
SUBSTITUTE SENATE BILL 6328

State of Washington**55th Legislature****1998 Regular Session**

By Senate Committee on Natural Resources & Parks (originally sponsored by Senators Oke, Jacobsen and Swecker; by request of Department of Fish and Wildlife)

Read first time . Referred to Committee on .

1 AN ACT Relating to fish and wildlife code enforcement; amending RCW
2 75.12.320, 77.16.135, 75.08.011, 75.08.160, 75.08.274, 75.08.295,
3 75.08.300, 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140,
4 75.12.210, 75.12.230, 75.12.390, 75.12.440, 75.12.650, 75.20.040,
5 75.20.060, 75.20.103, 75.20.110, 75.24.080, 75.24.100, 75.24.110,
6 75.28.010, 75.28.045, 75.28.095, 75.28.113, 75.28.125, 75.28.710,
7 75.28.740, 75.30.070, 75.30.140, 75.30.160, 75.30.210, 75.30.250,
8 75.30.280, 75.30.290, 75.30.350, 75.30.450, 75.58.010, 77.08.010,
9 77.12.055, 77.12.080, 77.12.090, 77.12.095, 77.12.120, 77.16.010,
10 77.16.020, 77.16.095, 77.16.170, 77.16.220, and 77.32.350; reenacting
11 and amending RCW 75.20.100 and 75.30.130; adding a new chapter to Title
12 77 RCW; creating a new section; recodifying RCW 75.10.100, 75.10.220,
13 75.12.320, 77.12.120, 77.12.130, and 77.16.135; repealing RCW
14 75.10.010, 75.10.020, 75.10.030, 75.10.040, 75.10.050, 75.10.060,
15 75.10.080, 75.10.090, 75.10.110, 75.10.120, 75.10.130, 75.10.140,
16 75.10.170, 75.10.180, 75.10.190, 75.10.200, 75.10.210, 75.12.020,
17 75.12.031, 75.12.070, 75.12.090, 75.12.100, 75.12.115, 75.12.120,
18 75.12.125, 75.12.127, 75.12.400, 75.12.410, 75.12.420, 75.12.430,
19 75.24.050, 75.24.090, 75.25.150, 77.12.060, 77.12.070, 77.16.040,
20 77.16.050, 77.16.060, 77.16.080, 77.16.090, 77.16.100, 77.16.110,
21 77.16.120, 77.16.130, 77.16.150, 77.16.160, 77.16.180, 77.16.190,

1 77.16.250, 77.16.260, 77.16.310, 77.16.320, 77.16.330, 77.16.610,
2 77.21.010, 77.21.040, and 77.21.060; and prescribing penalties.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

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

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

32 NEW SECTION. **Sec. 3.** AUTHORITY TO DEFINE VIOLATION OF A RULE AS
33 AN INFRACTION. If the commission or director has authority to adopt a
34 rule that is punishable as a crime under this chapter, then the

1 commission or director may provide that violation of the rule shall be
2 punished with notice of infraction under RCW 7.84.030.

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

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

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

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

28 NEW SECTION. **Sec. 8.** ACTING FOR COMMERCIAL PURPOSES--VALUE OF
29 FISH OR WILDLIFE--PROOF. (1) For purposes of this chapter, it is prima
30 facie evidence that a person was acting for commercial purposes if the
31 person:

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

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

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

4 (d) Delivers or attempts to deliver fish or wildlife to a person
5 who sells or resells fish or wildlife including any licensed or
6 unlicensed wholesaler; or

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

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

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

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

24 (b) Destroys, takes, or harms the eggs or nests of a game bird
25 except when authorized by permit; or

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

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

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

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

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

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

6 (b) Violates any rule of the commission or director regarding
7 seasons, bag or possession limits, closed areas including game
8 reserves, closed times, or any other rule governing the hunting,
9 taking, or possession of big game.

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

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

17 (b) The act was in violation of any rule of the commission or
18 director regarding seasons, bag limits, closed areas including game
19 reserves, or closed times.

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

22 (b) Unlawful hunting of big game in the first degree is a class C
23 felony. Upon conviction, the court shall revoke all licenses or tags
24 involved in the crime and the court shall order the person's hunting
25 privileges suspended for two years.

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

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

32 (b) Violates any rule of the commission or director regarding
33 seasons, bag or possession limits but less than two times the bag or
34 possession limit, closed areas including game reserves, closed times,
35 or other rule addressing the manner or method of hunting or possession
36 of game animals not classified as big game.

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

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

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

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

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

12 (1) A person is guilty of unlawful possession of weapons, traps, or
13 dogs on game reserves if:

14 (a) The person possesses firearms, other hunting weapons, or traps
15 on a game reserve; or

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

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

19 (3) Unlawful use of weapons, traps, or dogs on game reserves is a
20 misdemeanor.

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

22 WILDLIFE. (1) A person is guilty of unlawful taking of endangered fish
23 or wildlife in the second degree if the person hunts, fishes,
24 possesses, harasses, or kills fish or wildlife or destroys the nests or
25 eggs of fish or wildlife and the fish or wildlife is designated by the
26 commission as endangered, and the taking has not been authorized by
27 rule of the commission.

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

30 (a) Convicted of violating subsection (1) of this section or
31 convicted of any crime under this title involving the killing,
32 possessing, harassing, or harming of endangered fish or wildlife,
33 including but not limited to a violation of RCW 77.16.120 before the
34 effective date of this section; and

35 (b) Within five years of the date of the prior conviction the
36 person violates subsection (1) of this section.

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

3 (b) Taking of endangered fish or wildlife in the first degree is a
4 class C felony. The court shall revoke any licenses or tags used in
5 connection with the crime and order the person's privileges to hunt,
6 fish, trap, or obtain licenses under this title and Title 75 RCW to be
7 suspended for two years.

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

11 (a) The person hunts, fishes, possesses, or kills protected fish or
12 wildlife, or the person possesses or destroys the eggs or nests of
13 protected fish or wildlife, and the taking has not been authorized by
14 rule of the commission; or

15 (b) The person violates any rule of the commission regarding the
16 taking, harming, harassment, possession, or transport of protected fish
17 or wildlife.

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

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

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

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

27 (2) Unlawful taking of unclassified fish or wildlife is a
28 misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

28 (2) Unlawful recreational fishing in the second degree is a
29 misdemeanor.

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

33 (a) The person takes, possesses, or retains two times or more than
34 the bag limit or possession limit of fish or shellfish allowed by any
35 rule of the director or commission setting the amount of food fish,

1 game fish, or shellfish that can be taken, possessed, or retained for
2 noncommercial use;

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

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

8 (2) Unlawful recreational fishing in the first degree is a gross
9 misdemeanor.

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

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

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

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

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

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

27 (b) The person recklessly allows such fish or wildlife to be
28 wasted.

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

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

34 (b) The person recklessly allows such fish or wildlife to be
35 wasted.

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

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

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

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

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

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

19 (c) Interferes with gear used to take fish.

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

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

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

26 (b) Intentionally destroys or interferes with commercial fishing
27 gear.

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

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

33 NEW SECTION. **Sec. 23.** FAILING TO IDENTIFY TRAPS FOR FURBEARING
34 ANIMALS. (1) A person is guilty of failing to identify traps for
35 furbearing animals if the person fails to attach to the person's traps
36 or devices a legible metal tag with either the department

1 identification number of the trapper or the name and address of the
2 trapper in English letters not less than one-eighth inch in height.

3 (2) Failing to identify traps for furbearing animals is a
4 misdemeanor.

5 (3) If an individual presents a trapper identification number to
6 the department and requests identification of the trapper, the
7 department shall provide the individual with the name and address of
8 the trapper. Before disclosing the trapper's name and address, the
9 department shall obtain the name and address of the requesting
10 individual in writing. After disclosing the trapper's name and address
11 to the requesting individual, the requesting individual's name and
12 address shall be disclosed in writing to the trapper whose name and
13 address were disclosed.

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

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

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

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

22 (2) Obstructing the taking of fish or wildlife is a gross
23 misdemeanor.

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

26 (a) Interfering with a person engaged in hunting outside the
27 legally established hunting season;

28 (b) Preventing or attempting to prevent the injury or killing of a
29 protected or endangered species as defined by this title or Title 75
30 RCW; or

31 (c) Preventing or attempting to prevent unauthorized trespass on
32 private property.

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

35 NEW SECTION. **Sec. 25.** UNLAWFUL POSTING. (1) A person is guilty
36 of unlawful posting if the individual posts signs preventing hunting or
37 fishing on any land not owned or leased by the individual, or without

1 the permission of the person who owns, leases, or controls the land
2 posted.

3 (2) Unlawful posting is a misdemeanor.

4 NEW SECTION. **Sec. 26.** UNLAWFUL USE OF DEPARTMENT LANDS OR
5 FACILITIES. (1) A person is guilty of unlawful use of department lands
6 or facilities if the person enters upon, uses, or remains upon
7 department lands or facilities in violation of any rule of the
8 department.

9 (2) Unlawful use of department lands or facilities is a
10 misdemeanor.

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

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

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

22 (b) Within ten years of the date that such prior conviction was
23 entered the person violates subsection (1) of this section.

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

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

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

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

34 (b) The rifle or shotgun contains shells or cartridges in the
35 magazine or chamber, or is a muzzle-loading firearm that is loaded and
36 capped or primed.

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

4 (3) A violation of this section is a misdemeanor.

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

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

8 (b) Possesses a disabled hunter's permit as provided by RCW
9 77.32.237 and complies with all rules of the department concerning
10 hunting by persons with disabilities.

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

14 (a) Obey check station signs;

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

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

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

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

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

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

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

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

34 NEW SECTION. Sec. 31. UNLAWFUL RELEASE OF FISH OR WILDLIFE.
35 (1)(a) A person is guilty of unlawfully releasing, planting, or placing
36 fish or wildlife if the person knowingly releases, plants, or places

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

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

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

18 (b) A violation of this subsection is a class C felony. In
19 addition, the court shall also order the person to pay all costs the
20 department incurred in capturing, killing, or controlling the fish or
21 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 violates subsection (1) of this section
32 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) If the person violates subsection (1) of this section and the
2 vessel designated on the person's fishery license was used by any
3 person in the fishery on the same day, then the violation for using a
4 nondesignated vessel is a class C felony. Upon conviction the court
5 shall order revocation and suspension of all commercial fishing
6 privileges under chapter 75.28 RCW for a period of one year.

7 NEW SECTION. **Sec. 39.** UNLAWFUL USE OF A COMMERCIAL FISHERY
8 LICENSE. (1) A person who holds a fishery license required by chapter
9 75.28 RCW, or who holds an operator's license and is designated as an
10 alternate operator on a fishery license required by chapter 75.28 RCW,
11 is guilty of unlawful use of a commercial fishery license if the
12 person:

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

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

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

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

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

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

26 (2) A person is guilty of violating commercial fishing area or time
27 in the first degree if the person violates subsection (1) of this
28 section and:

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

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

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

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

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

6 (a) Fails to sign a fish-receiving ticket that documents the
7 delivery of fish or shellfish or otherwise documents the taking or
8 delivery; or

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

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

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

17 NEW SECTION. **Sec. 42.** UNLAWFUL TRAFFICKING IN FISH OR WILDLIFE.

18 (1) A person is guilty of unlawful trafficking in fish or wildlife in
19 the second degree if the person traffics in fish or wildlife with a
20 wholesale value of less than two hundred fifty dollars and:

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

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

26 (2) A person is guilty of unlawful trafficking in fish or wildlife
27 in the first degree if the person violates subsection (1) of this
28 section and:

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

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

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

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

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

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

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

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

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

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

22 (3) A person is guilty of engaging in fish dealing activity without
23 a license in the first degree if the person violates subsection (1) of
24 this section and the violation involves fish or shellfish worth two
25 hundred fifty dollars or more. Engaging in fish dealing activity
26 without a license in the first degree is a class C felony.

27 NEW SECTION. **Sec. 44.** UNLAWFUL USE OF FISH BUYING AND DEALING
28 LICENSES. (1) A person who holds a fish dealer's license required by
29 RCW 75.28.300, an anadromous game fish buyer's license required by RCW
30 77.32.211, or a fish buyer's license required by RCW 75.28.340 is
31 guilty of unlawful use of fish buying and dealing licenses in the
32 second degree if the person:

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

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

1 (2) A person is guilty of unlawful use of fish buying and dealing
2 licenses in the first degree if the person violates subsection (1) of
3 this section and:

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

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

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

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

13 (b) Unlawful use of fish buying and dealing licenses in the first
14 degree is a class C felony. Upon conviction, the court shall suspend
15 all privileges to engage in fish buying or dealing for two years.

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

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

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

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

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

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

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

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

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

6 (a) Fails to make a harvest log report of a commercial fish or
7 shellfish catch in violation of any rule of the commission or the
8 director;

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

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

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

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

17 NEW SECTION. **Sec. 48.** UNLAWFUL TRANSPORTATION OF FISH OR
18 WILDLIFE. (1) A person unlawfully transports fish or wildlife in the
19 second degree if the person:

20 (a) Imports, moves within the state, or exports fish or wildlife in
21 violation of any rule of the commission or the director governing the
22 transportation or movement of fish or wildlife and the transportation
23 does not involve big game, endangered fish or wildlife, deleterious
24 exotic wildlife, or fish or wildlife having a value greater than two
25 hundred fifty dollars; or

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

28 (2) A person unlawfully transports fish or wildlife in the first
29 degree if the person:

30 (a) Imports, moves within the state, or exports fish or wildlife in
31 violation of any rule of the commission or the director governing the
32 transportation or movement of fish or wildlife and the transportation
33 involves big game, endangered fish or wildlife, deleterious exotic
34 wildlife, or fish or wildlife with a value of two hundred fifty dollars
35 or more; or

1 (b) Transports shellfish, shellstock, or equipment used in
2 commercial culturing, taking, handling, or processing shellfish without
3 a permit required by authority of this title.

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

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

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

10 (1) Except as provided in subsection (~~((2))~~) (3) of this section,
11 it is unlawful for a person who is not a treaty Indian fisherman to
12 participate in the taking of (~~((food))~~) fish or shellfish in a treaty
13 Indian fishery, or to be on board a vessel, or associated equipment,
14 operating in a treaty Indian fishery. A violation of this subsection
15 is a gross misdemeanor.

16 (2) A person who violates subsection (1) of this section with the
17 intent of acting for commercial purposes, including any sale of catch,
18 control of catch, profit from catch, or payment for fishing assistance,
19 is guilty of a class C felony. Upon conviction, the court shall order
20 revocation of any license and a one-year suspension of all commercial
21 fishing privileges requiring a license under chapter 75.28 or 75.30
22 RCW.

23 (3)(a) The spouse, forebears, siblings, children, and grandchildren
24 of a treaty Indian fisherman may assist the fisherman in exercising
25 treaty Indian fishing rights when the treaty Indian fisherman is
26 present at the fishing site.

27 (b) Other treaty Indian fishermen with off-reservation treaty
28 fishing rights in the same usual and accustomed places, whether or not
29 the fishermen are members of the same tribe or another treaty tribe,
30 may assist a treaty Indian fisherman in exercising treaty Indian
31 fishing rights when the treaty Indian fisherman is present at the
32 fishing site.

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

35 (~~((3))~~) (4) For the purposes of this section:

36 (a) "Treaty Indian fisherman" means a person who may exercise
37 treaty Indian fishing rights as determined under United States v.
38 Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohappay v. Smith,

1 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those
2 courts;

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

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

10 ~~((4))~~ (5) A violation of this section ~~((involving salmon))~~
11 constitutes illegal fishing and is subject to the ~~((sanctions provided~~
12 ~~under RCW 75.10.130))~~ suspensions provided for commercial fishing
13 violations.

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

17 (a) Lays, sets, uses, or controls a net, set line, or other device
18 or equipment capable of taking fish from the waters of this state,
19 except if the person shows that he or she has a valid license for such
20 fishing gear from the director under this title and is acting in
21 accordance with all rules of the commission and director; or

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

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

26 (a) Violates subsection (1) of this section; and

27 (b) The violation occurs within five years of entry of a prior
28 conviction for a gross misdemeanor under this title or Title 75 RCW
29 involving fish, other than a recreational fishing violation, or
30 involving unlawful use of nets.

31 (3)(a) Unlawful use of a net to take fish in the second degree is
32 a gross misdemeanor. Upon conviction, the court shall revoke any
33 license held under this title allowing commercial net fishing used in
34 connection with the crime.

35 (b) Unlawful use of a net to take fish in the first degree is a
36 class C felony. Upon conviction, the court shall order a one-year
37 suspension of all commercial fishing privileges requiring a license
38 under this title.

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

3 NEW SECTION. **Sec. 51.** UNLAWFUL USE OF COMMERCIAL FISHING VESSEL
4 FOR RECREATIONAL OR CHARTER FISHING. (1) A person is guilty of
5 unlawful use of a commercial fishing vessel for recreational or charter
6 fishing if the person uses, operates, or controls a vessel on the same
7 day for both:

8 (a) Charter or recreational fishing; and

9 (b) Commercial fishing or shellfish harvesting.

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

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

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

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

20 (2) Unlawfully undertaking hydraulic project activities is a gross
21 misdemeanor.

22 NEW SECTION. **Sec. 53.** UNLAWFUL FAILURE TO USE OR MAINTAIN
23 APPROVED FISH GUARD ON WATER DIVERSION DEVICE. (1) A person is guilty
24 of unlawful failure to use or maintain an approved fish guard on a
25 diversion device if the person owns, controls, or operates a device
26 used for diverting or conducting water from a lake, river, or stream
27 and:

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

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

33 (2) Unlawful failure to use or maintain an approved fish guard,
34 screen, or bypass on a diversion device is a misdemeanor. Each day
35 that a diversion device is operated without an approved or maintained
36 fish guard, screen, or bypass is a separate offense.

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

6 (a) The dam or obstruction is not provided with a durable and
7 efficient fishway approved by the director as required by RCW
8 75.20.060;

9 (b) Fails to maintain a fishway in efficient operating condition;
10 or

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

13 (2) Unlawful failure to provide, maintain, or operate a fishway for
14 dam or other obstruction is a misdemeanor. Each day of unlawful
15 failure to provide, maintain, or operate a fishway is a separate
16 offense.

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

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

21 (b) Buys or sells fish or wildlife taken with a scientific permit;
22 or

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

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

26 NEW SECTION. **Sec. 56.** UNLAWFUL HUNTING OR FISHING CONTESTS. (1)
27 A person is guilty of unlawfully holding a hunting or fishing contest
28 if the person:

29 (a) Conducts, holds, or sponsors a hunting contest, a fishing
30 contest involving game fish, or a competitive field trial using live
31 wildlife without the permit required by chapter 77.32 RCW; or

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

35 (2) Unlawfully holding a hunting or fishing contest is a
36 misdemeanor.

1 NEW SECTION. **Sec. 57.** UNLAWFUL OPERATION OF A GAME FARM. (1) A
2 person is guilty of unlawful operation of a game farm if the person (a)
3 operates a game farm without the license required by chapter 77.32 RCW;
4 or (b) violates any rule of the commission or the director applicable
5 to game farms under RCW 77.12.570, 77.12.580, and 77.12.590.

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

7 NEW SECTION. **Sec. 58.** VIOLATION OF A RULE REGARDING INSPECTION
8 AND CONTROL OF AQUATIC FARMS. (1) A person is guilty of violating a
9 rule regarding inspection and control of aquatic farms if the person:

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

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

14 (2) A violation of a rule regarding inspection and control of
15 aquatic farms is a gross misdemeanor.

16 NEW SECTION. **Sec. 59.** UNLAWFUL PURCHASE OR USE OF A LICENSE. (1)
17 A person is guilty of unlawful purchase or use of a license in the
18 second degree if the person buys, holds, uses, displays, transfers, or
19 obtains any license, tag, permit, or approval required by this title
20 and the person:

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

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

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

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

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

33 (2) A person is guilty of unlawful purchase or use of a license in
34 the first degree if the person violates subsection (1) of this section
35 and the person was acting with intent that the license, permit, tag, or
36 approval be used for any commercial purpose. A person is presumed to
37 be acting with such intent if the violation involved obtaining,

1 holding, displaying, or using a license or permit for participation in
2 any commercial fishery issued under this title or a license authorizing
3 fish or wildlife buying, trafficking, or wholesaling.

4 (3)(a) Unlawful purchase or use of a license in the second degree
5 is a gross misdemeanor. Upon conviction, the court shall revoke any
6 unlawfully used or held licenses and order a two-year suspension of
7 participation in the activities for which the person unlawfully
8 obtained, held, or used a license.

9 (b) Unlawful purchase or use of a license in the first degree is a
10 class C felony. Upon conviction, the court shall revoke any unlawfully
11 used or held licenses and order a five-year suspension of participation
12 in any activities for which the person unlawfully obtained, held, or
13 used a license.

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

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

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

28 (2) A person is guilty of unlawful hunting or fishing when
29 privileges are revoked or suspended in the first degree if the person
30 violates subsection (1) of this section and:

31 (a) The suspension of privileges that was violated was a permanent
32 suspension;

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

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

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

5 (b) Unlawful hunting or fishing when privileges are revoked or
6 suspended in the first degree is a class C felony. Upon conviction,
7 the court shall order permanent suspension of all privileges to hunt,
8 fish, trap, or take wildlife, food fish, or shellfish.

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

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

17 (2) Unlawful interfering in department operations is a gross
18 misdemeanor.

19 NEW SECTION. **Sec. 62.** CRIMINAL WILDLIFE PENALTY ASSESSMENT FOR
20 ILLEGALLY TAKEN OR POSSESSED WILDLIFE. (1) If a person is convicted of
21 violating section 10 of this act and that violation results in the
22 death of wildlife listed in this section, the court shall require
23 payment of the following amounts for each animal killed or possessed.
24 This shall be a criminal wildlife penalty assessment that shall be paid
25 to the department and deposited in the wildlife fund.

- 26 (a) Moose, mountain sheep, mountain goat, and all wildlife
27 species classified as endangered by rule of the commission,
28 except for mountain caribou and grizzly bear as listed under
29 (d) of this subsection \$ 4,000
30 (b) Elk, deer, black bear, and cougar \$ 2,000
31 (c) Trophy animal elk and deer \$ 6,000
32 (d) Mountain caribou, grizzly bear, and trophy animal mountain
33 sheep \$12,000

34 (2) No court may establish bail for a crime involving killing,
35 taking, or possessing the wildlife listed in subsection (1) of this
36 section in an amount less than the bail established for hunting during
37 the closed season plus the criminal wildlife penalty assessment set

1 forth in subsection (1) of this section. No forfeiture of bail may be
2 less than the amount set in this subsection plus payment of the
3 criminal wildlife penalty assessment as provided by RCW 77.12.170.

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

5 (a) A buck deer with four or more antler points on either side;

6 (b) A bull elk with five or more antler points on either side; or

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

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

12 (5) The criminal wildlife penalty assessment shall be imposed
13 regardless of and in addition to any sentence, fines, or costs
14 otherwise provided for violating any provision of this title. The
15 criminal wildlife penalty assessment shall be included by the court in
16 any pronouncement of sentence and may not be suspended, waived,
17 modified, or deferred in any respect. This section may not be
18 construed to abridge or alter alternative rights of action or remedies
19 in equity or under common law or statutory law, criminal or civil.

20 (6) A defaulted criminal wildlife penalty assessment may be
21 collected by any means authorized by law for the enforcement of orders
22 of the court or collection of a fine or costs, including but not
23 limited to vacation of a deferral of sentencing or vacation of a
24 suspension of sentence.

25 (7) A person assessed a restitution under this section shall have
26 his or her hunting license revoked and all hunting privileges suspended
27 until the restitution is paid through the registry of the court in
28 which the restitution was assessed.

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

1 (2) The department may use, sell, or destroy any other property
2 forfeited by the court or the department. Any sale of other property
3 shall be at public auction or after public advertisement reasonably
4 designed to obtain the highest price. The time, place, and manner of
5 holding the sale shall be determined by the director. The director may
6 contract for the sale to be through the department of general
7 administration as state surplus property, or, except where not
8 justifiable by the value of the property, the director shall publish
9 notice of the sale once a week for at least two consecutive weeks
10 before the sale in at least one newspaper of general circulation in the
11 county in which the sale is to be held. Proceeds of the sale shall be
12 deposited in the state treasury to be credited to the state wildlife
13 fund.

14 NEW SECTION. **Sec. 64.** COURT AUTHORITY TO REVOKE LICENSES. (1)
15 Upon any conviction of any violation of this chapter, the court may
16 revoke any license, tag, or stamp, or other permit involved in the
17 violation or held by the person convicted, in addition to other
18 penalties provided by law.

19 (2) If a court orders that a license, tag, stamp, or other permit
20 be revoked, that order is effective upon entry of the court order and
21 any such revoked license, tag, stamp, or other permit is void as a
22 result of such order of revocation. The court shall order such
23 license, tag, stamp, or other permit turned over to the department, and
24 shall order the person not to acquire a replacement or duplicate for
25 the remainder of the period for which the revoked license, tag, stamp,
26 or other permit would have been valid. During this period when a
27 license is revoked, the person is subject to punishment under this
28 chapter. If the person appeals the sentence by the court, the
29 revocation shall be effective during the appeal.

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

35 NEW SECTION. **Sec. 65.** COURT AUTHORITY TO SUSPEND PRIVILEGES--FORM
36 AND PROCEDURE. (1) If any crime in this chapter is punishable by a
37 suspension of privileges, then the court shall issue an order that

1 specifies the privileges suspended and period when such suspension
2 shall begin and end and concurrently inform the department of the
3 suspension by providing a copy of the order. The department has no
4 authority to issue licenses, permits, tags, or stamps for the suspended
5 activity until the suspension ends and any license, tag, stamp, or
6 other permission obtained in violation of an order of suspension is
7 void and ineffective. Chapter 34.05 RCW does not apply to court-
8 ordered suspension of privileges under this chapter.

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

13 (3) If this chapter makes revocation or suspension of privileges
14 mandatory, then the court shall impose the punishment in addition to
15 any other punishments authorized by law.

16 NEW SECTION. Sec. 66. GROUNDS FOR COURT REVOCATION AND SUSPENSION
17 OF PRIVILEGES. The court shall impose revocation and suspension of
18 privileges upon conviction in the following circumstances:

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

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

23 (3) If a person is convicted twice within ten years for a violation
24 involving unlawful hunting, killing, or possessing big game, the court
25 shall order revocation and suspension of all hunting privileges for two
26 years. RCW 77.16.020 or 77.16.050 as it existed before the effective
27 date of this section may comprise one of the convictions constituting
28 the basis for revocation and suspension under this subsection;

29 (4) If a person is convicted three times in ten years of any
30 violation of recreational hunting or fishing laws or rules, the court
31 shall order a revocation and suspension of all recreational hunting and
32 fishing privileges for two years;

33 (5) If a person is convicted twice within five years of a gross
34 misdemeanor or felony involving unlawful commercial fish or shellfish
35 harvesting, buying, or selling, the court shall impose a revocation and
36 suspension of the person's commercial fishing privileges. A commercial
37 fishery license suspended under this subsection may not be used by an
38 alternate operator or transferred during the period of suspension.

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

3 (1) The ~~((commission))~~ court shall revoke all licenses and order a
4 ten-year suspension of all privileges extended under ~~((Title 77 RCW))~~
5 the authority of the department of a person convicted of assault on a
6 ~~((state wildlife agent))~~ fish and wildlife officer or other law
7 enforcement officer provided that:

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

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

13 (2) For the purposes of this section, the definition of assault
14 includes:

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

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

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

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

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

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

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

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

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

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

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

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

30 ~~(4) No license described under Title 77 RCW shall be reissued to a~~
31 ~~person violating this section for a minimum of ten years, at which time~~
32 ~~a person may petition the director for a reinstatement of his or her~~
33 ~~license or licenses. The ten year period shall be tolled during any~~
34 ~~time the convicted person is incarcerated in any state or local~~
35 ~~correctional or penal institution, in community supervision, or home~~
36 ~~detention for an offense under this section. Upon review by the~~
37 ~~director, and if all provisions of the court that imposed sentencing~~
38 ~~have been completed, the director may reinstate in whole or in part the~~
39 ~~licenses and privileges under Title 77 RCW.))~~

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

2 (1) The director may order suspension of privileges licensed or
3 permitted by the department or impose conditions on the exercise of
4 privileges including reporting or monitoring requirements and payment
5 of the department's costs of supervision, monitoring, or reporting.
6 The director may also require the posting of a bond or other monetary
7 security that may be used to satisfy any administrative or criminal
8 penalty against the person or to satisfy the department's costs. An
9 order suspending privileges under this section shall specify the
10 privileges suspended or conditioned and the period when the suspension
11 or condition begins and ends.

12 (2) If a person shoots another person or domestic livestock while
13 hunting, the director shall suspend all hunting privileges for three
14 years. If the shooting of another person or livestock is the result of
15 criminal negligence or reckless or intentional conduct, then the
16 person's privileges shall be suspended for ten years. The suspension
17 may be continued beyond these periods if damages owed to the victim or
18 livestock owner have not been paid by the suspended person.

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

22 (4) If a person has committed any act for which a court is directed
23 by statute to order suspension and the court fails to order suspension
24 upon conviction, the director shall suspend hunting and fishing
25 privileges for the period set by statute.

26 (5) Within twenty days of service of an order suspending privileges
27 or imposing conditions under this section, a person may petition for
28 administrative review under chapter 34.05 RCW by serving the director
29 with a petition for review. The order is final and unappealable if
30 there is no timely petition for administrative review.

31 (6) The commission may by rule authorize petitions for
32 reinstatement of administrative suspensions and define circumstances
33 under which reinstatement will be allowed.

34 NEW SECTION. **Sec. 69.** CIVIL FORFEITURE OF PROPERTY USED FOR
35 VIOLATION OF THIS CHAPTER. (1) Fish and wildlife officers and ex

36 officio fish and wildlife officers may seize without warrant boats,
37 airplanes, vehicles, gear, appliances, or other articles they have
38 reason to believe are held with intent to violate or have been used in

1 violation of this chapter. However, fish and wildlife officers may not
2 seize any item or article, other than for evidence, if under the
3 circumstances, it is reasonable to conclude that the violation was
4 inadvertent. The property seized is subject to forfeiture to the state
5 under this section regardless of ownership. Property seized may be
6 recovered by its owner by depositing into court a cash bond equal to
7 the value of the seized property but not more than twenty-five thousand
8 dollars. Such cash bond is subject to forfeiture in lieu of the
9 property. Forfeiture of property seized under this section is a civil
10 forfeiture against property intended to be a remedial civil sanction.

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

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

27 (4) If any person timely serves the director with a claim to
28 property, the person shall be afforded an opportunity to be heard as to
29 the person's claim or right. The hearing shall be before the director
30 or director's designee, or before an administrative law judge appointed
31 under chapter 34.12 RCW, except that a person asserting a claim or
32 right may remove the matter to a court of competent jurisdiction if the
33 aggregate value of the property seized is more than five thousand
34 dollars.

35 (5) The hearing to contest forfeiture and any subsequent appeal
36 shall be as provided for in Title 34 RCW. The seizing authority has
37 the burden to demonstrate that it had reason to believe the property
38 was held with intent to violate or was used in violation of this title
39 or rule of the commission or director. The person contesting

1 forfeiture has the burden of production and proof by a preponderance of
2 evidence that the person owns or has a right to possess the property
3 and:

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

6 (b) If the property is a boat, airplane, or vehicle, that the
7 illegal use or planned illegal use of the boat, airplane, or vehicle
8 occurred without the owner's knowledge or consent, and that the owner
9 acted reasonably to prevent illegal uses of such boat, airplane, or
10 vehicle.

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

15 (7) If seized property is forfeited under this section the
16 department may retain it for official use unless the property is
17 required to be destroyed, or upon application by any law enforcement
18 agency of the state, release such property to the agency for the use of
19 enforcing this title, or sell such property, and deposit the proceeds
20 to the wildlife fund, as provided for in RCW 77.12.170.

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

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

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

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

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

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

33 (5) "~~((Fisheries patrol))~~ Fish and wildlife officer" means a person
34 appointed and commissioned by the commission, with authority to enforce
35 this title, rules of the department, and other statutes as prescribed
36 by the legislature. ~~((Fisheries patrol))~~ Fish and wildlife officers
37 are peace officers. Fish and wildlife officer includes a person

1 commissioned before the effective date of this section as a fisheries
2 patrol officer.

3 (6) "Ex officio (~~(fisheries patrol)~~) fish and wildlife officer"
4 means a commissioned officer of a municipal, county, state, or federal
5 agency having as its primary function the enforcement of criminal laws
6 in general, while the officer is in the appropriate jurisdiction. The
7 term "ex officio (~~(fisheries patrol)~~) fish and wildlife officer" also
8 includes (~~(wildlife agents,~~) special agents of the national marine
9 fisheries service, United States fish and wildlife special agents,
10 state parks commissioned officers, department of natural resources
11 enforcement officers, and United States forest service officers, while
12 the agents and officers are within their respective jurisdictions.

13 (7) "To fish," "to harvest," and "to take" and their derivatives
14 mean an effort to kill, injure, harass, or catch (~~(feed)~~) fish or
15 shellfish.

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

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

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

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

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

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

37 (14) "Shellfish" means those species of marine and freshwater
38 invertebrates that have been classified and that shall not be taken
39 except as authorized by rule of the commission. The term "shellfish"

1 includes all stages of development and the bodily parts of shellfish
2 species.

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

5	Scientific Name	Common Name
6	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
7	<i>Oncorhynchus kisutch</i>	Coho salmon
8	<i>Oncorhynchus keta</i>	Chum salmon
9	<i>Oncorhynchus gorbuscha</i>	Pink salmon
10	<i>Oncorhynchus nerka</i>	Sockeye salmon

11 (16) "Commercial" means related to or connected with buying,
12 selling, or bartering. Fishing for food fish or shellfish with gear
13 unlawful for fishing for personal use, or possessing food fish or
14 shellfish in excess of the limits permitted for personal use are
15 commercial activities.

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

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

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

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

27 (21) "Fishery" means the taking of one or more particular species
28 of food fish or shellfish with particular gear in a particular
29 geographical area.

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

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

37 (24) "Fish" includes all species classified as game fish or food
38 fish by statute or rule, as well as all fin fish not currently

1 classified as food fish or game fish if such species exist in state
2 waters. The term "fish" includes all stages of development and the
3 bodily parts of fish species.

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

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

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

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

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

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

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

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

25 (~~((1) It is unlawful for any))~~) A person other than the United
26 States, an Indian tribe recognized as such by the federal government,
27 the state, a subdivision of the state, or a municipal corporation or an
28 agency of such a unit of government (~~(to)~~) shall not release salmon or
29 steelhead trout into the public waters of the state and subsequently to
30 recapture and commercially harvest such salmon or trout. This section
31 shall not prevent any person from rearing salmon or steelhead trout in
32 pens or in a confined area under circumstances where the salmon or
33 steelhead trout are confined and never permitted to swim freely in open
34 water.

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

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

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

13 (2) All waters east and south of a line commencing at a concrete
14 monument on Angeles Point in Clallam county near the mouth of the Elwha
15 River on which is inscribed "Angeles Point Monument" (latitude 48½ 9'
16 3"north, longitude 123½ 33' 01" west of Greenwich Meridian); thence
17 running east on a line 81½ 30' true across the flashlight and bell buoy
18 off Partridge Point and thence continued to longitude 122½ 40' west;
19 thence north to the southerly shore of Sinclair Island; thence along
20 the southerly shore of the island to the most easterly point of the
21 island; thence 46½ true to Carter Point, the most southerly point of
22 Lummi Island; thence northwesterly along the westerly shore line of
23 Lummi Island to where the shore line intersects line of longitude 122½
24 40' west; thence north to the mainland, including: The southerly
25 portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay,
26 Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes
27 Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and
28 their inlets, passages, waters, waterways, and tributaries.

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

34 (4)) The commission may authorize commercial fishing for salmon
35 with gill net gear prior to the second Monday in September within the
36 waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay,
37 Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those
38 waters northerly and easterly of a line commencing at Stanwood, thence

1 along the south shore of Skagit Bay to Rocky Point on Camano Island;
2 thence northerly to Polnell Point on Whidbey Island.

3 ~~((+5))~~ (4) Whenever the commission determines that a stock or run
4 of salmon cannot be harvested in the usual manner, and that the stock
5 or run of salmon may be in danger of being wasted and surplus to
6 natural or artificial spawning requirements, the commission may
7 authorize units of gill net and purse seine gear in any number or
8 equivalents, by time and area, to fully utilize the harvestable
9 portions of these salmon runs for the economic well being of the
10 citizens of this state. Gill net and purse seine gear other than
11 emergency and test gear authorized by the director shall not be used in
12 Lake Washington.

13 ~~((+6))~~ (5) The commission may authorize commercial fishing for
14 pink salmon in each odd-numbered year from August 1st through September
15 1st in the waters lying inside of a line commencing at the most
16 easterly point of Dungeness Spit and thence projected to Point
17 Partridge on Whidbey Island and a line commencing at Olele Point and
18 thence projected easterly to Bush Point on Whidbey Island.

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

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

24 (1) The commission may authorize commercial fishing for coho salmon
25 in the Pacific Ocean and the Straits of Juan de Fuca only from June
26 16th through October 31st.

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

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

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

36 (2) ~~((It is unlawful to))~~ A person shall not construct, install,
37 use, operate, or maintain within state waters a pound net, round haul

1 net, lampara net, fish trap, fish wheel, scow fish wheel, set net,
2 weir, or fixed appliance for catching salmon or steelhead. The
3 director may authorize the use of this gear for scientific
4 investigations.

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

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

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

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

- 17 (a) Washougal river;
- 18 (b) Camas slough;
- 19 (c) Lewis river;
- 20 (d) Kalama river;
- 21 (e) Cowlitz river;
- 22 (f) Elokommin river;
- 23 (g) Elokommin sloughs;
- 24 (h) Skamokawa sloughs;
- 25 (i) Grays river;
- 26 (j) Deep river;
- 27 (k) Grays bay.

28 ~~((3))~~ (2) The ~~((director))~~ commission may authorize commercial
29 net fishing for salmon in the tributaries and sloughs from September
30 1st to November 30th only, if the time, areas, and level of effort are
31 regulated in order to maximize the recreational fishing opportunity
32 while minimizing excess returns of fish to hatcheries. The
33 ~~((director))~~ commission shall not authorize commercial net fishing if
34 a significant catch of steelhead would occur.

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

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

4 (1) Point Roberts reef net fishing area includes those waters
5 within 250 feet on each side of a line projected 129½ true from a point
6 at longitude 123½ 01' 15" W. latitude 48½ 58' 38" N. to a point one
7 mile distant, as such description is shown upon the United States Coast
8 and Geodetic Survey map numbered 6300, published September, 1941, in
9 Washington, D.C., eleventh edition.

10 (2) Cherry Point reef net fishing area includes those waters inland
11 and inside the 10-fathom line between lines projected 205½ true from
12 points on the mainland at longitude 122½ 44' 54" latitude 48½ 51' 48"
13 and longitude 122½ 44' 18" latitude 48½ 51' 33", a [as] such
14 descriptions are shown upon the United States Coast and Geodetic Survey
15 map numbered 6380, published March, 1947, in Washington, D.C., eighth
16 edition.

17 (3) Lummi Island reef net fishing area includes those waters inland
18 and inside a line projected from Village Point 208½ true to a point 900
19 yards distant, thence 129½ true to the point of intersection with a
20 line projected 259½ true from the shore of Lummi Island 122½ 40' 42"
21 latitude 48½ 41' 32", as such descriptions are shown upon the United
22 States Coast and Geodetic Survey map numbered 6380, published March,
23 1947, in Washington, D.C., eighth edition, revised 11-25-57, save and
24 except that there shall be excluded therefrom all waters lying inside
25 of a line projected 259½ true from a point at 122½ 40' 42" latitude 48½
26 41' 32" to a point 300 yards distant from high tide, thence in a
27 northerly direction to the United States Coast and Geodetic Survey
28 reference mark number 2, 1941-1950, located on that point on Lummi
29 Island known as Lovers Point, as such descriptions are shown upon the
30 United States Coast and Geodetic Survey map number 6380 as aforesaid.
31 The term "Village Point" as used herein shall be construed to mean a
32 point of location on Village Point, Lummi Island, at the mean high tide
33 line on a true bearing of 43½ 53' a distance of 457 feet to the center
34 of the chimney of a wood frame house on the east side of the county
35 road. Said chimney and house being described as Village Point Chimney
36 on page 612 of the United States Coast and Geodetic Survey list of
37 geographic positions No. G-5455, Rosario Strait.

38 (4) Sinclair Island reef net fishing area includes those waters
39 inland and inside a line projected from the northern point of Sinclair

1 Island to Boulder reef, thence 200½ true to the northwesterly point of
2 Sinclair Island, as such descriptions are shown upon the United States
3 Coast and Geodetic Survey map numbered 6380, published March, 1947, in
4 Washington, D.C., eighth edition.

5 (5) Flat Point reef net fishing area includes those waters within
6 a radius of 175 feet of a point off Lopez Island located at longitude
7 122½ 55' 24" latitude 48½ 32' 33", as such description is shown upon
8 the United States Coast and Geodetic Survey map numbered 6380,
9 published March, 1947, in Washington, D.C., eighth edition.

10 (6) Lopez Island reef net fishing area includes those waters within
11 400 yards of shore between lines projected true west from points on the
12 shore of Lopez Island at longitude 122½ 55' 04" latitude 48½ 31' 59"
13 and longitude 122½ 55' 54" latitude 48½ 30' 55", as such descriptions
14 are shown upon the United States Coast and Geodetic Survey map numbered
15 6380, published March, 1947, in Washington, D.C., eighth edition.

16 (7) Iceberg Point reef net fishing area includes those waters
17 inland and inside a line projected from Davis Point on Lopez Island to
18 the west point of Long Island, thence to the southern point of Hall
19 Island, thence to the eastern point at the entrance to Jones Bay, and
20 thence to the southern point at the entrance to Mackaye Harbor on Lopez
21 Island; and those waters inland and inside a line projected 320½ from
22 Iceberg Point light on Lopez Island, a distance of 400 feet, thence
23 easterly to the point on Lopez Island at longitude 122½ 53' 00"
24 latitude 48½ 25' 39", as such descriptions are shown upon the United
25 States Coast and Geodetic Survey map numbered 6380, published March,
26 1947, in Washington, D.C., eighth edition.

27 (8) Aleck Bay reef net fishing area includes those waters inland
28 and inside a line projected from the southwestern point at the entrance
29 to Aleck Bay on Lopez Island at longitude 122½ 51' 11" latitude 48½ 25'
30 14" southeasterly 800 yards to the submerged rock shown on U.S.G.S. map
31 number 6380, thence northerly to the cove on Lopez Island at longitude
32 122½ 50' 49" latitude 48½ 25' 42", as such descriptions are shown upon
33 the United States Coast and Geodetic Survey map numbered 6380,
34 published March, 1947, in Washington, D.C., eighth edition.

35 (9) Shaw Island reef net fishing area number 1 includes those
36 waters within 300 yards of shore between lines projected true south
37 from points on Shaw Island at longitude 122½ 56' 14" latitude 48½ 33'
38 28" and longitude 122½ 57' 29" latitude 48½ 32' 58", 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 (10) Shaw Island reef net fishing area number 2 includes those
4 waters inland and inside a line projected from Point George on Shaw
5 Island to the westerly point of Neck Point on Shaw Island, as such
6 description is shown upon the United States Coast and Geodetic Survey
7 map numbered 6380, published March, 1947, in Washington, D.C., eighth
8 edition.

9 (11) Stuart Island reef net fishing area number 1 includes those
10 waters within 600 feet of the shore of Stuart Island between lines
11 projected true east from points at longitude $123\frac{1}{2}$ 10' 47" latitude $48\frac{1}{2}$
12 $39' 47"$ and longitude $123\frac{1}{2}$ 10' 47" latitude $48\frac{1}{2}$ $39' 33"$, as such
13 descriptions are shown upon the United States Coast and Geodetic Survey
14 map numbered 6380, published March, 1947, in Washington, D.C., eighth
15 edition.

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

21 (13) Johns Island reef net fishing area includes those waters
22 inland and inside a line projected from the eastern point of Johns
23 Island to the northwestern point of Little Cactus Island, thence
24 northwesterly to a point on Johns Island at longitude $123\frac{1}{2}$ 09' 24"
25 latitude $48\frac{1}{2}$ 39' 59", as such descriptions are shown upon the United
26 States Coast and Geodetic Survey map numbered 6380, published March,
27 1947, in Washington, D.C., eighth edition.

28 (14) Battleship Island reef net fishing area includes those waters
29 lying within 350 feet of Battleship Island, as such description is
30 shown upon the United States Coast and Geodetic Survey map numbered
31 6380, published March, 1947, in Washington, D.C., eighth edition.

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

38 (16) Mitchell Reef net fishing area includes those waters within a
39 line beginning at the rock shown on U.S.G.S. map number 6380 at

1 longitude 123° 10' 56" latitude 48° 34' 49 1/2", and projected 50 feet
2 northwesterly, thence southwesterly 250 feet, thence southeasterly 300
3 feet, thence northeasterly 250 feet, thence to the point of beginning,
4 as such descriptions are shown upon the United States Coast and
5 Geodetic Survey map numbered 6380, published March, 1947, in
6 Washington, D.C., eighth edition.

7 (17) Smugglers Cove reef fishing area includes those waters within
8 200 feet of shore between lines projected true west from points on the
9 shore of San Juan Island at longitude 123° 10' 29" latitude 48° 33' 50"
10 and longitude 123° 10' 31" latitude 48° 33' 45", as such descriptions
11 are shown upon the United States Coast and Geodetic Survey map numbered
12 6380, published March, 1947, in Washington, D.C., eighth edition.

13 (18) Andrews Bay reef net fishing area includes those waters lying
14 within 300 feet of the shore of San Juan Island between a line
15 projected true south from a point at the northern entrance of Andrews
16 Bay at longitude 123° 09' 53 1/2" latitude 48° 33' 00" and the cable
17 crossing sign in Andrews Bay, at longitude 123° 09' 45" latitude 48°
18 33' 04", as such descriptions are shown upon the United States Coast
19 and Geodetic Survey map numbered 6380, published March, 1947, in
20 Washington, D.C., eighth edition.

21 (19) Orcas Island reef net fishing area includes those waters
22 inland and inside a line projected true west a distance of 1,000 yards
23 from the shore of Orcas Island at longitude 122° 57' 40" latitude 48°
24 41' 06" thence northeasterly to a point 500 feet true west of Point
25 Doughty, then true east to Point Doughty, as such descriptions are
26 shown upon the United States Coast and Geodetic Survey map numbered
27 6380, published March, 1947, in Washington, D.C., eighth edition.

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

30 (1) Except as provided in subsection (2) of this section, (~~it is~~
31 ~~unlawful to fish for or take salmon with~~) the commission shall not
32 authorize gear other than troll gear or angling gear for taking salmon
33 within the offshore waters or the waters of the Pacific Ocean over
34 which the state has jurisdiction lying west of the following line:
35 Commencing at the point of intersection of the international boundary
36 line in the Strait of Juan de Fuca and a line drawn between the
37 lighthouse on Tatoosh Island in Clallam County and Bonilla Point on
38 Vancouver Island; thence southerly to the lighthouse on Tatoosh Island;

1 thence southerly to the most westerly point of Cape Flattery; thence
2 southerly along the state shoreline of the Pacific Ocean, crossing any
3 river mouths at their most westerly points of land, to Point Brown at
4 the entrance to Grays Harbor; thence southerly to Point Chehalis Light
5 on Point Chehalis; thence southerly from Point Chehalis along the state
6 shoreline of the Pacific Ocean to the Cape Shoalwater tower at the
7 entrance to Willapa Bay; thence southerly to Leadbetter Point; thence
8 southerly along the state shoreline of the Pacific Ocean to the inshore
9 end of the North jetty at the entrance to the Columbia River; thence
10 southerly to the knuckle of the South jetty at the entrance to said
11 river.

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

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

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

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

25 The commission shall not authorize commercial bottom trawling for
26 food fish and shellfish (~~is unlawful~~) in all areas of Hood Canal
27 south of a line projected from Tala Point to Foulweather Bluff and in
28 Puget Sound south of a line projected from Foulweather Bluff to Double
29 Bluff and including all marine waters east of Whidbey Island and Camano
30 Island.

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

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

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

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

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

9 A diversion device used for conducting water from a lake, river, or
10 stream for any purpose shall be equipped with a fish guard approved by
11 the director to prevent the passage of fish into the diversion device.
12 The fish guard shall be maintained at all times when water is taken
13 into the diversion device. The fish guards shall be installed at
14 places and times prescribed by the director upon thirty days' notice to
15 the owner of the diversion device. (~~It is unlawful for the owner of~~
16 ~~a diversion device to fail to comply with this section.~~)

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

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

28 A dam or other obstruction across or in a stream shall be provided
29 with a durable and efficient fishway approved by the director. Plans
30 and specifications shall be provided to the department prior to the
31 director's approval. The fishway shall be maintained in an effective
32 condition and continuously supplied with sufficient water to freely
33 pass fish. (~~It is unlawful for the owner, manager, agent, or person~~
34 ~~in charge of the dam or obstruction to fail to comply with this~~
35 ~~section.~~)

36 If a person fails to construct and maintain a fishway or to remove
37 the dam or obstruction in a manner satisfactory to the director, then

1 within thirty days after written notice to comply has been served upon
2 the owner, his agent, or the person in charge, the director may
3 construct a fishway or remove the dam or obstruction. Expenses
4 incurred by the department constitute the value of a lien upon the dam
5 and upon the personal property of the person owning the dam. Notice of
6 the lien shall be filed and recorded in the office of the county
7 auditor of the county in which the dam or obstruction is situated. The
8 lien may be foreclosed in an action brought in the name of the state.

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

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

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

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

29 (b) The applicant may document receipt of application by filing in
30 person or by registered mail. A complete application for approval
31 shall contain general plans for the overall project, complete plans and
32 specifications of the proposed construction or work within the mean
33 higher high water line in salt water or within the ordinary high water
34 line in fresh water, and complete plans and specifications for the
35 proper protection of fish life.

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

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

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

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

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

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

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

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

29 (d) The department or the county legislative authority may
30 determine if an imminent danger exists. The county legislative
31 authority shall notify the department, in writing, if it determines
32 that an imminent danger exists.

33 (4) Approval of a standard permit is valid for a period of up to
34 five years from date of issuance. The permittee must demonstrate
35 substantial progress on construction of that portion of the project
36 relating to the approval within two years of the date of issuance. If
37 the department denies approval, the department shall provide the
38 applicant, in writing, a statement of the specific reasons why and how
39 the proposed project would adversely affect fish life. Protection of

1 fish life shall be the only ground upon which approval may be denied or
2 conditioned. Chapter 34.05 RCW applies to any denial of project
3 approval, conditional approval, or requirements for project
4 modification upon which approval may be contingent.

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

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

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

32 (c) The department or the county legislative authority may declare
33 and continue an emergency when one or more of the criteria under (b) of
34 this subsection are met. The county legislative authority shall
35 immediately notify the department if it declares an emergency under
36 this subsection.

37 ~~((7))~~ (6) The department shall, at the request of a county,
38 develop five-year maintenance approval agreements, consistent with
39 comprehensive flood control management plans adopted under the

1 authority of RCW 86.12.200, or other watershed plan approved by a
2 county legislative authority, to allow for work on public and private
3 property for bank stabilization, bridge repair, removal of sand bars
4 and debris, channel maintenance, and other flood damage repair and
5 reduction activity under agreed-upon conditions and times without
6 obtaining permits for specific projects.

7 ~~((+8+))~~ (7) This section shall not apply to the construction of any
8 form of hydraulic project or other work which diverts water for
9 agricultural irrigation or stock watering purposes authorized under or
10 recognized as being valid by the state's water codes, or when such
11 hydraulic project or other work is associated with streambank
12 stabilization to protect farm and agricultural land as defined in RCW
13 84.34.020. These irrigation or stock watering diversion and streambank
14 stabilization projects shall be governed by RCW 75.20.103.

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

19 ~~((+9+))~~ (8) For the purposes of this section and RCW 75.20.103,
20 "bed" means the land below the ordinary high water lines of state
21 waters. This definition does not include irrigation ditches, canals,
22 storm water run-off devices, or other artificial watercourses except
23 where they exist in a natural watercourse that has been altered by man.

24 ~~((+10+))~~ (9) The phrase "to construct any form of hydraulic project
25 or perform other work" does not include the act of driving across an
26 established ford. Driving across streams or on wetted stream beds at
27 areas other than established fords requires approval. Work within the
28 ordinary high water line of state waters to construct or repair a ford
29 or crossing requires approval.

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

32 In the event that any person or government agency desires to
33 construct any form of hydraulic project or other work that diverts
34 water for agricultural irrigation or stock watering purposes, or when
35 such hydraulic project or other work is associated with streambank
36 stabilization to protect farm and agricultural land as defined in RCW
37 84.34.020, and when such diversion or streambank stabilization will
38 use, divert, obstruct, or change the natural flow or bed of any river

1 or stream or will utilize any waters of the state or materials from the
2 stream beds, the person or government agency shall, before commencing
3 construction or work thereon and to ensure the proper protection of
4 fish life, secure a written approval from the department as to the
5 adequacy of the means proposed for the protection of fish life. This
6 approval shall not be unreasonably withheld. Except as provided in RCW
7 75.20.1001 ((and 75.20.1002)), the department shall grant or deny the
8 approval within forty-five calendar days of the receipt of a complete
9 application and notice of compliance with any applicable requirements
10 of the state environmental policy act, made in the manner prescribed in
11 this section. The applicant may document receipt of application by
12 filing in person or by registered mail. A complete application for an
13 approval shall contain general plans for the overall project, complete
14 plans and specifications of the proposed construction or work within
15 ordinary high water line, and complete plans and specifications for the
16 proper protection of fish life. The forty-five day requirement shall
17 be suspended if (1) after ten working days of receipt of the
18 application, the applicant remains unavailable or unable to arrange for
19 a timely field evaluation of the proposed project; (2) the site is
20 physically inaccessible for inspection; or (3) the applicant requests
21 delay.

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

25 An approval shall remain in effect without need for periodic
26 renewal for projects that divert water for agricultural irrigation or
27 stock watering purposes and that involve seasonal construction or other
28 work. Approval for streambank stabilization projects shall remain in
29 effect without need for periodic renewal if the problem causing the
30 need for the streambank stabilization occurs on an annual or more
31 frequent basis. The permittee must notify the appropriate agency
32 before commencing the construction or other work within the area
33 covered by the approval.

34 The permittee must demonstrate substantial progress on construction
35 of that portion of the project relating to the approval within two
36 years of the date of issuance. If the department denies approval, the
37 department shall provide the applicant, in writing, a statement of the
38 specific reasons why and how the proposed project would adversely
39 affect fish life. Protection of fish life shall be the only ground

1 upon which approval may be denied or conditioned. Issuance, denial,
2 conditioning, or modification shall be appealable to the hydraulic
3 appeals board established in RCW 43.21B.005 within thirty days of the
4 notice of decision. The burden shall be upon the department to show
5 that the denial or conditioning of an approval is solely aimed at the
6 protection of fish life.

7 The department may, after consultation with the permittee, modify
8 an approval due to changed conditions. The modifications shall become
9 effective unless appealed to the hydraulic appeals board within thirty
10 days from the notice of the proposed modification. The burden is on
11 the department to show that changed conditions warrant the modification
12 in order to protect fish life.

13 A permittee may request modification of an approval due to changed
14 conditions. The request shall be processed within forty-five calendar
15 days of receipt of the written request. A decision by the department
16 may be appealed to the hydraulic appeals board within thirty days of
17 the notice of the decision. The burden is on the permittee to show
18 that changed conditions warrant the requested modification and that
19 such modification will not impair fish life.

20 ~~((If any person or government agency commences construction on any
21 hydraulic works or projects subject to this section without first
22 having obtained written approval of the department as to the adequacy
23 of the means proposed for the protection of fish life, or if any person
24 or government agency fails to follow or carry out any of the
25 requirements or conditions as are made a part of such approval, the
26 person or director of the agency is guilty of a gross misdemeanor. If
27 any such person or government agency is convicted of violating any of
28 the provisions of this section and continues construction on any such
29 works or projects without fully complying with the provisions hereof,
30 such works or projects are hereby declared a public nuisance and shall
31 be subject to abatement as such.))~~

32 In case of an emergency arising from weather or stream flow
33 conditions or other natural conditions, the department, through its
34 authorized representatives, shall issue immediately upon request oral
35 approval for removing any obstructions, repairing existing structures,
36 restoring stream banks, or to protect property threatened by the stream
37 or a change in the stream flow without the necessity of obtaining a
38 written approval prior to commencing work. Conditions of an oral

1 approval shall be reduced to writing within thirty days and complied
2 with as provided for in this section.

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

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

9 (1) Except for the north fork of the Lewis river and the White
10 Salmon river, all streams and rivers tributary to the Columbia river
11 downstream from McNary dam are established as an anadromous fish
12 sanctuary. This sanctuary is created to preserve and develop the food
13 fish and game fish resources in these streams and rivers and to protect
14 them against undue industrial encroachment.

15 (2) Within the sanctuary area:

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

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

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

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

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

34 The director may designate as "restricted shellfish areas" those
35 areas in which infection or infestation of shellfish is present.
36 ~~((Except by))~~ A permit ~~((of))~~ issued by the director~~((, it))~~ is
37 ~~((unlawful))~~ required to transplant or transport into or out of a

1 restricted area shellfish or equipment used in culturing, taking,
2 handling, or processing shellfish.

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

5 (1) (~~It is unlawful~~) The department may not authorize a person to
6 take geoduck clams for commercial purposes outside the harvest area
7 designated in a current department of natural resources geoduck
8 harvesting agreement issued under RCW 79.96.080. (~~It is unlawful to~~
9 ~~commercially~~) The department may not authorize commercial harvest of
10 geoduck clams from bottoms that are shallower than eighteen feet below
11 mean lower low water (0.0. ft.), or that lie in an area bounded by the
12 line of ordinary high tide (mean high tide) and a line two hundred
13 yards seaward from and parallel to the line of ordinary high tide.
14 This section does not apply to the harvest of private sector cultured
15 aquatic products as defined in RCW 15.85.020.

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

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

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

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

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

- 4 (a) Commercially fish for or take food fish or shellfish;
- 5 (b) Deliver food fish or shellfish taken in offshore waters;
- 6 (c) Operate a charter boat or commercial fishing vessel engaged in
7 a fishery;
- 8 (d) Engage in processing or wholesaling food fish or shellfish; or
- 9 (e) Act as a guide for salmon for personal use in freshwater rivers
10 and streams, other than that part of the Columbia river below the
11 bridge at Longview.

12 (2) No person may engage in the activities described in subsection
13 (1) of this section unless the licenses or permits required by this
14 title are in the person's possession, and the person is the named
15 license holder or an alternate operator designated on the license and
16 the person's license is not suspended.

17 (3) A valid Oregon license that is equivalent to a license under
18 this title is valid in the concurrent waters of the Columbia river if
19 the state of Oregon recognizes as valid the equivalent Washington
20 license. The director may identify by rule what Oregon licenses are
21 equivalent.

22 (4) No license or permit is required for the production or
23 harvesting of private sector cultured aquatic products as defined in
24 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
25 aquatic products. However, if a means of identifying such products is
26 required by rules adopted under RCW 15.85.060, the exemption from
27 licensing or permit requirements established by this subsection applies
28 only if the aquatic products are identified in conformance with those
29 rules.

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

32 This section applies to all commercial fishery licenses, delivery
33 licenses, and charter licenses.

34 (1) An applicant for a license subject to this section may
35 designate a vessel to be used with the license. Except for emergency
36 salmon delivery licenses, the director may issue a license regardless
37 of whether the applicant designates a vessel. An applicant may
38 designate no more than one vessel on a license subject to this section.

1 (2) A license for a fishery that requires a vessel authorizes no
2 taking or delivery of food fish or shellfish unless a vessel is
3 designated on the license. A delivery license authorizes no delivery
4 of food fish or shellfish unless a vessel is designated on the license.

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

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

10 (5)) No vessel may be designated on more than one commercial
11 fishery license unless the licenses are for different fisheries. No
12 vessel may be designated on more than one delivery license, on more
13 than one salmon charter license, or on more than one nonsalmon charter
14 license.

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

17 (1) The director shall issue the charter licenses and angler
18 permits listed in this section according to the requirements of this
19 title. The licenses and permits and their annual fees and surcharges
20 are:

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

29 ~~(2) ((Except as provided in subsection (5) of this section, it is
30 unlawful to operate a vessel as a charter boat from which salmon or
31 salmon and other food fish or shellfish are taken without a salmon
32 charter license designating the vessel))~~ A salmon charter license
33 designating a vessel is required to operate a charter boat to take
34 salmon, other food fish, and shellfish. The director may issue a
35 salmon charter license only to a person who meets the qualifications of
36 RCW 75.30.065.

37 ~~(3) ((Except as provided in subsections (2) and (5) of this
38 section, it is unlawful to operate a vessel as a charter boat from~~

1 ~~which food fish or shellfish are taken without a nonsalmon charter~~
2 ~~license))~~ A nonsalmon charter license designating a vessel is required
3 to operate a charter boat to take food fish other than salmon and
4 shellfish. As used in this subsection, "food fish" does not include
5 salmon.

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

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

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

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

32 ~~(1) ((It is unlawful to deliver salmon taken in offshore waters to~~
33 ~~a place or port in the state without))~~ A salmon delivery license ((from
34 the director)) is required to deliver salmon taken in offshore waters
35 to a place or port in the state. The annual fee for a salmon delivery
36 license is three hundred eighty dollars for residents and six hundred
37 eighty-five dollars for nonresidents. The annual surcharge under RCW
38 75.50.100 is one hundred dollars for each license. Holders of

1 nonlimited entry delivery licenses issued under RCW 75.28.125 may apply
2 the nonlimited entry delivery license fee against the salmon delivery
3 license fee.

4 (2) Only a person who meets the qualifications established in RCW
5 75.30.120 may hold a salmon delivery license issued under this section.

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

8 (4) If the director determines that the operation of a vessel under
9 a salmon delivery license results in the depletion or destruction of
10 the state's salmon resource or the delivery into this state of salmon
11 products prohibited by law, the director may revoke the license under
12 the procedures of chapter 34.05 RCW.

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

15 (1) Except as provided in subsection (2) of this section, (~~it is~~
16 ~~unlawful to deliver with~~) a person may not use a commercial fishing
17 vessel to deliver food fish or shellfish taken in offshore waters to a
18 port in the state without a nonlimited entry delivery license. As used
19 in this section, "food fish" does not include salmon. As used in this
20 section, "shellfish" does not include ocean pink shrimp or coastal
21 crab. The annual license fee for a nonlimited entry delivery license
22 is one hundred ten dollars for residents and two hundred dollars for
23 nonresidents.

24 (2) Holders of salmon troll fishery licenses issued under RCW
25 75.28.110, salmon delivery licenses issued under RCW 75.28.113, crab
26 pot fishery licenses issued under RCW 75.28.130, food fish trawl«Non-
27 Puget Sound fishery licenses issued under RCW 75.28.120, Dungeness
28 crab«coastal fishery licenses, ocean pink shrimp delivery licenses, and
29 shrimp trawl«Non-Puget Sound fishery licenses issued under RCW
30 75.28.130 may deliver food fish or shellfish taken in offshore waters
31 without a nonlimited entry delivery license.

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

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

36 (1) (~~It is unlawful to~~) A person shall not offer or perform the
37 services of a professional salmon guide in the taking of salmon for

1 personal use in freshwater rivers and streams, other than in that part
2 of the Columbia river below the bridge at Longview, without a
3 professional salmon guide license.

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

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

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

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

22 (3) (~~It is unlawful to~~) A person shall not take food fish or
23 shellfish in a fishery designated as an emerging commercial fishery
24 without an emerging commercial fishery license and a permit from the
25 director. The director shall issue two types of permits to accompany
26 emerging commercial fishery licenses: Trial fishery permits and
27 experimental fishery permits. Trial fishery permits are governed by
28 subsection (4) of this section. Experimental fishery permits are
29 governed by RCW 75.30.220.

30 (4) The director shall issue trial fishery permits for a fishery
31 designated as an emerging commercial fishery unless the director
32 determines there is a need to limit the number of participants under
33 RCW 75.30.220. A person who meets the qualifications of RCW 75.28.020
34 may hold a trial fishery permit. The holder of a trial fishery permit
35 shall comply with the terms of the permit. Trial fishery permits are
36 not transferable from the permit holder to any other person.

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

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

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

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

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

21 (1) (~~It is unlawful to~~) A person shall not commercially take
22 Dungeness crab (Cancer magister) in Puget Sound without first obtaining
23 a Dungeness crab--Puget Sound fishery license. As used in this
24 section, "Puget Sound" has the meaning given in RCW 75.28.110(5)(a).
25 A Dungeness crab--Puget Sound fishery license is not required to take
26 other species of crab, including red rock crab (*Cancer productus*).

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

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

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

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

6 (6) If fewer than one hundred twenty-five persons are eligible for
7 Dungeness crab--Puget Sound fishery licenses, the director may accept
8 applications for new licenses. The director shall determine by random
9 selection the successful applicants for the additional licenses. The
10 number of additional licenses issued shall be sufficient to maintain
11 one hundred twenty-five licenses in the Puget Sound Dungeness crab
12 fishery. The director shall adopt rules governing the application,
13 selection, and issuance procedures for new Dungeness crab--Puget Sound
14 fishery licenses, based upon recommendations of a board of review
15 established under RCW 75.30.050.

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

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

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

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

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

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

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

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

36 ~~(b) Documenting to the department that the person landed herring~~
37 ~~during the period January 1, 1969, through December 31, 1970, if the~~

1 person was in the armed forces of the United States during the period
2 January 1, 1971, through April 15, 1973; or

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

5 Landings may be documented only by a department fish receiving
6 ticket.

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

9 (5) The director may establish rules governing the administration
10 of this section based upon recommendations of a board of review
11 established under RCW 75.30.050.

12 (6) Except as provided in subsection (8) of this section, after
13 January 1, 1995, the director shall issue no new herring fishery
14 licenses. After January 1, 1995, a person may renew an existing
15 license only if the person)) held the license sought to be renewed
16 during the previous year or acquired the license by transfer from
17 someone who held it during the previous year, and if the person has not
18 subsequently transferred the license to another person.

19 ((+7)) (3) Herring fishery licenses may be renewed each year. A
20 herring fishery license that is not renewed each year shall not be
21 renewed further.

22 ((+8)) (4) The department may issue additional herring fishery
23 licenses if the stocks of herring will not be jeopardized by granting
24 additional licenses.

25 ((+9)) (5) Subject to the restrictions of ((section 11 of this
26 act)) RCW 75.28.011, herring fishery licenses are transferable from one
27 license holder to another.

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

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

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

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

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

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

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

12 (3) Where the person failed to obtain the license during the
13 previous year because of a license suspension or revocation by the
14 department or the court, the person may qualify for a license by
15 establishing that the person held such a license during the last year
16 in which the person was eligible.

17 (4) The director may reduce or waive the poundage requirement of
18 subsection (2)(b) of this section upon the recommendation of a board of
19 review established under RCW 75.30.050. The board of review may
20 recommend a reduction or waiver of the poundage requirement in
21 individual cases if, in the board's judgment, extenuating circumstances
22 prevent achievement of the poundage requirement. The director shall
23 adopt rules governing the operation of the board of review and defining
24 "extenuating circumstances."

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

29 (6) If fewer than forty-five persons are eligible for sea urchin
30 dive fishery licenses, the director may accept applications for new
31 licenses. The director shall determine by random selection the
32 successful applicants for the additional licenses. The number of
33 additional licenses issued shall be sufficient to maintain up to forty-
34 five licenses in the sea urchin dive fishery. The director shall adopt
35 rules governing the application, selection, and issuance procedure for
36 new sea urchin dive fishery licenses, based upon recommendations of a
37 board of review established under RCW 75.30.050.

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

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

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

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

14 (b) The person shall establish, by means of dated shellfish
15 receiving documents issued by the department, that thirty landings of
16 sea cucumbers totaling at least ten thousand pounds were made under the
17 license during the previous two-year period ending December 31 of the
18 odd-numbered year.

19 (3) Where the person failed to obtain the license during either of
20 the previous two years because of a license suspension by the
21 department or the court, the person may qualify for a license by
22 establishing that the person held such a license during the last year
23 in which the person was eligible.

24 (4) The director may reduce or waive any landing or poundage
25 requirement established under this section upon the recommendation of
26 a board of review established under RCW 75.30.050. The board of review
27 may recommend a reduction or waiver of any landing or poundage
28 requirement in individual cases if, in the board's judgment,
29 extenuating circumstances prevent achievement of the landing or
30 poundage requirement. The director shall adopt rules governing the
31 operation of the board of review and defining "extenuating
32 circumstances."

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

37 (6) If fewer than fifty persons are eligible for sea cucumber dive
38 fishery licenses, the director may accept applications for new licenses
39 from those persons who can demonstrate two years' experience in the

1 Washington state sea cucumber dive fishery. The director shall
2 determine by random selection the successful applicants for the
3 additional licenses. The number of additional licenses issued shall be
4 sufficient to maintain up to fifty licenses in the sea cucumber dive
5 fishery. The director shall adopt rules governing the application,
6 selection, and issuance procedure for new sea cucumber dive fishery
7 licenses, based upon recommendations of a board of review established
8 under RCW 75.30.050.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (2) A Dungeness crab~~»~~coastal fishery license is transferable.
11 Except as provided in subsection (3) of this section, such a license
12 shall only be issued to a person who proved active historical
13 participation in the coastal crab fishery by having designated, after
14 December 31, 1993, a vessel or a replacement vessel on the qualifying
15 license that singly or in combination meets the following criteria:

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

25 (i) Crab pot~~»~~Non-Puget Sound license, issued under RCW
26 75.28.130(1)(b);

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

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

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

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

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

32 (b) Made a minimum of four Washington landings of coastal crab
33 totaling two thousand pounds during the period from December 1, 1991,
34 to March 20, 1992, and made a minimum of eight crab landings totaling
35 a minimum of five thousand pounds of coastal crab during each of the
36 following periods: December 1, 1991, to September 15, 1992; December
37 1, 1992, to September 15, 1993; and December 1, 1993, to September 15,
38 1994. For landings made after December 31, 1993, the vessel shall

1 have been designated on the qualifying license of the person making the
2 landings; or

3 (c) Made any number of coastal crab landings totaling a minimum of
4 twenty 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,
7 showed historical and continuous participation in the coastal crab
8 fishery by having held one of the qualifying licenses each calendar
9 year beginning 1990 through 1993, and the vessel was designated on the
10 qualifying license of the person who held that license in 1994.

11 (3) A Dungeness crab-coastal fishery license shall be issued to a
12 person who had a new vessel under construction between December 1,
13 1988, and September 15, 1992, if the vessel made coastal crab landings
14 totaling a minimum of five thousand pounds by September 15, 1993, and
15 the new vessel was designated on the qualifying license of the person
16 who held that license in 1994. All landings shall be documented by
17 valid Washington state shellfish receiving tickets. License
18 applications under this subsection may be subject to review by the
19 advisory review board in accordance with RCW 75.30.050. For purposes
20 of this subsection, "under construction" means either:

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

23 (ii) The contract for the vessel under construction was not
24 transferred or otherwise alienated from the contract holder between the
25 date of the contract and the issuance of the Dungeness crab-coastal
26 fishery license; and

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

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

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

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

34 (4) A Dungeness crab-coastal class B fishery license is not
35 transferable. Such a license shall be issued to persons who do not
36 meet the qualification criteria for a Dungeness crab-coastal fishery
37 license, if the person has designated on a qualifying license after
38 December 31, 1993, a vessel or replacement vessel that, singly or in
39 combination, made a minimum of four landings totaling a minimum of two

1 thousand pounds of coastal crab, documented by valid Washington state
2 shellfish receiving tickets, during at least one of the four qualifying
3 seasons, and if the person has participated continuously in the coastal
4 crab fishery by having held or by having owned a vessel that held one
5 or more of the licenses listed in subsection (2) of this section in
6 each calendar year subsequent to the qualifying season in which
7 qualifying landings were made through 1994. Dungeness crab coastal
8 class B fishery licenses cease to exist after December 31, 1999, and
9 the continuing license provisions of RCW 34.05.422(3) are not
10 applicable.

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

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

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

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

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

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

23 (7) For purposes of this section, "replacement vessel" means a
24 vessel used in the coastal crab fishery in 1994, and that replaces a
25 vessel used in the coastal crab fishery during any period from 1988
26 through 1993, and which vessel's licensing and catch history, together
27 with the licensing and catch history of the vessel it replaces,
28 qualifies a single applicant for a Dungeness crab coastal or Dungeness
29 crab coastal class B fishery license. A Dungeness crab coastal or
30 Dungeness crab coastal class B fishery license may only be issued to a
31 person who designated a vessel in the 1994 coastal crab fishery and who
32 designated the same vessel in 1995.

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

35 (1) (~~It is unlawful for~~) A Dungeness crab coastal fishery
36 (~~licensees to~~) licensee shall not take Dungeness crab in the waters
37 of the exclusive economic zone westward of the states of Oregon or
38 California and land crab taken in those waters into Washington state

1 unless the licensee also holds the licenses, permits, or endorsements,
2 required by Oregon or California to land crab into Oregon or
3 California, respectively.

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

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

12 (1) The director of agriculture and the director shall jointly
13 develop a program of disease inspection and control for aquatic farmers
14 as defined in RCW 15.85.020. The program shall be administered by the
15 department under rules established under this section. The purpose of
16 the program is to protect the aquaculture industry and wildstock
17 fisheries from a loss of productivity due to aquatic diseases or
18 maladies. As used in this section "diseases" means, in addition to its
19 ordinary meaning, infestations of parasites or pests. The disease
20 program may include, but is not limited to, the following elements:

- 21 (a) Disease diagnosis;
- 22 (b) Import and transfer requirements;
- 23 (c) Provision for certification of stocks;
- 24 (d) Classification of diseases by severity;
- 25 (e) Provision for treatment of selected high-risk diseases;
- 26 (f) Provision for containment and eradication of high-risk
27 diseases;
- 28 (g) Provision for destruction of diseased cultured aquatic
29 products;
- 30 (h) Provision for quarantine of diseased cultured aquatic products;
- 31 (i) Provision for coordination with state and federal agencies;
- 32 (j) Provision for development of preventative or control measures;
- 33 (k) Provision for cooperative consultation service to aquatic
34 farmers; and
- 35 (l) Provision for disease history records.

36 (2) The ((director)) commission shall adopt rules implementing this
37 section. However, such rules shall have the prior approval of the
38 director of agriculture and shall provide therein that the director of

1 agriculture has provided such approval. The director of agriculture or
2 the director's designee shall attend the rule-making hearings conducted
3 under chapter 34.05 RCW and shall assist in conducting those hearings.
4 The authorities granted the department by these rules and by RCW
5 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030,
6 and 75.58.040 constitute the only authorities of the department to
7 regulate private sector cultured aquatic products and aquatic farmers
8 as defined in RCW 15.85.020. Except as provided in subsection (3) of
9 this section, no action may be taken against any person to enforce
10 these rules unless the department has first provided the person an
11 opportunity for a hearing. In such a case, if the hearing is
12 requested, no enforcement action may be taken before the conclusion of
13 that hearing.

14 (3) The rules adopted under this section shall specify the
15 emergency enforcement actions that may be taken by the department, and
16 the circumstances under which they may be taken, without first
17 providing the affected party with an opportunity for a hearing.
18 Neither the provisions of this subsection nor the provisions of
19 subsection (2) of this section shall preclude the department from
20 requesting the initiation of criminal proceedings for violations of the
21 disease inspection and control rules.

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

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

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

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

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

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

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

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

1 (4) "Person" means and includes an individual, a corporation, or a
2 group of two or more individuals acting with a common purpose whether
3 acting in an individual, representative, or official capacity.

4 (5) "Fish and wildlife ((agent)) officer" means a person appointed
5 and commissioned by the director, with authority to enforce laws and
6 rules adopted pursuant to this title, and other statutes as prescribed
7 by the legislature. Fish and wildlife officer includes a person
8 commissioned before the effective date of this section as a fisheries
9 patrol officer.

10 (6) "Ex officio fish and wildlife ((agent)) officer" means a
11 commissioned officer of a municipal, county, state, or federal agency
12 having as its primary function the enforcement of criminal laws in
13 general, while the officer is in the appropriate jurisdiction. The
14 term "ex officio fish and wildlife ((agent)) officer" includes
15 ~~((fisheries patrol officers,))~~ special agents of the national marine
16 fisheries service, state parks commissioned officers, United States
17 fish and wildlife special agents, department of natural resources
18 enforcement officers, and United States forest service officers, while
19 the agents and officers are within their respective jurisdictions.

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

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

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

26 (10) "Open season" means those times, manners of taking, and places
27 or waters established by rule of the commission for the lawful hunting,
28 fishing, or possession of game animals, game birds, or game fish that
29 conform to the special restrictions or physical descriptions
30 established by rule of the commission or that have otherwise been
31 deemed legal to hunt, fish, or possess by rule of the commission.
32 "Open season" includes the first and last days of the established time.

33 (11) "Closed season" means all times, manners of taking, and places
34 or waters other than those established by rule of the commission as an
35 open season. "Closed season" also means all hunting, fishing, or
36 possession of game animals, game birds, or game fish that do not
37 conform to the special restrictions or physical descriptions
38 established by rule of the commission as an open season or that have

1 not otherwise been deemed legal to hunt, fish, or possess by rule of
2 the commission as an open season.

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

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

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

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

13 (16) "Wildlife" means all species of the animal kingdom whose
14 members exist in Washington in a wild state. This includes but is not
15 limited to mammals, birds, reptiles, amphibians, fish, and
16 invertebrates. The term "wildlife" does not include feral domestic
17 mammals, the family Muridae of the order Rodentia (old world rats and
18 mice), or those fish, shellfish, and marine invertebrates classified as
19 food fish or shellfish by the director. The term "wildlife" includes
20 all stages of development and the bodily parts of wildlife members.

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

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

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

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

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

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

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

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

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

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

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

10 (28) "Fish" includes all species classified as game fish or food
11 fish by statute or rule, as well as all fin fish not currently
12 classified as food fish or game fish if such species exist in state
13 waters. The term "fish" includes all stages of development and the
14 bodily parts of fish species.

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

17 (~~Jurisdiction and authority granted under RCW 77.12.060,~~
18 ~~77.12.070, and 77.12.080 to the director, wildlife agents,)) Fish and
19 wildlife officers and ex officio (~~wildlife agents is limited to the~~
20 ~~laws and rules adopted pursuant to this title pertaining to wildlife or~~
21 ~~to the management, operation, maintenance, or use of or conduct on real~~
22 ~~property used, owned, leased, or controlled by the department)) fish
23 and wildlife officers shall enforce this title, Title 75 RCW, rules of
24 the department, and other statutes as prescribed by the legislature.
25 (~~However, when acting within the scope of these duties and when an~~
26 ~~offense occurs in the presence of the wildlife agent who is not an ex~~
27 ~~officio wildlife agent, the wildlife agent))~~~~~~

28 (2) Fish and wildlife officers who are not ex officio fish and
29 wildlife officers are police officers who may enforce all criminal laws
30 of the state. The ((wildlife agent)) fish and wildlife officer must
31 have successfully completed the basic law enforcement academy course
32 sponsored by the criminal justice training commission, or a
33 ((supplemental)) course ((in criminal law enforcement as)) approved by
34 the department and the criminal justice training commission and
35 provided by the department or the criminal justice training commission,
36 prior to enforcing the criminal laws of the state.

37 (~~(2) Wildlife agents)) (3) Fish and wildlife officers are peace~~

38 officers.

1 (~~(3)~~) (4) Any liability or claim of liability (~~(which)~~) under
2 chapter 4.92 RCW that arises out of the exercise or alleged exercise of
3 authority by a (~~(wildlife agent)) fish and wildlife officer rests with~~
4 the department unless the (~~(wildlife agent)) fish and wildlife officer~~
5 acts under the direction and control of another agency or unless the
6 liability is otherwise assumed under (~~(a written)) an agreement between~~
7 the department and another agency.

8 (~~(4 Wildlife agents))~~ (5) Fish and wildlife officers may serve
9 and execute warrants and processes issued by the courts.

10 (6) Fish and wildlife officers may enforce RCW 79.01.805 and
11 79.01.810.

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

15 **NEW SECTION. Sec. 113.** Based upon articulable facts that a person
16 is engaged in fishing or hunting activities, fish and wildlife officers
17 have the authority to temporarily stop the person and check for valid
18 licenses, tags, permits, stamps, or catch record cards, and to inspect
19 all fish and wildlife in possession as well as the equipment being used
20 to ensure compliance with the requirements of this title and Title 75
21 RCW.

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

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

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

30 (~~(Wildlife agents,)~~) Fish and wildlife officers and ex officio
31 (~~(wildlife agents))~~ fish and wildlife officers may make a reasonable
32 search without warrant of a person, vessel, container, or conveyances,
33 vehicles, packages, game baskets, game coats, or other receptacles for
34 fish and wildlife, or tents, camps, or similar places which they have
35 reason to believe contain evidence of a violation of law or rules
36 adopted pursuant to this title or Title 75 RCW and seize evidence as

1 needed for law enforcement. This does not preclude seizure of property
2 if authorized for forfeiture as authorized by law.

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

5 ~~((Wildlife agents))~~ Fish and wildlife officers may inspect without
6 warrant at reasonable times and in a reasonable manner the premises,
7 containers, fishing equipment, fish and wildlife, and required records
8 of any commercial enterprise ~~((operating))~~ required to operate under
9 the authority of a license or permit issued by the department or any
10 commercial business that sells, buys, brokers, stores, transports, or
11 possesses fish or wildlife.

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

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

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

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

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

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

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

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

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

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

20 ~~(6))~~ For the purposes of ~~((this section))~~ establishing a season or
21 bag limit restriction on Canada goose hunting, the department shall not
22 consider leg length or bill length of dusky Canada geese (*Branta*
23 *canadensis occidentalis*).

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

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

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

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

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

5 When an individual presents a trapper identification number to the
6 department and requests identification of the trapper, the department
7 shall provide the individual with the name and address of the trapper.
8 Prior to disclosure of the trapper's name and address, the department
9 shall obtain the name and address of the requesting individual in
10 writing and after disclosing the trapper's name and address to the
11 requesting individual, the requesting individual's name and address
12 shall be disclosed in writing to the trapper whose name and address was
13 disclosed.

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

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

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

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

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

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

36 (1) A hound permit is required to hunt wild animals, except rabbits
37 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.

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