and wildlife or any evidence of
8 a crime and the fruits or instrumentalities of a crime as provided by
9 warrant. The court may have a building, enclosure, vehicle, vessel,
10 container, or receptacle opened or entered and the contents examined.

11 **Sec. 235.** RCW 77.15.100 and 1998 c 190 s 63 are each amended to
12 read as follows:

13 (1) Unless otherwise provided in this title (~~or Title 75 RCW~~),
14 fish, shellfish, or wildlife unlawfully taken or possessed, or involved
15 in a violation shall be forfeited to the state upon conviction. Unless
16 already held by, sold, destroyed, or disposed of by the department, the
17 court shall order such fish or wildlife to be delivered to the
18 department. Where delay will cause loss to the value of the property
19 and a ready wholesale buying market exists, the department may sell
20 property to a wholesale buyer at a fair market value.

21 (2) (~~The department may use, sell, or destroy any other~~) When
22 seized property is forfeited ((by the court or)) to the department, the
23 department may retain it for official use unless the property is
24 required to be destroyed, or upon application by any law enforcement
25 agency of the state, release the property to the agency for the use of
26 enforcing this title, or sell such property and deposit the proceeds
27 into the state wildlife fund established under RCW 77.12.170. Any sale
28 of other property shall be at public auction or after public
29 advertisement reasonably designed to obtain the highest price. The
30 time, place, and manner of holding the sale shall be determined by the
31 director. The director may contract for the sale to be through the
32 department of general administration as state surplus property, or,
33 except where not justifiable by the value of the property, the director
34 shall publish notice of the sale once a week for at least two
35 consecutive weeks before the sale in at least one newspaper of general
36 circulation in the county in which the sale is to be held. ((Proceeds
37 of the sale shall be deposited in the state treasury to be credited to
38 the state wildlife fund.))

1 **Sec. 236.** RCW 77.15.120 and 1998 c 190 s 13 are each amended to
2 read as follows:

3 (1) A person is guilty of unlawful taking of endangered fish or
4 wildlife in the second degree if the person hunts, fishes, possesses,
5 maliciously harasses or kills fish or wildlife, or maliciously destroys
6 the nests or eggs of fish or wildlife and the fish or wildlife is
7 designated by the commission as endangered, and the taking has not been
8 authorized by rule of the commission.

9 (2) A person is guilty of unlawful taking of endangered fish or
10 wildlife in the first degree if the person has been:

11 (a) Convicted under subsection (1) of this section or convicted of
12 any crime under this title involving the killing, possessing,
13 harassing, or harming of endangered fish or wildlife; and

14 (b) Within five years of the date of the prior conviction the
15 person commits the act described by subsection (1) of this section.

16 (3)(a) Unlawful taking of endangered fish or wildlife in the second
17 degree is a gross misdemeanor.

18 (b) Unlawful taking of endangered fish or wildlife in the first
19 degree is a class C felony. The department shall revoke any licenses
20 or tags used in connection with the crime and order the person's
21 privileges to hunt, fish, trap, or obtain licenses under this title
22 (~~and Title 75 RCW~~) to be suspended for two years.

23 **Sec. 237.** RCW 77.15.160 and 1998 c 190 s 17 are each amended to
24 read as follows:

25 A person is guilty of an infraction, which shall be cited and
26 punished as provided under chapter 7.84 RCW, if the person:

27 (1) Fails to immediately record a catch of fish or shellfish on a
28 catch record card required by RCW (~~(75.25.190 or 77.32.050)~~) 77.32.430,
29 or required by rule of the commission under this title (~~or Title 75~~
30 ~~RCW~~)); or

31 (2) Fishes for personal use using barbed hooks in violation of any
32 rule; or

33 (3) Violates any other rule of the commission or director that is
34 designated by rule as an infraction.

35 NEW SECTION. **Sec. 238.** A new section is added to chapter 77.15
36 RCW to read as follows:

1 Any person who is damaged by any act prohibited in RCW 77.15.210
2 may bring a civil action to enjoin further violations, and recover
3 damages sustained, including a reasonable attorneys' fee. The trial
4 court may increase the award of damages to an amount not to exceed
5 three times the damages sustained. A party seeking civil damages under
6 this section may recover upon proof of a violation by a preponderance
7 of the evidence. The state of Washington may bring a civil action to
8 enjoin violations of this section.

9 **Sec. 239.** RCW 77.15.300 and 1998 c 190 s 52 are each amended to
10 read as follows:

11 (1) A person is guilty of unlawfully undertaking hydraulic project
12 activities if the person constructs any form of hydraulic project or
13 performs other work on a hydraulic project and:

14 (a) Fails to have a hydraulic project approval required under
15 chapter 75.20 RCW (as recodified by this act) for such construction or
16 work; or

17 (b) Violates any requirements or conditions of the hydraulic
18 project approval for such construction or work.

19 (2) Unlawfully undertaking hydraulic project activities is a gross
20 misdemeanor.

21 **Sec. 240.** RCW 77.15.310 and 1998 c 190 s 53 are each amended to
22 read as follows:

23 (1) A person is guilty of unlawful failure to use or maintain an
24 approved fish guard on a diversion device if the person owns, controls,
25 or operates a device used for diverting or conducting water from a
26 lake, river, or stream and:

27 (a) The device is not equipped with a fish guard, screen, or bypass
28 approved by the director as required by RCW 75.20.040 (as recodified by
29 this act) or 77.16.220; or

30 (b) The person knowingly fails to maintain or operate an approved
31 fish guard, screen, or bypass so as to effectively screen or prevent
32 fish from entering the intake.

33 (2) Unlawful failure to use or maintain an approved fish guard,
34 screen, or bypass on a diversion device is a gross misdemeanor.
35 Following written notification to the person from the department that
36 there is a violation, each day that a diversion device is operated

1 without an approved or maintained fish guard, screen, or bypass is a
2 separate offense.

3 **Sec. 241.** RCW 77.15.320 and 1998 c 190 s 54 are each amended to
4 read as follows:

5 (1) A person is guilty of unlawful failure to provide, maintain, or
6 operate a fishway for dam or other obstruction if the person owns,
7 operates, or controls a dam or other obstruction to fish passage on a
8 river or stream and:

9 (a) The dam or obstruction is not provided with a durable and
10 efficient fishway approved by the director as required by RCW 75.20.060
11 (as recodified by this act);

12 (b) Fails to maintain a fishway in efficient operating condition;
13 or

14 (c) Fails to continuously supply a fishway with a sufficient supply
15 of water to allow the free passage of fish.

16 (2) Unlawful failure to provide, maintain, or operate a fishway for
17 dam or other obstruction is a gross misdemeanor. Following written
18 notification to the person from the department that there is a
19 violation, each day of unlawful failure to provide, maintain, or
20 operate a fishway is a separate offense.

21 **Sec. 242.** RCW 77.15.350 and 1998 c 190 s 58 are each amended to
22 read as follows:

23 (1) A person is guilty of violating a rule regarding inspection and
24 disease control of aquatic farms if the person:

25 (a) Violates any rule adopted under chapter 75.58 RCW (as
26 recodified by this act) regarding the inspection and disease control
27 program for an aquatic farm; or

28 (b) Fails to register or report production from an aquatic farm as
29 required by chapter 75.58 RCW (as recodified by this act).

30 (2) A violation of a rule regarding inspection and disease control
31 of aquatic farms is a misdemeanor.

32 **Sec. 243.** RCW 77.15.360 and 1998 c 190 s 61 are each amended to
33 read as follows:

34 (1) A person is guilty of unlawful interfering in department
35 operations if the person prevents department employees from carrying
36 out duties authorized by this title (~~(or Title 75 RCW)~~), including but

1 not limited to interfering in the operation of department vehicles,
2 vessels, or aircraft.

3 (2) Unlawful interfering in department operations is a gross
4 misdemeanor.

5 **Sec. 244.** RCW 77.15.380 and 1998 c 190 s 18 are each amended to
6 read as follows:

7 (1) A person is guilty of unlawful recreational fishing in the
8 second degree if the person fishes for, takes, possesses, or harvests
9 fish or shellfish and:

10 (a) The person does not have and possess the license or the catch
11 record card required by chapter 75.25 (as recodified by this act) or
12 77.32 RCW for such activity; or

13 (b) The action violates any rule of the commission or the director
14 regarding seasons, bag or possession limits but less than two times the
15 bag or possession limit, closed areas, closed times, or any other rule
16 addressing the manner or method of fishing or possession of fish,
17 except for use of a net to take fish as provided for in RCW 77.15.580.

18 (2) Unlawful recreational fishing in the second degree is a
19 misdemeanor.

20 **Sec. 245.** RCW 77.15.390 and 1998 c 190 s 20 are each amended to
21 read as follows:

22 (1) A person is guilty of unlawful taking of seaweed if the person
23 takes, possesses, or harvests seaweed and:

24 (a) The person does not have and possess the license required by
25 chapter 75.25 RCW (as recodified by this act) for taking seaweed; or

26 (b) The action violates any rule of the department or the
27 department of natural resources regarding seasons, possession limits,
28 closed areas, closed times, or any other rule addressing the manner or
29 method of taking, possessing, or harvesting of seaweed.

30 (2) Unlawful taking of seaweed is a misdemeanor. This does not
31 affect rights of the state to recover civilly for trespass, conversion,
32 or theft of state-owned valuable materials.

33 **Sec. 246.** RCW 77.15.470 and 1998 c 190 s 29 are each amended to
34 read as follows:

35 (1) A person is guilty of unlawfully avoiding wildlife check
36 stations or field inspections if the person fails to:

- 1 (a) Obey check station signs;
- 2 (b) Stop and report at a check station if directed to do so by a
3 uniformed fish and wildlife officer; or
- 4 (c) Produce for inspection upon request by a fish and wildlife
5 officer: (i) Hunting or fishing equipment; (ii) seaweed, fish,
6 shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or
7 catch record cards required by this title (~~or Title 75 RCW~~).
- 8 (2) Unlawfully avoiding wildlife check stations or field
9 inspections is a gross misdemeanor.
- 10 (3) Wildlife check stations may not be established upon interstate
11 highways or state routes.

12 **Sec. 247.** RCW 77.15.480 and 1980 c 78 s 27 are each amended to
13 read as follows:

14 Articles or devices unlawfully used, possessed, or maintained for
15 catching, taking, killing, attracting, or decoying wildlife are public
16 nuisances. If necessary, fish and wildlife (~~agents~~) officers and ex
17 officio fish and wildlife (~~agents~~) officers may seize, abate, or
18 destroy these public nuisances without warrant or process.

19 **Sec. 248.** RCW 77.15.500 and 1998 c 190 s 35 are each amended to
20 read as follows:

21 (1) A person is guilty of commercial fishing without a license in
22 the second degree if the person fishes for, takes, or delivers food
23 fish, shellfish, or game fish while acting for commercial purposes and:

24 (a) The person does not hold a fishery license or delivery license
25 under chapter 75.28 RCW (as recodified by this act) for the food fish
26 or shellfish; or

27 (b) The person is not a licensed operator designated as an
28 alternate operator on a fishery or delivery license under chapter 75.28
29 RCW (as recodified by this act) for the food fish or shellfish.

30 (2) A person is guilty of commercial fishing without a license in
31 the first degree if the person commits the act described by subsection
32 (1) of this section and:

33 (a) The violation involves taking, delivery, or possession of food
34 fish or shellfish with a value of two hundred fifty dollars or more; or

35 (b) The violation involves taking, delivery, or possession of food
36 fish or shellfish from an area that was closed to the taking of such
37 food fish or shellfish by any statute or rule.

1 (3)(a) Commercial fishing without a license in the second degree is
2 a gross misdemeanor.

3 (b) Commercial fishing without a license in the first degree is a
4 class C felony.

5 **Sec. 249.** RCW 77.15.530 and 1998 c 190 s 38 are each amended to
6 read as follows:

7 (1) A person who holds a fishery license required by chapter 75.28
8 RCW (as recodified by this act), or who holds an operator's license and
9 is designated as an alternate operator on a fishery license required by
10 chapter 75.28 RCW (as recodified by this act), is guilty of unlawful
11 use of a nondesignated vessel if the person takes, fishes for, or
12 delivers from that fishery using a vessel not designated on the
13 person's license, when vessel designation is required by chapter 75.28
14 RCW (as recodified by this act).

15 (2) Unlawful use of a nondesignated vessel is a gross misdemeanor.

16 (3) A nondesignated vessel may be used, subject to appropriate
17 notification to the department and in accordance with rules established
18 by the commission, when a designated vessel is inoperative because of
19 accidental damage or mechanical breakdown.

20 (4) If the person commits the act described by subsection (1) of
21 this section and the vessel designated on the person's fishery license
22 was used by any person in the fishery on the same day, then the
23 violation for using a nondesignated vessel is a class C felony. Upon
24 conviction the department shall order revocation and suspension of all
25 commercial fishing privileges under chapter 75.28 RCW (as recodified by
26 this act) for a period of one year.

27 **Sec. 250.** RCW 77.15.540 and 1998 c 190 s 39 are each amended to
28 read as follows:

29 (1) A person who holds a fishery license required by chapter 75.28
30 RCW (as recodified by this act), or who holds an operator's license and
31 is designated as an alternate operator on a fishery license required by
32 chapter 75.28 RCW (as recodified by this act), is guilty of unlawful
33 use of a commercial fishery license if the person:

34 (a) Does not have the commercial fishery license or operator's
35 license in possession during fishing or delivery; or

1 (b) Violates any rule of the department regarding the use,
2 possession, display, or presentation of the person's license, decals,
3 or vessel numbers.

4 (2) Unlawful use of a commercial fishery license is a misdemeanor.

5 **Sec. 251.** RCW 77.15.570 and 1998 c 190 s 49 are each amended to
6 read as follows:

7 (1) Except as provided in subsection (3) of this section, it is
8 unlawful for a person who is not a treaty Indian fisherman to
9 participate in the taking of fish or shellfish in a treaty Indian
10 fishery, or to be on board a vessel, or associated equipment, operating
11 in a treaty Indian fishery. A violation of this subsection is a gross
12 misdemeanor.

13 (2) A person who violates subsection (1) of this section with the
14 intent of acting for commercial purposes, including any sale of catch,
15 control of catch, profit from catch, or payment for fishing assistance,
16 is guilty of a class C felony. Upon conviction, the department shall
17 order revocation of any license and a one-year suspension of all
18 commercial fishing privileges requiring a license under chapter 75.28
19 or 75.30 RCW (as recodified by this act).

20 (3)(a) The spouse, forebears, siblings, children, and grandchildren
21 of a treaty Indian fisherman may assist the fisherman in exercising
22 treaty Indian fishing rights when the treaty Indian fisherman is
23 present at the fishing site.

24 (b) Other treaty Indian fishermen with off-reservation treaty
25 fishing rights in the same usual and accustomed places, whether or not
26 the fishermen are members of the same tribe or another treaty tribe,
27 may assist a treaty Indian fisherman in exercising treaty Indian
28 fishing rights when the treaty Indian fisherman is present at the
29 fishing site.

30 (c) Biologists approved by the department may be on board a vessel
31 operating in a treaty Indian fishery.

32 (4) For the purposes of this section:

33 (a) "Treaty Indian fisherman" means a person who may exercise
34 treaty Indian fishing rights as determined under United States v.
35 Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohapp v. Smith,
36 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those
37 courts;

1 (b) "Treaty Indian fishery" means a fishery open to only treaty
2 Indian fishermen by tribal or federal regulation;

3 (c) "To participate" and its derivatives mean an effort to operate
4 a vessel or fishing equipment, provide immediate supervision in the
5 operation of a vessel or fishing equipment, or otherwise assist in the
6 fishing operation, to claim possession of a share of the catch, or to
7 represent that the catch was lawfully taken in an Indian fishery.

8 (5) A violation of this section constitutes illegal fishing and is
9 subject to the suspensions provided for commercial fishing violations.

10 **Sec. 252.** RCW 77.15.580 and 1998 c 190 s 50 are each amended to
11 read as follows:

12 (1) A person is guilty of unlawful use of a net to take fish in the
13 second degree if the person:

14 (a) Lays, sets, uses, or controls a net or other device or
15 equipment capable of taking fish from the waters of this state, except
16 if the person has a valid license for such fishing gear from the
17 director under this title and is acting in accordance with all rules of
18 the commission and director; or

19 (b) Fails to return unauthorized fish to the water immediately
20 while otherwise lawfully operating a net under a valid license.

21 (2) A person is guilty of unlawful use of a net to take fish in the
22 first degree if the person:

23 (a) Commits the act described by subsection (1) of this section;
24 and

25 (b) The violation occurs within five years of entry of a prior
26 conviction for a gross misdemeanor or felony under this title (~~or~~
27 ~~Title 75 RCW~~) involving fish, other than a recreational fishing
28 violation, or involving unlawful use of nets.

29 (3)(a) Unlawful use of a net to take fish in the second degree is
30 a gross misdemeanor. Upon conviction, the department shall revoke any
31 license held under this title (~~or Title 75 RCW~~) allowing commercial
32 net fishing used in connection with the crime.

33 (b) Unlawful use of a net to take fish in the first degree is a
34 class C felony. Upon conviction, the department shall order a one-year
35 suspension of all commercial fishing privileges requiring a license
36 under this title (~~or Title 75 RCW~~).

37 (4) Notwithstanding subsections (1) and (2) of this section, it is
38 lawful to use a landing net to land fish otherwise legally hooked.

1 **Sec. 253.** RCW 77.15.620 and 1998 c 190 s 43 are each amended to
2 read as follows:

3 (1) A person is guilty of engaging in fish dealing activity without
4 a license in the second degree if the person:

5 (a) Engages in the commercial processing of fish or shellfish,
6 including custom canning or processing of personal use fish or
7 shellfish and does not hold a wholesale dealer's license required by
8 RCW 75.28.300(1) or 77.32.211 (as recodified by this act) for
9 anadromous game fish;

10 (b) Engages in the wholesale selling, buying, or brokering of food
11 fish or shellfish and does not hold a wholesale dealer's or buying
12 license required by RCW 75.28.300(2) or 77.32.211 (as recodified by
13 this act) for anadromous game fish;

14 (c) Is a fisher who lands and sells his or her catch or harvest in
15 the state to anyone other than a licensed wholesale dealer within or
16 outside the state and does not hold a wholesale dealer's license
17 required by RCW 75.28.300(3) or 77.32.211 (as recodified by this act)
18 for anadromous game fish; or

19 (d) Engages in the commercial manufacture or preparation of
20 fertilizer, oil, meal, caviar, fish bait, or other byproducts from food
21 fish or shellfish and does not hold a wholesale dealer's license
22 required by RCW 75.28.300(4) or 77.32.211 (as recodified by this act)
23 for anadromous game fish.

24 (2) Engaging in fish dealing activity without a license in the
25 second degree is a gross misdemeanor.

26 (3) A person is guilty of engaging in fish dealing activity without
27 a license in the first degree if the person commits the act described
28 by subsection (1) of this section and the violation involves fish or
29 shellfish worth two hundred fifty dollars or more. Engaging in fish
30 dealing activity without a license in the first degree is a class C
31 felony.

32 **Sec. 254.** RCW 77.15.630 and 1998 c 190 s 44 are each amended to
33 read as follows:

34 (1) A person who holds a fish dealer's license required by RCW
35 75.28.300 (as recodified by this act), an anadromous game fish buyer's
36 license required by RCW 77.32.211 (as recodified by this act), or a
37 fish buyer's license required by RCW 75.28.340 (as recodified by this

1 act) is guilty of unlawful use of fish buying and dealing licenses in
2 the second degree if the person:

3 (a) Possesses or receives fish or shellfish for commercial purposes
4 worth less than two hundred fifty dollars; and

5 (b) Fails to document such fish or shellfish with a fish-receiving
6 ticket required by statute or rule of the department.

7 (2) A person is guilty of unlawful use of fish buying and dealing
8 licenses in the first degree if the person commits the act described by
9 subsection (1) of this section and:

10 (a) The violation involves fish or shellfish worth two hundred
11 fifty dollars or more;

12 (b) The person acted with knowledge that the fish or shellfish were
13 taken from a closed area, at a closed time, or by a person not licensed
14 to take such fish or shellfish for commercial purposes; or

15 (c) The person acted with knowledge that the fish or shellfish were
16 taken in violation of any tribal law.

17 (3)(a) Unlawful use of fish buying and dealing licenses in the
18 second degree is a gross misdemeanor.

19 (b) Unlawful use of fish buying and dealing licenses in the first
20 degree is a class C felony. Upon conviction, the department shall
21 suspend all privileges to engage in fish buying or dealing for two
22 years.

23 **Sec. 255.** RCW 77.15.640 and 1998 c 190 s 45 are each amended to
24 read as follows:

25 (1) A person who holds a wholesale fish dealer's license required
26 by RCW 75.28.300 (as recodified by this act), an anadromous game fish
27 buyer's license required by RCW 77.32.211 (as recodified by this act),
28 or a fish buyer's license required by RCW 75.28.340 (as recodified by
29 this act) is guilty of violating rules governing wholesale fish buying
30 and dealing if the person:

31 (a) Fails to possess or display his or her license when engaged in
32 any act requiring the license;

33 (b) Fails to display or uses the license in violation of any rule
34 of the department;

35 (c) Files a signed fish-receiving ticket but fails to provide all
36 information required by rule of the department; or

37 (d) Violates any other rule of the department regarding wholesale
38 fish buying and dealing.

1 (2) Violating rules governing wholesale fish buying and dealing is
2 a gross misdemeanor.

3 **Sec. 256.** RCW 77.15.650 and 1998 c 190 s 59 are each amended to
4 read as follows:

5 (1) A person is guilty of unlawful purchase or use of a license in
6 the second degree if the person buys, holds, uses, displays, transfers,
7 or obtains any license, tag, permit, or approval required by this title
8 (~~or Title 75 RCW~~) and the person:

9 (a) Uses false information to buy, hold, use, display, or obtain a
10 license, permit, tag, or approval;

11 (b) Acquires, holds, or buys in excess of one license, permit, or
12 tag for a license year if only one license, permit, or tag is allowed
13 per license year;

14 (c) Uses or displays a license, permit, tag, or approval that was
15 issued to another person;

16 (d) Permits or allows a license, permit, tag, or approval to be
17 used or displayed by another person not named on the license, permit,
18 tag, or approval;

19 (e) Acquires or holds a license while privileges for the license
20 are revoked or suspended.

21 (2) A person is guilty of unlawful purchase or use of a license in
22 the first degree if the person commits the act described by subsection
23 (1) of this section and the person was acting with intent that the
24 license, permit, tag, or approval be used for any commercial purpose.
25 A person is presumed to be acting with such intent if the violation
26 involved obtaining, holding, displaying, or using a license or permit
27 for participation in any commercial fishery issued under this title
28 (~~or Title 75 RCW~~) or a license authorizing fish or wildlife buying,
29 trafficking, or wholesaling.

30 (3)(a) Unlawful purchase or use of a license in the second degree
31 is a gross misdemeanor. Upon conviction, the department shall revoke
32 any unlawfully used or held licenses and order a two-year suspension of
33 participation in the activities for which the person unlawfully
34 obtained, held, or used a license.

35 (b) Unlawful purchase or use of a license in the first degree is a
36 class C felony. Upon conviction, the department shall revoke any
37 unlawfully used or held licenses and order a five-year suspension of

1 participation in any activities for which the person unlawfully
2 obtained, held, or used a license.

3 (4) For purposes of this section, a person "uses" a license,
4 permit, tag, or approval if the person engages in any activity
5 authorized by the license, permit, tag, or approval held or possessed
6 by the person. Such uses include but are not limited to fishing,
7 hunting, taking, trapping, delivery or landing fish or wildlife, and
8 selling, buying, or wholesaling of fish or wildlife.

9 (5) Any license obtained in violation of this section is void upon
10 issuance and is of no legal effect.

11 **Sec. 257.** RCW 77.15.710 and 1998 c 190 s 67 are each amended to
12 read as follows:

13 (1) The commission shall revoke all hunting, fishing, or other
14 licenses issued under this title and order a ten-year suspension of all
15 privileges extended under the authority of the department of a person
16 convicted of assault on a fish and wildlife officer (~~or other law~~
17 ~~enforcement officer provided that:~~

18 ~~(a) The fish and wildlife officer or other law enforcement officer~~
19 ~~was on duty at the time of the assault; and~~

20 ~~(b) The fish and wildlife officer or other law enforcement officer~~
21 ~~was enforcing the provisions of this title)), ex officio officer,~~

22 employee, agent, or personnel acting for the department, if the
23 employee assaulted was on duty at the time of the assault and carrying
24 out the provisions of this title. The suspension shall be continued
25 beyond this period if any damages to the victim have not been paid by
26 the suspended person.

27 (2) For the purposes of this section, the definition of assault
28 includes:

- 29 (a) RCW 9A.32.030; murder in the first degree;
- 30 (b) RCW 9A.32.050; murder in the second degree;
- 31 (c) RCW 9A.32.060; manslaughter in the first degree;
- 32 (d) RCW 9A.32.070; manslaughter in the second degree;
- 33 (e) RCW 9A.36.011; assault in the first degree;
- 34 (f) RCW 9A.36.021; assault in the second degree; and
- 35 (g) RCW 9A.36.031; assault in the third degree.

36 **Sec. 258.** RCW 77.15.720 and 1998 c 190 s 68 are each amended to
37 read as follows:

1 (1) If a person shoots another person or domestic livestock while
2 hunting, the director shall revoke all hunting licenses and suspend all
3 hunting privileges for three years. If the shooting of another person
4 or livestock is the result of criminal negligence or reckless or
5 intentional conduct, then the person's privileges shall be suspended
6 for ten years. The suspension (~~(may)~~) shall be continued beyond these
7 periods if damages owed to the victim or livestock owner have not been
8 paid by the suspended person. A hunting license shall not be reissued
9 to the suspended person unless authorized by the director.

10 (~~(2) ((If a person commits any assault upon employees, agents, or~~
11 ~~personnel acting for the department, the director shall suspend hunting~~
12 ~~or fishing privileges for ten years.~~

13 (~~3))~~) Within twenty days of service of an order suspending
14 privileges or imposing conditions under this section or RCW 77.15.710,
15 a person may petition for administrative review under chapter 34.05 RCW
16 by serving the director with a petition for review. The order is final
17 and unappealable if there is no timely petition for administrative
18 review.

19 (~~((4))~~) (3) The commission may by rule authorize petitions for
20 reinstatement of administrative suspensions and define circumstances
21 under which reinstatement will be allowed.

22 **Sec. 259.** RCW 77.16.020 and 1998 c 190 s 119 are each amended to
23 read as follows:

24 For the purposes of establishing a season or bag limit restriction
25 on Canada goose hunting, the (~~(department)~~) commission shall not
26 consider leg length or bill length of dusky Canada geese (*Branta*
27 *canadensis occidentalis*).

28 **Sec. 260.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read
29 as follows:

30 (1) Notwithstanding the provisions of RCW 77.12.240 (~~(and~~
31 ~~77.12.265))~~) or other provisions of law, it is unlawful to take, hunt,
32 or attract black bear with the aid of bait.

33 (a) Nothing in this subsection shall be construed to prohibit the
34 killing of black bear with the aid of bait by employees or agents of
35 county, state, or federal agencies while acting in their official
36 capacities for the purpose of protecting livestock, domestic animals,
37 private property, or the public safety.

1 (b) Nothing in this subsection shall be construed to prevent the
2 establishment and operation of feeding stations for black bear in order
3 to prevent damage to commercial timberland.

4 (c) Nothing in this subsection shall be construed to prohibit the
5 director from issuing a permit or memorandum of understanding to a
6 public agency, university, or scientific or educational institution for
7 the use of bait to attract black bear for scientific purposes.

8 (d) As used in this subsection, "bait" means a substance placed,
9 exposed, deposited, distributed, scattered, or otherwise used for the
10 purpose of attracting black bears to an area where one or more persons
11 hunt or intend to hunt them.

12 (2) Notwithstanding RCW 77.12.240 or any other provisions of law,
13 it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx
14 with the aid of a dog or dogs.

15 (a) Nothing in this subsection shall be construed to prohibit the
16 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or
17 dogs by employees or agents of county, state, or federal agencies while
18 acting in their official capacities for the purpose of protecting
19 livestock, domestic animals, private property, or the public safety.
20 A dog or dogs may be used by the owner or tenant of real property
21 consistent with a permit issued and conditioned by the director ((under
22 RCW 77.12.265)).

23 (b) Nothing in this subsection shall be construed to prohibit the
24 director from issuing a permit or memorandum of understanding to a
25 public agency, university, or scientific or educational institution for
26 the use of a dog or dogs for the pursuit of black bear, cougar, bobcat,
27 or lynx for scientific purposes.

28 (3) A person who violates subsection (1) or (2) of this section is
29 guilty of a gross misdemeanor. In addition to appropriate criminal
30 penalties, the director shall revoke the hunting license of a person
31 who violates subsection (1) or (2) of this section and a hunting
32 license shall not be issued for a period of five years following the
33 revocation. Following a subsequent violation of subsection (1) or (2)
34 of this section by the same person, a hunting license shall not be
35 issued to the person at any time.

36 **Sec. 261.** RCW 77.17.020 and 1994 c 264 s 56 are each amended to
37 read as follows:

1 For purposes of Article VII of RCW 77.17.010 (as recodified by this
2 act), the term "licensing authority," with reference to this state,
3 means the department. The director is authorized to appoint a compact
4 administrator.

5 **Sec. 262.** RCW 77.18.010 and 1993 sp.s. c 2 s 76 are each amended
6 to read as follows:

7 Unless the context clearly requires otherwise, the definitions in
8 this section apply throughout this chapter.

9 (~~(1) ("Department" means the department of fish and wildlife.~~

10 ~~(2))~~ "Contract" means an agreement setting at a minimum, price,
11 quantity of fish to be delivered, time of delivery, and fish health
12 requirements.

13 ~~((3))~~ (2) "Fish health requirements" means those site specific
14 fish health and genetic requirements actually used by the department of
15 fish and wildlife in fish stocking.

16 ~~((4))~~ (3) "Aquatic farmer" means a private sector person who
17 commercially farms and manages private sector cultured aquatic products
18 on the person's own land or on land in which the person has a present
19 right of possession.

20 ~~((5) "Person" means a natural person, corporation, trust, or other~~
21 ~~legal entity.))~~

22 (4) "Warm water game fish" includes the following species: Bass,
23 channel catfish, walleye, crappie, and other species as defined by the
24 department.

25 **Sec. 263.** RCW 77.21.090 and 1993 c 82 s 5 are each amended to read
26 as follows:

27 (1) Upon receipt of a report of failure to comply with the terms of
28 a citation from the licensing authority of a state that is a party to
29 the wildlife violator compact under RCW 77.17.010 (as recodified by
30 this act), the department shall suspend the violator's license
31 privileges under this title until satisfactory evidence of compliance
32 with the terms of the wildlife citation has been furnished by the
33 issuing state to the department. The department shall adopt by rule
34 procedures for the timely notification and administrative review of
35 such suspension of licensing privileges.

36 (2) Upon receipt of a report of a conviction from the licensing
37 authority of a state that is a party to the wildlife violator compact

1 under RCW 77.17.010 (as recodified by this act), the department shall
2 enter such conviction in its records and shall treat such conviction as
3 if it occurred in the state of Washington for the purposes of
4 suspension, revocation, or forfeiture of license privileges.

5 **Sec. 264.** RCW 77.32.010 and 1998 c 191 s 7 are each amended to
6 read as follows:

7 (1) Except as otherwise provided in this chapter, a license issued
8 by the director is required to:

9 (a) Hunt for wild animals, except bullfrogs, or wild birds, fish or
10 harvest shellfish and seaweed, except smelt, albacore, carp, and
11 crawfish;

12 (b) Practice taxidermy for profit;

13 (c) Deal in raw furs for profit;

14 (d) Act as a fishing guide;

15 (e) Operate a game farm;

16 (f) Purchase or sell anadromous game fish; or

17 (g) Use department-managed lands or facilities as provided by rules
18 adopted pursuant to this title.

19 (2) A permit issued by the director is required to:

20 (a) Conduct, hold, or sponsor hunting or game fish fishing contests
21 or competitive field trials using live wildlife;

22 (b) Collect wild animals, wild birds, game fish, food fish,
23 shellfish, or protected wildlife for research or display; or

24 (c) Stock game fish.

25 (3) Aquaculture as defined in RCW 15.85.020 is exempt from the
26 requirements of this section, except when being stocked in public
27 waters under contract with the department.

28 **Sec. 265.** RCW 77.32.014 and 1998 c 191 s 8 are each amended to
29 read as follows:

30 (1) Licenses, tags, and stamps issued pursuant to this chapter
31 shall be invalid for any period in which a person is certified by the
32 department of social and health services or a court of competent
33 jurisdiction as a person in noncompliance with a support order. Fish
34 and wildlife officers and ex officio fish and wildlife officers shall
35 enforce this section through checks of the department of licensing's
36 computer data base. A listing on the department of licensing's data
37 base that an individual's license is currently suspended pursuant to

1 RCW 46.20.291(~~(+7)~~) (8) shall be prima facie evidence that the
2 individual is in noncompliance with a support order. Presentation of
3 a written release issued by the department of social and health
4 services stating that the person is in compliance with an order shall
5 serve as prima facie proof of compliance with a support order.

6 (2) It is unlawful to purchase, obtain, or possess a license
7 required by this chapter during any period in which a license is
8 suspended.

9 **Sec. 266.** RCW 77.32.050 and 1999 c 243 s 2 are each amended to
10 read as follows:

11 All recreational licenses, permits, tags, and stamps required by
12 (~~Titles 75 and 77 RCW~~) this title and raffle tickets authorized under
13 chapter 77.12 RCW shall be issued under the authority of the
14 commission. The commission shall adopt rules for the issuance of
15 recreational licenses, permits, tags, stamps, and raffle tickets, and
16 for the collection, payment, and handling of license fees, terms and
17 conditions to govern dealers, and dealers' fees. A transaction fee on
18 recreational licenses may be set by the commission and collected from
19 licensees. The department may authorize all or part of such fee to be
20 paid directly to a contractor providing automated licensing system
21 services. Fees retained by dealers shall be uniform throughout the
22 state. The department shall authorize dealers to collect and retain
23 dealer fees of at least two dollars for purchase of a standard hunting
24 or fishing recreational license document, except that the commission
25 may set a lower dealer fee for issuance of tags or when a licensee buys
26 a license that involves a stamp or display card format rather than a
27 standard department licensing document form.

28 **Sec. 267.** RCW 77.32.090 and 1998 c 191 s 12 are each amended to
29 read as follows:

30 The commission may adopt rules pertaining to the form, period of
31 validity, use, possession, and display of licenses, permits, tags,
32 (~~and~~) stamps, and raffle tickets required by this chapter (~~and~~
33 ~~raffle tickets authorized under chapter 77.12 RCW~~)).

34 **Sec. 268.** RCW 77.32.199 and 1987 c 372 s 4 are each amended to
35 read as follows:

1 The ((commission)) director may revoke the trapper's license of a
2 person placing unauthorized traps on private property and may remove
3 those traps.

4 **Sec. 269.** RCW 77.32.250 and 1998 c 191 s 22 are each amended to
5 read as follows:

6 Licenses, permits, tags, and stamps required by this chapter and
7 raffle tickets authorized under this chapter ((77.12-RCW)) shall not be
8 transferred.

9 Upon request of a fish and wildlife officer or ex officio fish and
10 wildlife officer, persons licensed, operating under a permit, or
11 possessing wildlife under the authority of this chapter shall produce
12 required licenses, permits, tags, stamps, ((or)) raffle tickets, or
13 catch record cards for inspection and write their signatures for
14 comparison and in addition display their wildlife. Failure to comply
15 with the request is prima facie evidence that the person has no license
16 or is not the person named.

17 **Sec. 270.** RCW 77.32.350 and 1998 c 191 s 25 are each amended to
18 read as follows:

19 In addition to a small game hunting license, a supplemental permit
20 or stamp is required to hunt for western Washington pheasant or
21 migratory birds.

22 (1) A western Washington pheasant permit is required to hunt for
23 pheasant in western Washington. Western Washington pheasant permits
24 must contain numbered spaces for recording the location and date of
25 harvest of each western Washington pheasant. ((It is unlawful to
26 harvest a western Washington pheasant without immediately recording
27 this information on the permit.))

28 (2) The permit shall be available as a season option, a youth full
29 season option, or a three-day option. The fee for this permit is:

30 (a) For the resident and nonresident full season option, thirty-six
31 dollars;

32 (b) For the youth full season option, eighteen dollars;

33 (c) For the three-day option, twenty dollars.

34 (3) A migratory bird stamp affixed to a hunting license designated
35 by rule of the commission is required for all persons sixteen years of
36 age or older to hunt migratory birds. The fee for the stamp for

1 hunters is six dollars for residents and nonresidents. The fee for the
2 stamp for collectors is six dollars.

3 (4) The migratory bird stamp shall be validated by the signature of
4 the licensee written across the face of the stamp.

5 **Sec. 271.** RCW 77.32.380 and 1998 c 87 s 1 are each amended to read
6 as follows:

7 (1) Persons who enter upon or use clearly identified department
8 improved access facilities with a motor vehicle may be required to
9 display a current annual fish and wildlife lands vehicle use permit on
10 the motor vehicle while within or while using an improved access
11 facility. An "improved access facility" is a clearly identified area
12 specifically created for motor vehicle parking, and includes any boat
13 launch or boat ramp associated with the parking area, but does not
14 include the department parking facilities at the Gorge Concert Center
15 near George, Washington. The vehicle use permit is issued in the form
16 of a decal. One decal shall be issued at no charge with each annual
17 saltwater, freshwater, combination, small game hunting, big game
18 hunting, and trapping license issued by the department. The annual fee
19 for a fish and wildlife lands vehicle use permit, if purchased
20 separately, is ten dollars. A person to whom the department has issued
21 a decal or who has purchased a vehicle use permit separately may
22 purchase a decal from the department for each additional vehicle owned
23 by the person at a cost of five dollars per decal upon a showing of
24 proof to the department that the person owns the additional vehicle or
25 vehicles. Revenue derived from the sale of fish and wildlife lands
26 vehicle use permits shall be used solely for the stewardship and
27 maintenance of department improved access facilities. ((Revenue
28 derived from the sale of fish and wildlife lands vehicle use permits
29 shall be used solely for the stewardship and maintenance of department
30 improved access facilities.))

31 Youth groups may use department improved access facilities without
32 possessing a vehicle use permit when accompanied by a vehicle use
33 permit holder.

34 The department may accept contributions into the state wildlife
35 fund for the sound stewardship of fish and wildlife. Contributors
36 shall be known as "conservation patrons" and, for contributions of
37 twenty dollars or more, shall receive a fish and wildlife lands vehicle
38 use permit free of charge.

1 (2) The decal must be affixed in a permanent manner to the motor
2 vehicle before entering upon or using the motor vehicle on a department
3 improved access facility, and must be displayed on the rear window of
4 the motor vehicle, or, if the motor vehicle does not have a rear
5 window, on the rear of the motor vehicle.

6 (3) Failure to display the fish and wildlife lands vehicle use
7 permit if required by this section is an infraction under chapter 7.84
8 RCW, and department employees are authorized to issue a notice of
9 infraction to the registered owner of any motor vehicle entering upon
10 or using a department improved access facility without such a decal.
11 The penalty for failure to display or improper display of the decal is
12 sixty-six dollars.

13 **Sec. 272.** RCW 77.32.420 and 1998 c 191 s 4 are each amended to
14 read as follows:

15 (~~(1)~~) Recreational licenses are not transferable. Upon request
16 of a fish and wildlife officer, ex officio fish and wildlife officer,
17 or authorized fish and wildlife employee, a person digging for, fishing
18 for, or possessing shellfish, or seaweed or fishing for or possessing
19 food fish or game fish for personal use shall exhibit the required
20 recreational license and write his or her signature for comparison with
21 the signature on the license. Failure to comply with the request is
22 prima facie evidence that the person does not have a license or is not
23 the person named on the license.

24 (~~(2) The personal use shellfish and seaweed license shall be~~
25 ~~visible on the licensee while harvesting shellfish or seaweed.~~)

26 **Repealed Sections**

27 NEW SECTION. **Sec. 273.** The following acts or parts of acts are
28 each repealed:

29 (1) RCW 77.08.070 ("Raffle" defined) and 1996 c 101 s 4;

30 (2) RCW 77.12.101 (Seizure of contraband wildlife and devices--
31 Forfeiture) and 1989 c 314 s 2;

32 (3) RCW 77.12.200 (Acquisition of property) and 1987 c 506 s 28,
33 1980 c 78 s 35, 1965 ex.s. c 97 s 1, & 1955 c 36 s 77.12.200;

34 (4) RCW 77.16.210 (Fishways to be provided and maintained) and 1980
35 c 78 s 88 & 1955 c 36 s 77.16.210;

1 (5) RCW 77.16.290 (Law enforcement officers, exemption) and 1994
2 sp.s. c 7 s 444, 1980 c 78 s 95, & 1955 c 36 s 77.16.290;
3 (6) RCW 77.16.340 (Obstructing the taking of fish or wildlife--
4 Penalty--Defenses) and 1988 c 265 s 1;
5 (7) RCW 77.16.350 (Obstructing the taking of fish or wildlife--
6 Civil action) and 1988 c 265 s 2;
7 (8) RCW 77.21.020 (Revocation of hunting license for big game
8 violation--Subsequent issuance--Appeal) and 1998 c 191 s 35, 1987 c 506
9 s 70, 1980 c 78 s 124, & 1975 1st ex.s. c 6 s 1;
10 (9) RCW 77.21.030 (Revocation for shooting person or livestock--
11 Subsequent issuance) and 1998 c 191 s 36, 1987 c 506 s 71, 1980 c 78 s
12 123, & 1955 c 36 s 77.32.280;
13 (10) RCW 77.21.070 (Illegal killing or possession of wildlife--
14 Restitution to state--Amounts--Bail--License revoked) and 1997 c 226 s
15 2, 1989 c 11 s 28, 1987 c 506 s 74, 1986 c 318 s 1, 1984 c 258 s 336,
16 & 1983 1st ex.s. c 8 s 3;
17 (11) RCW 77.32.005 (Definitions) and 1998 c 191 s 6, 1989 c 305 s
18 17, 1980 c 78 s 102, 1961 c 94 s 1, & 1957 c 176 s 14;
19 (12) RCW 77.32.060 (Licenses, permits, tags, stamps, and raffle
20 tickets--Amount of fees to be retained by license dealers) and 1998 c
21 245 s 160, 1996 c 101 s 9, 1995 c 116 s 2, 1987 c 506 s 78, 1985 c 464
22 s 1, 1981 c 310 s 17, 1980 c 78 s 107, 1979 ex.s. c 3 s 3, 1970 ex.s.
23 c 29 s 2, 1957 c 176 s 2, & 1955 c 36 s 77.32.060; and
24 (13) RCW 77.44.020 (Species included in term "warm water game
25 fish") and 1996 c 222 s 2.

26

Recodified Sections

27 NEW SECTION. **Sec. 274.** RCW 77.04.100, 77.16.020, 77.16.095, and
28 77.21.080 are each recodified as sections in chapter 77.12 RCW.

29 NEW SECTION. **Sec. 275.** RCW 77.12.080, 77.12.090, 77.12.095,
30 77.12.103, 77.16.070, 77.16.360, and 77.21.090 are each recodified as
31 sections in chapter 77.15 RCW.

32 NEW SECTION. **Sec. 276.** RCW 77.12.530, 77.12.770, 77.12.780,
33 77.16.010, and 77.16.170 are each recodified as sections in chapter
34 77.32 RCW.

1 NEW SECTION. Sec. 277. RCW 77.18.005, 77.18.010, 77.18.020, and
2 77.18.030 are each recodified as sections in chapter 77.44 RCW."

3 **ESHB 2078** - S COMM AMD
4 By Committee on Natural Resources, Parks & Recreation

5 ADOPTED 3/2/00

6 On page 1, line 1 of the title, after "wildlife;" strike the
7 remainder of the title and insert "amending RCW 75.08.012, 75.08.020,
8 75.08.040, 75.08.045, 75.08.055, 75.08.080, 75.08.206, 75.08.208,
9 75.08.230, 75.08.245, 75.10.150, 75.12.230, 75.20.061, 75.20.098,
10 75.20.100, 75.20.104, 75.20.1041, 75.20.106, 75.20.130, 75.20.320,
11 75.24.060, 75.24.065, 75.24.070, 75.24.100, 75.24.130, 75.25.092,
12 75.28.011, 75.28.020, 75.28.034, 75.28.042, 75.28.046, 75.28.047,
13 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.114,
14 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133,
15 75.28.280, 75.28.290, 75.28.300, 75.28.323, 75.28.340, 75.28.730,
16 75.28.740, 75.28.760, 75.28.770, 75.28.780, 75.30.021, 75.30.050,
17 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120,
18 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.220,
19 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.320, 75.30.330,
20 75.30.350, 75.30.370, 75.30.380, 75.30.390, 75.30.420, 75.30.440,
21 75.30.460, 75.30.470, 75.30.490, 75.30.500, 75.40.020, 75.40.110,
22 75.44.100, 75.44.120, 75.44.130, 75.44.150, 75.46.010, 75.46.040,
23 75.46.050, 75.46.070, 75.46.080, 75.46.090, 75.46.100, 75.46.110,
24 75.46.120, 75.46.160, 75.46.170, 75.46.180, 75.48.100, 75.50.080,
25 75.50.105, 75.50.115, 75.50.160, 75.52.020, 75.52.050, 75.52.070,
26 75.52.100, 75.52.110, 75.52.130, 75.52.140, 75.52.160, 75.54.140,
27 75.54.150, 75.56.050, 75.58.010, 75.58.020, 75.58.030, 77.04.010,
28 77.04.020, 77.04.030, 77.04.055, 77.04.080, 77.04.100, 77.08.010,
29 77.12.010, 77.12.035, 77.12.055, 77.12.080, 77.12.090, 77.12.103,
30 77.12.204, 77.12.210, 77.12.220, 77.12.250, 77.12.315, 77.12.470,
31 77.12.480, 77.12.490, 77.12.610, 77.12.620, 77.12.630, 77.12.655,
32 77.12.830, 77.12.858, 77.15.070, 77.15.080, 77.15.090, 77.15.100,
33 77.15.120, 77.15.160, 77.15.300, 77.15.310, 77.15.320, 77.15.350,
34 77.15.360, 77.15.380, 77.15.390, 77.15.470, 77.15.480, 77.15.500,
35 77.15.530, 77.15.540, 77.15.570, 77.15.580, 77.15.620, 77.15.630,
36 77.15.640, 77.15.650, 77.15.710, 77.15.720, 77.16.020, 77.16.360,
37 77.17.020, 77.18.010, 77.21.090, 77.32.010, 77.32.014, 77.32.050,

1 77.32.090, 77.32.199, 77.32.250, 77.32.350, 77.32.380, and 77.32.420;
2 reenacting and amending RCW 75.50.100, 75.50.110, and 77.12.170; adding
3 new sections to chapter 77.04 RCW; adding new sections to chapter 77.08
4 RCW; adding new sections to chapter 77.12 RCW; adding new sections to
5 chapter 77.15 RCW; adding new sections to chapter 77.32 RCW; adding new
6 sections to chapter 77.44 RCW; adding new chapters to Title 77 RCW;
7 creating a new section; recodifying RCW 75.08.012, 75.08.013,
8 75.08.020, 75.08.090, 75.08.110, 75.08.025, 75.08.040, 75.08.045,
9 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120,
10 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255,
11 75.08.265, 75.08.285, 75.08.295, 75.08.300, 75.12.010, 75.12.015,
12 75.12.040, 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230,
13 75.12.390, 75.12.440, 75.12.650, 75.20.005, 75.20.015, 75.20.025,
14 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098,
15 75.20.100, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108,
16 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170,
17 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330,
18 75.20.340, 75.20.350, 77.12.830, 75.24.010, 75.24.030, 75.24.060,
19 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120,
20 75.24.130, 75.24.140, 75.24.150, 75.28.010, 75.28.011, 75.28.014,
21 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044,
22 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095,
23 75.28.110, 75.28.113, 75.28.114, 75.28.116, 75.28.120, 75.28.125,
24 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295,
25 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328,
26 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730,
27 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900,
28 77.32.191, 77.32.197, 77.32.199, 77.32.211, 75.30.015, 75.30.021,
29 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100,
30 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180,
31 75.30.210, 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260,
32 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320,
33 75.30.330, 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390,
34 75.30.410, 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460,
35 75.30.470, 75.30.480, 75.30.490, 75.30.500, 75.40.010, 75.40.020,
36 75.40.030, 75.40.040, 75.40.100, 75.40.110, 77.17.010, 77.17.020,
37 77.17.030, 77.12.450, 77.12.470, 77.12.480, 77.12.490, 75.40.060,
38 77.12.430, 77.12.440, 75.44.100, 75.44.110, 75.44.120, 75.44.130,
39 75.44.140, 75.44.150, 75.46.005, 75.46.010, 75.46.030, 75.46.040,

1 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090, 75.46.100,
2 75.46.110, 75.46.120, 75.46.150, 75.46.160, 75.46.170, 75.46.180,
3 75.46.190, 75.46.200, 75.46.210, 75.46.300, 75.46.350, 75.56.050,
4 75.46.900, 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070,
5 75.48.080, 75.48.100, 75.48.110, 75.50.010, 75.50.020, 75.50.030,
6 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100,
7 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150,
8 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245,
9 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450,
10 75.08.500, 75.08.510, 75.08.520, 75.08.530, 75.50.900, 75.52.010,
11 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060,
12 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120,
13 75.52.130, 75.52.140, 75.52.150, 75.52.160, 75.52.900, 75.54.005,
14 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060,
15 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120,
16 75.54.130, 75.54.140, 75.54.150, 75.54.900, 75.54.901, 75.56.010,
17 75.56.020, 75.56.030, 75.56.040, 75.56.900, 75.56.905, 75.58.010,
18 75.58.020, 75.58.030, 75.58.040, 75.25.092, 75.10.150, 77.04.100,
19 77.16.020, 77.16.095, 77.21.080, 77.12.080, 77.12.090, 77.12.095,
20 77.12.103, 77.16.070, 77.16.360, 77.21.090, 77.12.530, 77.12.770,
21 77.12.780, 77.16.010, 77.16.170, 77.18.005, 77.18.010, 77.18.020, and
22 77.18.030; decodifying RCW 75.25.901, 75.25.902, 75.30.055, 75.98.005,
23 75.98.006, 75.98.007, and 75.98.030; and repealing RCW 75.08.010,
24 75.08.011, 75.08.014, 75.08.035, 75.08.274, 75.10.070, 75.10.160,
25 75.25.090, 75.25.160, 75.25.210, 75.28.012, 75.28.335, 75.30.160,
26 77.08.070, 77.12.101, 77.12.200, 77.16.210, 77.16.290, 77.16.340,
27 77.16.350, 77.21.020, 77.21.030, 77.21.070, 77.32.005, 77.32.060, and
28 77.44.020."

--- END ---