

2 **ESSB 6328** - H AMD 1160 ADOPTED 3-06-98

3 By Representative

4

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

7 "NEW SECTION. **Sec. 1.** PURPOSE. The legislature finds that merger
8 of the departments of fisheries and wildlife resulted in two criminal
9 codes applicable to fish and wildlife, and that it has become
10 increasingly difficult to administer and enforce the two criminal
11 codes. Furthermore, laws defining crimes involving fish and wildlife
12 have evolved over many years of changing uses and management objectives
13 for fish and wildlife. The resulting two codes make it difficult for
14 citizens to comply with the law and unnecessarily complicate
15 enforcement of laws against violators.

16 The legislature intends by chapter . . ., Laws of 1998 (this act)
17 to revise and recodify the criminal laws governing fish and wildlife,
18 ensuring that all people involved with fish and wildlife are able to
19 know and understand the requirements of the laws and the risks of
20 violation. Additionally, the legislature intends to create a more
21 uniform approach to criminal laws governing fish and wildlife and to
22 the laws authorizing prosecution, sentencing, and punishments,
23 including defining new crimes and repealing crimes that are redundant
24 to other provisions of the criminal code.

25 Chapter . . ., Laws of 1998 (this act) is not intended to alter
26 existing powers of the commission or the director to adopt rules or
27 exercise powers over fish and wildlife. In some places reference is
28 made to violation of department rules, but this is intended to conform
29 with current powers of the commission, director, or both, to adopt
30 rules governing fish and wildlife activities.

31 NEW SECTION. **Sec. 2.** EXEMPTION FOR DEPARTMENT ACTIONS. A person
32 is not guilty of a crime under this chapter if the person is an
33 officer, employee, or agent of the department lawfully acting in the
34 course of his or her authorized duties.

1 NEW SECTION. **Sec. 3.** AUTHORITY TO DEFINE VIOLATION OF A RULE AS
2 AN INFRACTION. If the commission or director has authority to adopt a
3 rule that is punishable as a crime under this chapter, then the
4 commission or director may provide that violation of the rule shall be
5 punished with notice of infraction under RCW 7.84.030.

6 NEW SECTION. **Sec. 4.** SEPARATE OFFENSES FOR EACH BIG GAME,
7 PROTECTED, OR ENDANGERED ANIMAL. Where it is unlawful to hunt, take,
8 kill, fish, or possess big game or protected or endangered fish or
9 wildlife, then each individual animal unlawfully killed, taken, or
10 possessed is a separate offense.

11 NEW SECTION. **Sec. 5.** JURISDICTION. District courts have
12 jurisdiction concurrent with superior courts for misdemeanors and gross
13 misdemeanors committed in violation of this chapter and may impose the
14 punishment provided for these offenses. Superior courts have
15 jurisdiction over felonies committed in violation of this chapter.
16 Venue for offenses occurring in off-shore waters shall be in a county
17 bordering on the Pacific Ocean, or the county where fish or wildlife
18 from the offense are landed.

19 NEW SECTION. **Sec. 6.** CONVICTION IN A STATE OR MUNICIPAL COURT.
20 Unless the context clearly requires otherwise, as used in this chapter,
21 "conviction" means a final conviction in a state or municipal court or
22 an unvacated forfeiture of bail or collateral deposited to secure the
23 defendant's appearance in court. A plea of guilty, or a finding of
24 guilt for a violation of this title or rule of the commission or
25 director constitutes a conviction regardless of whether the imposition
26 of sentence is deferred or the penalty is suspended.

27 NEW SECTION. **Sec. 7.** REFERENCE TO CHAPTERS 7.84 AND 9A.20 RCW.
28 Crimes defined by this chapter shall be punished as infractions,
29 misdemeanors, gross misdemeanors, or felonies, based on the
30 classification of crimes set out in chapters 7.84 and 9A.20 RCW.

31 NEW SECTION. **Sec. 8.** ACTING FOR COMMERCIAL PURPOSES--VALUE OF
32 FISH OR WILDLIFE--PROOF. (1) For purposes of this chapter, a person
33 acts for commercial purposes if the person:

1 (a) Acts with intent to sell, attempted to sell, sold, bartered,
2 attempted to purchase, or purchased fish or wildlife;

3 (b) Uses gear typical of that used in commercial fisheries;

4 (c) Exceeds the bag or possession limits for personal use by taking
5 or possessing more than three times the amount of fish or wildlife
6 allowed;

7 (d) Delivers or attempts to deliver fish or wildlife to a person
8 who sells or resells fish or wildlife including any licensed or
9 unlicensed wholesaler; or

10 (e) Takes fish using a vessel designated on a commercial fishery
11 license and gear not authorized in a personal use fishery.

12 (2) For purposes of this chapter, the value of any fish or wildlife
13 may be proved based on evidence of legal or illegal sales involving the
14 person charged or any other person, of offers to sell or solicitation
15 of offers to sell by the person charged or by any other person, or of
16 any market price for the fish or wildlife including market price for
17 farm-raised game animals. The value assigned to specific wildlife by
18 RCW 77.21.070 may be presumed to be the value of such wildlife. It is
19 not relevant to proof of value that the person charged misrepresented
20 that the fish or wildlife was taken in compliance with law if the fish
21 or wildlife was unlawfully taken and had no lawful market value.

22 NEW SECTION. **Sec. 9.** UNLAWFUL HUNTING OF GAME BIRDS. (1) A
23 person is guilty of unlawful hunting of game birds in the second degree
24 if the person:

25 (a) Hunts a game bird and the person does not have and possess all
26 licenses, tags, stamps, and permits required under this title;

27 (b) Recklessly destroys, takes, or harms the eggs or nests of a
28 game bird except when authorized by permit; or

29 (c) Violates any rule of the commission or director regarding
30 seasons, bag or possession limits but less than two times the bag or
31 possession limit, closed areas including game reserves, closed times,
32 or other rule addressing the manner or method of hunting or possession
33 of game birds.

34 (2) A person is guilty of unlawful hunting of game birds in the
35 first degree if the person hunts game birds and the person takes or
36 possesses two times or more than the possession or bag limit for such
37 game birds allowed by rule of the commission or director.

1 (3)(a) Unlawful hunting of game birds in the second degree is a
2 misdemeanor.

3 (b) Unlawful hunting of game birds in the first degree is a gross
4 misdemeanor.

5 NEW SECTION. **Sec. 10.** UNLAWFUL HUNTING OF BIG GAME. (1) A person
6 is guilty of unlawful hunting of big game in the second degree if the
7 person:

8 (a) Hunts big game and the person does not have and possess all
9 licenses, tags, or permits required under this title; or

10 (b) Violates any rule of the commission or director regarding
11 seasons, bag or possession limits, closed areas including game
12 reserves, closed times, or any other rule governing the hunting,
13 taking, or possession of big game.

14 (2) A person is guilty of unlawful hunting of big game in the first
15 degree if the person was previously convicted of any crime under this
16 title involving unlawful hunting, killing, possessing, or taking big
17 game, and within five years of the date that the prior conviction was
18 entered the person hunts for big game and:

19 (a) The person does not have and possess all licenses, tags, or
20 permits required under this title; or

21 (b) The act was in violation of any rule of the commission or
22 director regarding seasons, bag or possession limits, closed areas
23 including game reserves, or closed times.

24 (3)(a) Unlawful hunting of big game in the second degree is a gross
25 misdemeanor.

26 (b) Unlawful hunting of big game in the first degree is a class C
27 felony. Upon conviction, the department shall revoke all licenses or
28 tags involved in the crime and the department shall order the person's
29 hunting privileges suspended for two years.

30 NEW SECTION. **Sec. 11.** UNLAWFUL HUNTING OF GAME ANIMALS. (1) A
31 person is guilty of unlawful hunting of game animals in the second
32 degree if the person:

33 (a) Hunts a game animal that is not classified as big game, and
34 does not have and possess all licenses, tags, or permits required by
35 this title; or

36 (b) Violates any rule of the commission or director regarding
37 seasons, bag or possession limits but less than two times the bag or

1 possession limit, closed areas including game reserves, closed times,
2 or other rule addressing the manner or method of hunting or possession
3 of game animals not classified as big game.

4 (2)(a) A person is guilty of unlawful hunting of game animals in
5 the first degree if the person hunts a game animal that is not
6 classified as big game; and

7 (b) The person takes or possesses two times or more than the
8 possession or bag limit for such game animals allowed by rule of the
9 commission or director.

10 (3)(a) Unlawful hunting of game animals in the second degree is a
11 misdemeanor.

12 (b) Unlawful hunting of game animals in the first degree is a gross
13 misdemeanor.

14 NEW SECTION. **Sec. 12.** WEAPONS, TRAPS, OR DOGS ON GAME RESERVES.

15 (1) A person is guilty of unlawful use of weapons, traps, or dogs on
16 game reserves if:

17 (a) The person uses firearms, other hunting weapons, or traps on a
18 game reserve; or

19 (b) The person negligently allows a dog upon a game reserve.

20 (2) This section does not apply to persons on a public highway or
21 if the conduct is authorized by rule of the department.

22 (3) This section does not apply to a person in possession of a
23 handgun if the person in control of the handgun possesses a valid
24 concealed pistol license and the handgun is concealed on the person.

25 (4) Unlawful use of weapons, traps, or dogs on game reserves is a
26 misdemeanor.

27 NEW SECTION. **Sec. 13.** UNLAWFUL TAKING OF ENDANGERED FISH OR

28 WILDLIFE. (1) A person is guilty of unlawful taking of endangered fish
29 or wildlife in the second degree if the person hunts, fishes,
30 possesses, harasses, or kills fish or wildlife or destroys the nests or
31 eggs of fish or wildlife and the fish or wildlife is designated by the
32 commission as endangered, and the taking has not been authorized by
33 rule of the commission.

34 (2) A person is guilty of unlawful taking of endangered fish or
35 wildlife in the first degree if the person has been:

1 (a) Convicted under subsection (1) of this section or convicted of
2 any crime under this title involving the killing, possessing,
3 harassing, or harming of endangered fish or wildlife; and

4 (b) Within five years of the date of the prior conviction the
5 person commits the act described by subsection (1) of this section.

6 (3)(a) Unlawful taking of endangered fish or wildlife in the second
7 degree is a gross misdemeanor.

8 (b) Unlawful taking of endangered fish or wildlife in the first
9 degree is a class C felony. The department shall revoke any licenses
10 or tags used in connection with the crime and order the person's
11 privileges to hunt, fish, trap, or obtain licenses under this title and
12 Title 75 RCW to be suspended for two years.

13 NEW SECTION. **Sec. 14.** UNLAWFUL TAKING OF PROTECTED FISH OR
14 WILDLIFE. (1) A person is guilty of unlawful taking of protected fish
15 or wildlife if:

16 (a) The person hunts, fishes, possesses, or kills protected fish or
17 wildlife, or the person possesses or destroys the eggs or nests of
18 protected fish or wildlife, and the taking has not been authorized by
19 rule of the commission; or

20 (b) The person violates any rule of the commission regarding the
21 taking, harming, harassment, possession, or transport of protected fish
22 or wildlife.

23 (2) Unlawful taking of protected fish or wildlife is a misdemeanor.

24 NEW SECTION. **Sec. 15.** UNLAWFUL TAKING OF UNCLASSIFIED FISH OR
25 WILDLIFE. (1) A person is guilty of unlawful taking of unclassified
26 fish or wildlife if:

27 (a) The person kills, hunts, fishes, takes, holds, possesses,
28 transports, injures, or harms fish or wildlife that is not classified
29 as big game, game fish, game animals, game birds, food fish, shellfish,
30 protected wildlife, or endangered wildlife; and

31 (b) The act violates any rule of the commission or the director.

32 (2) Unlawful taking of unclassified fish or wildlife is a
33 misdemeanor.

34 NEW SECTION. **Sec. 16.** UNLAWFUL USE OF POISON OR EXPLOSIVES. (1)
35 A person is guilty of unlawful use of poison or explosives if:

1 (a) The person lays out, sets out, or uses a drug, poison, or other
2 deleterious substance that kills, injures, harms, or endangers fish or
3 wildlife, except if the person is using the substance in compliance
4 with federal and state laws and label instructions; or

5 (b) The person lays out, sets out, or uses an explosive that kills,
6 injures, harms, or endangers fish or wildlife, except if authorized by
7 law or permit of the director.

8 (2) Unlawful use of poison or explosives is a gross misdemeanor.

9 NEW SECTION. **Sec. 17.** INFRACTION VIOLATION OF RULES GOVERNING
10 FISH AND WILDLIFE. A person is guilty of an infraction, which shall be
11 cited and punished as provided under chapter 7.84 RCW, if the person:

12 (1) Fails to immediately record a catch of fish or shellfish on a
13 catch record card required by RCW 75.25.190 or 77.32.050, or required
14 by rule of the commission under this title or Title 75 RCW; or

15 (2) Fishes for personal use using barbed hooks in violation of any
16 rule; or

17 (3) Violates any other rule of the commission or director that is
18 designated by rule as an infraction.

19 NEW SECTION. **Sec. 18.** UNLAWFUL RECREATIONAL FISHING IN THE SECOND
20 DEGREE. (1) A person is guilty of unlawful recreational fishing in the
21 second degree if the person fishes for, takes, possesses, or harvests
22 fish or shellfish and:

23 (a) The person does not have and possess the license or the catch
24 record card required by chapter 75.25 or 77.32 RCW for such activity;
25 or

26 (b) The action violates any rule of the commission or the director
27 regarding seasons, bag or possession limits but less than two times the
28 bag or possession limit, closed areas, closed times, or any other rule
29 addressing the manner or method of fishing or possession of fish,
30 except for use of a net to take fish as provided for in section 50 of
31 this act.

32 (2) Unlawful recreational fishing in the second degree is a
33 misdemeanor.

34 NEW SECTION. **Sec. 19.** UNLAWFUL RECREATIONAL FISHING IN THE FIRST
35 DEGREE. (1) A person is guilty of unlawful recreational fishing in the
36 first degree if:

1 (a) The person takes, possesses, or retains two times or more than
2 the bag limit or possession limit of fish or shellfish allowed by any
3 rule of the director or commission setting the amount of food fish,
4 game fish, or shellfish that can be taken, possessed, or retained for
5 noncommercial use;

6 (b) The person fishes in a fishway; or

7 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or
8 stones fish in state waters, or possesses fish taken by such means,
9 unless such means are authorized by express rule of the commission or
10 director.

11 (2) Unlawful recreational fishing in the first degree is a gross
12 misdemeanor.

13 NEW SECTION. **Sec. 20.** UNLAWFUL TAKING OF SEAWEED. (1) A person
14 is guilty of unlawful taking of seaweed if the person takes, possesses,
15 or harvests seaweed and:

16 (a) The person does not have and possess the license required by
17 chapter 75.25 RCW for taking seaweed; or

18 (b) The action violates any rule of the department or the
19 department of natural resources regarding seasons, possession limits,
20 closed areas, closed times, or any other rule addressing the manner or
21 method of taking, possessing, or harvesting of seaweed.

22 (2) Unlawful taking of seaweed is a misdemeanor. This does not
23 affect rights of the state to recover civilly for trespass, conversion,
24 or theft of state-owned valuable materials.

25 NEW SECTION. **Sec. 21.** WASTE OF FISH AND WILDLIFE. (1) A person
26 is guilty of waste of fish and wildlife in the second degree if:

27 (a) The person kills, takes, or possesses fish or wildlife and the
28 value of the fish or wildlife is greater than twenty dollars but less
29 than two hundred fifty dollars; and

30 (b) The person recklessly allows such fish or wildlife to be
31 wasted.

32 (2) A person is guilty of waste of fish and wildlife in the first
33 degree if:

34 (a) The person kills, takes, or possesses food fish, shellfish,
35 game fish, game birds, or game animals having a value of two hundred
36 fifty dollars or more; and

1 (b) The person recklessly allows such fish or wildlife to be
2 wasted.

3 (3)(a) Waste of fish and wildlife in the second degree is a
4 misdemeanor.

5 (b) Waste of fish and wildlife in the first degree is a gross
6 misdemeanor. Upon conviction, the department shall revoke any license
7 or tag used in the crime and shall order suspension of the person's
8 privileges to engage in the activity in which the person committed
9 waste of fish and wildlife in the first degree for a period of one
10 year.

11 (4) It is prima facie evidence of waste if a processor purchases or
12 engages a quantity of food fish, shellfish, or game fish that cannot be
13 processed within sixty hours after the food fish or shellfish are taken
14 from the water, unless the food fish or shellfish are preserved in good
15 marketable condition.

16 NEW SECTION. **Sec. 22.** UNLAWFUL INTERFERENCE WITH FISHING OR
17 HUNTING GEAR. (1) A person is guilty of unlawful interference with
18 fishing or hunting gear in the second degree if the person:

19 (a) Takes or releases a wild animal from another person's trap
20 without permission;

21 (b) Springs, pulls up, damages, possesses, or destroys another
22 person's trap without the owner's permission; or

23 (c) Interferes with recreational gear used to take fish or
24 shellfish.

25 (2) Unlawful interference with fishing or hunting gear in the
26 second degree is a misdemeanor.

27 (3) A person is guilty of unlawful interference with fishing or
28 hunting gear in the first degree if the person:

29 (a) Takes or releases food fish or shellfish from commercial
30 fishing gear without the owner's permission; or

31 (b) Intentionally destroys or interferes with commercial fishing
32 gear.

33 (4) Unlawful interference with fishing or hunting gear in the first
34 degree is a gross misdemeanor.

35 (5) A person is not in violation of unlawful interference with
36 fishing or hunting gear if the person removes a trap placed on property
37 owned, leased, or rented by the person.

1 NEW SECTION. **Sec. 23.** FAILING TO IDENTIFY TRAPS FOR FURBEARING
2 ANIMALS. (1) A person is guilty of failing to identify traps for
3 furbearing animals if the person fails to attach to the person's traps
4 or devices a legible metal tag with either the department
5 identification number of the trapper or the name and address of the
6 trapper in English letters not less than one-eighth inch in height.

7 (2) Failing to identify traps for furbearing animals is a
8 misdemeanor.

9 NEW SECTION. **Sec. 24.** OBSTRUCTING THE TAKING OF FISH OR WILDLIFE.

10 (1) A person is guilty of obstructing the taking of fish or wildlife if
11 the person:

12 (a) Harasses, drives, or disturbs fish or wildlife with the intent
13 of disrupting lawful pursuit or taking thereof; or

14 (b) Harasses, intimidates, or interferes with an individual engaged
15 in the lawful taking of fish or wildlife or lawful predator control
16 with the intent of disrupting lawful pursuit or taking thereof.

17 (2) Obstructing the taking of fish or wildlife is a gross
18 misdemeanor.

19 (3) It is an affirmative defense to a prosecution for obstructing
20 the taking of fish or wildlife that the person charged was:

21 (a) Interfering with a person engaged in hunting outside the
22 legally established hunting season; or

23 (b) Preventing or attempting to prevent unauthorized trespass on
24 private property.

25 (4) The person raising a defense under subsection (3) of this
26 section has the burden of proof by a preponderance of the evidence.

27 NEW SECTION. **Sec. 25.** UNLAWFUL POSTING. (1) A person is guilty
28 of unlawful posting if the individual posts signs preventing hunting or
29 fishing on any land not owned or leased by the individual, or without
30 the permission of the person who owns, leases, or controls the land
31 posted.

32 (2) Unlawful posting is a misdemeanor.

33 NEW SECTION. **Sec. 26.** UNLAWFUL USE OF DEPARTMENT LANDS OR
34 FACILITIES. (1) A person is guilty of unlawful use of department lands
35 or facilities if the person enters upon, uses, or remains upon

1 department lands or facilities in violation of any rule of the
2 department.

3 (2) Unlawful use of department lands or facilities is a
4 misdemeanor.

5 NEW SECTION. **Sec. 27.** SPOTLIGHTING BIG GAME. (1) A person is
6 guilty of spotlighting big game in the second degree if the person
7 hunts big game with the aid of a spotlight or other artificial light
8 while in possession or control of a firearm, bow and arrow, or cross
9 bow.

10 (2) A person is guilty of spotlighting big game in the first degree
11 if:

12 (a) The person has any prior conviction for gross misdemeanor or
13 felony for a crime under this title involving big game including but
14 not limited to subsection (1) of this section or section 10 of this
15 act; and

16 (b) Within ten years of the date that such prior conviction was
17 entered the person commits the act described by subsection (1) of this
18 section.

19 (3)(a) Spotlighting big game in the second degree is a gross
20 misdemeanor.

21 (b) Spotlighting big game in the first degree is a class C felony.
22 Upon conviction, the department shall order suspension of all
23 privileges to hunt wildlife for a period of two years.

24 NEW SECTION. **Sec. 28.** UNLAWFUL USE OR POSSESSION OF A LOADED
25 FIREARM. (1) A person is guilty of unlawful possession of a loaded
26 firearm in a motor vehicle if:

27 (a) The person carries, transports, conveys, possesses, or controls
28 a rifle or shotgun in a motor vehicle; and

29 (b) The rifle or shotgun contains shells or cartridges in the
30 chamber, or is a muzzle-loading firearm that is loaded and capped or
31 primed.

32 (2) A person is guilty of unlawful use of a loaded firearm if the
33 person negligently shoots a firearm from, across, or along the
34 maintained portion of a public highway.

35 (3) Unlawful possession of a loaded firearm in a motor vehicle is
36 a misdemeanor.

37 (4) This section does not apply if the person:

1 (a) Is a law enforcement officer who is authorized to carry a
2 firearm and is on duty within the officer's respective jurisdiction;

3 (b) Possesses a disabled hunter's permit as provided by RCW
4 77.32.237 and complies with all rules of the department concerning
5 hunting by persons with disabilities.

6 (5) For purposes of this section, a firearm shall not be considered
7 loaded if the detachable clip or magazine has shells or cartridges in
8 it and the clip or magazine is not inserted in or attached to the
9 firearm.

10 NEW SECTION. Sec. 29. UNLAWFULLY AVOIDING WILDLIFE CHECK STATIONS
11 OR FIELD INSPECTIONS. (1) A person is guilty of unlawfully avoiding
12 wildlife check stations or field inspections if the person fails to:

13 (a) Obey check station signs;

14 (b) Stop and report at a check station if directed to do so by a
15 uniformed fish and wildlife officer; or

16 (c) Produce for inspection upon request by a fish and wildlife
17 officer: (i) Hunting or fishing equipment; (ii) seaweed, fish,
18 shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or
19 catch record cards required by this title or Title 75 RCW.

20 (2) Unlawfully avoiding wildlife check stations or field
21 inspections is a gross misdemeanor.

22 (3) Wildlife check stations may not be established upon interstate
23 highways or state routes.

24 NEW SECTION. Sec. 30. UNLAWFUL USE OF DOGS--PUBLIC NUISANCE. (1)
25 A person is guilty of unlawful use of dogs if the person:

26 (a) Negligently fails to prevent a dog under the person's control
27 from pursuing or injuring deer, elk, or an animal classified as
28 endangered under this title;

29 (b) Uses the dog to hunt deer or elk; or

30 (c) During the closed season for a species of game animal or game
31 bird, negligently fails to prevent the dog from pursuing such animal or
32 destroying the nest of a game bird.

33 (2) Unlawful use of dogs is a misdemeanor. A dog that is the basis
34 for a violation of this section may be declared a public nuisance.

35 NEW SECTION. Sec. 31. UNLAWFUL RELEASE OF FISH OR WILDLIFE.

36 (1)(a) A person is guilty of unlawfully releasing, planting, or placing

1 fish or wildlife if the person knowingly releases, plants, or places
2 live fish, wildlife, or aquatic plants within the state, except for a
3 release of game fish into private waters for which a game fish stocking
4 permit has been obtained or the planting of food fish or shellfish by
5 permit of the commission.

6 (b) A violation of this subsection is a gross misdemeanor. In
7 addition, the department shall order the person to pay all costs the
8 department incurred in capturing, killing, or controlling the fish or
9 wildlife released or its progeny. This does not affect the existing
10 authority of the department to bring a separate civil action to recover
11 costs of capturing, killing, controlling the fish or wildlife released
12 or their progeny, or restoration of habitat necessitated by the
13 unlawful release.

14 (2)(a) A person is guilty of unlawful release of deleterious exotic
15 wildlife if the person knowingly releases, plants, or places live fish
16 or wildlife within the state and such fish or wildlife has been
17 classified as deleterious exotic wildlife by rule of the commission.

18 (b) A violation of this subsection is a class C felony. In
19 addition, the department shall also order the person to pay all costs
20 the department incurred in capturing, killing, or controlling the fish
21 or wildlife released or its progeny. This does not affect the existing
22 authority of the department to bring a separate civil action to recover
23 costs of capturing, killing, controlling the fish or wildlife released
24 or their progeny, or restoration of habitat necessitated by the
25 unlawful release.

26 NEW SECTION. **Sec. 32.** ENGAGING IN COMMERCIAL WILDLIFE ACTIVITY
27 WITHOUT A LICENSE. (1) A person is guilty of engaging in commercial
28 wildlife activity without a license if the person:

29 (a) Deals in raw furs for commercial purposes and does not hold a
30 fur dealer license required by chapter 77.32 RCW;

31 (b) Practices taxidermy for profit and does not hold a taxidermy
32 license required by chapter 77.32 RCW; or

33 (c) Operates a game farm without a license required by chapter
34 77.32 RCW.

35 (2) Engaging in commercial wildlife activities without a license is
36 a gross misdemeanor.

1 NEW SECTION. **Sec. 33.** UNLAWFUL USE OF A COMMERCIAL WILDLIFE
2 LICENSE. (1) A person who holds a fur buyer's license or taxidermy
3 license is guilty of unlawful use of a commercial wildlife license if
4 the person:

5 (a) Fails to have the license in possession while engaged in fur
6 buying or practicing taxidermy for commercial purposes; or

7 (b) Violates any rule of the department regarding the use,
8 possession, display, or presentation of the taxidermy or fur buyer's
9 license.

10 (2) Unlawful use of a commercial wildlife license is a misdemeanor.

11 NEW SECTION. **Sec. 34.** UNLAWFUL TRAPPING. (1) A person is guilty
12 of unlawful trapping if the person:

13 (a) Sets out traps that are capable of taking wild animals, game
14 animals, or furbearing mammals and does not possess all licenses, tags,
15 or permits required under this title; or

16 (b) Violates any rule of the commission or director regarding
17 seasons, bag or possession limits, closed areas including game
18 reserves, closed times, or any other rule governing the trapping of
19 wild animals.

20 (2) Unlawful trapping is a misdemeanor.

21 NEW SECTION. **Sec. 35.** COMMERCIAL FISHING WITHOUT A LICENSE. (1)
22 A person is guilty of commercial fishing without a license in the
23 second degree if the person fishes for, takes, or delivers food fish,
24 shellfish, or game fish while acting for commercial purposes and:

25 (a) The person does not hold a fishery license or delivery license
26 under chapter 75.28 RCW for the food fish 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 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;
35 or

1 (b) The violation involves taking, delivery, or possession of food
2 fish or shellfish from an area that was closed to the taking of such
3 food fish or shellfish by any statute or rule.

4 (3)(a) Commercial fishing without a license in the second degree is
5 a gross misdemeanor.

6 (b) Commercial fishing without a license in the first degree is a
7 class C felony.

8 NEW SECTION. **Sec. 36.** COMMERCIAL FISH GUIDING OR CHARTERING
9 WITHOUT A LICENSE. (1) A person is guilty of commercial fish guiding
10 or chartering without a license if:

11 (a) The person operates a charter boat and does not hold the
12 charter boat license required for the food fish taken;

13 (b) The person acts as a professional salmon guide and does not
14 hold a professional salmon guide license; or

15 (c) The person acts as a game fish guide and does not hold a
16 professional game fish guide license.

17 (2) Commercial fish guiding or chartering without a license is a
18 gross misdemeanor.

19 NEW SECTION. **Sec. 37.** COMMERCIAL FISHING USING UNLAWFUL GEAR OR
20 METHODS. (1) A person is guilty of commercial fishing using unlawful
21 gear or methods if the person acts for commercial purposes and takes or
22 fishes for any fish or shellfish using any gear or method in violation
23 of a rule of the department specifying, regulating, or limiting the
24 gear or method for taking, fishing, or harvesting of such fish or
25 shellfish.

26 (2) Commercial fishing using unlawful gear or methods is a gross
27 misdemeanor.

28 NEW SECTION. **Sec. 38.** UNLAWFUL USE OF A NONDESIGNATED VESSEL.
29 (1) A person who holds a fishery license required by chapter 75.28 RCW,
30 or who holds an operator's license and is designated as an alternate
31 operator on a fishery license required by chapter 75.28 RCW, is guilty
32 of unlawful use of a nondesignated vessel if the person takes, fishes
33 for, or delivers from that fishery using a vessel not designated on the
34 person's license, when vessel designation is required by chapter 75.28
35 RCW.

36 (2) Unlawful use of a nondesignated vessel is a gross misdemeanor.

1 (3) A nondesignated vessel may be used, subject to appropriate
2 notification to the department and in accordance with rules established
3 by the commission, when a designated vessel is inoperative because of
4 accidental damage or mechanical breakdown.

5 (4) If the person commits the act described by subsection (1) of
6 this section and the vessel designated on the person's fishery license
7 was used by any person in the fishery on the same day, then the
8 violation for using a nondesignated vessel is a class C felony. Upon
9 conviction the department shall order revocation and suspension of all
10 commercial fishing privileges under chapter 75.28 RCW for a period of
11 one year.

12 NEW SECTION. **Sec. 39.** UNLAWFUL USE OF A COMMERCIAL FISHERY
13 LICENSE. (1) A person who holds a fishery license required by chapter
14 75.28 RCW, or who holds an operator's license and is designated as an
15 alternate operator on a fishery license required by chapter 75.28 RCW,
16 is guilty of unlawful use of a commercial fishery license if the
17 person:

18 (a) Does not have the commercial fishery license or operator's
19 license in possession during fishing or delivery; or

20 (b) Violates any rule of the department regarding the use,
21 possession, display, or presentation of the person's license, decals,
22 or vessel numbers.

23 (2) Unlawful use of a commercial fishery license is a misdemeanor.

24 NEW SECTION. **Sec. 40.** VIOLATION OF COMMERCIAL FISHING AREA OR
25 TIME. (1) A person is guilty of violating commercial fishing area or
26 time in the second degree if the person acts for commercial purposes
27 and takes, fishes for, delivers, or receives food fish or shellfish:

28 (a) At a time not authorized by statute or rule; or

29 (b) From an area that was closed to the taking of such food fish or
30 shellfish for commercial purposes by statute or rule.

31 (2) A person is guilty of violating commercial fishing area or time
32 in the first degree if the person commits the act described by
33 subsection (1) of this section and:

34 (a) The person acted with knowledge that the area or time was not
35 open to the taking or fishing of food fish or shellfish for commercial
36 purposes; and

1 (b) The violation involved two hundred fifty dollars or more worth
2 of food fish or shellfish.

3 (3)(a) Violating commercial fishing area or time in the second
4 degree is a gross misdemeanor.

5 (b) Violating commercial fishing area or time in the first degree
6 is a class C felony.

7 NEW SECTION. **Sec. 41.** FAILURE TO REPORT COMMERCIAL FISH HARVEST
8 OR DELIVERY. (1) Except as provided in section 45 of this act, a
9 person is guilty of failing to report a commercial fish or shellfish
10 harvest or delivery if the person acts for commercial purposes and
11 takes or delivers any fish or shellfish, and the person:

12 (a) Fails to sign a fish-receiving ticket that documents the
13 delivery of fish or shellfish or otherwise documents the taking or
14 delivery; or

15 (b) Fails to report or document the taking, landing, or delivery as
16 required by any rule of the department.

17 (2) Failing to report a commercial fish harvest or delivery is a
18 gross misdemeanor.

19 (3) For purposes of this section, "delivery" of fish or shellfish
20 occurs when there is a transfer or conveyance of title or control from
21 the person who took, fished for, or otherwise harvested the fish or
22 shellfish.

23 NEW SECTION. **Sec. 42.** UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE.
24 (1) A person is guilty of unlawful trafficking in fish or wildlife in
25 the second degree if the person traffics in fish or wildlife with a
26 wholesale value of less than two hundred fifty dollars and:

27 (a) The fish or wildlife is classified as game, food fish,
28 shellfish, game fish, or protected wildlife and the trafficking is not
29 authorized by statute or rule of the department; or

30 (b) The fish or wildlife is unclassified and the trafficking
31 violates any rule of the department.

32 (2) A person is guilty of unlawful trafficking in fish or wildlife
33 in the first degree if the person commits the act described by
34 subsection (1) of this section and:

35 (a) The fish or wildlife has a value of two hundred fifty dollars
36 or more; or

1 (b) The fish or wildlife is designated as endangered or deleterious
2 exotic wildlife and such trafficking is not authorized by any statute
3 or rule of the department.

4 (3)(a) Unlawful trafficking in fish or wildlife in the second
5 degree is a gross misdemeanor.

6 (b) Unlawful trafficking in fish or wildlife in the first degree is
7 a class C felony.

8 NEW SECTION. **Sec. 43.** ENGAGING IN FISH DEALING ACTIVITY WITHOUT
9 A LICENSE. (1) A person is guilty of engaging in fish dealing activity
10 without a license in the second degree if the person:

11 (a) Engages in the commercial processing of fish or shellfish,
12 including custom canning or processing of personal use fish or
13 shellfish and does not hold a wholesale dealer's license required by
14 RCW 75.28.300(1) or 77.32.211 for anadromous game fish;

15 (b) Engages in the wholesale selling, buying, or brokering of food
16 fish or shellfish and does not hold a wholesale dealer's or buying
17 license required by RCW 75.28.300(2) or 77.32.211 for anadromous game
18 fish;

19 (c) Is a fisher who lands and sells his or her catch or harvest in
20 the state to anyone other than a licensed wholesale dealer within or
21 outside the state and does not hold a wholesale dealer's license
22 required by RCW 75.28.300(3) or 77.32.211 for anadromous game fish; or

23 (d) Engages in the commercial manufacture or preparation of
24 fertilizer, oil, meal, caviar, fish bait, or other byproducts from food
25 fish or shellfish and does not hold a wholesale dealer's license
26 required by RCW 75.28.300(4) or 77.32.211 for anadromous game fish.

27 (2) Engaging in fish dealing activity without a license in the
28 second degree is a gross misdemeanor.

29 (3) A person is guilty of engaging in fish dealing activity without
30 a license in the first degree if the person commits the act described
31 by subsection (1) of this section and the violation involves fish or
32 shellfish worth two hundred fifty dollars or more. Engaging in fish
33 dealing activity without a license in the first degree is a class C
34 felony.

35 NEW SECTION. **Sec. 44.** UNLAWFUL USE OF FISH BUYING AND DEALING
36 LICENSES. (1) A person who holds a fish dealer's license required by
37 RCW 75.28.300, an anadromous game fish buyer's license required by RCW

1 77.32.211, or a fish buyer's license required by RCW 75.28.340 is
2 guilty of unlawful use of fish buying and dealing licenses in the
3 second degree if the person:

4 (a) Possesses or receives fish or shellfish for commercial purposes
5 worth less than two hundred fifty dollars; and

6 (b) Fails to document such fish or shellfish with a fish-receiving
7 ticket required by statute or rule of the department.

8 (2) A person is guilty of unlawful use of fish buying and dealing
9 licenses in the first degree if the person commits the act described by
10 subsection (1) of this section and:

11 (a) The violation involves fish or shellfish worth two hundred
12 fifty dollars or more;

13 (b) The person acted with knowledge that the fish or shellfish were
14 taken from a closed area, at a closed time, or by a person not licensed
15 to take such fish or shellfish for commercial purposes; or

16 (c) The person acted with knowledge that the fish or shellfish were
17 taken in violation of any tribal law.

18 (3)(a) Unlawful use of fish buying and dealing licenses in the
19 second degree is a gross misdemeanor.

20 (b) Unlawful use of fish buying and dealing licenses in the first
21 degree is a class C felony. Upon conviction, the department shall
22 suspend all privileges to engage in fish buying or dealing for two
23 years.

24 NEW SECTION. **Sec. 45.** VIOLATING RULES GOVERNING WHOLESALE FISH
25 BUYING AND DEALING. (1) A person who holds a wholesale fish dealer's
26 license required by RCW 75.28.300, an anadromous game fish buyer's
27 license required by RCW 77.32.211, or a fish buyer's license required
28 by RCW 75.28.340 is guilty of violating rules governing wholesale fish
29 buying and dealing if the person:

30 (a) Fails to possess or display his or her license when engaged in
31 any act requiring the license;

32 (b) Fails to display or uses the license in violation of any rule
33 of the department;

34 (c) Files a signed fish-receiving ticket but fails to provide all
35 information required by rule of the department; or

36 (d) Violates any other rule of the department regarding wholesale
37 fish buying and dealing.

1 (2) Violating rules governing wholesale fish buying and dealing is
2 a gross misdemeanor.

3 NEW SECTION. **Sec. 46.** PROVIDING FALSE INFORMATION REGARDING FISH
4 OR WILDLIFE. (1) A person is guilty of providing false information
5 regarding fish or wildlife if the person knowingly provides false or
6 misleading information required by any statute or rule to be provided
7 to the department regarding the taking, delivery, possession,
8 transportation, sale, transfer, or any other use of fish or wildlife.

9 (2) Providing false information regarding fish or wildlife is a
10 gross misdemeanor.

11 NEW SECTION. **Sec. 47.** VIOLATING RULES REQUIRING REPORTING OF FISH
12 OR WILDLIFE HARVEST. (1) A person is guilty of violating rules
13 requiring reporting of fish or wildlife harvest if the person:

14 (a) Fails to make a harvest log report of a commercial fish or
15 shellfish catch in violation of any rule of the commission or the
16 director;

17 (b) Fails to maintain a trapper's report or taxidermist ledger in
18 violation of any rule of the commission or the director;

19 (c) Fails to submit any portion of a big game animal for a required
20 inspection required by rule of the commission or the director; or

21 (d) Fails to return a catch record card or wildlife harvest report
22 to the department as required by rule of the commission or director.

23 (2) Violating rules requiring reporting of fish or wildlife harvest
24 is a misdemeanor.

25 NEW SECTION. **Sec. 48.** UNLAWFUL TRANSPORTATION OF FISH OR
26 WILDLIFE. (1) A person is guilty of unlawful transportation of fish or
27 wildlife in the second degree if the person:

28 (a) Knowingly imports, moves within the state, or exports fish or
29 wildlife in violation of any rule of the commission or the director
30 governing the transportation or movement of fish or wildlife and the
31 transportation does not involve big game, endangered fish or wildlife,
32 deleterious exotic wildlife, or fish or wildlife having a value greater
33 than two hundred fifty dollars; or

34 (b) Possesses but fails to affix or notch a big game transport tag
35 as required by rule of the commission or director.

1 (2) A person is guilty of unlawful transportation of fish or
2 wildlife in the first degree if the person:

3 (a) Knowingly imports, moves within the state, or exports fish or
4 wildlife in violation of any rule of the commission or the director
5 governing the transportation or movement of fish or wildlife and the
6 transportation involves big game, endangered fish or wildlife,
7 deleterious exotic wildlife, or fish or wildlife with a value of two
8 hundred fifty dollars or more; or

9 (b) Knowingly transports shellfish, shellstock, or equipment used
10 in commercial culturing, taking, handling, or processing shellfish
11 without a permit required by authority of this title.

12 (3)(a) Unlawful transportation of fish or wildlife in the second
13 degree is a misdemeanor.

14 (b) Unlawful transportation of fish or wildlife in the first degree
15 is a gross misdemeanor.

16 **Sec. 49.** RCW 75.12.320 and 1983 1st ex.s. c 46 s 63 are each
17 amended to read as follows:

18 (1) Except as provided in subsection (~~((2))~~) (3) of this section,
19 it is unlawful for a person who is not a treaty Indian fisherman to
20 participate in the taking of (~~((food))~~) fish or shellfish in a treaty
21 Indian fishery, or to be on board a vessel, or associated equipment,
22 operating in a treaty Indian fishery. A violation of this subsection
23 is a gross misdemeanor.

24 (2) A person who violates subsection (1) of this section with the
25 intent of acting for commercial purposes, including any sale of catch,
26 control of catch, profit from catch, or payment for fishing assistance,
27 is guilty of a class C felony. Upon conviction, the department shall
28 order revocation of any license and a one-year suspension of all
29 commercial fishing privileges requiring a license under chapter 75.28
30 or 75.30 RCW.

31 (3)(a) The spouse, forebears, siblings, children, and grandchildren
32 of a treaty Indian fisherman may assist the fisherman in exercising
33 treaty Indian fishing rights when the treaty Indian fisherman is
34 present at the fishing site.

35 (b) Other treaty Indian fishermen with off-reservation treaty
36 fishing rights in the same usual and accustomed places, whether or not
37 the fishermen are members of the same tribe or another treaty tribe,
38 may assist a treaty Indian fisherman in exercising treaty Indian

1 fishing rights when the treaty Indian fisherman is present at the
2 fishing site.

3 (c) Biologists approved by the department may be on board a vessel
4 operating in a treaty Indian fishery.

5 ~~((3))~~ (4) For the purposes of this section:

6 (a) "Treaty Indian fisherman" means a person who may exercise
7 treaty Indian fishing rights as determined under United States v.
8 Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohappay v. Smith,
9 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those
10 courts;

11 (b) "Treaty Indian fishery" means a fishery open to only treaty
12 Indian fishermen by tribal or federal regulation;

13 (c) "To participate" and its derivatives mean an effort to operate
14 a vessel or fishing equipment, provide immediate supervision in the
15 operation of a vessel or fishing equipment, or otherwise assist in the
16 fishing operation, ~~((or))~~ to claim possession of a share of the catch,
17 or to represent that the catch was lawfully taken in an Indian fishery.

18 ~~((4))~~ (5) A violation of this section ~~((involving salmon))~~
19 constitutes illegal fishing and is subject to the ~~((sanctions provided~~
20 ~~under RCW 75.10.130))~~ suspensions provided for commercial fishing
21 violations.

22 NEW SECTION. Sec. 50. UNLAWFUL USE OF NETS TO TAKE FISH. (1) A
23 person is guilty of unlawful use of a net to take fish in the second
24 degree if the person:

25 (a) Lays, sets, uses, or controls a net or other device or
26 equipment capable of taking fish from the waters of this state, except
27 if the person has a valid license for such fishing gear from the
28 director under this title and is acting in accordance with all rules of
29 the commission and director; or

30 (b) Fails to return unauthorized fish to the water immediately
31 while otherwise lawfully operating a net under a valid license.

32 (2) A person is guilty of unlawful use of a net to take fish in the
33 first degree if the person:

34 (a) Commits the act described by subsection (1) of this section;
35 and

36 (b) The violation occurs within five years of entry of a prior
37 conviction for a gross misdemeanor or felony under this title or Title

1 75 RCW involving fish, other than a recreational fishing violation, or
2 involving unlawful use of nets.

3 (3)(a) Unlawful use of a net to take fish in the second degree is
4 a gross misdemeanor. Upon conviction, the department shall revoke any
5 license held under this title or Title 75 RCW allowing commercial net
6 fishing used in connection with the crime.

7 (b) Unlawful use of a net to take fish in the first degree is a
8 class C felony. Upon conviction, the department shall order a one-year
9 suspension of all commercial fishing privileges requiring a license
10 under this title or Title 75 RCW.

11 (4) Notwithstanding subsections (1) and (2) of this section, it is
12 lawful to use a landing net to land fish otherwise legally hooked.

13 NEW SECTION. **Sec. 51.** UNLAWFUL USE OF COMMERCIAL FISHING VESSEL
14 FOR RECREATIONAL OR CHARTER FISHING. (1) A person is guilty of
15 unlawful use of a commercial fishing vessel, except as may be
16 authorized by rule of the commission, for recreational or charter
17 fishing if the person uses, operates, or controls a vessel on the same
18 day for both:

19 (a) Charter or recreational fishing; and

20 (b) Commercial fishing or shellfish harvesting.

21 (2) Unlawful use of a commercial fishing vessel for recreational or
22 charter fishing is a gross misdemeanor.

23 NEW SECTION. **Sec. 52.** UNLAWFUL HYDRAULIC PROJECT ACTIVITIES. (1)
24 A person is guilty of unlawfully undertaking hydraulic project
25 activities if the person constructs any form of hydraulic project or
26 performs other work on a hydraulic project and:

27 (a) Fails to have a hydraulic project approval required under
28 chapter 75.20 RCW for such construction or work; or

29 (b) Violates any requirements or conditions of the hydraulic
30 project approval for such construction or work.

31 (2) Unlawfully undertaking hydraulic project activities is a gross
32 misdemeanor.

33 NEW SECTION. **Sec. 53.** UNLAWFUL FAILURE TO USE OR MAINTAIN
34 APPROVED FISH GUARD ON WATER DIVERSION DEVICE. (1) A person is guilty
35 of unlawful failure to use or maintain an approved fish guard on a
36 diversion device if the person owns, controls, or operates a device

1 used for diverting or conducting water from a lake, river, or stream
2 and:

3 (a) The device is not equipped with a fish guard, screen, or bypass
4 approved by the director as required by RCW 75.20.040 or 77.16.220; or

5 (b) The person knowingly fails to maintain or operate an approved
6 fish guard, screen, or bypass so as to effectively screen or prevent
7 fish from entering the intake.

8 (2) Unlawful failure to use or maintain an approved fish guard,
9 screen, or bypass on a diversion device is a misdemeanor. Following
10 written notification to the person from the department that there is a
11 violation, each day that a diversion device is operated without an
12 approved or maintained fish guard, screen, or bypass is a separate
13 offense.

14 NEW SECTION. **Sec. 54.** UNLAWFUL FAILURE TO PROVIDE, MAINTAIN, OR
15 OPERATE FISHWAY FOR DAM OR OTHER OBSTRUCTION. (1) A person is guilty
16 of unlawful failure to provide, maintain, or operate a fishway for dam
17 or other obstruction if the person owns, operates, or controls a dam or
18 other obstruction to fish passage on a river or stream and:

19 (a) The dam or obstruction is not provided with a durable and
20 efficient fishway approved by the director as required by RCW
21 75.20.060;

22 (b) Fails to maintain a fishway in efficient operating condition;
23 or

24 (c) Fails to continuously supply a fishway with a sufficient supply
25 of water to allow the free passage of fish.

26 (2) Unlawful failure to provide, maintain, or operate a fishway for
27 dam or other obstruction is a misdemeanor. Following written
28 notification to the person from the department that there is a
29 violation, each day of unlawful failure to provide, maintain, or
30 operate a fishway is a separate offense.

31 NEW SECTION. **Sec. 55.** UNLAWFUL USE OF SCIENTIFIC PERMIT. (1) A
32 person is guilty of unlawful use of a scientific permit if the person:

33 (a) Violates any terms or conditions of a scientific permit issued
34 by the director;

35 (b) Buys or sells fish or wildlife taken with a scientific permit;
36 or

1 (c) Violates any rule of the commission or the director applicable
2 to the issuance or use of scientific permits.

3 (2) Unlawful use of a scientific permit is a gross misdemeanor.

4 NEW SECTION. **Sec. 56.** UNLAWFUL HUNTING OR FISHING CONTESTS. (1)

5 A person is guilty of unlawfully holding a hunting or fishing contest
6 if the person:

7 (a) Conducts, holds, or sponsors a hunting contest, a fishing
8 contest involving game fish, or a competitive field trial using live
9 wildlife without the permit required by RCW 77.32.211; or

10 (b) Violates any rule of the commission or the director applicable
11 to a hunting contest, fishing contest involving game fish, or a
12 competitive field trial using live wildlife.

13 (2) Unlawfully holding a hunting or fishing contest is a
14 misdemeanor.

15 NEW SECTION. **Sec. 57.** UNLAWFUL OPERATION OF A GAME FARM. (1) A

16 person is guilty of unlawful operation of a game farm if the person (a)
17 operates a game farm without the license required by RCW 77.32.211; or

18 (b) violates any rule of the commission or the director applicable to
19 game farms under RCW 77.12.570, 77.12.580, and 77.12.590.

20 (2) Unlawful operation of a game farm is a gross misdemeanor.

21 NEW SECTION. **Sec. 58.** VIOLATION OF A RULE REGARDING INSPECTION

22 AND CONTROL OF AQUATIC FARMS. (1) A person is guilty of violating a
23 rule regarding inspection and disease control of aquatic farms if the
24 person:

25 (a) Violates any rule adopted under chapter 75.58 RCW regarding the
26 inspection and disease control program for an aquatic farm; or

27 (b) Fails to register or report production from an aquatic farm as
28 required by chapter 75.58 RCW.

29 (2) A violation of a rule regarding inspection and disease control
30 of aquatic farms is a misdemeanor.

31 NEW SECTION. **Sec. 59.** UNLAWFUL PURCHASE OR USE OF A LICENSE. (1)

32 A person is guilty of unlawful purchase or use of a license in the
33 second degree if the person buys, holds, uses, displays, transfers, or
34 obtains any license, tag, permit, or approval required by this title or
35 Title 75 RCW and the person:

1 (a) Uses false information to buy, hold, use, display, or obtain a
2 license, permit, tag, or approval;

3 (b) Acquires, holds, or buys in excess of one license, permit, or
4 tag for a license year if only one license, permit, or tag is allowed
5 per license year;

6 (c) Uses or displays a license, permit, tag, or approval that was
7 issued to another person;

8 (d) Permits or allows a license, permit, tag, or approval to be
9 used or displayed by another person not named on the license, permit,
10 tag, or approval;

11 (e) Acquires or holds a license while privileges for the license
12 are revoked or suspended.

13 (2) A person is guilty of unlawful purchase or use of a license in
14 the first degree if the person commits the act described by subsection
15 (1) of this section and the person was acting with intent that the
16 license, permit, tag, or approval be used for any commercial purpose.
17 A person is presumed to be acting with such intent if the violation
18 involved obtaining, holding, displaying, or using a license or permit
19 for participation in any commercial fishery issued under this title or
20 Title 75 RCW or a license authorizing fish or wildlife buying,
21 trafficking, or wholesaling.

22 (3)(a) Unlawful purchase or use of a license in the second degree
23 is a gross misdemeanor. Upon conviction, the department shall revoke
24 any unlawfully used or held licenses and order a two-year suspension of
25 participation in the activities for which the person unlawfully
26 obtained, held, or used a license.

27 (b) Unlawful purchase or use of a license in the first degree is a
28 class C felony. Upon conviction, the department shall revoke any
29 unlawfully used or held licenses and order a five-year suspension of
30 participation in any activities for which the person unlawfully
31 obtained, held, or used a license.

32 (4) For purposes of this section, a person "uses" a license,
33 permit, tag, or approval if the person engages in any activity
34 authorized by the license, permit, tag, or approval held or possessed
35 by the person. Such uses include but are not limited to fishing,
36 hunting, taking, trapping, delivery or landing fish or wildlife, and
37 selling, buying, or wholesaling of fish or wildlife.

38 (5) Any license obtained in violation of this section is void upon
39 issuance and is of no legal effect.

1 NEW SECTION. **Sec. 60.** UNLAWFUL HUNTING OR FISHING WHEN PRIVILEGES
2 ARE REVOKED OR SUSPENDED. (1) A person is guilty of unlawful hunting
3 or fishing when privileges are revoked or suspended in the second
4 degree if the person hunts or fishes and the person's privilege to
5 engage in such hunting or fishing were revoked or suspended by any
6 court or the department.

7 (2) A person is guilty of unlawful hunting or fishing when
8 privileges are revoked or suspended in the first degree if the person
9 commits the act described by subsection (1) of this section and:

10 (a) The suspension of privileges that was violated was a permanent
11 suspension;

12 (b) The person takes or possesses more than two hundred fifty
13 dollars' worth of unlawfully taken food fish, wildlife, game fish,
14 seaweed, or shellfish; or

15 (c) The violation involves the hunting, taking, or possession of
16 fish or wildlife classified as endangered or threatened or big game.

17 (3)(a) Unlawful hunting or fishing when privileges are revoked or
18 suspended in the second degree is a gross misdemeanor. Upon
19 conviction, the department shall order permanent suspension of the
20 person's privileges to engage in such hunting or fishing activities.

21 (b) Unlawful hunting or fishing when privileges are revoked or
22 suspended in the first degree is a class C felony. Upon conviction,
23 the department shall order permanent suspension of all privileges to
24 hunt, fish, trap, or take wildlife, food fish, or shellfish.

25 (4) As used in this section, hunting includes trapping with a
26 trapping license.

27 NEW SECTION. **Sec. 61.** UNLAWFUL INTERFERING IN DEPARTMENT
28 OPERATIONS. (1) A person is guilty of unlawful interfering in
29 department operations if the person prevents department employees from
30 carrying out duties authorized by this title or Title 75 RCW, including
31 but not limited to interfering in the operation of department vehicles,
32 vessels, or aircraft.

33 (2) Unlawful interfering in department operations is a gross
34 misdemeanor.

35 NEW SECTION. **Sec. 62.** CRIMINAL WILDLIFE PENALTY ASSESSMENT FOR
36 ILLEGALLY TAKEN OR POSSESSED WILDLIFE. (1) If a person is convicted of
37 violating section 10 of this act and that violation results in the

1 death of wildlife listed in this section, the court shall require
2 payment of the following amounts for each animal killed or possessed.
3 This shall be a criminal wildlife penalty assessment that shall be paid
4 to the clerk of the court and distributed each month to the state
5 treasurer for deposit in the public safety and education account.

6 (a) Moose, mountain sheep, mountain goat, and all wildlife
7 species classified as endangered by rule of the commission,
8 except for mountain caribou and grizzly bear as listed under

9 (d) of this subsection \$ 4,000

10 (b) Elk, deer, black bear, and cougar \$ 2,000

11 (c) Trophy animal elk and deer \$ 6,000

12 (d) Mountain caribou, grizzly bear, and trophy animal mountain
13 sheep \$12,000

14 (2) No forfeiture of bail may be less than the amount of the bail
15 established for hunting during closed season plus the amount of the
16 criminal wildlife penalty assessment in subsection (1) of this section.

17 (3) For the purpose of this section a "trophy animal" is:

18 (a) A buck deer with four or more antler points on both sides, not
19 including eyeguards;

20 (b) A bull elk with five or more antler points on both sides, not
21 including eyeguards; or

22 (c) A mountain sheep with a horn curl of three-quarter curl or
23 greater.

24 For purposes of this subsection, "eyeguard" means an antler
25 protrusion on the main beam of the antler closest to the eye of the
26 animal.

27 (4) If two or more persons are convicted of illegally possessing
28 wildlife in subsection (1) of this section, the criminal wildlife
29 penalty assessment shall be imposed on them jointly and separately.

30 (5) The criminal wildlife penalty assessment shall be imposed
31 regardless of and in addition to any sentence, fines, or costs
32 otherwise provided for violating any provision of this title. The
33 criminal wildlife penalty assessment shall be included by the court in
34 any pronouncement of sentence and may not be suspended, waived,
35 modified, or deferred in any respect. This section may not be
36 construed to abridge or alter alternative rights of action or remedies
37 in equity or under common law or statutory law, criminal or civil.

38 (6) A defaulted criminal wildlife penalty assessment may be
39 collected by any means authorized by law for the enforcement of orders

1 of the court or collection of a fine or costs, including but not
2 limited to vacation of a deferral of sentencing or vacation of a
3 suspension of sentence.

4 (7) A person assessed a criminal wildlife penalty assessment under
5 this section shall have his or her hunting license revoked and all
6 hunting privileges suspended until the penalty assessment is paid
7 through the registry of the court in which the penalty assessment was
8 assessed.

9 NEW SECTION. **Sec. 63.** DISPOSITION OF FORFEITED WILDLIFE AND
10 ARTICLES. (1) Unless otherwise provided in this title or Title 75 RCW,
11 fish, shellfish, or wildlife unlawfully taken or possessed, or involved
12 in a violation shall be forfeited to the state upon conviction. Unless
13 already held by, sold, destroyed, or disposed of by the department, the
14 court shall order such fish or wildlife to be delivered to the
15 department. Where delay will cause loss to the value of the property
16 and a ready wholesale buying market exists, the department may sell
17 property to a wholesale buyer at a fair market value.

18 (2) The department may use, sell, or destroy any other property
19 forfeited by the court or the department. Any sale of other property
20 shall be at public auction or after public advertisement reasonably
21 designed to obtain the highest price. The time, place, and manner of
22 holding the sale shall be determined by the director. The director may
23 contract for the sale to be through the department of general
24 administration as state surplus property, or, except where not
25 justifiable by the value of the property, the director shall publish
26 notice of the sale once a week for at least two consecutive weeks
27 before the sale in at least one newspaper of general circulation in the
28 county in which the sale is to be held. Proceeds of the sale shall be
29 deposited in the state treasury to be credited to the state wildlife
30 fund.

31 NEW SECTION. **Sec. 64.** DEPARTMENT AUTHORITY TO REVOKE LICENSES.
32 (1) Upon any conviction of any violation of this chapter, the
33 department may revoke any license, tag, or stamp, or other permit
34 involved in the violation or held by the person convicted, in addition
35 to other penalties provided by law.

36 (2) If the department orders that a license, tag, stamp, or other
37 permit be revoked, that order is effective upon entry of the order and

1 any such revoked license, tag, stamp, or other permit is void as a
2 result of such order of revocation. The department shall order such
3 license, tag, stamp, or other permit turned over to the department, and
4 shall order the person not to acquire a replacement or duplicate for
5 the remainder of the period for which the revoked license, tag, stamp,
6 or other permit would have been valid. During this period when a
7 license is revoked, the person is subject to punishment under this
8 chapter. If the person appeals the sentence by the court, the
9 revocation shall be effective during the appeal.

10 (3) If an existing license, tag, stamp, or other permit is voided
11 and revoked under this chapter, the department and its agents shall not
12 be required to refund or restore any fees, costs, or money paid for the
13 license, nor shall any person have any right to bring a collateral
14 appeal under chapter 34.05 RCW to attack the department order.

15 NEW SECTION. **Sec. 65.** DEPARTMENT AUTHORITY TO SUSPEND
16 PRIVILEGES--FORM AND PROCEDURE. (1) If any crime in this chapter is
17 punishable by a suspension of privileges, then the department shall
18 issue an order that specifies the privileges suspended and period when
19 such suspension shall begin and end. The department has no authority
20 to issue licenses, permits, tags, or stamps for the suspended activity
21 until the suspension ends and any license, tag, stamp, or other
22 permission obtained in violation of an order of suspension is void and
23 ineffective.

24 (2) A court sentence may include a suspension of privileges only if
25 grounds are provided by statute. There is no right to seek
26 reinstatement of privileges from the department during a period of
27 court-ordered suspension.

28 (3) If this chapter makes revocation or suspension of privileges
29 mandatory, then the department shall impose the punishment in addition
30 to any other punishments authorized by law.

31 NEW SECTION. **Sec. 66.** GROUNDS FOR DEPARTMENT REVOCATION AND
32 SUSPENSION OF PRIVILEGES. The department shall impose revocation and
33 suspension of privileges upon conviction in the following
34 circumstances:

35 (1) If directed by statute for an offense;

1 (2) If the department finds that actions of the defendant
2 demonstrated a willful or wanton disregard for conservation of fish or
3 wildlife. Such suspension of privileges may be permanent;

4 (3) If a person is convicted twice within ten years for a violation
5 involving unlawful hunting, killing, or possessing big game, the
6 department shall order revocation and suspension of all hunting
7 privileges for two years. RCW 77.16.020 or 77.16.050 as it existed
8 before the effective date of this section may comprise one of the
9 convictions constituting the basis for revocation and suspension under
10 this subsection;

11 (4) If a person is convicted three times in ten years of any
12 violation of recreational hunting or fishing laws or rules, the
13 department shall order a revocation and suspension of all recreational
14 hunting and fishing privileges for two years;

15 (5) If a person is convicted twice within five years of a gross
16 misdemeanor or felony involving unlawful commercial fish or shellfish
17 harvesting, buying, or selling, the department shall impose a
18 revocation and suspension of the person's commercial fishing privileges
19 for one year. A commercial fishery license suspended under this
20 subsection may not be used by an alternate operator or transferred
21 during the period of suspension.

22 **Sec. 67.** RCW 77.16.135 and 1995 1st sp.s. c 2 s 43 are each
23 amended to read as follows:

24 (1) The commission shall revoke all licenses and order a ten-year
25 suspension of all privileges extended under ~~((Title 77 RCW))~~ the
26 authority of the department of a person convicted of assault on a
27 ~~((state wildlife agent))~~ fish and wildlife officer or other law
28 enforcement officer provided that:

29 (a) The ~~((wildlife agent))~~ fish and wildlife officer or other law
30 enforcement officer was on duty at the time of the assault; and

31 (b) The ~~((wildlife agent))~~ fish and wildlife officer or other law
32 enforcement officer was enforcing the provisions of this title ~~((77~~
33 ~~RCW))~~.

34 (2) For the purposes of this section, the definition of assault
35 includes:

36 (a) RCW 9A.32.030; murder in the first degree;

37 (b) RCW 9A.32.050; murder in the second degree;

38 (c) RCW 9A.32.060; manslaughter in the first degree;

1 (d) RCW 9A.32.070; manslaughter in the second degree;

2 (e) RCW 9A.36.011; assault in the first degree;

3 (f) RCW 9A.36.021; assault in the second degree; and

4 (g) RCW 9A.36.031; assault in the third degree.

5 ~~((3) For the purposes of this section, a conviction includes:~~

6 ~~(a) A determination of guilt by the court;~~

7 ~~(b) The entering of a guilty plea to the charge or charges by the~~
8 ~~accused;~~

9 ~~(c) A forfeiture of bail or a vacation of bail posted to the court;~~
10 ~~or~~

11 ~~(d) The imposition of a deferred or suspended sentence by the~~
12 ~~court.~~

13 ~~(4) No license described under Title 77 RCW shall be reissued to a~~
14 ~~person violating this section for a minimum of ten years, at which time~~
15 ~~a person may petition the director for a reinstatement of his or her~~
16 ~~license or licenses. The ten year period shall be tolled during any~~
17 ~~time the convicted person is incarcerated in any state or local~~
18 ~~correctional or penal institution, in community supervision, or home~~
19 ~~detention for an offense under this section. Upon review by the~~
20 ~~director, and if all provisions of the court that imposed sentencing~~
21 ~~have been completed, the director may reinstate in whole or in part the~~
22 ~~licenses and privileges under Title 77 RCW.))~~

23 NEW SECTION. Sec. 68. DIRECTOR'S AUTHORITY TO SUSPEND PRIVILEGES.

24 (1) The director may order suspension of privileges licensed or
25 permitted by the department or impose conditions on the exercise of
26 privileges including reporting or monitoring requirements and payment
27 of the department's costs of supervision, monitoring, or reporting.
28 The director may also require the posting of a bond or other monetary
29 security that may be used to satisfy any administrative or criminal
30 penalty against the person or to satisfy the department's costs. An
31 order suspending privileges under this section shall specify the
32 privileges suspended or conditioned and the period when the suspension
33 or condition begins and ends.

34 (2) If a person shoots another person or domestic livestock while
35 hunting, the director shall suspend all hunting privileges for three
36 years. If the shooting of another person or livestock is the result of
37 criminal negligence or reckless or intentional conduct, then the
38 person's privileges shall be suspended for ten years. The suspension

1 may be continued beyond these periods if damages owed to the victim or
2 livestock owner have not been paid by the suspended person.

3 (3) If a person commits any assault upon employees, agents, or
4 personnel acting for the department, the director shall suspend hunting
5 or fishing privileges for ten years.

6 (4) Within twenty days of service of an order suspending privileges
7 or imposing conditions under this section, a person may petition for
8 administrative review under chapter 34.05 RCW by serving the director
9 with a petition for review. The order is final and unappealable if
10 there is no timely petition for administrative review.

11 (5) The commission may by rule authorize petitions for
12 reinstatement of administrative suspensions and define circumstances
13 under which reinstatement will be allowed.

14 NEW SECTION. **Sec. 69.** CIVIL FORFEITURE OF PROPERTY USED FOR
15 VIOLATION OF THIS CHAPTER. (1) Fish and wildlife officers and ex
16 officio fish and wildlife officers may seize without warrant boats,
17 airplanes, vehicles, gear, appliances, or other articles they have
18 probable cause to believe have been used in violation of this chapter.
19 However, fish and wildlife officers may not seize any item or article,
20 other than for evidence, if under the circumstances, it is reasonable
21 to conclude that the violation was inadvertent. The property seized is
22 subject to forfeiture to the state under this section regardless of
23 ownership. Property seized may be recovered by its owner by depositing
24 into court a cash bond equal to the value of the seized property but
25 not more than twenty-five thousand dollars. Such cash bond is subject
26 to forfeiture in lieu of the property. Forfeiture of property seized
27 under this section is a civil forfeiture against property intended to
28 be a remedial civil sanction.

29 (2) In the event of a seizure of property under this section,
30 jurisdiction to begin the forfeiture proceedings shall commence upon
31 seizure. Within fifteen days following the seizure, the seizing
32 authority shall serve a written notice of intent to forfeit property on
33 the owner of the property seized and on any person having any known
34 right or interest in the property seized. Notice may be served by any
35 method authorized by law or court rule, including service by certified
36 mail with return receipt requested. Service by mail is deemed complete
37 upon mailing within the fifteen-day period following the seizure.

1 (3) Persons claiming a right of ownership or right to possession of
2 property are entitled to a hearing to contest forfeiture. Such a claim
3 shall specify the claim of ownership or possession and shall be made in
4 writing and served on the director within forty-five days of the
5 seizure. If the seizing authority has complied with notice
6 requirements and there is no claim made within forty-five days, then
7 the property shall be forfeited to the state.

8 (4) If any person timely serves the director with a claim to
9 property, the person shall be afforded an opportunity to be heard as to
10 the person's claim or right. The hearing shall be before the director
11 or director's designee, or before an administrative law judge appointed
12 under chapter 34.12 RCW, except that a person asserting a claim or
13 right may remove the matter to a court of competent jurisdiction if the
14 aggregate value of the property seized is more than five thousand
15 dollars.

16 (5) The hearing to contest forfeiture and any subsequent appeal
17 shall be as provided for in Title 34 RCW. The seizing authority has
18 the burden to demonstrate that it had reason to believe the property
19 was held with intent to violate or was used in violation of this title
20 or rule of the commission or director. The person contesting
21 forfeiture has the burden of production and proof by a preponderance of
22 evidence that the person owns or has a right to possess the property
23 and:

24 (a) That the property was not held with intent to violate or used
25 in violation of this title or Title 75 RCW; or

26 (b) If the property is a boat, airplane, or vehicle, that the
27 illegal use or planned illegal use of the boat, airplane, or vehicle
28 occurred without the owner's knowledge or consent, and that the owner
29 acted reasonably to prevent illegal uses of such boat, airplane, or
30 vehicle.

31 (6) A forfeiture of a conveyance encumbered by a perfected security
32 interest is subject to the interest of the secured party if the secured
33 party neither had knowledge nor consented to the act or omission. No
34 security interest in seized property may be perfected after seizure.

35 (7) If seized property is forfeited under this section the
36 department may retain it for official use unless the property is
37 required to be destroyed, or upon application by any law enforcement
38 agency of the state, release such property to the agency for the use of

1 enforcing this title, or sell such property, and deposit the proceeds
2 to the wildlife fund, as provided for in RCW 77.12.170.

3 **Sec. 70.** RCW 75.08.011 and 1996 c 267 s 2 are each amended to read
4 as follows:

5 As used in this title or Title 77 RCW or rules (~~of the~~
6 ~~department~~) adopted under those titles, unless the context clearly
7 requires otherwise:

8 (1) "Commission" means the fish and wildlife commission.

9 (2) "Director" means the director of fish and wildlife.

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

11 (4) "Person" means an individual or a public or private entity or
12 organization. The term "person" includes local, state, and federal
13 government agencies, and all business organizations, including
14 corporations and partnerships.

15 (5) "~~(Fisheries patrol)~~ Fish and wildlife officer" means a person
16 appointed and commissioned by the commission, with authority to enforce
17 this title, rules of the department, and other statutes as prescribed
18 by the legislature. ~~(Fisheries patrol)~~ Fish and wildlife officers
19 are peace officers. Fish and wildlife officer includes a person
20 commissioned before the effective date of this section as a fisheries
21 patrol officer.

22 (6) "Ex officio ~~(fisheries patrol)~~ fish and wildlife officer"
23 means a commissioned officer of a municipal, county, state, or federal
24 agency having as its primary function the enforcement of criminal laws
25 in general, while the officer is in the appropriate jurisdiction. The
26 term "ex officio ~~(fisheries patrol)~~ fish and wildlife officer" also
27 includes ~~(wildlife agents,)~~ special agents of the national marine
28 fisheries service, United States fish and wildlife special agents,
29 state parks commissioned officers, department of natural resources
30 enforcement officers, and United States forest service officers, while
31 the agents and officers are within their respective jurisdictions.

32 (7) "To fish," "to harvest," and "to take" and their derivatives
33 mean an effort to kill, injure, harass, or catch ~~(food)~~ fish or
34 shellfish.

35 (8) "State waters" means all marine waters and fresh waters within
36 ordinary high water lines and within the territorial boundaries of the
37 state.

1 (9) "Offshore waters" means marine waters of the Pacific Ocean
2 outside the territorial boundaries of the state, including the marine
3 waters of other states and countries.

4 (10) "Concurrent waters of the Columbia river" means those waters
5 of the Columbia river that coincide with the Washington-Oregon state
6 boundary.

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

12 (12) "Nonresident" means a person who has not fulfilled the
13 qualifications of a resident.

14 (13) "Food fish" means those species of the classes Osteichthyes,
15 Agnatha, and Chondrichthyes that have been classified and that shall
16 not be fished for except as authorized by rule of the commission. The
17 term "food fish" includes all stages of development and the bodily
18 parts of food fish species.

19 (14) "Shellfish" means those species of marine and freshwater
20 invertebrates that have been classified and that shall not be taken
21 except as authorized by rule of the commission. The term "shellfish"
22 includes all stages of development and the bodily parts of shellfish
23 species.

24 (15) "Salmon" means all species of the genus *Oncorhynchus*, except
25 those classified as game fish in Title 77 RCW, and includes:

26	Scientific Name	Common Name
27	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
28	<i>Oncorhynchus kisutch</i>	Coho salmon
29	<i>Oncorhynchus keta</i>	Chum salmon
30	<i>Oncorhynchus gorbuscha</i>	Pink salmon
31	<i>Oncorhynchus nerka</i>	Sockeye salmon

32 (16) "Commercial" means related to or connected with buying,
33 selling, or bartering. Fishing for food fish or shellfish with gear
34 unlawful for fishing for personal use, or possessing food fish or
35 shellfish in excess of the limits permitted for personal use are
36 commercial activities.

37 (17) "To process" and its derivatives mean preparing or preserving
38 food fish or shellfish.

1 (18) "Personal use" means for the private use of the individual
2 taking the food fish or shellfish and not for sale or barter.

3 (19) "Angling gear" means a line attached to a rod and reel capable
4 of being held in hand while landing the fish or a hand-held line
5 operated without rod or reel.

6 (20) "Open season" means those times, manners of taking, and places
7 or waters established by rule of the commission for the lawful fishing,
8 taking, or possession of food fish or shellfish. "Open season"
9 includes the first and last days of the established time.

10 (21) "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 (22) "Limited-entry license" means a license subject to a license
14 limitation program established in chapter 75.30 RCW.

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

20 (24) "Fish" includes all species classified as game fish or food
21 fish by statute or rule, as well as all fin fish not currently
22 classified as food fish or game fish if such species exist in state
23 waters. The term "fish" includes all stages of development and the
24 bodily parts of fish species.

25 **Sec. 71.** RCW 75.08.160 and 1983 1st ex.s. c 46 s 19 are each
26 amended to read as follows:

27 The director, (~~(fisheries patrol)~~) fish and wildlife officers, ex
28 officio (~~(fisheries patrol)~~) fish and wildlife officers, and department
29 employees may enter upon any land or waters and remain there while
30 performing their duties without liability for trespass.

31 It is lawful for aircraft operated by the department to land and
32 take off from the beaches or waters of the state. (~~(It is unlawful for~~
33 ~~a person to interfere with the operation of these aircraft.)~~)

34 **Sec. 72.** RCW 75.08.274 and 1995 1st sp.s. c 2 s 15 are each
35 amended to read as follows:

1 (~~Except by permit of~~) The commission(~~(, it is unlawful to)~~) may
2 adopt rules to authorize issuance of permits to take food fish or
3 shellfish for propagation or scientific purposes within state waters.

4 **Sec. 73.** RCW 75.08.295 and 1995 1st sp.s. c 2 s 17 are each
5 amended to read as follows:

6 (~~Except by permit of~~) The commission(~~(, it is unlawful to)~~) may
7 adopt rules to authorize issuance of permits to release, plant, or
8 place food fish or shellfish in state waters.

9 **Sec. 74.** RCW 75.08.300 and 1985 c 457 s 12 are each amended to
10 read as follows:

11 (~~(1) It is unlawful for any~~) A person other than the United
12 States, an Indian tribe recognized as such by the federal government,
13 the state, a subdivision of the state, or a municipal corporation or an
14 agency of such a unit of government (~~(to)~~) shall not release salmon or
15 steelhead trout into the public waters of the state and subsequently to
16 recapture and commercially harvest such salmon or trout. This section
17 shall not prevent any person from rearing salmon or steelhead trout in
18 pens or in a confined area under circumstances where the salmon or
19 steelhead trout are confined and never permitted to swim freely in open
20 water.

21 (~~(2) A violation of this section constitutes a gross~~
22 ~~misdemeanor.~~)

23 **Sec. 75.** RCW 75.12.010 and 1995 1st sp.s. c 2 s 25 are each
24 amended to read as follows:

25 (1) (~~Except as provided in this section, it is unlawful to fish~~
26 ~~commercially for salmon within the waters described in subsection (2)~~
27 ~~of this section.~~) The commission may authorize commercial fishing for
28 sockeye salmon within the waters described in subsection (2) of this
29 section only during the period June 10th to July 25th and for other
30 salmon only from the second Monday of September through November 30th,
31 except during the hours between 4:00 p.m. of Friday and 4:00 p.m. of
32 the following Sunday.

33 (2) All waters east and south of a line commencing at a concrete
34 monument on Angeles Point in Clallam county near the mouth of the Elwha
35 River on which is inscribed "Angeles Point Monument" (latitude 48 $\frac{1}{2}$ 9'
36 3"north, longitude 123 $\frac{1}{2}$ 33' 01" west of Greenwich Meridian); thence

1 running east on a line 81½ 30' true across the flashlight and bell buoy
2 off Partridge Point and thence continued to longitude 122½ 40' west;
3 thence north to the southerly shore of Sinclair Island; thence along
4 the southerly shore of the island to the most easterly point of the
5 island; thence 46½ true to Carter Point, the most southerly point of
6 Lummi Island; thence northwesterly along the westerly shore line of
7 Lummi Island to where the shore line intersects line of longitude 122½
8 40' west; thence north to the mainland, including: The southerly
9 portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay,
10 Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes
11 Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and
12 their inlets, passages, waters, waterways, and tributaries.

13 ~~(3) ((The commission may authorize commercial fishing for sockeye~~
14 ~~salmon within the waters described in subsection (2) of this section~~
15 ~~during the period June 10 to July 25 and for other salmon from the~~
16 ~~second Monday of September through November 30, except during the hours~~
17 ~~between 4:00 p.m. of Friday and 4:00 p.m. of the following Sunday.~~

18 ~~(4))~~ The commission may authorize commercial fishing for salmon
19 with gill net gear prior to the second Monday in September within the
20 waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay,
21 Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those
22 waters northerly and easterly of a line commencing at Stanwood, thence
23 along the south shore of Skagit Bay to Rocky Point on Camano Island;
24 thence northerly to Polnell Point on Whidbey Island.

25 ~~((+5))~~ (4) Whenever the commission determines that a stock or run
26 of salmon cannot be harvested in the usual manner, and that the stock
27 or run of salmon may be in danger of being wasted and surplus to
28 natural or artificial spawning requirements, the commission may
29 authorize units of gill net and purse seine gear in any number or
30 equivalents, by time and area, to fully utilize the harvestable
31 portions of these salmon runs for the economic well being of the
32 citizens of this state. Gill net and purse seine gear other than
33 emergency and test gear authorized by the director shall not be used in
34 Lake Washington.

35 ~~((+6))~~ (5) The commission may authorize commercial fishing for
36 pink salmon in each odd-numbered year from August 1st through September
37 1st in the waters lying inside of a line commencing at the most
38 easterly point of Dungeness Spit and thence projected to Point

1 Partridge on Whidbey Island and a line commencing at Olele Point and
2 thence projected easterly to Bush Point on Whidbey Island.

3 **Sec. 76.** RCW 75.12.015 and 1995 1st sp.s. c 2 s 26 are each
4 amended to read as follows:

5 ~~((Except as provided in this section, it is unlawful to fish
6 commercially for chinook or coho salmon in the Pacific Ocean and the
7 Straits of Juan de Fuca.))~~

8 (1) The commission may authorize commercial fishing for coho salmon
9 in the Pacific Ocean and the Straits of Juan de Fuca only from June
10 16th through October 31st.

11 (2) The commission may authorize commercial fishing for chinook
12 salmon in the Pacific Ocean and the Straits of Juan de Fuca only from
13 March 15th through October 31st.

14 **Sec. 77.** RCW 75.12.040 and 1993 sp.s. c 2 s 27 are each amended to
15 read as follows:

16 (1) ~~((It is unlawful to))~~ A person shall not use, operate, or
17 maintain a gill net which exceeds ~~((250 fathoms))~~ 1500 feet in length
18 or a drag seine in the waters of the Columbia river for catching
19 salmon.

20 (2) ~~((It is unlawful to))~~ A person shall not construct, install,
21 use, operate, or maintain within state waters a pound net, round haul
22 net, lampara net, fish trap, fish wheel, scow fish wheel, set net,
23 weir, or fixed appliance for catching salmon or steelhead. The
24 director may authorize the use of this gear for scientific
25 investigations.

26 (3) The department, in coordination with the Oregon department of
27 fish and wildlife, shall adopt rules to regulate the use of
28 monofilament in gill net webbing on the Columbia river.

29 **Sec. 78.** RCW 75.12.132 and 1984 c 80 s 5 are each amended to read
30 as follows:

31 ~~((It is unlawful to fish for or take salmon commercially with
32 a net within the waters of the tributaries and sloughs described in
33 subsection (2) of this section which flow into or are connected with
34 the Columbia river.~~

1 ~~(2))~~ The ~~((director))~~ commission shall adopt rules defining
2 geographical boundaries of the following Columbia river tributaries and
3 sloughs:

4 (a) Washougal river;

5 (b) Camas slough;

6 (c) Lewis river;

7 (d) Kalama river;

8 (e) Cowlitz river;

9 (f) Elokommin river;

10 (g) Elokommin sloughs;

11 (h) Skamokawa sloughs;

12 (i) Grays river;

13 (j) Deep river;

14 (k) Grays bay.

15 ~~((3))~~ (2) The ~~((director))~~ commission may authorize commercial
16 net fishing for salmon in the tributaries and sloughs from September
17 1st to November 30th only, if the time, areas, and level of effort are
18 regulated in order to maximize the recreational fishing opportunity
19 while minimizing excess returns of fish to hatcheries. The
20 ~~((director))~~ commission shall not authorize commercial net fishing if
21 a significant catch of steelhead would occur.

22 **Sec. 79.** RCW 75.12.140 and 1983 1st ex.s. c 46 s 59 are each
23 amended to read as follows:

24 ~~((It is unlawful to fish for salmon with))~~ The commission shall not
25 authorize use of reef net fishing gear ~~((in state waters,))~~ except in
26 the reef net areas described in this section.

27 (1) Point Roberts reef net fishing area includes those waters
28 within 250 feet on each side of a line projected 129 $\frac{1}{2}$ true from a point
29 at longitude 123 $\frac{1}{2}$ 01' 15" W. latitude 48 $\frac{1}{2}$ 58' 38" N. to a point one
30 mile distant, as such description is shown upon the United States Coast
31 and Geodetic Survey map numbered 6300, published September, 1941, in
32 Washington, D.C., eleventh edition.

33 (2) Cherry Point reef net fishing area includes those waters inland
34 and inside the 10-fathom line between lines projected 205 $\frac{1}{2}$ true from
35 points on the mainland at longitude 122 $\frac{1}{2}$ 44' 54" latitude 48 $\frac{1}{2}$ 51' 48"
36 and longitude 122 $\frac{1}{2}$ 44' 18" latitude 48 $\frac{1}{2}$ 51' 33", a [as] such
37 descriptions are shown upon the United States Coast and Geodetic Survey

1 map numbered 6380, published March, 1947, in Washington, D.C., eighth
2 edition.

3 (3) Lummi Island reef net fishing area includes those waters inland
4 and inside a line projected from Village Point 208½ true to a point 900
5 yards distant, thence 129½ true to the point of intersection with a
6 line projected 259½ true from the shore of Lummi Island 122½ 40' 42"
7 latitude 48½ 41' 32", as such descriptions are shown upon the United
8 States Coast and Geodetic Survey map numbered 6380, published March,
9 1947, in Washington, D.C., eighth edition, revised 11-25-57, save and
10 except that there shall be excluded therefrom all waters lying inside
11 of a line projected 259½ true from a point at 122½ 40' 42" latitude 48½
12 41' 32" to a point 300 yards distant from high tide, thence in a
13 northerly direction to the United States Coast and Geodetic Survey
14 reference mark number 2, 1941-1950, located on that point on Lummi
15 Island known as Lovers Point, as such descriptions are shown upon the
16 United States Coast and Geodetic Survey map number 6380 as aforesaid.
17 The term "Village Point" as used herein shall be construed to mean a
18 point of location on Village Point, Lummi Island, at the mean high tide
19 line on a true bearing of 43½ 53' a distance of 457 feet to the center
20 of the chimney of a wood frame house on the east side of the county
21 road. Said chimney and house being described as Village Point Chimney
22 on page 612 of the United States Coast and Geodetic Survey list of
23 geographic positions No. G-5455, Rosario Strait.

24 (4) Sinclair Island reef net fishing area includes those waters
25 inland and inside a line projected from the northern point of Sinclair
26 Island to Boulder reef, thence 200½ true to the northwesterly point of
27 Sinclair Island, as such descriptions are shown upon the United States
28 Coast and Geodetic Survey map numbered 6380, published March, 1947, in
29 Washington, D.C., eighth edition.

30 (5) Flat Point reef net fishing area includes those waters within
31 a radius of 175 feet of a point off Lopez Island located at longitude
32 122½ 55' 24" latitude 48½ 32' 33", as such description is shown upon
33 the United States Coast and Geodetic Survey map numbered 6380,
34 published March, 1947, in Washington, D.C., eighth edition.

35 (6) Lopez Island reef net fishing area includes those waters within
36 400 yards of shore between lines projected true west from points on the
37 shore of Lopez Island at longitude 122½ 55' 04" latitude 48½ 31' 59"
38 and longitude 122½ 55' 54" latitude 48½ 30' 55", as such descriptions

1 are shown upon the United States Coast and Geodetic Survey map numbered
2 6380, published March, 1947, in Washington, D.C., eighth edition.

3 (7) Iceberg Point reef net fishing area includes those waters
4 inland and inside a line projected from Davis Point on Lopez Island to
5 the west point of Long Island, thence to the southern point of Hall
6 Island, thence to the eastern point at the entrance to Jones Bay, and
7 thence to the southern point at the entrance to Mackaye Harbor on Lopez
8 Island; and those waters inland and inside a line projected 320½ from
9 Iceberg Point light on Lopez Island, a distance of 400 feet, thence
10 easterly to the point on Lopez Island at longitude 122½ 53' 00"
11 latitude 48½ 25' 39", as such descriptions are shown upon the United
12 States Coast and Geodetic Survey map numbered 6380, published March,
13 1947, in Washington, D.C., eighth edition.

14 (8) Aleck Bay reef net fishing area includes those waters inland
15 and inside a line projected from the southwestern point at the entrance
16 to Aleck Bay on Lopez Island at longitude 122½ 51' 11" latitude 48½ 25'
17 14" southeasterly 800 yards to the submerged rock shown on U.S.G.S. map
18 number 6380, thence northerly to the cove on Lopez Island at longitude
19 122½ 50' 49" latitude 48½ 25' 42", as such descriptions are shown upon
20 the United States Coast and Geodetic Survey map numbered 6380,
21 published March, 1947, in Washington, D.C., eighth edition.

22 (9) Shaw Island reef net fishing area number 1 includes those
23 waters within 300 yards of shore between lines projected true south
24 from points on Shaw Island at longitude 122½ 56' 14" latitude 48½ 33'
25 28" and longitude 122½ 57' 29" latitude 48½ 32' 58", as such
26 descriptions are shown upon the United States Coast and Geodetic Survey
27 map numbered 6380, published March, 1947, in Washington, D.C., eighth
28 edition.

29 (10) Shaw Island reef net fishing area number 2 includes those
30 waters inland and inside a line projected from Point George on Shaw
31 Island to the westerly point of Neck Point on Shaw Island, as such
32 description is shown upon the United States Coast and Geodetic Survey
33 map numbered 6380, published March, 1947, in Washington, D.C., eighth
34 edition.

35 (11) Stuart Island reef net fishing area number 1 includes those
36 waters within 600 feet of the shore of Stuart Island between lines
37 projected true east from points at longitude 123½ 10' 47" latitude 48½
38 39' 47" and longitude 123½ 10' 47" latitude 48½ 39' 33", as such
39 descriptions are shown upon the United States Coast and Geodetic Survey

1 map numbered 6380, published March, 1947, in Washington, D.C., eighth
2 edition.

3 (12) Stuart Island reef net fishing area number 2 includes those
4 waters within 250 feet of Gossip Island, also known as Happy Island, as
5 such description is shown upon the United States Coast and Geodetic
6 Survey map numbered 6380, published March, 1947, in Washington, D.C.,
7 eighth edition.

8 (13) Johns Island reef net fishing area includes those waters
9 inland and inside a line projected from the eastern point of Johns
10 Island to the northwestern point of Little Cactus Island, thence
11 northwesterly to a point on Johns Island at longitude $123\frac{1}{2}$ 09' 24"
12 latitude $48\frac{1}{2}$ 39' 59", as such descriptions are shown upon the United
13 States Coast and Geodetic Survey map numbered 6380, published March,
14 1947, in Washington, D.C., eighth edition.

15 (14) Battleship Island reef net fishing area includes those waters
16 lying within 350 feet of Battleship Island, as such description is
17 shown upon the United States Coast and Geodetic Survey map numbered
18 6380, published March, 1947, in Washington, D.C., eighth edition.

19 (15) Open Bay reef net fishing area includes those waters lying
20 within 150 feet of shore between lines projected true east from a point
21 on Henry Island at longitude $123\frac{1}{2}$ 11' 34 1/2" latitude $48\frac{1}{2}$ 35' 27 1/2"
22 at a point 250 feet south, as such descriptions are shown upon the
23 United States Coast and Geodetic Survey map numbered 6380, published
24 March, 1947, in Washington, D.C., eighth edition.

25 (16) Mitchell Reef net fishing area includes those waters within a
26 line beginning at the rock shown on U.S.G.S. map number 6380 at
27 longitude $123\frac{1}{2}$ 10' 56" latitude $48\frac{1}{2}$ 34' 49 1/2", and projected 50 feet
28 northwesterly, thence southwesterly 250 feet, thence southeasterly 300
29 feet, thence northeasterly 250 feet, thence to the point of beginning,
30 as such descriptions are shown upon the United States Coast and
31 Geodetic Survey map numbered 6380, published March, 1947, in
32 Washington, D.C., eighth edition.

33 (17) Smugglers Cove reef fishing area includes those waters within
34 200 feet of shore between lines projected true west from points on the
35 shore of San Juan Island at longitude $123\frac{1}{2}$ 10' 29" latitude $48\frac{1}{2}$ 33' 50"
36 and longitude $123\frac{1}{2}$ 10' 31" latitude $48\frac{1}{2}$ 33' 45", as such descriptions
37 are shown upon the United States Coast and Geodetic Survey map numbered
38 6380, published March, 1947, in Washington, D.C., eighth edition.

1 (18) Andrews Bay reef net fishing area includes those waters lying
2 within 300 feet of the shore of San Juan Island between a line
3 projected true south from a point at the northern entrance of Andrews
4 Bay at longitude 123½ 09' 53 1/2" latitude 48½ 33' 00" and the cable
5 crossing sign in Andrews Bay, at longitude 123½ 09' 45" latitude 48½
6 33' 04", as such descriptions are shown upon the United States Coast
7 and Geodetic Survey map numbered 6380, published March, 1947, in
8 Washington, D.C., eighth edition.

9 (19) Orcas Island reef net fishing area includes those waters
10 inland and inside a line projected true west a distance of 1,000 yards
11 from the shore of Orcas Island at longitude 122½ 57' 40" latitude 48½
12 41' 06" thence northeasterly to a point 500 feet true west of Point
13 Doughty, then true east to Point Doughty, as such descriptions are
14 shown upon the United States Coast and Geodetic Survey map numbered
15 6380, published March, 1947, in Washington, D.C., eighth edition.

16 **Sec. 80.** RCW 75.12.210 and 1993 c 20 s 2 are each amended to read
17 as follows:

18 (1) Except as provided in subsection (2) of this section, (~~it is~~
19 ~~unlawful to fish for or take salmon with~~) the commission shall not
20 authorize gear other than troll gear or angling gear for taking salmon
21 within the offshore waters or the waters of the Pacific Ocean over
22 which the state has jurisdiction lying west of the following line:
23 Commencing at the point of intersection of the international boundary
24 line in the Strait of Juan de Fuca and a line drawn between the
25 lighthouse on Tatoosh Island in Clallam County and Bonilla Point on
26 Vancouver Island; thence southerly to the lighthouse on Tatoosh Island;
27 thence southerly to the most westerly point of Cape Flattery; thence
28 southerly along the state shoreline of the Pacific Ocean, crossing any
29 river mouths at their most westerly points of land, to Point Brown at
30 the entrance to Grays Harbor; thence southerly to Point Chehalis Light
31 on Point Chehalis; thence southerly from Point Chehalis along the state
32 shoreline of the Pacific Ocean to the Cape Shoalwater tower at the
33 entrance to Willapa Bay; thence southerly to Leadbetter Point; thence
34 southerly along the state shoreline of the Pacific Ocean to the inshore
35 end of the North jetty at the entrance to the Columbia River; thence
36 southerly to the knuckle of the South jetty at the entrance to said
37 river.

1 (2) The (~~director~~) commission may authorize the use of nets for
2 taking salmon in the waters described in subsection (1) of this section
3 for scientific investigations.

4 **Sec. 81.** RCW 75.12.230 and 1983 1st ex.s. c 46 s 61 are each
5 amended to read as follows:

6 Within the waters described in RCW 75.12.210, (~~it is unlawful to~~)
7 a person shall not transport or possess salmon on board a vessel
8 carrying fishing gear of a type other than troll lines or angling gear,
9 unless accompanied by a certificate issued by a state or country
10 showing that the salmon have been lawfully taken within the territorial
11 waters of the state or country.

12 **Sec. 82.** RCW 75.12.390 and 1989 c 172 s 1 are each amended to read
13 as follows:

14 The commission shall not authorize commercial bottom trawling for
15 food fish and shellfish (~~is unlawful~~) in all areas of Hood Canal
16 south of a line projected from Tala Point to Foulweather Bluff and in
17 Puget Sound south of a line projected from Foulweather Bluff to Double
18 Bluff and including all marine waters east of Whidbey Island and Camano
19 Island.

20 **Sec. 83.** RCW 75.12.440 and 1993 c 340 s 50 are each amended to
21 read as follows:

22 (~~It is unlawful to use~~) The commission shall not authorize any
23 commercial fisher to use more than fifty shrimp pots while commercially
24 fishing for shrimp in that portion of Hood Canal lying south of the
25 Hood Canal floating bridge.

26 **Sec. 84.** RCW 75.12.650 and 1996 c 267 s 24 are each amended to
27 read as follows:

28 (~~It is unlawful to fish commercially for salmon using fishing gear~~
29 ~~not authorized for commercial salmon fishing by rule of the~~
30 ~~department.~~) The commission shall not authorize angling gear or other
31 personal use gear for commercial salmon fishing.

32 **Sec. 85.** RCW 75.20.040 and 1983 1st ex.s. c 46 s 70 are each
33 amended to read as follows:

1 A diversion device used for conducting water from a lake, river, or
2 stream for any purpose shall be equipped with a fish guard approved by
3 the director to prevent the passage of fish into the diversion device.
4 The fish guard shall be maintained at all times when water is taken
5 into the diversion device. The fish guards shall be installed at
6 places and times prescribed by the director upon thirty days' notice to
7 the owner of the diversion device. ~~((It is unlawful for the owner of
8 a diversion device to fail to comply with this section.))~~

9 Each day the diversion device is not equipped with an approved fish
10 guard is a separate offense. If within thirty days after notice to
11 equip a diversion device the owner fails to do so, the director may
12 take possession of the diversion device and close the device until it
13 is properly equipped. Expenses incurred by the department constitute
14 the value of a lien upon the diversion device and upon the real and
15 personal property of the owner. Notice of the lien shall be filed and
16 recorded in the office of the county auditor of the county in which the
17 action is taken.

18 **Sec. 86.** RCW 75.20.060 and 1983 1st ex.s. c 46 s 72 are each
19 amended to read as follows:

20 A dam or other obstruction across or in a stream shall be provided
21 with a durable and efficient fishway approved by the director. Plans
22 and specifications shall be provided to the department prior to the
23 director's approval. The fishway shall be maintained in an effective
24 condition and continuously supplied with sufficient water to freely
25 pass fish. ~~((It is unlawful for the owner, manager, agent, or person
26 in charge of the dam or obstruction to fail to comply with this
27 section.))~~

28 If a person fails to construct and maintain a fishway or to remove
29 the dam or obstruction in a manner satisfactory to the director, then
30 within thirty days after written notice to comply has been served upon
31 the owner, his agent, or the person in charge, the director may
32 construct a fishway or remove the dam or obstruction. Expenses
33 incurred by the department constitute the value of a lien upon the dam
34 and upon the personal property of the person owning the dam. Notice of
35 the lien shall be filed and recorded in the office of the county
36 auditor of the county in which the dam or obstruction is situated. The
37 lien may be foreclosed in an action brought in the name of the state.

1 If, within thirty days after notice to construct a fishway or
2 remove a dam or obstruction, the owner, his agent, or the person in
3 charge fails to do so, the dam or obstruction is a public nuisance and
4 the director may take possession of the dam or obstruction and destroy
5 it. No liability shall attach for the destruction.

6 **Sec. 87.** RCW 75.20.100 and 1997 c 385 s 1 and 1997 c 290 s 4 are
7 each reenacted and amended to read as follows:

8 (1) In the event that any person or government agency desires to
9 construct any form of hydraulic project or perform other work that will
10 use, divert, obstruct, or change the natural flow or bed of any of the
11 salt or fresh waters of the state, such person or government agency
12 shall, before commencing construction or work thereon and to ensure the
13 proper protection of fish life, secure the approval of the department
14 as to the adequacy of the means proposed for the protection of fish
15 life. This approval shall not be unreasonably withheld.

16 (2)(a) Except as provided in RCW 75.20.1001, the department shall
17 grant or deny approval of a standard permit within forty-five calendar
18 days of the receipt of a complete application and notice of compliance
19 with any applicable requirements of the state environmental policy act,
20 made in the manner prescribed in this section.

21 (b) The applicant may document receipt of application by filing in
22 person or by registered mail. A complete application for approval
23 shall contain general plans for the overall project, complete plans and
24 specifications of the proposed construction or work within the mean
25 higher high water line in salt water or within the ordinary high water
26 line in fresh water, and complete plans and specifications for the
27 proper protection of fish life.

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

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

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

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

36 (d) For purposes of this section, "standard permit" means a written
37 permit issued by the department when the conditions under subsections
38 (3) and ((6+))(5)(b) of this section are not met.

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

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

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

19 (d) The department or the county legislative authority may
20 determine if an imminent danger exists. The county legislative
21 authority shall notify the department, in writing, if it determines
22 that an imminent danger exists.

23 (4) Approval of a standard permit is valid for a period of up to
24 five years from date of issuance. The permittee must demonstrate
25 substantial progress on construction of that portion of the project
26 relating to the approval within two years of the date of issuance. If
27 the department denies approval, the department shall provide the
28 applicant, in writing, a statement of the specific reasons why and how
29 the proposed project would adversely affect fish life. Protection of
30 fish life shall be the only ground upon which approval may be denied or
31 conditioned. Chapter 34.05 RCW applies to any denial of project
32 approval, conditional approval, or requirements for project
33 modification upon which approval may be contingent.

34 ~~(5) ((If any person or government agency commences construction on
35 any hydraulic works or projects subject to this section without first
36 having obtained approval of the department as to the adequacy of the
37 means proposed for the protection of fish life, or if any person or
38 government agency fails to follow or carry out any of the requirements
39 or conditions as are made a part of such approval, the person or~~

1 ~~director of the agency is guilty of a gross misdemeanor. If any such~~
2 ~~person or government agency is convicted of violating any of the~~
3 ~~provisions of this section and continues construction on any such works~~
4 ~~or projects without fully complying with the provisions hereof, such~~
5 ~~works or projects are hereby declared a public nuisance and shall be~~
6 ~~subject to abatement as such.~~

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

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

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

27 ((+7)) (6) The department shall, at the request of a county,
28 develop five-year maintenance approval agreements, consistent with
29 comprehensive flood control management plans adopted under the
30 authority of RCW 86.12.200, or other watershed plan approved by a
31 county legislative authority, to allow for work on public and private
32 property for bank stabilization, bridge repair, removal of sand bars
33 and debris, channel maintenance, and other flood damage repair and
34 reduction activity under agreed-upon conditions and times without
35 obtaining permits for specific projects.

36 ((+8)) (7) This section shall not apply to the construction of any
37 form of hydraulic project or other work which diverts water for
38 agricultural irrigation or stock watering purposes authorized under or
39 recognized as being valid by the state's water codes, or when such

1 hydraulic project or other work is associated with streambank
2 stabilization to protect farm and agricultural land as defined in RCW
3 84.34.020. These irrigation or stock watering diversion and streambank
4 stabilization projects shall be governed by RCW 75.20.103.

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

9 ~~((+9+))~~ (8) For the purposes of this section and RCW 75.20.103,
10 "bed" means the land below the ordinary high water lines of state
11 waters. This definition does not include irrigation ditches, canals,
12 storm water run-off devices, or other artificial watercourses except
13 where they exist in a natural watercourse that has been altered by man.

14 ~~((+10+))~~ (9) The phrase "to construct any form of hydraulic project
15 or perform other work" does not include the act of driving across an
16 established ford. Driving across streams or on wetted stream beds at
17 areas other than established fords requires approval. Work within the
18 ordinary high water line of state waters to construct or repair a ford
19 or crossing requires approval.

20 **Sec. 88.** RCW 75.20.103 and 1993 sp.s. c 2 s 32 are each amended to
21 read as follows:

22 In the event that any person or government agency desires to
23 construct any form of hydraulic project or other work that diverts
24 water for agricultural irrigation or stock watering purposes, or when
25 such hydraulic project or other work is associated with streambank
26 stabilization to protect farm and agricultural land as defined in RCW
27 84.34.020, and when such diversion or streambank stabilization will
28 use, divert, obstruct, or change the natural flow or bed of any river
29 or stream or will utilize any waters of the state or materials from the
30 stream beds, the person or government agency shall, before commencing
31 construction or work thereon and to ensure the proper protection of
32 fish life, secure a written approval from the department as to the
33 adequacy of the means proposed for the protection of fish life. This
34 approval shall not be unreasonably withheld. Except as provided in RCW
35 75.20.1001 (~~and 75.20.1002~~), the department shall grant or deny the
36 approval within forty-five calendar days of the receipt of a complete
37 application and notice of compliance with any applicable requirements
38 of the state environmental policy act, made in the manner prescribed in

1 this section. The applicant may document receipt of application by
2 filing in person or by registered mail. A complete application for an
3 approval shall contain general plans for the overall project, complete
4 plans and specifications of the proposed construction or work within
5 ordinary high water line, and complete plans and specifications for the
6 proper protection of fish life. The forty-five day requirement shall
7 be suspended if (1) after ten working days of receipt of the
8 application, the applicant remains unavailable or unable to arrange for
9 a timely field evaluation of the proposed project; (2) the site is
10 physically inaccessible for inspection; or (3) the applicant requests
11 delay.

12 Immediately upon determination that the forty-five day period is
13 suspended, the department shall notify the applicant in writing of the
14 reasons for the delay.

15 An approval shall remain in effect without need for periodic
16 renewal for projects that divert water for agricultural irrigation or
17 stock watering purposes and that involve seasonal construction or other
18 work. Approval for streambank stabilization projects shall remain in
19 effect without need for periodic renewal if the problem causing the
20 need for the streambank stabilization occurs on an annual or more
21 frequent basis. The permittee must notify the appropriate agency
22 before commencing the construction or other work within the area
23 covered by the approval.

24 The permittee must demonstrate substantial progress on construction
25 of that portion of the project relating to the approval within two
26 years of the date of issuance. If the department denies approval, the
27 department shall provide the applicant, in writing, a statement of the
28 specific reasons why and how the proposed project would adversely
29 affect fish life. Protection of fish life shall be the only ground
30 upon which approval may be denied or conditioned. Issuance, denial,
31 conditioning, or modification shall be appealable to the hydraulic
32 appeals board established in RCW 43.21B.005 within thirty days of the
33 notice of decision. The burden shall be upon the department to show
34 that the denial or conditioning of an approval is solely aimed at the
35 protection of fish life.

36 The department may, after consultation with the permittee, modify
37 an approval due to changed conditions. The modifications shall become
38 effective unless appealed to the hydraulic appeals board within thirty
39 days from the notice of the proposed modification. The burden is on

1 the department to show that changed conditions warrant the modification
2 in order to protect fish life.

3 A permittee may request modification of an approval due to changed
4 conditions. The request shall be processed within forty-five calendar
5 days of receipt of the written request. A decision by the department
6 may be appealed to the hydraulic appeals board within thirty days of
7 the notice of the decision. The burden is on the permittee to show
8 that changed conditions warrant the requested modification and that
9 such modification will not impair fish life.

10 ~~((If any person or government agency commences construction on any
11 hydraulic works or projects subject to this section without first
12 having obtained written approval of the department as to the adequacy
13 of the means proposed for the protection of fish life, or if any person
14 or government agency fails to follow or carry out any of the
15 requirements or conditions as are made a part of such approval, the
16 person or director of the agency is guilty of a gross misdemeanor. If
17 any such person or government agency is convicted of violating any of
18 the provisions of this section and continues construction on any such
19 works or projects without fully complying with the provisions hereof,
20 such works or projects are hereby declared a public nuisance and shall
21 be subject to abatement as such.))~~

22 In case of an emergency arising from weather or stream flow
23 conditions or other natural conditions, the department, through its
24 authorized representatives, shall issue immediately upon request oral
25 approval for removing any obstructions, repairing existing structures,
26 restoring stream banks, or to protect property threatened by the stream
27 or a change in the stream flow without the necessity of obtaining a
28 written approval prior to commencing work. Conditions of an oral
29 approval shall be reduced to writing within thirty days and complied
30 with as provided for in this section.

31 For purposes of this chapter, "streambank stabilization" shall
32 include but not be limited to log and debris removal, bank protection
33 (including riprap, jetties, and groins), gravel removal and erosion
34 control.

35 **Sec. 89.** RCW 75.20.110 and 1995 1st sp.s. c 2 s 27 are each
36 amended to read as follows:

37 (1) Except for the north fork of the Lewis river and the White
38 Salmon river, all streams and rivers tributary to the Columbia river

1 downstream from McNary dam are established as an anadromous fish
2 sanctuary. This sanctuary is created to preserve and develop the food
3 fish and game fish resources in these streams and rivers and to protect
4 them against undue industrial encroachment.

5 (2) Within the sanctuary area:

6 (a) ~~((It is unlawful))~~ The department shall not issue hydraulic
7 project approval to construct a dam greater than twenty-five feet high
8 within the migration range of anadromous fish as determined by the
9 ~~((commission))~~ department.

10 (b) ~~((Except by order of the commission, it is unlawful to))~~ A
11 person shall not divert water from rivers and streams in quantities
12 that will reduce the respective stream flow below the annual average
13 low flow, based upon data published in United States geological survey
14 reports.

15 (3) The commission may acquire and abate a dam or other
16 obstruction, or acquire any water right vested on a sanctuary stream or
17 river, which is in conflict with the provisions of subsection (2) of
18 this section.

19 (4) Subsection (2)(a) of this section does not apply to the
20 sediment retention structure to be built on the North Fork Toutle river
21 by the United States army corps of engineers.

22 **Sec. 90.** RCW 75.24.080 and 1983 1st ex.s. c 46 s 83 are each
23 amended to read as follows:

24 The director may designate as "restricted shellfish areas" those
25 areas in which infection or infestation of shellfish is present.
26 ~~((Except by))~~ A permit ~~((of))~~ issued by the director~~((, it))~~ is
27 ~~((unlawful))~~ required to transplant or transport into or out of a
28 restricted area shellfish or equipment used in culturing, taking,
29 handling, or processing shellfish.

30 **Sec. 91.** RCW 75.24.100 and 1995 1st sp.s. c 2 s 29 are each
31 amended to read as follows:

32 (1) ~~((It is unlawful))~~ The department may not authorize a person to
33 take geoduck clams for commercial purposes outside the harvest area
34 designated in a current department of natural resources geoduck
35 harvesting agreement issued under RCW 79.96.080. ~~((It is unlawful to~~
36 ~~commercially))~~ The department may not authorize commercial harvest of
37 geoduck clams from bottoms that are shallower than eighteen feet below

1 mean lower low water (0.0. ft.), or that lie in an area bounded by the
2 line of ordinary high tide (mean high tide) and a line two hundred
3 yards seaward from and parallel to the line of ordinary high tide.
4 This section does not apply to the harvest of private sector cultured
5 aquatic products as defined in RCW 15.85.020.

6 (2) Commercial geoduck harvesting shall be done with a hand-held,
7 manually operated water jet or suction device guided and controlled
8 from under water by a diver. Periodically, the commission shall
9 determine the effect of each type or unit of gear upon the geoduck
10 population or the substrate they inhabit. The commission may require
11 modification of the gear or stop its use if it is being operated in a
12 wasteful or destructive manner or if its operation may cause permanent
13 damage to the bottom or adjacent shellfish populations.

14 **Sec. 92.** RCW 75.24.110 and 1983 1st ex.s. c 46 s 87 are each
15 amended to read as follows:

16 (~~It is unlawful for~~) The department may not authorize a person to
17 import oysters or oyster seed into this state for the purpose of
18 planting them in state waters without a permit from the director. The
19 director shall issue a permit only after an adequate inspection has
20 been made and the oysters or oyster seed are found to be free of
21 disease, pests, and other substances which might endanger oysters in
22 state waters.

23 **Sec. 93.** RCW 75.28.010 and 1997 c 58 s 883 are each amended to
24 read as follows:

25 (1) Except as otherwise provided by this title, (~~it is unlawful~~
26 ~~to~~) a person may not engage in any of the following activities without
27 a license or permit issued by the director:

- 28 (a) Commercially fish for or take food fish or shellfish;
- 29 (b) Deliver food fish or shellfish taken in offshore waters;
- 30 (c) Operate a charter boat or commercial fishing vessel engaged in
31 a fishery;
- 32 (d) Engage in processing or wholesaling food fish or shellfish; or
- 33 (e) Act as a guide for salmon for personal use in freshwater rivers
34 and streams, other than that part of the Columbia river below the
35 bridge at Longview.

36 (2) No person may engage in the activities described in subsection
37 (1) of this section unless the licenses or permits required by this

1 title are in the person's possession, and the person is the named
2 license holder or an alternate operator designated on the license and
3 the person's license is not suspended.

4 (3) A valid Oregon license that is equivalent to a license under
5 this title is valid in the concurrent waters of the Columbia river if
6 the state of Oregon recognizes as valid the equivalent Washington
7 license. The director may identify by rule what Oregon licenses are
8 equivalent.

9 (4) No license or permit is required for the production or
10 harvesting of private sector cultured aquatic products as defined in
11 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
12 aquatic products. However, if a means of identifying such products is
13 required by rules adopted under RCW 15.85.060, the exemption from
14 licensing or permit requirements established by this subsection applies
15 only if the aquatic products are identified in conformance with those
16 rules.

17 **Sec. 94.** RCW 75.28.045 and 1993 c 340 s 7 are each amended to read
18 as follows:

19 This section applies to all commercial fishery licenses, delivery
20 licenses, and charter licenses.

21 (1) An applicant for a license subject to this section may
22 designate a vessel to be used with the license. Except for emergency
23 salmon delivery licenses, the director may issue a license regardless
24 of whether the applicant designates a vessel. An applicant may
25 designate no more than one vessel on a license subject to this section.

26 (2) A license for a fishery that requires a vessel authorizes no
27 taking or delivery of food fish or shellfish unless a vessel is
28 designated on the license. A delivery license authorizes no delivery
29 of food fish or shellfish unless a vessel is designated on the license.

30 ~~(3) ((It is unlawful to take food fish or shellfish in a fishery
31 that requires a vessel except from a vessel designated on a commercial
32 fishery license for that fishery.~~

33 ~~(4) It is unlawful to operate a vessel as a charter boat unless the
34 vessel is designated on a charter license.~~

35 ~~(5))~~) No vessel may be designated on more than one commercial
36 fishery license unless the licenses are for different fisheries. No
37 vessel may be designated on more than one delivery license, on more

1 than one salmon charter license, or on more than one nonsalmon charter
2 license.

3 **Sec. 95.** RCW 75.28.095 and 1997 c 76 s 2 are each amended to read
4 as follows:

5 (1) The director shall issue the charter licenses and angler
6 permits listed in this section according to the requirements of this
7 title. The licenses and permits and their annual fees and surcharges
8 are:

License or Permit	Annual Fee		Governing Section
	(RCW 75.50.100 Surcharge)		
	Resident	Nonresident	
(a) Nonsalmon charter	\$225	\$375	
(b) Salmon charter	\$380	\$685	RCW 75.30.065
	(plus \$100)	(plus \$100)	
(c) Salmon angler	\$ 0	\$ 0	RCW 75.30.070
(d) Salmon roe	\$ 95	\$ 95	RCW 75.28.690

17 (2) (~~Except as provided in subsection (5) of this section, it is~~
18 ~~unlawful to operate a vessel as a charter boat from which salmon or~~
19 ~~salmon and other food fish or shellfish are taken without a salmon~~
20 ~~charter license designating the vessel~~) A salmon charter license
21 designating a vessel is required to operate a charter boat to take
22 salmon, other food fish, and shellfish. The director may issue a
23 salmon charter license only to a person who meets the qualifications of
24 RCW 75.30.065.

25 (3) (~~Except as provided in subsections (2) and (5) of this~~
26 ~~section, it is unlawful to operate a vessel as a charter boat from~~
27 ~~which food fish or shellfish are taken without a nonsalmon charter~~
28 ~~license~~) A nonsalmon charter license designating a vessel is required
29 to operate a charter boat to take food fish other than salmon and
30 shellfish. As used in this subsection, "food fish" does not include
31 salmon.

32 (4) "Charter boat" means a vessel from which persons may, for a
33 fee, fish for food fish or shellfish for personal use, and that brings
34 food fish or shellfish into state ports or brings food fish or
35 shellfish taken from state waters into United States ports. The
36 director may specify by rule when a vessel is a "charter boat" within
37 this definition. "Charter boat" does not mean a vessel used by a guide
38 for clients fishing for food fish for personal use in freshwater

1 rivers, streams, and lakes, other than Lake Washington or that part of
2 the Columbia River below the bridge at Longview.

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

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

18 **Sec. 96.** RCW 75.28.113 and 1994 c 260 s 22 are each amended to
19 read as follows:

20 (1) ~~((It is unlawful to deliver salmon taken in offshore waters to
21 a place or port in the state without))~~ A salmon delivery license ~~((from
22 the director))~~ is required to deliver salmon taken in offshore waters
23 to a place or port in the state. The annual fee for a salmon delivery
24 license is three hundred eighty dollars for residents and six hundred
25 eighty-five dollars for nonresidents. The annual surcharge under RCW
26 75.50.100 is one hundred dollars for each license. Holders of
27 nonlimited entry delivery licenses issued under RCW 75.28.125 may apply
28 the nonlimited entry delivery license fee against the salmon delivery
29 license fee.

30 (2) Only a person who meets the qualifications established in RCW
31 75.30.120 may hold a salmon delivery license issued under this section.

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

34 (4) If the director determines that the operation of a vessel under
35 a salmon delivery license results in the depletion or destruction of
36 the state's salmon resource or the delivery into this state of salmon
37 products prohibited by law, the director may revoke the license under
38 the procedures of chapter 34.05 RCW.

1 **Sec. 97.** RCW 75.28.125 and 1994 c 260 s 21 are each amended to
2 read as follows:

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

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

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

22 **Sec. 98.** RCW 75.28.710 and 1993 c 340 s 26 are each amended to
23 read as follows:

24 (1) (~~It is unlawful to~~) A person shall not offer or perform the
25 services of a professional salmon guide in the taking of salmon for
26 personal use in freshwater rivers and streams, other than in that part
27 of the Columbia river below the bridge at Longview, without a
28 professional salmon guide license.

29 (2) Only an individual at least sixteen years of age may hold a
30 professional salmon guide license. No individual may hold more than
31 one professional salmon guide license.

32 **Sec. 99.** RCW 75.28.740 and 1993 c 340 s 18 are each amended to
33 read as follows:

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

1 (2) "Emerging commercial fishery" means the commercial taking of a
2 newly classified species of food fish or shellfish, the commercial
3 taking of a classified species with gear not previously used for that
4 species, or the commercial taking of a classified species in an area
5 from which that species has not previously been commercially taken.
6 Any species of food fish or shellfish commercially harvested in
7 Washington state as of June 7, 1990, may be designated as a species in
8 an emerging commercial fishery, except that no fishery subject to a
9 license limitation program in chapter 75.30 RCW may be designated as an
10 emerging commercial fishery.

11 (~~It is unlawful to~~) A person shall not take food fish or
12 shellfish in a fishery designated as an emerging commercial fishery
13 without an emerging commercial fishery license and a permit from the
14 director. The director shall issue two types of permits to accompany
15 emerging commercial fishery licenses: Trial fishery permits and
16 experimental fishery permits. Trial fishery permits are governed by
17 subsection (4) of this section. Experimental fishery permits are
18 governed by RCW 75.30.220.

19 (4) The director shall issue trial fishery permits for a fishery
20 designated as an emerging commercial fishery unless the director
21 determines there is a need to limit the number of participants under
22 RCW 75.30.220. A person who meets the qualifications of RCW 75.28.020
23 may hold a trial fishery permit. The holder of a trial fishery permit
24 shall comply with the terms of the permit. Trial fishery permits are
25 not transferable from the permit holder to any other person.

26 **Sec. 100.** RCW 75.30.070 and 1993 c 340 s 29 are each amended to
27 read as follows:

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

34 (2) Only a person who holds a salmon charter license issued under
35 RCW 75.28.095 and 75.30.065 may hold an angler permit.

36 (3) An angler permit shall not be required for charter boats
37 licensed in Oregon and fishing in ocean waters within the jurisdiction
38 of Washington state from the southern border of the state of Washington

1 to Leadbetter Point under the same regulations as Washington charter
2 boat operators, as long as the Oregon vessel does not land at any
3 Washington port with the purpose of taking on or discharging
4 passengers. The provisions of this subsection shall be in effect as
5 long as the state of Oregon has reciprocal laws and regulations.

6 **Sec. 101.** RCW 75.30.130 and 1997 c 233 s 1 and 1997 c 115 s 1 are
7 each reenacted and amended to read as follows:

8 (1) (~~It is unlawful to~~) A person shall not commercially take
9 Dungeness crab (Cancer magister) in Puget Sound without first obtaining
10 a Dungeness crab--Puget Sound fishery license. As used in this
11 section, "Puget Sound" has the meaning given in RCW 75.28.110(5)(a).
12 A Dungeness crab--Puget Sound fishery license is not required to take
13 other species of crab, including red rock crab (Cancer productus).

14 (2) Except as provided in subsections (3) and (6) of this section,
15 after January 1, 1982, the director shall issue no new Dungeness crab--
16 Puget Sound fishery licenses. Only a person who meets the following
17 qualification may renew an existing license: The person shall have
18 held the Dungeness crab--Puget Sound fishery license sought to be
19 renewed during the previous year or acquired the license by transfer
20 from someone who held it during the previous year, and shall not have
21 subsequently transferred the license to another person.

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

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

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

31 (6) If fewer than one hundred twenty-five persons are eligible for
32 Dungeness crab--Puget Sound fishery licenses, the director may accept
33 applications for new licenses. The director shall determine by random
34 selection the successful applicants for the additional licenses. The
35 number of additional licenses issued shall be sufficient to maintain
36 one hundred twenty-five licenses in the Puget Sound Dungeness crab
37 fishery. The director shall adopt rules governing the application,
38 selection, and issuance procedures for new Dungeness crab--Puget Sound

1 fishery licenses, based upon recommendations of a board of review
2 established under RCW 75.30.050.

3 **Sec. 102.** RCW 75.30.140 and 1993 c 340 s 35 are each amended to
4 read as follows:

5 (1) ~~((It is unlawful to))~~ A person shall not fish commercially for
6 herring in state waters without a herring fishery license. As used in
7 this section, "herring fishery license" means any of the following
8 commercial fishery licenses issued under RCW 75.28.120: Herring dip
9 bag net; herring drag seine; herring gill net; herring lampara; herring
10 purse seine.

11 (2) Except as provided in this section, a herring fishery license
12 may be issued only to a person who(~~(:~~

13 ~~(a) Established initial eligibility for a herring fishery license~~
14 ~~as provided in subsection (3) of this section or acquired such a~~
15 ~~license by transfer;~~

16 ~~(b) Held a herring fishery license during the previous year or~~
17 ~~acquired such a license by transfer; and~~

18 ~~(c) Has not subsequently transferred the license to another person.~~

19 ~~(3) A person may establish initial eligibility for a herring~~
20 ~~fishery license by:~~

21 ~~(a) Documenting to the department that the person landed herring~~
22 ~~during the period January 1, 1971, through April 15, 1973;~~

23 ~~(b) Documenting to the department that the person landed herring~~
24 ~~during the period January 1, 1969, through December 31, 1970, if the~~
25 ~~person was in the armed forces of the United States during the period~~
26 ~~January 1, 1971, through April 15, 1973; or~~

27 ~~(c) Applying to the department and qualifying for a herring fishery~~
28 ~~license under hardship criteria established by rule of the director.~~

29 ~~Landings may be documented only by a department fish receiving~~
30 ~~ticket.~~

31 ~~(4) A herring fishery license may be issued only for the type of~~
32 ~~fishing gear used to establish initial eligibility for the license.~~

33 ~~(5) The director may establish rules governing the administration~~
34 ~~of this section based upon recommendations of a board of review~~
35 ~~established under RCW 75.30.050.~~

36 ~~(6) Except as provided in subsection (8) of this section, after~~
37 ~~January 1, 1995, the director shall issue no new herring fishery~~
38 ~~licenses. After January 1, 1995, a person may renew an existing~~

1 ~~license only if the person~~) held the license sought to be renewed
2 during the previous year or acquired the license by transfer from
3 someone who held it during the previous year, and if the person has not
4 subsequently transferred the license to another person.

5 ~~((7))~~ (3) Herring fishery licenses may be renewed each year. A
6 herring fishery license that is not renewed each year shall not be
7 renewed further.

8 ~~((8))~~ (4) The department may issue additional herring fishery
9 licenses if the stocks of herring will not be jeopardized by granting
10 additional licenses.

11 ~~((9))~~ (5) Subject to the restrictions of ~~((section 11 of this~~
12 ~~aet))~~ RCW 75.28.011, herring fishery licenses are transferable from one
13 license holder to another.

14 **Sec. 103.** RCW 75.30.160 and 1993 c 340 s 38 are each amended to
15 read as follows:

16 ~~((It is unlawful to))~~ A person shall not commercially take whiting
17 from areas that the department designates within the waters described
18 in RCW 75.28.110(5)(a) without a whiting--Puget Sound fishery license.

19 **Sec. 104.** RCW 75.30.210 and 1993 c 340 s 41 are each amended to
20 read as follows:

21 (1) ~~((It is unlawful to))~~ A person shall not commercially take any
22 species of sea urchin using shellfish diver gear without first
23 obtaining a sea urchin dive fishery license.

24 (2) Except as provided in subsections (3) and (6) of this section,
25 after December 31, 1991, the director shall issue no new sea urchin
26 dive fishery licenses. Only a person who meets the following
27 qualifications may renew an existing license:

28 (a) The person shall have held the sea urchin dive fishery license
29 sought to be renewed during the previous year or acquired the license
30 by transfer from someone who held it during the previous year; and

31 (b) The person shall document, by valid shellfish receiving tickets
32 issued by the department, that twenty thousand pounds of sea urchins
33 were caught and sold under the license sought to be renewed during the
34 two-year period ending March 31 of the most recent odd-numbered year.

35 (3) Where the person failed to obtain the license during the
36 previous year because of a license suspension or revocation by the
37 department or the court, the person may qualify for a license by

1 establishing that the person held such a license during the last year
2 in which the person was eligible.

3 (4) The director may reduce or waive the poundage requirement of
4 subsection (2)(b) of this section upon the recommendation of a board of
5 review established under RCW 75.30.050. The board of review may
6 recommend a reduction or waiver of the poundage requirement in
7 individual cases if, in the board's judgment, extenuating circumstances
8 prevent achievement of the poundage requirement. The director shall
9 adopt rules governing the operation of the board of review and defining
10 "extenuating circumstances."

11 (5) Sea urchin dive fishery licenses are not transferable from one
12 license holder to another, except from parent to child, or from spouse
13 to spouse during marriage or as a result of marriage dissolution, or
14 upon the death of the license holder.

15 (6) If fewer than forty-five persons are eligible for sea urchin
16 dive fishery licenses, the director may accept applications for new
17 licenses. The director shall determine by random selection the
18 successful applicants for the additional licenses. The number of
19 additional licenses issued shall be sufficient to maintain up to forty-
20 five licenses in the sea urchin dive fishery. The director shall adopt
21 rules governing the application, selection, and issuance procedure for
22 new sea urchin dive fishery licenses, based upon recommendations of a
23 board of review established under RCW 75.30.050.

24 **Sec. 105.** RCW 75.30.250 and 1993 c 340 s 44 are each amended to
25 read as follows:

26 (1) (~~It is unlawful to~~) A person shall not commercially take
27 while using shellfish diver gear any species of sea cucumber without
28 first obtaining a sea cucumber dive fishery license.

29 (2) Except as provided in subsection (6) of this section, after
30 December 31, 1991, the director shall issue no new sea cucumber dive
31 fishery licenses. Only a person who meets the following qualifications
32 may renew an existing license:

33 (a) The person shall have held the sea cucumber dive fishery
34 license sought to be renewed during the previous two years or acquired
35 the license by transfer from someone who held it during the previous
36 year; and

37 (b) The person shall establish, by means of dated shellfish
38 receiving documents issued by the department, that thirty landings of

1 sea cucumbers totaling at least ten thousand pounds were made under the
2 license during the previous two-year period ending December 31 of the
3 odd-numbered year.

4 (3) Where the person failed to obtain the license during either of
5 the previous two years because of a license suspension by the
6 department or the court, the person may qualify for a license by
7 establishing that the person held such a license during the last year
8 in which the person was eligible.

9 (4) The director may reduce or waive any landing or poundage
10 requirement established under this section upon the recommendation of
11 a board of review established under RCW 75.30.050. The board of review
12 may recommend a reduction or waiver of any landing or poundage
13 requirement in individual cases if, in the board's judgment,
14 extenuating circumstances prevent achievement of the landing or
15 poundage requirement. The director shall adopt rules governing the
16 operation of the board of review and defining "extenuating
17 circumstances."

18 (5) Sea cucumber dive fishery licenses are not transferable from
19 one license holder to another except from parent to child, from spouse
20 to spouse during marriage or as a result of marriage dissolution, or
21 upon death of the license holder.

22 (6) If fewer than fifty persons are eligible for sea cucumber dive
23 fishery licenses, the director may accept applications for new licenses
24 from those persons who can demonstrate two years' experience in the
25 Washington state sea cucumber dive fishery. The director shall
26 determine by random selection the successful applicants for the
27 additional licenses. The number of additional licenses issued shall be
28 sufficient to maintain up to fifty licenses in the sea cucumber dive
29 fishery. The director shall adopt rules governing the application,
30 selection, and issuance procedure for new sea cucumber dive fishery
31 licenses, based upon recommendations of a board of review established
32 under RCW 75.30.050.

33 **Sec. 106.** RCW 75.30.280 and 1993 c 340 s 46 are each amended to
34 read as follows:

35 (1) (~~It is unlawful to~~) A person shall not harvest geoduck clams
36 commercially without a geoduck fishery license. This section does not
37 apply to the harvest of private sector cultured aquatic products as
38 defined in RCW 15.85.020.

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

4 (3) A geoduck fishery license authorizes no taking of geoducks
5 outside the boundaries of the public lands designated in the underlying
6 harvesting agreement, or beyond the harvest ceiling set in the
7 underlying harvesting agreement.

8 (4) A geoduck fishery license expires when the underlying geoduck
9 harvesting agreement terminates.

10 (5) The director shall determine the number of geoduck fishery
11 licenses that may be issued for each geoduck harvesting agreement, the
12 number of units of gear whose use the license authorizes, and the type
13 of gear that may be used, subject to RCW 75.24.100. In making those
14 determinations, the director shall seek to conserve the geoduck
15 resource and prevent damage to its habitat.

16 (6) The holder of a geoduck fishery license and the holder's agents
17 and representatives shall comply with all applicable commercial diving
18 safety regulations adopted by the federal occupational safety and
19 health administration established under the federal occupational safety
20 and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590
21 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations
22 is a violation of this subsection. For the purposes of this section,
23 persons who dive for geoducks are "employees" as defined by the federal
24 occupational safety and health act. A violation of this subsection is
25 grounds for suspension or revocation of a geoduck fishery license
26 following a hearing under the procedures of chapter 34.05 RCW. The
27 department shall not suspend or revoke a geoduck fishery license if the
28 violation has been corrected within ten days of the date the license
29 holder receives written notice of the violation. If there is a
30 substantial probability that a violation of the commercial diving
31 standards could result in death or serious physical harm to a person
32 engaged in harvesting geoduck clams, the department shall suspend the
33 license immediately until the violation has been corrected. If the
34 license holder is not the operator of the harvest vessel and has
35 contracted with another person for the harvesting of geoducks, the
36 department shall not suspend or revoke the license if the license
37 holder terminates its business relationship with that person until
38 compliance with this subsection is secured.

1 **Sec. 107.** RCW 75.30.290 and 1993 c 376 s 5 are each amended to
2 read as follows:

3 (~~After December 31, 1993, it is unlawful to~~) A person shall not
4 commercially deliver into any Washington state port ocean pink shrimp
5 caught in offshore waters without an ocean pink shrimp delivery license
6 issued under RCW 75.28.730, or an ocean pink shrimp single delivery
7 license issued under RCW 75.30.320. An ocean pink shrimp delivery
8 license shall be issued to a vessel that:

9 (1) Landed a total of at least five thousand pounds of ocean pink
10 shrimp in Washington in any single calendar year between January 1,
11 1983, and December 31, 1992, as documented by a valid shellfish
12 receiving ticket; and

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

20 (a) For Washington: Possession of a delivery permit or delivery
21 license issued under RCW 75.28.125 or a trawl license (other than Puget
22 Sound) issued under RCW 75.28.140;

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

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

27 **Sec. 108.** RCW 75.30.350 and 1995 c 252 s 1 are each amended to
28 read as follows:

29 (1) (~~Effective January 1, 1995, it is unlawful to~~) A person shall
30 not commercially fish for coastal crab in Washington state waters
31 without a Dungeness crab~~coastal~~ or a Dungeness crab~~coastal~~ class B
32 fishery license. Gear used must consist of one buoy attached to each
33 crab pot. Each crab pot must be fished individually.

34 (2) A Dungeness crab~~coastal~~ fishery license is transferable.
35 Except as provided in subsection (3) of this section, such a license
36 shall only be issued to a person who proved active historical
37 participation in the coastal crab fishery by having designated, after

1 December 31, 1993, a vessel or a replacement vessel on the qualifying
2 license that singly or in combination meets the following criteria:

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

12 (i) Crab pot«Non-Puget Sound license, issued under RCW
13 75.28.130(1)(b);

14 (ii) Nonsalmon delivery license, issued under RCW 75.28.125;

15 (iii) Salmon troll license, issued under RCW 75.28.110;

16 (iv) Salmon delivery license, issued under RCW 75.28.113;

17 (v) Food fish trawl license, issued under RCW 75.28.120; or

18 (vi) Shrimp trawl license, issued under RCW 75.28.130; or

19 (b) Made a minimum of four Washington landings of coastal crab
20 totaling two thousand pounds during the period from December 1, 1991,
21 to March 20, 1992, and made a minimum of eight crab landings totaling
22 a minimum of five thousand pounds of coastal crab during each of the
23 following periods: December 1, 1991, to September 15, 1992; December
24 1, 1992, to September 15, 1993; and December 1, 1993, to September 15,
25 1994. For landings made after December 31, 1993, the vessel shall
26 have been designated on the qualifying license of the person making the
27 landings; or

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

36 (3) A Dungeness crab-coastal fishery license shall be issued to a
37 person who had a new vessel under construction between December 1,
38 1988, and September 15, 1992, if the vessel made coastal crab landings
39 totaling a minimum of five thousand pounds by September 15, 1993, and

1 the new vessel was designated on the qualifying license of the person
2 who held that license in 1994. All landings shall be documented by
3 valid Washington state shellfish receiving tickets. License
4 applications under this subsection may be subject to review by the
5 advisory review board in accordance with RCW 75.30.050. For purposes
6 of this subsection, "under construction" means either:

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

9 (ii) The contract for the vessel under construction was not
10 transferred or otherwise alienated from the contract holder between the
11 date of the contract and the issuance of the Dungeness crab-coastal
12 fishery license; and

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

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

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

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

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

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

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

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

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

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

2 (6) For purposes of this section and RCW 75.30.420, "coastal crab"
3 means Dungeness crab (cancer magister) taken in all Washington
4 territorial and offshore waters south of the United States-Canada
5 boundary and west of the Bonilla-Tatoosh line (a line from the western
6 end of Cape Flattery to Tatoosh Island lighthouse, then to the buoy
7 adjacent to Duntz Rock, then in a straight line to Bonilla Point of
8 Vancouver island), Grays Harbor, Willapa Bay, and the Columbia river.

9 (7) For purposes of this section, "replacement vessel" means a
10 vessel used in the coastal crab fishery in 1994, and that replaces a
11 vessel used in the coastal crab fishery during any period from 1988
12 through 1993, and which vessel's licensing and catch history, together
13 with the licensing and catch history of the vessel it replaces,
14 qualifies a single applicant for a Dungeness crab coastal or Dungeness
15 crab coastal class B fishery license. A Dungeness crab coastal or
16 Dungeness crab coastal class B fishery license may only be issued to a
17 person who designated a vessel in the 1994 coastal crab fishery and who
18 designated the same vessel in 1995.

19 **Sec. 109.** RCW 75.30.450 and 1994 c 260 s 16 are each amended to
20 read as follows:

21 (1) (~~It is unlawful for~~) A Dungeness crab coastal fishery
22 (~~licensees to~~) licensee shall not take Dungeness crab in the waters
23 of the exclusive economic zone westward of the states of Oregon or
24 California and land crab taken in those waters into Washington state
25 unless the licensee also holds the licenses, permits, or endorsements,
26 required by Oregon or California to land crab into Oregon or
27 California, respectively.

28 (2) This section becomes effective only upon reciprocal legislation
29 being enacted by both the states of Oregon and California. For
30 purposes of this section, "exclusive economic zone" means that zone
31 defined in the federal fishery conservation and management act (16
32 U.S.C. Sec. 1802) as of January 1, 1995, or as of a subsequent date
33 adopted by rule of the director.

34 **Sec. 110.** RCW 75.58.010 and 1993 sp.s. c 2 s 55 are each amended
35 to read as follows:

36 (1) The director of agriculture and the director shall jointly
37 develop a program of disease inspection and control for aquatic farmers

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

- 8 (a) Disease diagnosis;
- 9 (b) Import and transfer requirements;
- 10 (c) Provision for certification of stocks;
- 11 (d) Classification of diseases by severity;
- 12 (e) Provision for treatment of selected high-risk diseases;
- 13 (f) Provision for containment and eradication of high-risk
14 diseases;
- 15 (g) Provision for destruction of diseased cultured aquatic
16 products;
- 17 (h) Provision for quarantine of diseased cultured aquatic products;
- 18 (i) Provision for coordination with state and federal agencies;
- 19 (j) Provision for development of preventative or control measures;
- 20 (k) Provision for cooperative consultation service to aquatic
21 farmers; and
- 22 (l) Provision for disease history records.

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

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

9 (4) (~~It is unlawful for any person to~~) A person shall not violate
10 the rules adopted under subsection (2) or (3) of this section or (~~to~~)
11 violate RCW 75.58.040.

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

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

19 **Sec. 111.** RCW 77.08.010 and 1996 c 207 s 2 are each amended to
20 read as follows:

21 As used in this title or Title 75 RCW or rules adopted pursuant to
22 (~~this~~) those titles, unless the context clearly requires otherwise:

- 23 (1) "Director" means the director of fish and wildlife.
- 24 (2) "Department" means the department of fish and wildlife.
- 25 (3) "Commission" means the state fish and wildlife commission.
- 26 (4) "Person" means and includes an individual, a corporation, or a
27 group of two or more individuals acting with a common purpose whether
28 acting in an individual, representative, or official capacity.
- 29 (5) "Fish and wildlife (~~agent~~) officer" means a person appointed
30 and commissioned by the director, with authority to enforce laws and
31 rules adopted pursuant to this title, and other statutes as prescribed
32 by the legislature. Fish and wildlife officer includes a person
33 commissioned before the effective date of this section as a wildlife
34 agent.

35 (6) "Ex officio fish and wildlife (~~agent~~) officer" means a
36 commissioned officer of a municipal, county, state, or federal agency
37 having as its primary function the enforcement of criminal laws in
38 general, while the officer is in the appropriate jurisdiction. The

1 term "ex officio fish and wildlife ((agent)) officer" includes
2 ((~~fisheries patrol officers,~~)) special agents of the national marine
3 fisheries service, state parks commissioned officers, United States
4 fish and wildlife special agents, department of natural resources
5 enforcement officers, and United States forest service officers, while
6 the agents and officers are within their respective jurisdictions.

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

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

11 (9) "To fish" and its derivatives means an effort to kill, injure,
12 harass, or catch a ((game)) fish.

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

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

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

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

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

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

38 (16) "Wildlife" means all species of the animal kingdom whose
39 members exist in Washington in a wild state. This includes but is not

1 limited to mammals, birds, reptiles, amphibians, fish, and
2 invertebrates. The term "wildlife" does not include feral domestic
3 mammals, the family Muridae of the order Rodentia (old world rats and
4 mice), or those fish, shellfish, and marine invertebrates classified as
5 food fish or shellfish by the director. The term "wildlife" includes
6 all stages of development and the bodily parts of wildlife members.

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

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 112.** RCW 77.12.055 and 1993 sp.s. c 2 s 67 are each amended
2 to read as follows:

3 ~~((Jurisdiction and authority granted under RCW 77.12.060,~~
4 ~~77.12.070, and 77.12.080 to the director, wildlife agents,)) Fish and
5 wildlife officers and ex officio ~~((wildlife agents is limited to the~~
6 ~~laws and rules adopted pursuant to this title pertaining to wildlife or~~
7 ~~to the management, operation, maintenance, or use of or conduct on real~~
8 ~~property used, owned, leased, or controlled by the department)) fish
9 and wildlife officers shall enforce this title, Title 75 RCW, rules of
10 the department, and other statutes as prescribed by the legislature.
11 ~~((However, when acting within the scope of these duties and when an~~
12 ~~offense occurs in the presence of the wildlife agent who is not an ex~~
13 ~~officio wildlife agent, the wildlife agent))~~~~~~

14 (2) Fish and wildlife officers who are not ex officio fish and
15 wildlife officers may enforce all criminal laws of the state. The
16 ~~((wildlife agent)) fish and wildlife officer must have successfully~~
17 completed the basic law enforcement academy course sponsored by the
18 criminal justice training commission, or a ~~((supplemental))~~ course ~~((in~~
19 ~~criminal law enforcement as))~~ approved by the department and the
20 criminal justice training commission and provided by the department or
21 the criminal justice training commission, prior to enforcing the
22 criminal laws of the state.

23 ~~((2) Wildlife agents)) (3) Fish and wildlife officers are peace
24 officers.~~

25 ~~((3))~~ (4) Any liability or claim of liability ((which)) under
26 chapter 4.92 RCW that arises out of the exercise or alleged exercise of
27 authority by a ((wildlife agent)) fish and wildlife officer rests with
28 the department unless the ((wildlife agent)) fish and wildlife officer
29 acts under the direction and control of another agency or unless the
30 liability is otherwise assumed under ((a written)) an agreement between
31 the department and another agency.

32 ~~((4) Wildlife agents)) (5) Fish and wildlife officers may serve
33 and execute warrants and processes issued by the courts.~~

34 (6) Fish and wildlife officers may enforce RCW 79.01.805 and
35 79.01.810.

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

1 NEW SECTION. Sec. 113. Based upon articulable facts that a person
2 is engaged in fishing or hunting activities, fish and wildlife officers
3 have the authority to temporarily stop the person and check for valid
4 licenses, tags, permits, stamps, or catch record cards, and to inspect
5 all fish and wildlife in possession as well as the equipment being used
6 to ensure compliance with the requirements of this title and Title 75
7 RCW.

8 **Sec. 114.** RCW 77.12.080 and 1987 c 506 s 19 are each amended to
9 read as follows:

10 (~~Wildlife agents~~) Fish and wildlife officers and ex officio
11 (~~wildlife agents~~) fish and wildlife officers may arrest without
12 warrant persons found violating the law or rules adopted pursuant to
13 this title and Title 75 RCW.

14 **Sec. 115.** RCW 77.12.090 and 1987 c 506 s 20 are each amended to
15 read as follows:

16 (~~Wildlife agents,~~) Fish and wildlife officers and ex officio
17 (~~wildlife agents~~) fish and wildlife officers may make a reasonable
18 search without warrant of a vessel, container, or conveyances,
19 vehicles, packages, game baskets, game coats, or other receptacles for
20 fish and wildlife, or tents, camps, or similar places which they have
21 reason to believe contain evidence of a violation of law or rules
22 adopted pursuant to this title or Title 75 RCW and seize evidence as
23 needed for law enforcement. This does not preclude seizure of property
24 if authorized for forfeiture as authorized by law.

25 **Sec. 116.** RCW 77.12.095 and 1982 c 152 s 1 are each amended to
26 read as follows:

27 (~~Wildlife agents~~) Fish and wildlife officers may inspect without
28 warrant at reasonable times and in a reasonable manner the premises,
29 containers, fishing equipment, fish, and wildlife, and records required
30 by the department of any (~~commercial enterprise operating under the~~
31 authority of a license or permit issued by the department or any
32 commercial business that sells, stores, transports, or possesses
33 wildlife)) commercial fisher, wholesale dealer or fish buyer, shipping
34 agent, or of any other person placing or attempting to place fish or
35 wildlife into interstate commerce, or any cold storage plant that the
36 department has probable cause to believe contains fish or wildlife, or

1 of any taxidermist or fur buyer. Fish and wildlife officers may
2 inspect without warrant the records required by the department of any
3 retail outlet selling fish or wildlife or both, and, if the officers
4 have probable cause to believe a violation of this title or rules of
5 the commission has occurred, they may inspect without warrant the
6 premises, containers, and fish and wildlife of any retail outlet
7 selling fish or wildlife or both.

8 **Sec. 117.** RCW 77.12.120 and 1980 c 78 s 26 are each amended to
9 read as follows:

10 ~~((Upon complaint showing probable cause for believing that wildlife~~
11 ~~unlawfully caught, taken, killed, controlled, possessed, or~~
12 ~~transported, is concealed or kept in a game basket, game coat, package,~~
13 ~~or other receptacle for wildlife, or at a business place, vehicle, or~~
14 ~~other place, the)) On a showing of probable cause that there has been
15 a violation of any fish or wildlife law of the state of Washington, or
16 upon a showing of probable cause to believe that evidence of such
17 violation may be found at a place, a court shall issue a search warrant
18 ((and have the place searched for wildlife)) or arrest warrant. Fish
19 and wildlife officers may execute any such arrest or search warrant
20 reasonably necessary to their duties under this title or Title 75 RCW
21 and may seize fish and wildlife or any evidence of a crime and the
22 fruits or instrumentalities of a crime as provided by warrant. The
23 court may have a building, enclosure, vehicle, vessel, container, or
24 receptacle opened or entered and the contents examined.~~

25 **Sec. 118.** RCW 77.16.010 and 1987 c 506 s 58 are each amended to
26 read as follows:

27 ~~((It is unlawful to)) A person shall not promote, conduct, hold, or
28 sponsor a contest for the hunting or fishing of wildlife or a
29 competitive field trial involving live wildlife for hunting dogs
30 without first obtaining a hunting or fishing contest permit. Contests
31 and field trials shall be held in accordance with established rules.~~

32 **Sec. 119.** RCW 77.16.020 and 1996 c 207 s 3 are each amended to
33 read as follows:

34 ~~((1) It is unlawful to hunt, fish, or possess a game animal, game~~
35 ~~bird, or game fish during closed season for that game animal, game~~
36 ~~bird, or game fish except as provided in RCW 77.12.105 or 77.12.265.~~

1 ~~(2) It is unlawful to kill, take, catch, possess, or control a~~
2 ~~game animal, game bird, or game fish in excess of the number fixed as~~
3 ~~the bag limit for that game animal, game bird, or game fish.~~

4 ~~(3) It is unlawful to hunt within a game reserve or to fish for~~
5 ~~game fish within closed waters.~~

6 ~~(4) It is unlawful to hunt wild birds or wild animals within a~~
7 ~~closed area except as authorized by rule of the commission.~~

8 ~~(5) It is unlawful to hunt or fish for wildlife, practice taxidermy~~
9 ~~for profit, deal in raw furs for profit, act as a fishing guide, or~~
10 ~~operate a game farm, stock game fish, or collect wildlife for research~~
11 ~~or display, without having in possession the license, permit, tag,~~
12 ~~stamp, or catch record card required by chapter 77.32 RCW or rule of~~
13 ~~the department. The activities described in this subsection shall be~~
14 ~~conducted in accordance with rules adopted pursuant to this title.~~

15 ~~(6)) For the purposes of ((this section)) establishing a season or~~
16 ~~bag limit restriction on Canada goose hunting, the department shall not~~
17 ~~consider leg length or bill length of dusky Canada geese (Branta~~
18 ~~canadensis occidentalis).~~

19 **Sec. 120.** RCW 77.16.095 and 1987 c 506 s 63 are each amended to
20 read as follows:

21 ~~((It is unlawful to mutilate)) The commission may adopt rules~~
22 ~~governing the possession of fish and wildlife so that the size,~~
23 ~~species, or sex ((cannot)) can be determined visually in the field or~~
24 ~~while being transported. ((The director may prescribe specific~~
25 ~~criteria for field identification to satisfy this section.))~~

26 **Sec. 121.** RCW 77.16.170 and 1993 sp.s. c 2 s 75 are each amended
27 to read as follows:

28 ~~((It is unlawful to take a wild animal from another person's trap~~
29 ~~without permission, or to spring, pull up, damage, possess, or destroy~~
30 ~~the trap; however, it is not unlawful for)) A property owner, lessee,~~
31 ~~or tenant ((to)) may remove a trap placed on the owner's, lessee's, or~~
32 ~~tenant's posted or fenced property by a trapper.~~

33 Trappers shall attach to the chain of their traps or devices a
34 legible metal tag with either the department identification number of
35 the trapper or the name and address of the trapper in English letters
36 not less than one-eighth inch in height.

1 When (~~(an individual)~~) a property owner, lessee, or tenant presents
2 a trapper identification number to the department for a trap found upon
3 the property of the owner, lessee, or tenant and requests
4 identification of the trapper, the department shall provide the
5 (~~individual~~) requestor with the name and address of the trapper.
6 Prior to disclosure of the trapper's name and address, the department
7 shall obtain the name and address of the requesting individual in
8 writing and after disclosing the trapper's name and address to the
9 requesting individual, the requesting individual's name and address
10 shall be disclosed in writing to the trapper whose name and address was
11 disclosed.

12 **Sec. 122.** RCW 77.16.220 and 1980 c 78 s 89 are each amended to
13 read as follows:

14 (~~It is unlawful to~~) A person shall not divert water from a lake,
15 river, or stream containing game fish unless the water diversion device
16 is equipped at or near its intake with a fish guard or screen to
17 prevent the passage of game fish into the device and, if necessary,
18 with a means of returning game fish from immediately in front of the
19 fish guard or screen to the waters of origin. A person who is now
20 otherwise lawfully diverting water from a lake, river or stream shall
21 not be deemed guilty of a violation of this section.

22 Plans for the fish guard, screen, and bypass shall be approved by
23 the director prior to construction. The installation shall be approved
24 by the director prior to the diversion of water.

25 The director may close a water diversion device operated in
26 violation of this section and keep it closed until it is properly
27 equipped with a fish guard, screen, or bypass.

28 **Sec. 123.** RCW 77.32.350 and 1992 c 41 s 1 are each amended to read
29 as follows:

30 In addition to a basic hunting license, a supplemental license,
31 permit, or stamp is required to hunt for quail, partridge, pheasant, or
32 migratory waterfowl, to hunt with a raptor, or to hunt wild animals
33 with a dog.

34 (1) A hound permit is required to hunt wild animals, except rabbits
35 and hares, with a dog. The fee for this permit is twelve dollars.

1 (2) An eastern Washington upland game bird permit is required to
2 hunt for quail, partridge, and pheasant in eastern Washington. The fee
3 for this permit is ten dollars.

4 (3) A western Washington upland game bird permit is required to
5 hunt for quail, partridge, and pheasant in western Washington. The fee
6 for this permit is thirty-five dollars. Western Washington upland game
7 bird permits must contain numbered spaces for recording the location
8 and date of harvest of each western Washington pheasant. (~~It is~~
9 ~~unlawful to~~) A person shall not harvest a western Washington pheasant
10 without immediately recording this information on the permit.

11 (4) Effective January 1, 1993, the permit shall be available as a
12 season option, a juvenile full season option, or a two-day option. The
13 fee for this permit is:

14 (a) For the full season option, thirty-five dollars;

15 (b) For the juvenile full season or the two-day option, twenty
16 dollars.

17 For the purposes of this subsection a juvenile is defined as a
18 person under fifteen years of age upon the opening date of the western
19 Washington pheasant season.

20 (5) Western Washington upland game permits are valid for the
21 following number of pheasants and harvesting pheasants in excess of
22 these numbers requires another permit:

23 (a) A full season permit is valid for no more than ten pheasants;

24 (b) A juvenile full season permit is valid for no more than six
25 pheasants;

26 (c) A two-day permit is valid for no more than four pheasants.

27 (6) A falconry license is required to possess or hunt with a
28 raptor, including seasons established exclusively for hunting in that
29 manner. The fee for this license is thirty-six dollars.

30 (7) A migratory waterfowl stamp affixed to a basic hunting license
31 is required for all persons sixteen years of age or older to hunt
32 migratory waterfowl. The fee for the stamp is six dollars.

33 (8) The migratory waterfowl stamp shall be validated by the
34 signature of the licensee written across the face of the stamp.

35 (9) The migratory waterfowl stamps required by this section expire
36 on March 31st following the date of issuance.

37 NEW SECTION. **Sec. 124.** REPEALER. The following acts or parts of
38 acts are each repealed:

- 1 (1) RCW 75.10.010 and 1996 c 267 s 4;
- 2 (2) RCW 75.10.020 and 1996 c 267 s 5, 1983 1st ex.s. c 46 s 33, &
3 1955 c 12 s 75.08.170;
- 4 (3) RCW 75.10.030 and 1996 c 267 s 6, 1990 c 144 s 5, 1983 1st
5 ex.s. c 46 s 34, & 1955 c 12 s 75.36.010;
- 6 (4) RCW 75.10.040 and 1996 c 267 s 7, 1983 1st ex.s. c 46 s 35,
7 1980 c 78 s 134, & 1955 c 12 s 75.08.200;
- 8 (5) RCW 75.10.050 and 1996 c 267 s 8, 1983 1st ex.s. c 46 s 36, &
9 1955 c 12 s 75.08.280;
- 10 (6) RCW 75.10.060 and 1983 1st ex.s. c 46 s 37 & 1955 c 12 s
11 75.36.040;
- 12 (7) RCW 75.10.080 and 1983 1st ex.s. c 46 s 39 & 1955 c 12 s
13 75.36.050;
- 14 (8) RCW 75.10.090 and 1983 1st ex.s. c 46 s 40 & 1955 c 12 s
15 75.08.180;
- 16 (9) RCW 75.10.110 and 1996 c 267 s 10, 1990 c 144 s 6, 1987 c 380
17 s 16, 1983 1st ex.s. c 46 s 42, 1979 ex.s. c 99 s 1, & 1955 c 12 s
18 75.08.260;
- 19 (10) RCW 75.10.120 and 1996 c 267 s 11, 1990 c 144 s 7, 1983 1st
20 ex.s. c 46 s 43, 1979 ex.s. c 99 s 2, 1957 c 171 s 5, & 1955 c 12 s
21 75.28.380;
- 22 (11) RCW 75.10.130 and 1996 c 267 s 12, 1983 1st ex.s. c 46 s 44,
23 & 1979 ex.s. c 99 s 3;
- 24 (12) RCW 75.10.140 and 1996 c 267 s 13, 1990 c 163 s 7, 1984 c 80
25 s 4, 1983 1st ex.s. c 46 s 45, & 1979 ex.s. c 141 s 7;
- 26 (13) RCW 75.10.170 and 1996 c 267 s 15 & 1990 c 63 s 5;
- 27 (14) RCW 75.10.180 and 1996 c 267 s 16 & 1990 c 144 s 1;
- 28 (15) RCW 75.10.190 and 1996 c 267 s 17 & 1990 c 144 s 2;
- 29 (16) RCW 75.10.200 and 1996 c 267 s 18, 1993 sp.s. c 2 s 26, & 1990
30 c 144 s 3;
- 31 (17) RCW 75.10.210 and 1990 c 144 s 4;
- 32 (18) RCW 75.12.020 and 1996 c 267 s 19, 1983 1st ex.s. c 46 s 49,
33 & 1955 c 12 s 75.12.020;
- 34 (19) RCW 75.12.031 and 1983 1st ex.s. c 46 s 51 & 1955 c 12 s
35 75.20.070;
- 36 (20) RCW 75.12.070 and 1996 c 267 s 20, 1983 1st ex.s. c 46 s 53,
37 & 1955 c 12 s 75.12.070;
- 38 (21) RCW 75.12.090 and 1990 c 144 s 8, 1983 1st ex.s. c 46 s 54,
39 1982 c 14 s 1, & 1955 c 12 s 75.12.090;

1 (22) RCW 75.12.100 and 1996 c 267 s 21, 1983 1st ex.s. c 46 s 55,
2 & 1955 c 12 s 75.12.100;
3 (23) RCW 75.12.115 and 1996 c 267 s 22, 1983 1st ex.s. c 46 s 56,
4 & 1971 ex.s. c 106 s 1;
5 (24) RCW 75.12.120 and 1985 c 51 s 7, 1983 1st ex.s. c 46 s 57, &
6 1955 c 12 s 75.12.120;
7 (25) RCW 75.12.125 and 1983 1st ex.s. c 46 s 58;
8 (26) RCW 75.12.127 and 1993 c 340 s 49;
9 (27) RCW 75.12.400 and 1983 1st ex.s. c 46 s 64 & 1982 c 14 s 2;
10 (28) RCW 75.12.410 and 1983 1st ex.s. c 46 s 66 & 1955 c 12 s
11 75.08.130;
12 (29) RCW 75.12.420 and 1996 c 267 s 23, 1983 1st ex.s. c 46 s 67,
13 & 1955 c 12 s 75.08.210;
14 (30) RCW 75.12.430 and 1983 1st ex.s. c 46 s 68 & 1955 c 12 s
15 75.08.220;
16 (31) RCW 75.24.050 and 1996 c 267 s 25, 1983 1st ex.s. c 46 s 80,
17 & 1955 c 12 s 75.24.050;
18 (32) RCW 75.24.090 and 1996 c 267 s 26, 1983 1st ex.s c 46 s 84,
19 1955 c 212 s 7, & 1955 c 12 s 75.24.090;
20 (33) RCW 75.25.150 and 1994 c 255 s 7, 1993 sp.s. c 17 s 9, 1989 c
21 305 s 13, 1984 c 80 s 9, & 1983 1st ex.s. c 46 s 99;
22 (34) RCW 77.12.060 and 1987 c 506 s 17, 1980 c 78 s 18, 1961 c 68
23 s 1, & 1955 c 36 s 77.12.060;
24 (35) RCW 77.12.070 and 1987 c 506 s 18, 1980 c 78 s 19, 1971 ex.s.
25 c 173 s 1, 1961 c 68 s 2, & 1955 c 36 s 77.12.070;
26 (36) RCW 77.16.040 and 1987 c 506 s 60, 1980 c 78 s 72, 1971 ex.s.
27 c 166 s 4, 1961 c 75 s 1, & 1955 c 36 s 77.16.040;
28 (37) RCW 77.16.050 and 1980 c 78 s 73 & 1955 c 36 s 77.16.050;
29 (38) RCW 77.16.060 and 1993 sp.s. c 2 s 73, 1987 c 506 s 61, 1980
30 c 78 s 74, & 1955 c 36 s 77.16.060;
31 (39) RCW 77.16.080 and 1987 c 506 s 62, 1980 c 78 s 76, & 1955 c 36
32 s 77.16.080;
33 (40) RCW 77.16.090 and 1980 c 78 s 77 & 1955 c 36 s 77.16.090;
34 (41) RCW 77.16.100 and 1980 c 78 s 79, 1977 ex.s. c 275 s 1, & 1955
35 c 36 s 77.16.100;
36 (42) RCW 77.16.110 and 1987 c 506 s 64, 1980 c 78 s 80, & 1955 c 36
37 s 77.16.110;
38 (43) RCW 77.16.120 and 1980 c 78 s 81 & 1955 c 36 s 77.16.120;

1 (44) RCW 77.16.130 and 1987 c 506 s 65, 1980 c 78 s 82, & 1955 c 36
2 s 77.16.130;
3 (45) RCW 77.16.150 and 1987 c 506 s 66, 1980 c 78 s 83, & 1955 c 36
4 s 77.16.150;
5 (46) RCW 77.16.160 and 1980 c 78 s 84 & 1955 c 36 s 77.16.160;
6 (47) RCW 77.16.180 and 1987 c 506 s 67, 1980 c 78 s 86, & 1955 c 36
7 s 77.16.180;
8 (48) RCW 77.16.190 and 1980 c 78 s 87 & 1955 c 36 s 77.16.190;
9 (49) RCW 77.16.250 and 1989 c 297 s 5, 1980 c 78 s 93, & 1955 c 36
10 s 77.16.250;
11 (50) RCW 77.16.260 and 1980 c 78 s 94, 1955 c 85 s 1, & 1955 c 36
12 s 77.16.260;
13 (51) RCW 77.16.310 and 1981 c 310 s 4, 1980 c 78 s 125, & 1979
14 ex.s. c 127 s 1;
15 (52) RCW 77.16.320 and 1987 c 506 s 68, 1981 c 310 s 5, & 1980 c 44
16 s 1;
17 (53) RCW 77.16.330 and 1987 c 506 s 104 & 1985 c 243 s 3;
18 (54) RCW 77.16.610 and 1982 c 155 s 3;
19 (55) RCW 77.21.010 and 1988 c 265 s 3;
20 (56) RCW 77.21.040 and 1989 c 314 s 5, 1987 c 506 s 72, 1980 c 78
21 s 25, & 1955 c 36 s 77.12.110; and
22 (57) RCW 77.21.060 and 1989 c 314 s 6, 1987 c 506 s 73, 1980 c 78
23 s 122, & 1955 c 36 s 77.32.260.

24 NEW SECTION. **Sec. 125.** RECODIFICATION. The following sections
25 are recodified as new sections in the chapter created in section 128 of
26 this act:

27 RCW 75.10.100
28 RCW 75.10.220
29 RCW 75.12.320
30 RCW 77.12.120
31 RCW 77.12.130
32 RCW 77.16.135

33 NEW SECTION. **Sec. 126.** SHORT TITLE. This chapter may be known
34 and cited as the fish and wildlife enforcement code.

35 NEW SECTION. **Sec. 127.** CAPTIONS NOT LAW. Captions used in this
36 chapter are not any part of the law.

1 NEW SECTION. **Sec. 128.** Sections 1 through 48, 50 through 66, 68,
2 69, 113, 126, and 127 of this act constitute a new chapter in Title 77
3 RCW.

4 NEW SECTION. **Sec. 129.** The enactment of chapter . . ., Laws of
5 1998 (this act) does not terminate, or in any way modify, any
6 liability, civil or criminal, that was in existence on the effective
7 date of this section."

8 **ESSB 6328** - H AMD
9 By Representative

10

11 On page 1, line 1 of the title, after "enforcement;" strike the
12 remainder of the title and insert "amending RCW 75.12.320, 77.16.135,
13 75.08.011, 75.08.160, 75.08.274, 75.08.295, 75.08.300, 75.12.010,
14 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.210, 75.12.230,
15 75.12.390, 75.12.440, 75.12.650, 75.20.040, 75.20.060, 75.20.103,
16 75.20.110, 75.24.080, 75.24.100, 75.24.110, 75.28.010, 75.28.045,
17 75.28.095, 75.28.113, 75.28.125, 75.28.710, 75.28.740, 75.30.070,
18 75.30.140, 75.30.160, 75.30.210, 75.30.250, 75.30.280, 75.30.290,
19 75.30.350, 75.30.450, 75.58.010, 77.08.010, 77.12.055, 77.12.080,
20 77.12.090, 77.12.095, 77.12.120, 77.16.010, 77.16.020, 77.16.095,
21 77.16.170, 77.16.220, and 77.32.350; reenacting and amending RCW
22 75.20.100 and 75.30.130; adding a new chapter to Title 77 RCW; creating
23 a new section; recodifying RCW 75.10.100, 75.10.220, 75.12.320,
24 77.12.120, 77.12.130, and 77.16.135; repealing RCW 75.10.010,
25 75.10.020, 75.10.030, 75.10.040, 75.10.050, 75.10.060, 75.10.080,
26 75.10.090, 75.10.110, 75.10.120, 75.10.130, 75.10.140, 75.10.170,
27 75.10.180, 75.10.190, 75.10.200, 75.10.210, 75.12.020, 75.12.031,
28 75.12.070, 75.12.090, 75.12.100, 75.12.115, 75.12.120, 75.12.125,
29 75.12.127, 75.12.400, 75.12.410, 75.12.420, 75.12.430, 75.24.050,
30 75.24.090, 75.25.150, 77.12.060, 77.12.070, 77.16.040, 77.16.050,
31 77.16.060, 77.16.080, 77.16.090, 77.16.100, 77.16.110, 77.16.120,
32 77.16.130, 77.16.150, 77.16.160, 77.16.180, 77.16.190, 77.16.250,
33 77.16.260, 77.16.310, 77.16.320, 77.16.330, 77.16.610, 77.21.010,
34 77.21.040, and 77.21.060; and prescribing penalties."

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