

2 **ESHB 2078** - S COMM AMD **S2587.1**

3 By Committee on Natural Resources, Parks & Recreation

4 ADOPTED AS AMENDED (FLR 408) 4/15/99

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

7 **"PART I**
8 **TITLE 75**
9 **Amendments**

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

12 Wildlife, fish, and shellfish are the property of the state. The
13 commission, director, and the department shall preserve, protect,
14 perpetuate and manage the ((food)) fish and shellfish in state waters
15 and offshore waters.

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

22 The commission may authorize the taking of wildlife, fish, and
23 shellfish only at times or places, or in manners or quantities as in
24 the judgment of the commission maximizes public recreational
25 opportunities without impairing the supply of these resources. The
26 commission shall attempt to maximize the public recreational fishing
27 and hunting opportunities of all citizens, including juvenile,
28 handicapped, and senior citizens.

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

31 **Sec. 2.** RCW 75.08.020 and 1988 c 36 s 31 are each amended to read
32 as follows:

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

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

22 **Sec. 3.** RCW 75.08.045 and 1995 1st sp.s. c 2 s 24 are each amended
23 to read as follows:

24 The (~~((commission))~~) director may accept money or real property from
25 persons under conditions requiring the use of the property or money for
26 the protection, rehabilitation, preservation, or conservation of the
27 state wildlife, food fish, and shellfish resources, or in settlement of
28 claims for damages to wildlife, food fish, and shellfish resources.
29 The (~~((commission))~~) director shall only accept real property useful for
30 the protection, rehabilitation, preservation, or conservation of these
31 fisheries resources.

32 **Sec. 4.** RCW 75.08.055 and 1995 1st sp.s. c 2 s 8 are each amended
33 to read as follows:

34 (1) The commission may enter into agreements with and receive funds
35 from the United States for the construction, maintenance, and operation
36 of fish cultural stations, laboratories, and devices in the Columbia
37 River basin for improvement of feeding and spawning conditions for

1 fish, for the protection of migratory fish from irrigation projects and
2 for facilitating free migration of fish over obstructions.

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

7 **Sec. 5.** RCW 75.08.080 and 1995 1st sp.s. c 2 s 11 are each amended
8 to read as follows:

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

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

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

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

18 (d) Regulating the possession, disposal, landing, and sale of
19 wildlife, food fish, or shellfish within the state, whether acquired
20 within or without the state.

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

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

26 (g) Specifying the statistical and biological reports required from
27 fishermen, dealers, boathouses, or processors of wildlife, food fish,
28 or shellfish.

29 (h) Classifying species of marine and freshwater life as wildlife,
30 food fish, or shellfish.

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

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

35 (2) Subsections (1)(a), (b), (c), (d), and (f) of this section do
36 not apply to private tideland owners and lessees and the immediate
37 family members of the owners or lessees of state tidelands, when they
38 take or possess oysters, clams, cockles, borers, or mussels, excluding

1 razor clams, produced on their own private tidelands or their leased
2 state tidelands for personal use.

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

5 (3) Except for subsection (1)(g) of this section, this section does
6 not apply to private sector cultured aquatic products as defined in RCW
7 15.85.020. Subsection (1)(g) of this section does apply to such
8 products.

9 **Sec. 6.** RCW 75.08.206 and 1983 1st ex.s. c 46 s 20 are each
10 amended to read as follows:

11 The director shall provide compensation insurance for fisheries
12 patrol officers, insuring these employees against injury or death in
13 the performance of enforcement duties not covered under the workers'
14 compensation act of the state. The beneficiaries and the compensation
15 and benefits under the compensation insurance shall be the same as
16 provided in chapter 51.32 RCW, and the compensation insurance also
17 shall provide for medical aid and hospitalization to the extent and
18 amount as provided in RCW 51.36.010 and 51.36.020.

19 The recodification of this section into Title 77 RCW does not make
20 any current or former employees eligible for compensation or benefits
21 under this section who were not otherwise eligible under this section
22 before the recodification.

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

25 The director shall relieve from active duty fisheries patrol
26 officers who are injured in the performance of their official duties to
27 such an extent as to be incapable of active service. While relieved
28 from active duty, the employees shall receive one-half of their salary
29 less any compensation received through the provisions of RCW 41.40.200,
30 41.40.220, and 75.08.206.

31 The recodification of this section into Title 77 RCW does not make
32 any current or former employees eligible for compensation or benefits
33 under this section who were not otherwise eligible under this section
34 before the recodification.

35 **Sec. 8.** RCW 75.08.230 and 1996 c 267 s 3 are each amended to read
36 as follows:

1 (1) Except as provided in this section, state and county officers
2 receiving the following moneys shall deposit them in the state general
3 fund:

4 (a) The sale of licenses required under this title;

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

6 (c) Fines and forfeitures collected under this title;

7 (d) The sale of real or personal property held for department
8 purposes;

9 (e) Rentals or concessions of the department;

10 (f) Moneys received for damages to food fish, shellfish or
11 department property; and

12 (g) Gifts.

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

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

18 (4) Proceeds from the sale of food fish or shellfish taken in test
19 fishing conducted by the department, to the extent that these proceeds
20 exceed the estimates in the budget approved by the legislature, may be
21 allocated as unanticipated receipts under RCW 43.79.270 to reimburse
22 the department for unanticipated costs for test fishing operations in
23 excess of the allowance in the budget approved by the legislature.

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

28 (6) Moneys received by the commission under RCW 75.08.045 (as
29 recodified by this act), to the extent these moneys exceed estimates in
30 the budget approved by the legislature, may be allocated as
31 unanticipated receipts under RCW 43.79.270. Allocations under this
32 subsection shall be made only for the specific purpose for which the
33 moneys were received, unless the moneys were received in settlement of
34 a claim for damages to food fish or shellfish, in which case the moneys
35 may be expended for the conservation of these resources.

36 (7) Proceeds from the sale of herring spawn on kelp fishery
37 licenses by the department, to the extent those proceeds exceed
38 estimates in the budget approved by the legislature, may be allocated
39 as unanticipated receipts under RCW 43.79.270. Allocations under this

1 subsection shall be made only for herring management, enhancement, and
2 enforcement.

3 **Sec. 9.** RCW 75.08.245 and 1988 c 115 s 1 are each amended to read
4 as follows:

5 The department may supply, at a reasonable charge, surplus salmon
6 eggs to a person for use in the cultivation of salmon. The department
7 shall not intentionally create a surplus of salmon to provide eggs for
8 sale. The department shall only sell salmon eggs from stocks that are
9 not suitable for salmon population rehabilitation or enhancement in
10 state waters in Washington. All sales or transfers shall be consistent
11 with the department's egg transfer and aquaculture disease control
12 regulations as now existing or hereafter amended. Prior to department
13 determination that eggs of a salmon stock are surplus and available for
14 sale, the department shall assess the productivity of each watershed
15 that is suitable for receiving eggs.

16 ~~((The salmon enhancement advisory council, created in RCW
17 75.48.120, shall consider egg sales at each meeting.))~~

18 **Sec. 10.** RCW 75.10.150 and 1996 c 267 s 14 are each amended to
19 read as follows:

20 Since violation of the rules of the department relating to the
21 accounting of the commercial harvest of food fish and shellfish result
22 in damage to the resources of the state, liability for damage to food
23 fish and shellfish resources is imposed on a wholesale fish dealer for
24 violation of a provision in chapter 75.28 RCW (as recodified by this
25 act) or a rule of the department related to the accounting of the
26 commercial harvest of food fish and shellfish and shall be for the
27 actual damages or for damages imposed as follows:

28 (1) For violation of rules requiring the timely presentation to the
29 department of documents relating to the accounting of commercial
30 harvest, fifty dollars for each of the first fifteen documents in a
31 series and ten dollars for each subsequent document in the same series.
32 If documents relating to the accounting of commercial harvest of food
33 fish and shellfish are lost or destroyed and the wholesale dealer
34 notifies the department in writing within seven days of the loss or
35 destruction, the director shall waive the requirement for timely
36 presentation of the documents.

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

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

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

12 **Sec. 11.** RCW 75.12.230 and 1998 c 190 s 81 are each amended to
13 read as follows:

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

20 **Sec. 12.** RCW 75.20.061 and 1983 1st ex.s. c 46 s 73 are each
21 amended to read as follows:

22 If the director determines that a fishway or fish guard described
23 in RCW 75.20.040 and 75.20.060 (as recodified by this act) and in
24 existence on September 1, 1963, is inadequate, in addition to other
25 authority granted in this chapter, the director may remove, relocate,
26 reconstruct, or modify the device, without cost to the owner. The
27 director shall not materially modify the amount of flow of water
28 through the device. After the department has completed the
29 improvements, the fishways and fish guards shall be operated and
30 maintained at the expense of the owner in accordance with RCW 75.20.040
31 and 75.20.060 (as recodified by this act).

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

34 When reviewing a mitigation plan under RCW 75.20.100 or 75.20.103
35 (as recodified by this act), the department shall, at the request of

1 the project proponent, follow the guidance contained in RCW 90.74.005
2 through 90.74.030.

3 **Sec. 14.** RCW 75.20.100 and 1998 c 190 s 87 are each amended to
4 read as follows:

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

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

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

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

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

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

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

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

37 (3)(a) The department may issue an expedited written permit in
38 those instances where normal permit processing would result in

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

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

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

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

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

32 (5)(a) 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
39 approval to protect fish life shall be established by the department

1 and reduced to writing within thirty days and complied with as provided
2 for in this section. Oral approval shall be granted immediately, upon
3 request, for a stream crossing during an emergency situation.

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

7 (c) The department or the county legislative authority may declare
8 and continue an emergency when one or more of the criteria under (b) of
9 this subsection are met. The county legislative authority shall
10 immediately notify the department if it declares an emergency under
11 this subsection.

12 (6) The department shall, at the request of a county, develop five-
13 year maintenance approval agreements, consistent with comprehensive
14 flood control management plans adopted under the authority of RCW
15 86.12.200, or other watershed plan approved by a county legislative
16 authority, to allow for work on public and private property for bank
17 stabilization, bridge repair, removal of sand bars and debris, channel
18 maintenance, and other flood damage repair and reduction activity under
19 agreed-upon conditions and times without obtaining permits for specific
20 projects.

21 (7) This section shall not apply to the construction of any form of
22 hydraulic project or other work which diverts water for agricultural
23 irrigation or stock watering purposes authorized under or recognized as
24 being valid by the state's water codes, or when such hydraulic project
25 or other work is associated with streambank stabilization to protect
26 farm and agricultural land as defined in RCW 84.34.020. These
27 irrigation or stock watering diversion and streambank stabilization
28 projects shall be governed by RCW 75.20.103 (as recodified by this
29 act).

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

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

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

7 **Sec. 15.** RCW 75.20.1001 and 1993 sp.s. c 2 s 31 are each amended
8 to read as follows:

9 The department shall process hydraulic project applications
10 submitted under RCW 75.20.100 or 75.20.103 (as recodified by this act)
11 within thirty days of receipt of the application. This requirement is
12 only applicable for the repair and reconstruction of legally
13 constructed dikes, seawalls, and other flood control structures damaged
14 as a result of flooding or windstorms that occurred in November and
15 December 1990.

16 **Sec. 16.** RCW 75.20.104 and 1993 sp.s. c 2 s 33 are each amended to
17 read as follows:

18 Whenever the placement of woody debris is required as a condition
19 of a hydraulic permit approval issued pursuant to RCW 75.20.100 or
20 75.20.103 (as recodified by this act), the department, upon request,
21 shall invite comment regarding that placement from the local
22 governmental authority, affected tribes, affected federal and state
23 agencies, and the project applicant.

24 **Sec. 17.** RCW 75.20.1041 and 1993 sp.s. c 2 s 34 are each amended
25 to read as follows:

26 The department and the department of ecology will work
27 cooperatively with the United States army corps of engineers to develop
28 a memorandum of agreement outlining dike vegetation management
29 guidelines so that dike owners are eligible for coverage under P.L.
30 84-99, and state requirements established pursuant to RCW 75.20.100 and
31 75.20.103 (as recodified by this act) are met.

32 **Sec. 18.** RCW 75.20.106 and 1993 sp.s. c 2 s 35 are each amended to
33 read as follows:

34 The department may levy civil penalties of up to one hundred
35 dollars per day for violation of any provisions of RCW 75.20.100 or

1 75.20.103 (as recodified by this act). The penalty provided shall be
2 imposed by notice in writing, either by certified mail or personal
3 service to the person incurring the penalty, from the director or the
4 director's designee describing the violation. Any person incurring any
5 penalty under this chapter may appeal the same under chapter 34.05 RCW
6 to the director. Appeals shall be filed within thirty days of receipt
7 of notice imposing any penalty. The penalty imposed shall become due
8 and payable thirty days after receipt of a notice imposing the penalty
9 unless an appeal is filed. Whenever an appeal of any penalty incurred
10 under this chapter is filed, the penalty shall become due and payable
11 only upon completion of all review proceedings and the issuance of a
12 final order confirming the penalty in whole or in part.

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

21 **Sec. 19.** RCW 75.20.130 and 1996 c 276 s 2 are each amended to read
22 as follows:

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

26 (2) The hydraulic appeals board shall consist of three members:
27 The director of the department of ecology or the director's designee,
28 the director of the department of agriculture or the director's
29 designee, and the director or the director's designee of the department
30 whose action is appealed under subsection (6) of this section. A
31 decision must be agreed to by at least two members of the board to be
32 final.

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

35 (4) The board shall make findings of fact and prepare a written
36 decision in each case decided by it, and that finding and decision
37 shall be effective upon being signed by two or more board members and

1 upon being filed at the hydraulic appeals board's principal office, and
2 shall be open to public inspection at all reasonable times.

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

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

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

20 **Sec. 20.** RCW 75.20.320 and 1995 c 328 s 1 are each amended to read
21 as follows:

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

26 **Sec. 21.** RCW 75.24.060 and 1998 c 245 s 152 are each amended to
27 read as follows:

28 It is the policy of the state to improve state oyster reserves so
29 that they are productive and yield a revenue sufficient for their
30 maintenance. In fixing the price of oysters and other shellfish sold
31 from the reserves, the director shall take into consideration this
32 policy. It is also the policy of the state to maintain the oyster
33 reserves to furnish shellfish to growers and processors and to stock
34 public beaches.

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

1 The ((department)) director shall periodically inventory the state
2 oyster reserves and assign the reserve lands into management
3 categories:

4 (1) Native Olympia oyster broodstock reserves;

5 (2) Commercial shellfish harvesting zones;

6 (3) Commercial shellfish propagation zones designated for long-term
7 leasing to private aquaculturists;

8 (4) Public recreational shellfish harvesting zones;

9 (5) Unproductive land.

10 The ((department)) director shall manage each category of oyster
11 reserve land to maximize the sustained yield production of shellfish
12 consistent with the purpose for establishment of each management
13 category.

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

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

20 **Sec. 22.** RCW 75.24.065 and 1993 sp.s. c 2 s 40 are each amended to
21 read as follows:

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

29 **Sec. 23.** RCW 75.24.070 and 1983 1st ex.s. c 46 s 82 are each
30 amended to read as follows:

31 The director shall determine the time, place, and method of sale of
32 oysters and other shellfish from state oyster reserves. Any person who
33 commercially takes shellfish from state oyster reserves must possess an
34 oyster reserve fishery license issued by the director pursuant to RCW
35 75.28.290 (as recodified by this act). Any person engaged in the
36 commercial cultching of oysters on state oyster reserves must possess

1 an oyster cultch permit issued by the director pursuant to RCW
2 75.28.295 (as recodified by this act).

3 To maintain local communities and industries and to restrain the
4 formation of monopolies in the industry, the director shall determine
5 the number of bushels which shall be sold to a person. When the
6 shellfish are sold at public auction, the director may reject any and
7 all bids.

8 **Sec. 24.** RCW 75.24.100 and 1998 c 190 s 91 are each amended to
9 read as follows:

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

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

30 **Sec. 25.** RCW 75.24.130 and 1995 1st sp.s. c 2 s 30 are each
31 amended to read as follows:

32 The commission may examine the clam, mussel, and oyster beds
33 located on aquatic lands belonging to the state and request the
34 commissioner of public lands to withdraw these lands from sale and
35 lease for the purpose of establishing reserves or public beaches. The
36 ((commission)) director shall conserve, protect, and develop these
37 reserves and the oyster, shrimp, clam, and mussel beds on state lands.

1 **Sec. 26.** RCW 75.25.092 and 1998 c 191 s 2 are each amended to read
2 as follows:

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

8 (2) The fees for annual personal use shellfish and seaweed licenses
9 are:

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

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

13 (c) For a senior, five dollars.

14 (3) The personal use shellfish and seaweed license shall be visible
15 on the licensee while harvesting shellfish or seaweed.

16 **Sec. 27.** RCW 75.28.011 and 1997 c 418 s 1 are each amended to read
17 as follows:

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

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

24 (a) The license holder shall surrender the previously issued
25 license to the department.

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

28 (c) The fee to transfer a license from one license holder to
29 another is:

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

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

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

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

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

5 (3) A commercial license that is transferable under this title
6 survives the death of the holder. Though such licenses are not
7 personal property, they shall be treated as analogous to personal
8 property for purposes of inheritance and intestacy. Such licenses are
9 subject to state laws governing wills, trusts, estates, intestate
10 succession, and community property, except that such licenses are
11 exempt from claims of creditors of the estate and tax liens. The
12 surviving spouse, estate, or beneficiary of the estate may apply for a
13 renewal of the license. There is no fee for transfer of a license from
14 a license holder to the license holder's surviving spouse or estate, or
15 to a beneficiary of the estate.

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

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

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

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

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

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

30 **Sec. 29.** RCW 75.28.034 and 1995 c 227 s 1 are each amended to read
31 as follows:

32 If, for any reason, the department does not allow any opportunity
33 for a commercial fishery during a calendar year, the (~~department~~)
34 director shall either: (1) Waive the requirement to obtain a license
35 for that commercial fishery for that year; or (2) refund applicable
36 license fees upon return of the license.

1 **Sec. 30.** RCW 75.28.042 and 1997 c 58 s 882 are each amended to
2 read as follows:

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

7 (2) A listing on the department of licensing's data base that an
8 individual's license is currently suspended pursuant to RCW
9 46.20.291(~~((7))~~) (8) shall be prima facie evidence that the individual
10 is in noncompliance with a support order or residential or visitation
11 order. Presentation of a written release issued by the department of
12 social and health services or a court stating that the person is in
13 compliance with an order shall serve as proof of compliance.

14 **Sec. 31.** RCW 75.28.046 and 1998 c 267 s 2 are each amended to read
15 as follows:

16 This section applies to all commercial fishery licenses and
17 delivery licenses, except for whiting--Puget Sound fishery licenses and
18 emergency salmon delivery licenses.

19 (1) The license holder may engage in the activity authorized by a
20 license subject to this section. With the exception of Dungeness
21 crab--coastal fishery class B licensees licensed under RCW 75.30.350(4)
22 (as recodified by this act), the holder of a license subject to this
23 section may also designate up to two alternate operators for the
24 license. Dungeness crab--coastal fishery class B licensees may not
25 designate alternate operators. A person designated as an alternate
26 operator must possess an alternate operator license issued under RCW
27 75.28.048 (as recodified by this act).

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

30 **Sec. 32.** RCW 75.28.047 and 1998 c 267 s 3 are each amended to read
31 as follows:

32 (1) Only the license holder and any alternate operators designated
33 on the license may sell or deliver food fish or shellfish under a
34 commercial fishery license or delivery license. A commercial fishery
35 license or delivery license authorizes no taking or delivery of food
36 fish or shellfish unless the license holder or an alternate operator
37 designated on the license is present or aboard the vessel.

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

4 **Sec. 33.** RCW 75.28.048 and 1998 c 267 s 4 are each amended to read
5 as follows:

6 (1) A person who holds a commercial fishery license or a delivery
7 license may operate the vessel designated on the license. A person who
8 is not the license holder may operate the vessel designated on the
9 license only if:

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

12 (b) The person is designated as an alternate operator on the
13 underlying commercial fishery license or delivery license under RCW
14 75.28.046 (as recodified by this act).

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

17 (3) No individual may hold more than one alternate operator
18 license. An individual who holds an alternate operator license may be
19 designated as an alternate operator on an unlimited number of
20 commercial fishery licenses or delivery licenses under RCW 75.28.046
21 (as recodified by this act).

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

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

30 **Sec. 34.** RCW 75.28.055 and 1997 c 421 s 1 are each amended to read
31 as follows:

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

1 **Sec. 35.** RCW 75.28.095 and 1998 c 190 s 95 are each amended to
2 read as follows:

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

	License or Permit	Annual Fee		Governing
		(RCW 75.50.100 Surcharge)		Section
		Resident	Nonresident	
10	(a) Nonsalmon charter	\$225	\$375	
11	(b) Salmon charter	\$380	\$685	RCW 75.30.065
12				<u>(as recodified by this act)</u>
13		(plus \$100)	(plus \$100)	
14	(c) Salmon angler	\$ 0	\$ 0	RCW 75.30.070
15				<u>(as recodified by this act)</u>
16	(d) Salmon roe	\$ 95	\$ 95	RCW 75.28.690
17				<u>(as recodified by this act)</u>

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

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

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

35 (5) A charter boat licensed in Oregon may fish without a Washington
36 charter license under the same rules as Washington charter boat
37 operators in ocean waters within the jurisdiction of Washington state
38 from the southern border of the state of Washington to Leadbetter

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

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

12 **Sec. 36.** RCW 75.28.110 and 1997 c 76 s 1 are each amended to read
13 as follows:

14 (1) The following commercial salmon fishery licenses are required
15 for the license holder to use the specified gear to fish for salmon in
16 state waters. Only a person who meets the qualifications of RCW
17 75.30.120 (as recodified by this act) may hold a license listed in this
18 subsection. The licenses and their annual fees and surcharges under
19 RCW 75.50.100 (as recodified by this act) are:

	Fishery	Resident	Nonresident	Surcharge
	License	Fee	Fee	
22	(a) Salmon Gill Net--Grays	\$380	\$685	plus \$100
23	Harbor-Columbia river			
24	(b) Salmon Gill Net--Puget	\$380	\$685	plus \$100
25	Sound			
26	(c) Salmon Gill Net--Willapa	\$380	\$685	plus \$100
27	Bay-Columbia river			
28	(d) Salmon purse seine	\$530	\$985	plus \$100
29	(e) Salmon reef net	\$380	\$685	plus \$100
30	(f) Salmon troll	\$380	\$685	plus \$100

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

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

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

38 (5) A salmon gill net license authorizes the taking of salmon only
39 in the geographical area for which the license is issued. The

1 geographical designations in subsection (1) of this section have the
2 following meanings:

3 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,
4 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,
5 sounds, and estuaries lying easterly and southerly of the international
6 boundary line and a line at the entrance to the Strait of Juan de Fuca
7 projected northerly from Cape Flattery to the lighthouse on Tatoosh
8 Island and then to Bonilla Point on Vancouver Island.

9 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor
10 and tributary estuaries lying easterly of a line projected northerly
11 from Point Chehalis Light to Point Brown and those waters of the
12 Columbia river and tributary sloughs and estuaries easterly of a line
13 at the entrance to the Columbia river projected southerly from the most
14 westerly point of the North jetty to the most westerly point of the
15 South jetty.

16 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and
17 tributary estuaries and easterly of a line projected northerly from
18 Leadbetter Point to the Cape Shoalwater tower and those waters of the
19 Columbia river and tributary sloughs described in (b) of this
20 subsection.

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

31 **Sec. 37.** RCW 75.28.113 and 1998 c 190 s 96 are each amended to
32 read as follows:

33 (1) A salmon delivery license is required to deliver salmon taken
34 in offshore waters to a place or port in the state. The annual fee for
35 a salmon delivery license is three hundred eighty dollars for residents
36 and six hundred eighty-five dollars for nonresidents. The annual
37 surcharge under RCW 75.50.100 (as recodified by this act) is one
38 hundred dollars for each license. Holders of nonlimited entry delivery

1 licenses issued under RCW 75.28.125 (as recodified by this act) may
2 apply the nonlimited entry delivery license fee against the salmon
3 delivery license fee.

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

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

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

14 **Sec. 38.** RCW 75.28.116 and 1993 sp.s. c 17 s 37 are each amended
15 to read as follows:

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

28 **Sec. 39.** RCW 75.28.120 and 1993 sp.s. c 17 s 38 are each amended
29 to read as follows:

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

	Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
		Resident	Nonresident		
1					
2					
3	(a) Baitfish Lampara	\$185	\$295	Yes	No
4	(b) Baitfish purse seine	\$530	\$985	Yes	No
5	(c) Bottom fish jig	\$130	\$185	Yes	No
6	(d) Bottom fish pot	\$130	\$185	Yes	No
7	(e) Bottom fish troll	\$130	\$185	Yes	No
8	(f) Carp	\$130	\$185	No	No
9	(g) Columbia river smelt	\$380	\$685	No	No
10	(h) Dog fish set net	\$130	\$185	Yes	No
11	(i) Emerging commercial	\$185	\$295	Determined	Determined
12	fishery (RCW 75.30.220			by rule	by rule
13	and 75.28.740 (<u>as recodified</u>				
14	<u>by this act</u>))				
15	(j) Food fish drag seine	\$130	\$185	Yes	No
16	(k) Food fish set line	\$130	\$185	Yes	No
17	(l) Food fish trawl-	\$240	\$405	Yes	No
18	Non-Puget Sound				
19	(m) Food fish trawl-	\$185	\$295	Yes	No
20	Puget Sound				
21	(n) Herring dip bag net	\$175	\$275	Yes	Yes
22	(RCW 75.30.140 (<u>as</u>				
23	<u>recodified by this act</u>))				
24	(o) Herring drag seine	\$175	\$275	Yes	Yes
25	(RCW 75.30.140 (<u>as</u>				
26	<u>recodified by this act</u>))				
27	(p) Herring gill net	\$175	\$275	Yes	Yes
28	(RCW 75.30.140 (<u>as</u>				
29	<u>recodified by this act</u>))				
30	(q) Herring Lampara	\$175	\$275	Yes	Yes
31	(RCW 75.30.140 (<u>as</u>				
32	<u>recodified by this act</u>))				
33	(r) Herring purse seine	\$175	\$275	Yes	Yes
34	(RCW 75.30.140 (<u>as</u>				
35	<u>recodified by this act</u>))				
36	(s) Herring spawn-on-kelp	N/A	N/A	Yes	Yes
37	(RCW 75.30.270 (<u>as</u>				
38	<u>recodified by this act</u>))				
39	(t) Smelt dip bag net	\$130	\$185	No	No
40	(u) Smelt gill net	\$380	\$685	Yes	No
41	(v) Whiting-Puget Sound	\$295	\$520	Yes	Yes
42	(RCW 75.30.170 (<u>as</u>				
43	<u>recodified by this act</u>))				

44 (2) The director may by rule determine the species of food fish
45 that may be taken with the commercial fishery licenses established in
46 this section, the gear that may be used with the licenses, and the

1 areas or waters in which the licenses may be used. Where a fishery
2 license has been established for a particular species, gear,
3 geographical area, or combination thereof, a more general fishery
4 license may not be used to take food fish in that fishery.

5 **Sec. 40.** RCW 75.28.125 and 1998 c 190 s 97 are each amended to
6 read as follows:

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

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

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

27 **Sec. 41.** RCW 75.28.130 and 1994 c 260 s 14 are each amended to
28 read as follows:

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

Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited
	Resident	Nonresident		Entry?
(a) Burrowing shrimp	\$185	\$295	Yes	No

1	(b) Crab ring net-	\$130	\$185	Yes	No
2	Non-Puget Sound				
3	(c) Crab ring net-	\$130	\$185	Yes	No
4	Puget Sound				
5	(d) Dungeness crab-	\$295	\$520	Yes	Yes
6	coastal (RCW 75.30.350				
7	<u>(as recodified by this act)</u>				
8	(e) Dungeness crab-	\$295	\$520	Yes	Yes
9	coastal, class B				
10	(RCW 75.30.350				
11	<u>(as recodified by this act)</u>				
12	(f) Dungeness crab-	\$130	\$185	Yes	Yes
13	Puget Sound				
14	(RCW 75.30.130				
15	<u>(as recodified by this act)</u>				
16	(g) Emerging commercial	\$185	\$295	Determined	Determined
17	fishery (RCW 75.30.220			by rule	by rule
18	and 75.28.740 <u>(as recodified</u>				
19	<u>by this act)</u>				
20	(h) Geoduck (RCW	\$ 0	\$ 0	Yes	Yes
21	75.30.280 <u>(as recodified</u>				
22	<u>by this act)</u>				
23	(i) Hardshell clam	\$530	\$985	Yes	No
24	mechanical harvester				
25	(RCW 75.28.280 <u>(as</u>				
26	<u>recodified by this act)</u>				
27	(j) Oyster reserve	\$130	\$185	No	No
28	(RCW 75.28.290				
29	<u>(as recodified by this act)</u>				
30	(k) Razor clam	\$130	\$185	No	No
31	(l) Sea cucumber dive	\$130	\$185	Yes	Yes
32	(RCW 75.30.250				
33	<u>(as recodified by this act)</u>				
34	(m) Sea urchin dive	\$130	\$185	Yes	Yes
35	(RCW 75.30.210				
36	<u>(as recodified by this act)</u>				
37	(n) Shellfish dive	\$130	\$185	Yes	No
38	(o) Shellfish pot	\$130	\$185	Yes	No
39	(p) Shrimp pot-	\$325	\$575	Yes	No
40	Hood Canal				
41	(q) Shrimp trawl-	\$240	\$405	Yes	No
42	Non-Puget Sound				
43	(r) Shrimp trawl-	\$185	\$295	Yes	No
44	Puget Sound				
45	(s) Squid	\$185	\$295	Yes	No

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

8 **Sec. 42.** RCW 75.28.132 and 1994 c 260 s 15 are each amended to
9 read as follows:

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

21 **Sec. 43.** RCW 75.28.133 and 1997 c 418 s 5 are each amended to read
22 as follows:

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

29 **Sec. 44.** RCW 75.28.280 and 1993 c 340 s 19 are each amended to
30 read as follows:

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

1 **Sec. 45.** RCW 75.28.290 and 1993 c 340 s 20 are each amended to
2 read as follows:

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

6 **Sec. 46.** RCW 75.28.300 and 1993 sp.s. c 17 s 43 are each amended
7 to read as follows:

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

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

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

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

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

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

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

33 **Sec. 47.** RCW 75.28.323 and 1996 c 267 s 30 are each amended to
34 read as follows:

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

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

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

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

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

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

33 **Sec. 48.** RCW 75.28.340 and 1993 sp.s. c 17 s 46 are each amended
34 to read as follows:

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

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

4 **Sec. 49.** RCW 75.28.730 and 1993 c 376 s 4 are each amended to read
5 as follows:

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

12 **Sec. 50.** RCW 75.28.740 and 1998 c 190 s 99 are each amended to
13 read as follows:

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

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

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

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

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

6 **Sec. 51.** RCW 75.28.760 and 1993 sp.s. c 4 s 2 are each amended to
7 read as follows:

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

14 **Sec. 52.** RCW 75.28.770 and 1998 c 245 s 153 are each amended to
15 read as follows:

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

25 **Sec. 53.** RCW 75.28.780 and 1993 sp.s. c 17 s 42 are each amended
26 to read as follows:

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

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

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

5 **Sec. 54.** RCW 75.30.021 and 1995 c 227 s 2 are each amended to read
6 as follows:

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

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

18 **Sec. 55.** RCW 75.30.050 and 1995 c 269 s 3101 are each amended to
19 read as follows:

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

23 (a) The commercial crab fishing industry in cases involving
24 Dungeness crab-Puget Sound fishery licenses;

25 (b) The commercial herring fishery in cases involving herring
26 fishery licenses;

27 (c) The commercial sea urchin and sea cucumber fishery in cases
28 involving sea urchin and sea cucumber dive fishery licenses;

29 (d) The commercial ocean pink shrimp industry (*Pandalus jordani*) in
30 cases involving ocean pink shrimp delivery licenses; and

31 (e) The commercial coastal crab fishery in cases involving
32 Dungeness crab-coastal fishery licenses and Dungeness crab-coastal
33 class B fishery licenses. The members shall include one person from
34 the commercial crab processors, one Dungeness crab-coastal fishery
35 license holder, and one citizen representative of a coastal community.

36 (2) Members shall serve at the discretion of the director and shall
37 be reimbursed for travel expenses as provided in RCW 43.03.050,
38 43.03.060, and 43.03.065.

1 **Sec. 56.** RCW 75.30.060 and 1995 1st sp.s. c 2 s 32 are each
2 amended to read as follows:

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

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

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

18 **Sec. 57.** RCW 75.30.065 and 1993 c 340 s 28 are each amended to
19 read as follows:

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

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

29 (3) Subject to the restrictions in (~~section 11 of this act~~) RCW
30 75.28.011 (as recodified by this act), salmon charter licenses are
31 transferrable from one license holder to another.

32 **Sec. 58.** RCW 75.30.070 and 1998 c 190 s 100 are each amended to
33 read as follows:

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

1 boat per trip. The angler permit expires if the salmon charter license
2 is not renewed.

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

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

14 **Sec. 59.** RCW 75.30.090 and 1993 c 340 s 30 are each amended to
15 read as follows:

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

22 **Sec. 60.** RCW 75.30.100 and 1993 c 340 s 31 are each amended to
23 read as follows:

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

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

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

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

1 **Sec. 61.** RCW 75.30.120 and 1995 c 135 s 7 are each amended to read
2 as follows:

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

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

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

17 **Sec. 62.** RCW 75.30.125 and 1993 c 340 s 33 are each amended to
18 read as follows:

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

28 **Sec. 63.** RCW 75.30.130 and 1998 c 190 s 101 are each amended to
29 read as follows:

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

36 (2) Except as provided in subsections (3) and (6) of this section,
37 after January 1, 1982, the director shall issue no new Dungeness crab--

1 Puget Sound fishery licenses. Only a person who meets the following
2 qualification may renew an existing license: The person shall have
3 held the Dungeness crab--Puget Sound fishery license sought to be
4 renewed during the previous year or acquired the license by transfer
5 from someone who held it during the previous year, and shall not have
6 subsequently transferred the license to another person.

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

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

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

16 (6) If fewer than one hundred twenty-five persons are eligible for
17 Dungeness crab--Puget Sound fishery licenses, the director may accept
18 applications for new licenses. The director shall determine by random
19 selection the successful applicants for the additional licenses. The
20 number of additional licenses issued shall be sufficient to maintain
21 one hundred twenty-five licenses in the Puget Sound Dungeness crab
22 fishery. The director shall adopt rules governing the application,
23 selection, and issuance procedures for new Dungeness crab--Puget Sound
24 fishery licenses, based upon recommendations of ~~((a board of))~~ an
25 advisory review board established under RCW 75.30.050 (as recodified by
26 this act).

27 **Sec. 64.** RCW 75.30.140 and 1998 c 190 s 102 are each amended to
28 read as follows:

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

35 (2) Except as provided in this section, a herring fishery license
36 may be issued only to a person who held the license sought to be
37 renewed during the previous year or acquired the license by transfer

1 from someone who held it during the previous year, and if the person
2 has not subsequently transferred the license to another person.

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

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

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

12 **Sec. 65.** RCW 75.30.170 and 1993 c 340 s 39 are each amended to
13 read as follows:

14 (1) A person shall not commercially take whiting from areas that
15 the department designates within the waters described in RCW
16 75.28.110(5)(a) (as recodified by this act) without a whiting-Puget
17 Sound fishery license.

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

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

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

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

28 (~~(2)~~) (3) After January 1, 1995, the director shall issue no new
29 whiting-Puget Sound fishery licenses. After January 1, 1995, only an
30 individual who meets the following qualifications may renew an existing
31 license: The individual shall have held the 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)~~) (4) Whiting-Puget Sound fishery licenses may be renewed
36 each year. A whiting-Puget Sound fishery license that is not renewed
37 each year shall not be renewed further.

1 **Sec. 66.** RCW 75.30.180 and 1993 c 340 s 40 are each amended to
2 read as follows:

3 A whiting-Puget Sound fishery license may be transferred through
4 gift, devise, bequest, or descent to members of the license holder's
5 immediate family which shall be limited to spouse, children, or
6 stepchildren. The holder of a whiting-Puget Sound fishery license
7 shall be present on any vessel taking whiting under the license. In no
8 instance may temporary permits be issued.

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

11 **Sec. 67.** RCW 75.30.210 and 1998 c 190 s 104 are each amended to
12 read as follows:

13 (1) A person shall not commercially take any species of sea urchin
14 using shellfish diver gear without first obtaining a sea urchin dive
15 fishery license.

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

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

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

27 (3) Where the person failed to obtain the license during the
28 previous year because of a license suspension or revocation by the
29 (~~department~~) director or the court, the person may qualify for a
30 license by establishing that the person held such a license during the
31 last year in which the person was eligible.

32 (4) The director may reduce or waive the poundage requirement of
33 subsection (2)(b) of this section upon the recommendation of (~~a board~~
34 ~~of~~) an advisory review board established under RCW 75.30.050 (as
35 recodified by this act). The review board (~~of review~~) may recommend
36 a reduction or waiver of the poundage requirement in individual cases
37 if, in the review board's judgment, extenuating circumstances prevent
38 achievement of the poundage requirement. The director shall adopt

1 rules governing the operation of the (~~board of~~) review board and
2 defining "extenuating circumstances."

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

7 (6) If fewer than forty-five persons are eligible for sea urchin
8 dive fishery licenses, the director may accept applications for new
9 licenses. The director shall determine by random selection the
10 successful applicants for the additional licenses. The number of
11 additional licenses issued shall be sufficient to maintain up to forty-
12 five licenses in the sea urchin dive fishery. The director shall adopt
13 rules governing the application, selection, and issuance procedure for
14 new sea urchin dive fishery licenses, based upon recommendations of (~~a~~
15 ~~board of~~) an advisory review board established under RCW 75.30.050 (as
16 recodified by this act).

17 **Sec. 68.** RCW 75.30.220 and 1993 c 340 s 42 are each amended to
18 read as follows:

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

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

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

3 **Sec. 69.** RCW 75.30.250 and 1998 c 190 s 105 are each amended to
4 read as follows:

5 (1) A person shall not commercially take while using shellfish
6 diver gear any species of sea cucumber without first obtaining a sea
7 cucumber dive fishery license.

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

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

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

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

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

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

1 (6) If fewer than fifty persons are eligible for sea cucumber dive
2 fishery licenses, the director may accept applications for new licenses
3 from those persons who can demonstrate two years' experience in the
4 Washington state sea cucumber dive fishery. The director shall
5 determine by random selection the successful applicants for the
6 additional licenses. The number of additional licenses issued shall be
7 sufficient to maintain up to fifty licenses in the sea cucumber dive
8 fishery. The director shall adopt rules governing the application,
9 selection, and issuance procedure for new sea cucumber dive fishery
10 licenses, based upon recommendations of (~~a board of~~) an advisory
11 review board established under RCW 75.30.050 (as recodified by this
12 act).

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

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

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

20 (a) Holds a herring fishery license issued under RCW 75.28.120 and
21 75.30.140 (as recodified by this act); and

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

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

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

32 (1) A person shall not harvest geoduck clams commercially without
33 a geoduck fishery license. This section does not apply to the harvest
34 of private sector cultured aquatic products as defined in RCW
35 15.85.020.

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

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

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

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

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

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

3 A person shall not commercially deliver into any Washington state
4 port ocean pink shrimp caught in offshore waters without an ocean pink
5 shrimp delivery license issued under RCW 75.28.730 (as recodified by
6 this act), or an ocean pink shrimp single delivery license issued under
7 RCW 75.30.320 (as recodified by this act). An ocean pink shrimp
8 delivery license shall be issued to a vessel that:

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

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

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

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

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

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

29 An applicant who can show historical participation under RCW
30 75.30.290(1) (as recodified by this act) but does not satisfy the
31 continuous participation requirement of RCW 75.30.290(2) (as recodified
32 by this act) shall be issued an ocean pink shrimp delivery license if:

33 (1) The owner can prove that the owner was in the process on
34 December 31, 1992, of constructing a vessel for the purpose of ocean
35 pink shrimp harvest. For purposes of this section, "construction"
36 means having the keel laid, and "for the purpose of ocean pink shrimp
37 harvest" means the vessel is designed as a trawl vessel. An ocean pink
38 shrimp delivery license issued to a vessel under construction is not

1 renewable after December 31, 1994, unless the vessel lands a total of
2 at least five thousand pounds of ocean pink shrimp into a Washington
3 state port before December 31, 1994; or

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

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

8 The owner of an ocean pink shrimp fishing vessel that does not
9 qualify for an ocean pink shrimp delivery license issued under RCW
10 75.28.730 (as recodified by this act) shall obtain an ocean pink shrimp
11 single delivery license in order to make a landing into a state port of
12 ocean pink shrimp taken in offshore waters. The director shall not
13 issue an ocean pink shrimp single delivery license unless, as
14 determined by the director, a bona fide emergency exists. A maximum of
15 six ocean pink shrimp single delivery licenses may be issued annually
16 to any vessel. (~~Unless adjusted by the director pursuant to the~~
17 ~~director's authority granted in RCW 75.28.065,~~) The fee for an ocean
18 pink shrimp single delivery license is one hundred dollars.

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

21 The director may reduce the landing requirements established under
22 RCW 75.30.290 (as recodified by this act) upon the recommendation of an
23 advisory review board established under RCW 75.30.050 (as recodified by
24 this act), but the director may not entirely waive the landing
25 requirement. The advisory review board may recommend a reduction of
26 the landing requirement in individual cases if in the advisory review
27 board's judgment, extenuating circumstances prevented achievement of
28 the landing requirement. The director shall adopt rules governing the
29 operation of the advisory review board and defining "extenuating
30 circumstances."

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

33 (1) A person shall not commercially fish for coastal crab in
34 Washington state waters without a Dungeness crab--coastal or a
35 Dungeness crab--coastal class B fishery license. Gear used must

1 consist of one buoy attached to each crab pot. Each crab pot must be
2 fished individually.

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

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

18 (i) Crab pot--Non-Puget Sound license, issued under RCW
19 75.28.130(1)(b) (as recodified by this act);

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (6) For purposes of this section and RCW 75.30.420 (as recodified
16 by this act), "coastal crab" means Dungeness crab (cancer magister)
17 taken in all Washington territorial and offshore waters south of the
18 United States-Canada boundary and west of the Bonilla-Tatoosh line (a
19 line from the western end of Cape Flattery to Tatoosh Island
20 lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight
21 line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay,
22 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
31 a person who designated a vessel in the 1994 coastal crab fishery and
32 who designated the same vessel in 1995.

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

35 A person commercially fishing for Dungeness crab in offshore waters
36 outside of Washington state jurisdiction shall obtain a Dungeness crab
37 offshore delivery license from the director if the person does not
38 possess a valid Dungeness crab-coastal fishery license or a valid

1 Dungeness crab-coastal class B fishery license and the person wishes to
2 land Dungeness crab into a place or a port in the state. The annual
3 fee for a Dungeness crab offshore delivery license is two hundred fifty
4 dollars. The director may specify restrictions on landings of offshore
5 Dungeness crab in Washington state as authorized in RCW 75.30.360 (as
6 recodified by this act).

7 Fees from the offshore Dungeness crab delivery license shall be
8 placed in the (~~coastal~~ ~~{coastal}~~) coastal crab account created in RCW
9 75.30.390 (as recodified by this act).

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

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

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

17 The coastal crab account is created in the custody of the state
18 treasurer. The account shall consist of revenues from fees from the
19 transfer of each Dungeness crab-coastal fishery license assessed under
20 RCW 75.28.011 (as recodified by this act), delivery fees assessed under
21 RCW 75.30.370 (as recodified by this act), and the license surcharge
22 under RCW 75.28.133 (as recodified by this act). Only the director or
23 the director's designee may authorize expenditures from the account.
24 The account is subject to allotment procedures under chapter 43.88 RCW
25 but no appropriation is required for expenditures. Funds may be used
26 for coastal crab management activities as provided in RCW 75.30.410 (as
27 recodified by this act).

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

30 (1) An Oregon resident who can show historical and continuous
31 participation in the Washington state coastal crab fishery by having
32 held a nonresident non-Puget Sound crab pot license issued under RCW
33 75.28.130 (as recodified by this act) each year from 1990 through 1994,
34 and who has delivered a minimum of eight landings totaling five
35 thousand pounds of crab into Oregon during any two of the four
36 qualifying seasons as provided in RCW 75.30.350(~~(+4)~~) (5) (as

1 recodified by this act) as evidenced by valid Oregon fish receiving
2 tickets, shall be issued a nonresident Dungeness crab-coastal fishery
3 license valid for fishing in Washington state waters north from the
4 Oregon-Washington boundary to United States latitude forty-six degrees
5 thirty minutes north. Such license shall be issued upon application
6 and submission of proof of delivery.

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

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

14 Except as provided under RCW 75.30.460 (as recodified by this act),
15 the director shall issue no new Dungeness crab-coastal fishery licenses
16 after December 31, 1995. A person may renew an existing license only
17 if the person held the license sought to be renewed during the previous
18 year or acquired the license by transfer from someone who held it
19 during the previous year, and if the person has not subsequently
20 transferred the license to another person. Where the person failed to
21 obtain the license during the previous year because of a license
22 suspension, the person may qualify for a license by establishing that
23 the person held such a license during the last year in which the
24 license was not suspended.

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

27 If fewer than one hundred seventy-five persons are eligible for
28 Dungeness crab-coastal fishery licenses, the director may accept
29 applications for new licenses. Additional licenses issued may maintain
30 a maximum of one hundred seventy-five licenses in the Washington
31 coastal crab fishery. If additional licenses are to be issued, the
32 director shall adopt rules governing the notification, application,
33 selection, and issuance procedures for new Dungeness crab-coastal
34 fishery licenses, based on recommendations of the advisory review board
35 established under RCW 75.30.050 (as recodified by this act).

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

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

18 **Sec. 84.** RCW 75.40.020 and 1995 1st sp.s. c 2 s 19 are each
19 amended to read as follows:

20 The commission may give to the state of Oregon such consent and
21 approbation of the state of Washington as is necessary under the
22 compact set out in RCW 75.40.010 (as recodified by this act). For the
23 purposes of RCW 75.40.010 (as recodified by this act), the states of
24 Washington and Oregon have concurrent jurisdiction in the concurrent
25 waters of the Columbia river (~~(as defined in RCW 75.08.011)~~).

26 **Sec. 85.** RCW 75.40.110 and 1994 c 148 s 2 are each amended to read
27 as follows:

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

35 **Sec. 86.** RCW 75.44.100 and 1985 c 7 s 150 are each amended to read
36 as follows:

1 As used in this chapter:

2 (1) "Case areas" means those areas of the Western district of
3 Washington and in the adjacent offshore waters which are within the
4 jurisdiction of the state of Washington, as defined in *United States of*
5 *America et al. v. State of Washington et al.*, Civil No. 9213, United
6 States District Court for Western District of Washington, February 12,
7 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as
8 amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an
9 area in which fishing rights are affected by court decision in a manner
10 consistent with the above-mentioned decisions;

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

13 **Sec. 87.** RCW 75.44.120 and 1983 1st ex.s. c 46 s 157 are each
14 amended to read as follows:

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

18 The director may specify a maximum price to be paid for a vessel,
19 gear, license, or delivery permit purchased under RCW 75.44.110 (as
20 recodified by this act). A license or delivery permit purchased under
21 RCW 75.44.110 (as recodified by this act) shall be permanently retired
22 by the department.

23 **Sec. 88.** RCW 75.44.130 and 1983 1st ex.s. c 46 s 158 are each
24 amended to read as follows:

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

1 **Sec. 89.** RCW 75.44.150 and 1983 1st ex.s. c 46 s 160 are each
2 amended to read as follows:

3 The director is responsible for the administration and disbursement
4 of all funds, goods, commodities, and services received by the state
5 under the program.

6 There is created within the state treasury a fund to be known as
7 the "vessel, gear, license, and permit reduction fund". This fund
8 shall be used for purchases under RCW 75.44.110 (as recodified by this
9 act) and for the administration of the program. This fund shall be
10 credited with federal or other funds received to carry out the purposes
11 of the program and the proceeds from the sale or other disposition of
12 property purchased under RCW 75.44.110 (as recodified by this act).

13 **Sec. 90.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read
14 as follows:

15 The definitions in this section apply throughout this chapter
16 unless the context clearly requires otherwise.

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

20 (2) "Critical pathways methodology" means a project scheduling and
21 management process for examining interactions between habitat projects
22 and salmonid species, prioritizing habitat projects, and assuring
23 positive benefits from habitat projects.

24 (3) "Habitat project list" is the list of projects resulting from
25 the critical pathways methodology under RCW 75.46.070(2) (as recodified
26 by this act). Each project on the list must have a written agreement
27 from the landowner on whose land the project will be implemented.
28 Projects include habitat restoration projects, habitat protection
29 projects, habitat projects that improve water quality, habitat projects
30 that protect water quality, habitat-related mitigation projects, and
31 habitat project maintenance and monitoring activities.

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

37 (5) "Limiting factors" means conditions that limit the ability of
38 habitat to fully sustain populations of salmon. These factors are

1 primarily fish passage barriers and degraded estuarine areas, riparian
2 corridors, stream channels, and wetlands.

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

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

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

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

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

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

19 **Sec. 91.** RCW 75.46.040 and 1998 c 246 s 5 are each amended to read
20 as follows:

21 (1) The salmon recovery office is created within the office of the
22 governor to coordinate state strategy to allow for salmon recovery to
23 healthy sustainable population levels with productive commercial and
24 recreational fisheries. The primary purpose of the office is to
25 coordinate and assist in the development of salmon recovery plans for
26 evolutionarily significant units, and submit those plans to the
27 appropriate tribal governments and federal agencies in response to the
28 federal endangered species act. The governor's salmon recovery office
29 may also:

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

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

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

1 **Sec. 92.** RCW 75.46.050 and 1998 c 246 s 6 are each amended to read
2 as follows:

3 (1) The governor shall request the national academy of sciences,
4 the American fisheries society, or a comparable institution to screen
5 candidates to serve as members on the independent science panel. The
6 institution that conducts the screening of the candidates shall submit
7 a list of the nine most qualified candidates to the governor, the
8 speaker of the house of representatives, and the majority leader of the
9 senate. The candidates shall reflect expertise in habitat requirements
10 of salmon, protection and restoration of salmon populations, artificial
11 propagation of salmon, hydrology, or geomorphology.

12 (2) The speaker of the house of representatives and the majority
13 leader in the senate shall each remove one name from the nomination
14 list. The governor shall consult with tribal representatives and the
15 governor shall appoint five scientists from the remaining names on the
16 nomination list.

17 (3) The members of the independent science panel shall serve four-
18 year terms. The independent science panel members shall elect the
19 chair of the panel among themselves every two years. The members of
20 the independent science panel shall be compensated as provided in RCW
21 43.03.250 and reimbursed for travel expenses in accordance with RCW
22 43.03.050 and 43.03.060.

23 (4) The independent science panel shall be governed by generally
24 accepted guidelines and practices governing the activities of
25 independent science boards such as the national academy of sciences.
26 The purpose of the independent science panel is to help ensure that
27 sound science is used in salmon recovery efforts. The governor's
28 salmon recovery office shall request review of salmon recovery plans by
29 the science review panel. The science review panel does not have the
30 authority to review individual projects or project lists developed
31 under RCW 75.46.060, 75.46.070, and 75.46.080 (as recodified by this
32 act) or to make policy decisions.

33 (5) The independent science panel shall submit its findings to the
34 legislature and the governor.

35 **Sec. 93.** RCW 75.46.070 and 1998 c 246 s 8 are each amended to read
36 as follows:

37 (1) Critical pathways methodology shall be used to develop a
38 habitat project list and a habitat work schedule that ensures salmon

1 restoration activities will be prioritized and implemented in a logical
2 sequential manner that produces habitat capable of sustaining healthy
3 populations of salmon.

4 (2) The critical pathways methodology shall:

5 (a) Include a limiting factors analysis for salmon in streams,
6 rivers, tributaries, estuaries, and subbasins in the region. The
7 technical advisory group shall have responsibility for the limiting
8 factors analysis;

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

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

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

21 (3) The habitat work list shall include all projects developed
22 pursuant to subsection (2) of this section as well as any other salmon
23 habitat restoration project implemented in the region. The work list
24 shall also include the start date, duration, estimated date of
25 completion, estimated cost, and, if appropriate, the affected salmonid
26 species of each project. Each schedule shall be updated on an annual
27 basis to depict new activities.

28 **Sec. 94.** RCW 75.46.080 and 1998 c 246 s 9 are each amended to read
29 as follows:

30 (1) Representatives from the conservation commission, the
31 department of transportation, and the department of fish and wildlife
32 shall establish an interagency review team. Except as provided in
33 subsection (6) of this section, habitat restoration project lists shall
34 be submitted to the interagency review team by January 1st and July 1st
35 of each year beginning in 1999.

36 (2) If no lead entity has been formed under RCW 75.46.060 (as
37 recodified by this act), the interagency review team shall rank,

1 prioritize, and dispense funds for habitat restoration projects by
2 giving preference to the projects that:

- 3 (a) Provide a greater benefit to salmon recovery;
- 4 (b) Will be implemented in a more critical area;
- 5 (c) Are the most cost-effective;
- 6 (d) Have the greatest matched, or in-kind funding; and
- 7 (e) Will be implemented by a sponsor with a successful record of
8 project implementation.

9 (3) If a lead entity established under RCW 75.46.060 (as recodified
10 by this act) has been formed, the interagency review team shall
11 evaluate project lists and may remove, but not add, projects from a
12 habitat project list.

13 (4) The interagency review team shall provide a summary of funding
14 for habitat restoration project lists to the governor and to the
15 legislature by December 1st of each year.

16 (5) The interagency review team may annually establish a maximum
17 amount of funding available for any individual project, subject to
18 available funding. The interagency review team shall attempt to assure
19 a geographical balance in assigning priorities to projects.

20 (6) For fiscal year 1998, the department of fish and wildlife, the
21 conservation commission, and the department of transportation may
22 authorize, subject to appropriations, expenditures for projects that
23 have been developed to restore salmon habitat before completion of the
24 project lists required in RCW 75.46.060(2) (as recodified by this act).

25 (7) Where a lead entity has been established pursuant to RCW
26 75.46.060 (as recodified by this act), the interagency review team may
27 provide block grants to the lead entity, subject to available funding.

28 **Sec. 95.** RCW 75.46.090 and 1998 c 246 s 10 are each amended to
29 read as follows:

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

34 (2) For state personnel, involvement on the technical advisory
35 group shall be at the discretion of the particular agency. Unless
36 specifically provided for in the budget, technical assistance
37 participants shall be provided from existing full-time equivalent
38 employees.

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

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

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

12 **Sec. 96.** RCW 75.46.110 and 1998 c 246 s 12 are each amended to
13 read as follows:

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

18 **Sec. 97.** RCW 75.46.120 and 1998 c 246 s 16 are each amended to
19 read as follows:

20 (1) The departments of transportation, fish and wildlife, and
21 ecology, and tribes shall convene a work group to develop policy
22 guidance to evaluate mitigation alternatives. The policy guidance
23 shall be designed to enable committees established under RCW 75.46.060
24 (as recodified by this act) to develop and implement habitat project
25 lists that maximize environmental benefits from project mitigation
26 while reducing project design and permitting costs. The work group
27 shall seek technical assistance to ensure that federal, state, treaty
28 right, and local environmental laws and ordinances are met. The
29 purpose of this section is not to increase regulatory requirements or
30 expand departmental authority.

31 (2) The work group shall develop guidance for determining
32 alternative mitigation opportunities. Such guidance shall include
33 criteria and procedures for identifying and evaluating mitigation
34 opportunities within a watershed. Such guidance shall create
35 procedures that provide alternative mitigation that has a low risk to
36 the environment, yet has high net environmental, social, and economic
37 benefits compared to status quo options.

1 (3) The evaluation shall include:

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

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

8 (4) Committees established under RCW 75.46.060 (as recodified by
9 this act) shall coordinate voluntary collaborative efforts between
10 habitat project proponents and mitigation project proponents.
11 Mitigation funds may be used to implement projects identified by a work
12 plan to mitigate for the impacts of a transportation or other
13 development proposal or project.

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

16 **Sec. 98.** RCW 75.46.130 and 1998 c 246 s 17 are each amended to
17 read as follows:

18 Only those funds appropriated for the habitat restoration projects
19 under this chapter are subject to the requirements of RCW 75.46.080 (as
20 recodified by this act).

21 **Sec. 99.** RCW 75.48.100 and 1983 1st ex.s. c 46 s 170 are each
22 amended to read as follows:

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

29 **Sec. 100.** RCW 75.50.080 and 1997 c 389 s 5 are each amended to
30 read as follows:

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

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

35 (2) Maximize volunteer efforts and private donations to improve the
36 salmon and steelhead resources for all citizens;

1 (3) Assist the department in achieving the goal to double the
2 state-wide salmon and steelhead catch by the year 2000; and

3 (4) Develop projects designed to supplement the fishery enhancement
4 capability of the department.

5 **Sec. 101.** RCW 75.50.100 and 1998 c 245 s 155 and 1998 c 191 s 27
6 are each reenacted and amended to read as follows:

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

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

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

27 **Sec. 102.** RCW 75.50.105 and 1997 c 389 s 2 are each amended to
28 read as follows:

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

34 **Sec. 103.** RCW 75.50.110 and 1995 1st sp.s. c 2 s 40 and 1995 c 367
35 s 5 are each reenacted and amended to read as follows:

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

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

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

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

31 **Sec. 104.** RCW 75.50.115 and 1998 c 96 s 1 are each amended to read
32 as follows:

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

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

36 (b) Develop a training and technical assistance services plan in
37 order to provide timely, topical technical assistance and training
38 services to regional fisheries enhancement groups. The plan shall be

1 provided to the director and to the senate and house of representatives
2 natural resources committees no later than October 1, 1995, and shall
3 be updated not less than every year. The advisory board shall provide
4 ample opportunity for the public and interested parties to participate
5 in the development of the plan. The plan shall include but is not
6 limited to:

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

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

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

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

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

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

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

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

32 (b) Promote community and governmental partnerships that enhance
33 the salmon resource and habitat;

34 (c) Promote environmental ethics and watershed stewardship;

35 (d) Advocate for watershed management and restoration;

36 (e) Coordinate regional fisheries enhancement group workshops and
37 training;

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

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

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

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

- 7 (i) Federal funds;
- 8 (ii) State funds;
- 9 (iii) Local funds; and
- 10 (iv) Private donations.

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

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

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

26 **Sec. 105.** RCW 75.50.160 and 1997 c 389 s 6 are each amended to
27 read as follows:

28 The department and the department of transportation shall convene
29 a fish passage barrier removal task force. The task force shall
30 consist of one representative each from the department, the department
31 of transportation, the department of ecology, tribes, cities, counties,
32 a business organization, an environmental organization, regional
33 fisheries enhancement groups, and other interested entities as deemed
34 appropriate by the cochairs. The persons representing the department
35 and the department of transportation shall serve as cochairs of the
36 task force and shall appoint members to the task force. The task force
37 shall make recommendations to expand the program in RCW 75.50.170 (as
38 recodified by this act) to identify and expedite the removal of human-

1 made or caused impediments to anadromous fish passage in the most
2 efficient manner practical. Program recommendations shall include a
3 funding mechanism and other necessary mechanisms to coordinate and
4 prioritize state, tribal, local, and volunteer efforts within each
5 water resource inventory area. A priority shall be given to projects
6 that immediately increase access to available and improved spawning and
7 rearing habitat for depressed, threatened, and endangered stocks. The
8 department or the department of transportation may contract with cities
9 and counties to assist in the identification and removal of impediments
10 to anadromous fish passage.

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

16 **Sec. 106.** RCW 75.52.020 and 1993 sp.s. c 2 s 50 are each amended
17 to read as follows:

18 Unless the context clearly requires otherwise, the definitions in
19 this section apply throughout this chapter.

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

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

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

31 **Sec. 107.** RCW 75.52.050 and 1995 1st sp.s. c 2 s 42 are each
32 amended to read as follows:

33 The commission shall establish by rule:

34 (1) The procedure for entering a cooperative agreement and the
35 application forms for a permit to release fish or wildlife required by
36 RCW 75.08.295 ~~((or 77.16.150))~~ (as recodified by this act). The
37 procedure shall indicate the information required from the volunteer

1 group as well as the process of review by the department. The process
2 of review shall include the means to coordinate with other agencies and
3 Indian tribes when appropriate and to coordinate the review of any
4 necessary hydraulic permit approval applications.

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

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

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

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

35 **Sec. 108.** RCW 75.52.070 and 1984 c 72 s 7 are each amended to read
36 as follows:

37 (1) The volunteer group shall:

1 (a) Provide care and diligence in conducting the cooperative
2 project; and

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

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

10 **Sec. 109.** RCW 75.52.100 and 1993 sp.s. c 2 s 52 are each amended
11 to read as follows:

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

18 **Sec. 110.** RCW 75.52.110 and 1998 c 245 s 156 are each amended to
19 read as follows:

20 The department shall chair a technical committee, which shall
21 review the preparation of enhancement plans and construction designs
22 for a Cedar river sockeye spawning channel. The technical committee
23 shall consist of not more than eight members: One representative each
24 from the department, national marine fisheries service, United States
25 fish and wildlife service, and Muckleshoot Indian tribe; and four
26 representatives from the public utility described in RCW 75.52.130 (as
27 recodified by this act). The technical committee will be guided by a
28 policy committee, also to be chaired by the department, which shall
29 consist of not more than six members: One representative from the
30 department, one from the Muckleshoot Indian tribe, and one from either
31 the national marine fisheries service or the United States fish and
32 wildlife service; and three representatives from the public utility
33 described in RCW 75.52.130 (as recodified by this act). The policy
34 committee shall oversee the operation and evaluation of the spawning
35 channel. The policy committee will continue its oversight until the
36 policy committee concludes that the channel is meeting the production
37 goals specified in RCW 75.52.120 (as recodified by this act).

1 **Sec. 111.** RCW 75.52.130 and 1989 c 85 s 6 are each amended to read
2 as follows:

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

13 **Sec. 112.** RCW 75.52.140 and 1989 c 85 s 7 are each amended to read
14 as follows:

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

24 **Sec. 113.** RCW 75.52.160 and 1993 sp.s. c 2 s 54 are each amended
25 to read as follows:

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

30 **Sec. 114.** RCW 75.54.140 and 1998 c 191 s 28 are each amended to
31 read as follows:

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

1 **Sec. 115.** RCW 75.54.150 and 1993 sp.s. c 2 s 98 are each amended
2 to read as follows:

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

8 **Sec. 116.** RCW 75.56.050 and 1998 c 60 s 2 are each amended to read
9 as follows:

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

24 (2) A management board consisting of fifteen voting members is
25 created within evolutionarily significant unit 4. The members shall
26 consist of one county commissioner or designee from each of the five
27 participating counties selected by each county legislative authority;
28 one member representing the cities contained within evolutionarily
29 significant unit 4 as a voting member selected by the cities in
30 evolutionarily significant unit 4; a representative of the Cowlitz
31 Tribe appointed by the tribe; one state legislator elected from one of
32 the legislative districts contained within evolutionarily significant
33 unit 4 selected by that group of state legislators representing the
34 area; five representatives to include at least one member who
35 represents private property interests appointed by the five county
36 commissioners or designees; one hydro utility representative nominated
37 by hydro utilities and appointed by the five county commissioners or
38 designees; and one representative nominated from the environmental

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

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

26 (b) The management board is responsible for implementing the
27 habitat portions of the local government responsibilities of the lower
28 Columbia steelhead conservation initiative approved by the state and
29 the national marine fisheries service. The management board may work
30 in cooperation with the state and the national marine fisheries service
31 to modify the initiative, or to address habitat for other aquatic
32 species that may be subsequently listed under the federal endangered
33 species act. The management board may not exercise authority over land
34 or water within the individual counties or otherwise preempt the
35 authority of any units of local government.

36 (c) The management board shall prioritize as appropriate and
37 approve projects and programs related to the recovery of lower Columbia
38 river steelhead runs, including the funding of those projects and
39 programs, and coordinate local government efforts as prescribed in the

1 recovery plan. The management board shall establish criteria for
2 funding projects and programs based upon their likely value in
3 steelhead recovery. The management board may consider local economic
4 impact among the criteria, but jurisdictional boundaries and factors
5 related to jurisdictional population may not be considered as part of
6 the criteria.

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

13 (4) The management board has the authority to hire and fire staff,
14 including an executive director, enter into contracts, accept grants
15 and other moneys, disburse funds, make recommendations to cities and
16 counties about potential code changes and the development of programs
17 and incentives upon request, pay all necessary expenses, and may choose
18 a fiduciary agent. The management board shall report on its progress
19 on a quarterly basis to the legislative bodies of the five
20 participating counties and the state natural resource-related agencies.

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

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

27 **Sec. 117.** RCW 75.58.010 and 1998 c 190 s 110 are each amended to
28 read as follows:

29 (1) The director of agriculture and the director shall jointly
30 develop a program of disease inspection and control for aquatic farmers
31 as defined in RCW 15.85.020. The program shall be administered by the
32 department under rules established under this section. The purpose of
33 the program is to protect the aquaculture industry and wildstock
34 fisheries from a loss of productivity due to aquatic diseases or
35 maladies. As used in this section "diseases" means, in addition to its
36 ordinary meaning, infestations of parasites or pests. The disease
37 program may include, but is not limited to, the following elements:

38 (a) Disease diagnosis;

- 1 (b) Import and transfer requirements;
- 2 (c) Provision for certification of stocks;
- 3 (d) Classification of diseases by severity;
- 4 (e) Provision for treatment of selected high-risk diseases;
- 5 (f) Provision for containment and eradication of high-risk
- 6 diseases;
- 7 (g) Provision for destruction of diseased cultured aquatic
- 8 products;
- 9 (h) Provision for quarantine of diseased cultured aquatic products;
- 10 (i) Provision for coordination with state and federal agencies;
- 11 (j) Provision for development of preventative or control measures;
- 12 (k) Provision for cooperative consultation service to aquatic
- 13 farmers; and
- 14 (l) Provision for disease history records.

15 (2) The commission shall adopt rules implementing this section.

16 However, such rules shall have the prior approval of the director of

17 agriculture and shall provide therein that the director of agriculture

18 has provided such approval. The director of agriculture or the

19 director's designee shall attend the rule-making hearings conducted

20 under chapter 34.05 RCW and shall assist in conducting those hearings.

21 The authorities granted the department by these rules and by RCW

22 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030,

23 and 75.58.040 (as recodified by this act) constitute the only

24 authorities of the department to regulate private sector cultured

25 aquatic products and aquatic farmers as defined in RCW 15.85.020.

26 Except as provided in subsection (3) of this section, no action may be

27 taken against any person to enforce these rules unless the department

28 has first provided the person an opportunity for a hearing. In such a

29 case, if the hearing is requested, no enforcement action may be taken

30 before the conclusion of that hearing.

31 (3) The rules adopted under this section shall specify the

32 emergency enforcement actions that may be taken by the department, and

33 the circumstances under which they may be taken, without first

34 providing the affected party with an opportunity for a hearing.

35 Neither the provisions of this subsection nor the provisions of

36 subsection (2) of this section shall preclude the department from

37 requesting the initiation of criminal proceedings for violations of the

38 disease inspection and control rules.

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

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

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

11 **Sec. 118.** RCW 75.58.020 and 1993 sp.s. c 2 s 56 are each amended
12 to read as follows:

13 The directors of agriculture and fish and wildlife shall jointly
14 adopt by rule, in the manner prescribed in RCW 75.58.010(2) (as
15 recodified by this act), a schedule of user fees for the disease
16 inspection and control program established under RCW 75.58.010 (as
17 recodified by this act). The fees shall be established such that the
18 program shall be entirely funded by revenues derived from the user fees
19 by the beginning of the 1987-89 biennium.

20 There is established in the state treasury an account known as the
21 aquaculture disease control account which is subject to appropriation.
22 Proceeds of fees charged under this section shall be deposited in the
23 account. Moneys from the account shall be used solely for
24 administering the disease inspection and control program established
25 under RCW 75.58.010 (as recodified by this act).

26 **Sec. 119.** RCW 75.58.030 and 1993 sp.s. c 2 s 57 are each amended
27 to read as follows:

28 (1) The director shall consult regarding the disease inspection and
29 control program established under RCW 75.58.010 (as recodified by this
30 act) with federal agencies and Indian tribes to assure protection of
31 state, federal, and tribal aquatic resources and to protect private
32 sector cultured aquatic products from disease that could originate from
33 waters or facilities managed by those agencies.

34 (2) With regard to the program, the director may enter into
35 contracts or interagency agreements for diagnostic field services with
36 government agencies and institutions of higher education and private
37 industry.

1 (3) The director shall provide for the creation and distribution of
2 a roster of biologists having a (~~speciality~~ [~~specialty~~]) specialty in
3 the diagnosis or treatment of diseases of fish or shellfish. The
4 director shall adopt rules specifying the qualifications which a person
5 must have in order to be placed on the roster.

6 **Repealed Sections**

7 NEW SECTION. **Sec. 120.** The following acts or parts of acts are
8 each repealed:

9 (1) RCW 75.08.010 (Fisheries Code) and 1983 1st ex.s. c 46 s 2 &
10 1955 c 12 s 75.08.010;

11 (2) RCW 75.08.011 (Definitions) and 1998 c 190 s 70, 1996 c 267 s
12 2, 1995 1st sp.s. c 2 s 6, & 1994 c 255 s 2;

13 (3) RCW 75.08.014 (Authority of director to administer department--
14 Qualifications of director) and 1995 1st sp.s. c 2 s 22, 1993 sp.s. c
15 2 s 21, 1983 1st ex.s. c 46 s 6, & 1953 c 207 s 10;

16 (4) RCW 75.08.035 (Senior environmental corps--Department powers
17 and duties) and 1993 sp.s. c 2 s 22 & 1992 c 63 s 11;

18 (5) RCW 75.08.274 (Taking food fish for propagation or scientific
19 purposes--Permit required) and 1998 c 190 s 72, 1995 1st sp.s. c 2 s
20 15, 1983 1st ex.s. c 46 s 28, 1971 c 35 s 1, & 1955 c 12 s 75.16.010;

21 (6) RCW 75.10.070 (Service of summons and forfeiture if unable to
22 prosecute violator) and 1983 1st ex.s. c 46 s 38 & 1955 c 12 s
23 75.36.030;

24 (7) RCW 75.10.160 (Enforcement of watercraft registration and
25 boating safety education) and 1989 c 393 s 16;

26 (8) RCW 75.25.090 (Personal use fishing licenses--Fees) and 1993 c
27 215 s 1, 1989 c 305 s 5, & 1987 c 87 s 1;

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

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

33 (11) RCW 75.28.012 (Licensing districts--Created) and 1993 c 20 s
34 3, 1983 1st ex.s. c 46 s 102, 1971 ex.s. c 283 s 2, & 1957 c 171 s 1;

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

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

3 **Recodified Sections**

4 NEW SECTION. **Sec. 121.** RCW 75.08.012, 75.08.013, 75.08.020,
5 75.08.090, and 75.08.110 are each recodified as sections in chapter
6 77.04 RCW.

7 NEW SECTION. **Sec. 122.** RCW 75.08.025, 75.08.040, 75.08.045,
8 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120,
9 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255,
10 75.08.265, 75.08.285, 75.08.295, and 75.08.300 are each recodified as
11 sections in chapter 77.12 RCW.

12 NEW SECTION. **Sec. 123.** RCW 75.12.010, 75.12.015, 75.12.040,
13 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390,
14 75.12.440, and 75.12.650 are each recodified as sections in a new
15 chapter in Title 77 RCW.

16 NEW SECTION. **Sec. 124.** RCW 75.20.005, 75.20.015, 75.20.025,
17 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098,
18 75.20.100, 75.20.1001, 75.20.103, 75.20.104, 75.20.1041, 75.20.106,
19 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160,
20 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325,
21 75.20.330, 75.20.340, 75.20.350, and 77.12.830 are each recodified as
22 sections in a new chapter added to Title 77 RCW.

23 NEW SECTION. **Sec. 125.** RCW 75.24.010, 75.24.030, 75.24.060,
24 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120,
25 75.24.130, 75.24.140, and 75.24.150 are each recodified as sections in
26 a new chapter in Title 77 RCW.

27 NEW SECTION. **Sec. 126.** RCW 75.28.010, 75.28.011, 75.28.014,
28 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044,
29 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095,
30 75.28.110, 75.28.113, 75.28.116, 75.28.120, 75.28.125, 75.28.130,
31 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295, 75.28.300,
32 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328, 75.28.340,

1 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730, 75.28.740,
2 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900, 77.32.191,
3 77.32.197, 77.32.199, and 77.32.211 are each recodified as sections in
4 a new chapter in Title 77 RCW.

5 NEW SECTION. **Sec. 127.** RCW 75.30.015, 75.30.021, 75.30.050,
6 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120,
7 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210,
8 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270,
9 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330,
10 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410,
11 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470, and
12 75.30.480 are each recodified as sections in a new chapter in Title 77
13 RCW.

14 NEW SECTION. **Sec. 128.** A new chapter is added to Title 77 RCW and
15 is named "Compacts and other agreements." The following sections are
16 recodified under the following subchapter headings:

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

18 RCW 75.40.010; and

19 RCW 75.40.020.

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

21 RCW 75.40.030; and

22 RCW 75.40.040.

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

24 RCW 75.40.100; and

25 RCW 75.40.110.

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

27 RCW 77.17.010;

28 RCW 77.17.020; and

29 RCW 77.17.030.

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

31 RCW 77.12.450;

32 RCW 77.12.470;

33 RCW 77.12.480; and

34 RCW 77.12.490.

35 (6) "Miscellaneous" as follows:

36 RCW 75.40.060;

37 RCW 77.12.430; and

1 RCW 77.12.440.

2 NEW SECTION. **Sec. 129.** RCW 75.44.100, 75.44.110, 75.44.120,
3 75.44.130, 75.44.140, and 75.44.150 are each recodified as sections in
4 a new chapter in Title 77 RCW.

5 NEW SECTION. **Sec. 130.** RCW 75.46.005, 75.46.010, 75.46.020,
6 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080,
7 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.130, 75.56.050, and
8 75.46.900 are each recodified as sections in a new chapter in Title 77
9 RCW.

10 NEW SECTION. **Sec. 131.** RCW 75.48.020, 75.48.040, 75.48.050,
11 75.48.060, 75.48.070, 75.48.080, 75.48.100, and 75.48.110 are each
12 recodified as sections in a new chapter in Title 77 RCW.

13 NEW SECTION. **Sec. 132.** RCW 75.50.010, 75.50.020, 75.50.030,
14 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100,
15 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150,
16 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245,
17 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450,
18 75.08.500, 75.08.510, 75.08.520, 75.08.530, and 75.50.900 are each
19 recodified as sections in a new chapter in Title 77 RCW.

20 NEW SECTION. **Sec. 133.** RCW 75.52.010, 75.52.020, 75.52.030,
21 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047,
22 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140,
23 75.52.150, 75.52.160, and 75.52.900 are each recodified as sections in
24 a new chapter in Title 77 RCW.

25 NEW SECTION. **Sec. 134.** RCW 75.54.005, 75.54.010, 75.54.020,
26 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080,
27 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140,
28 75.54.150, 75.54.900, and 75.54.901 are each recodified as sections in
29 a new chapter in Title 77 RCW.

30 NEW SECTION. **Sec. 135.** RCW 75.56.010, 75.56.020, 75.56.030,
31 75.56.040, 75.56.900, and 75.56.905 are each recodified as sections in
32 a new chapter in Title 77 RCW.

1 NEW SECTION. **Sec. 136.** RCW 75.58.010, 75.58.020, 75.58.030, and
2 75.58.040 are each recodified as sections in a new chapter in Title 77
3 RCW.

4 NEW SECTION. **Sec. 137.** RCW 75.25.092 is recodified as a new
5 section in chapter 77.32 RCW.

6 NEW SECTION. **Sec. 138.** RCW 75.10.150 is recodified as a new
7 section in chapter 77.15 RCW.

8 NEW SECTION. **Sec. 139.** RCW 75.25.901, 75.25.902, 75.30.055,
9 75.98.005, 75.98.006, 75.98.007, and 75.98.030 are each decodified.

10 **PART II**
11 **TITLE 77**
12 **Amendments**

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

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

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

19 The department consists of the state fish and wildlife commission
20 and the director. (~~The director is responsible for the administration~~
21 ~~and operation of the department, subject to the provisions of this~~
22 ~~title.)) The commission may delegate to the director any of the powers
23 and duties vested in the commission. (~~The director shall perform the~~
24 ~~duties prescribed by law and shall carry out the basic goals and~~
25 ~~objectives prescribed under RCW 77.04.055.))~~~~

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

28 The fish and wildlife commission consists of nine registered voters
29 of the state. In January of each odd-numbered year, the governor shall
30 appoint with the advice and consent of the senate two registered voters
31 to the commission to serve for terms of six years from that January or
32 until their successors are appointed and qualified. If a vacancy

1 occurs on the commission prior to the expiration of a term, the
2 governor shall appoint a registered voter within sixty days to complete
3 the term. Three members shall be residents of that portion of the
4 state lying east of the summit of the Cascade mountains, and three
5 shall be residents of that portion of the state lying west of the
6 summit of the Cascade mountains. Three additional members shall be
7 appointed at-large (~~effective July 1, 1993; one of whom shall serve a~~
8 ~~one and one-half year term to end December 31, 1994; one of whom shall~~
9 ~~serve a three and one-half year term to end December 31, 1996; and one~~
10 ~~of whom shall serve a five and one-half year term to end December 31,~~
11 ~~1998. Thereafter all members are to serve a six-year term)). No two
12 members may be residents of the same county. The legal office of the
13 commission is at the administrative office of the department in
14 Olympia.~~

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

17 (1) In establishing policies to preserve, protect, and perpetuate
18 wildlife, fish, and wildlife and fish habitat, the commission shall
19 meet annually with the governor to:

20 (a) Review and prescribe basic goals and objectives related to
21 those policies; and

22 (b) Review the performance of the department in implementing fish
23 and wildlife policies.

24 The commission shall maximize fishing, hunting, and outdoor
25 recreational opportunities compatible with healthy and diverse fish and
26 wildlife populations.

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

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

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

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

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

1 (7) The commission shall select its own staff and shall appoint the
2 director of the department. The director and commission staff shall
3 serve at the pleasure of the commission.

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

6 Persons eligible for appointment as director shall have practical
7 knowledge of the habits and distribution of fish and wildlife. The
8 director shall supervise the administration and operation of the
9 department and perform the duties prescribed by law and delegated by
10 the commission. The director shall carry out the basic goals and
11 objectives prescribed under RCW 77.04.055. The director may appoint
12 and employ necessary personnel. The director may delegate, in writing,
13 to department personnel the duties and powers necessary for efficient
14 operation and administration of the department.

15 Only persons having general knowledge of the fisheries and wildlife
16 resources and of the commercial and recreational fishing industry in
17 this state are eligible for appointment as director. The director
18 shall not have a financial interest in the fishing industry or a
19 directly related industry. The director shall receive the salary fixed
20 by the governor under RCW 43.03.040.

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

23 ~~((The director may appoint and employ necessary departmental~~
24 ~~personnel. The director may delegate to department personnel the~~
25 ~~duties and powers necessary for efficient operation and administration~~
26 ~~of the department.))~~

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

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

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

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

- 1 (1) "Director" means the director of fish and wildlife.
- 2 (2) "Department" means the department of fish and wildlife.
- 3 (3) "Commission" means the state fish and wildlife commission.
- 4 (4) "Person" means and includes an individual((τ)); a
5 corporation((τ)); a public or private entity or organization; a local,
6 state, or federal agency; all business organizations, including
7 corporations and partnerships; or a group of two or more individuals
8 acting with a common purpose whether acting in an individual,
9 representative, or official capacity.
- 10 (5) "Fish and wildlife officer" means a person appointed and
11 commissioned by the director, with authority to enforce laws and rules
12 adopted pursuant to this title, and other statutes as prescribed by the
13 legislature. Fish and wildlife officer includes a person commissioned
14 before June 11, 1998, as a wildlife agent or a fisheries patrol
15 officer.
- 16 (6) "Ex officio fish and wildlife officer" means a commissioned
17 officer of a municipal, county, state, or federal agency having as its
18 primary function the enforcement of criminal laws in general, while the
19 officer is in the appropriate jurisdiction. The term "ex officio fish
20 and wildlife officer" includes special agents of the national marine
21 fisheries service, state parks commissioned officers, United States
22 fish and wildlife special agents, department of natural resources
23 enforcement officers, and United States forest service officers, while
24 the agents and officers are within their respective jurisdictions.
- 25 (7) "To hunt" and its derivatives means an effort to kill, injure,
26 capture, or harass a wild animal or wild bird.
- 27 (8) "To trap" and its derivatives means a method of hunting using
28 devices to capture wild animals or wild birds.
- 29 (9) "To fish," "to harvest," and "to take," and ((~~its~~)) their
30 derivatives means an effort to kill, injure, harass, or catch a fish or
31 shellfish.
- 32 (10) "Open season" means those times, manners of taking, and places
33 or waters established by rule of the commission for the lawful hunting,
34 fishing, taking, or possession of game animals, game birds, ((~~or~~)) game
35 fish, food fish, or shellfish that conform to the special restrictions
36 or physical descriptions established by rule of the commission or that
37 have otherwise been deemed legal to hunt, fish, take, or possess by
38 rule of the commission. "Open season" includes the first and last days
39 of the established time.

1 (11) "Closed season" means all times, manners of taking, and places
2 or waters other than those established by rule of the commission as an
3 open season. "Closed season" also means all hunting, fishing, taking,
4 or possession of game animals, game birds, or game fish that do not
5 conform to the special restrictions or physical descriptions
6 established by rule of the commission as an open season or that have
7 not otherwise been deemed legal to hunt, fish, take, or possess by rule
8 of the commission as an open season.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (40) "Shellfish" means those species of marine and freshwater
15 invertebrates that have been classified and that shall not be taken
16 except as authorized by rule of the commission. The term "shellfish"
17 includes all stages of development and the bodily parts of shellfish
18 species.

19 (41) "Commercial" means related to or connected with buying,
20 selling, or bartering. Fishing for food fish or shellfish with gear
21 unlawful for fishing for personal use, or possessing food fish or
22 shellfish in excess of the limits permitted for personal use are
23 commercial activities.

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

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

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

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

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

37 (47) "Seaweed" means marine aquatic plant species that are
38 dependent upon the marine aquatic or tidal environment, and exist in
39 either an attached or free floating form, and includes but is not

1 limited to marine aquatic plants in the classes Chlorophyta,
2 Phaeophyta, and Rhodophyta.

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

5 "Food fish" means those species of the classes Osteichthyes,
6 Agnatha, and Chondrichthyes that have been classified and that shall
7 not be fished for except as authorized by rule of the commission. The
8 term "food fish" includes all stages of development and the bodily
9 parts of food fish species.

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

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

14	Scientific Name	Common Name
15	<i>Oncorhynchus tshawytscha</i>	Chinook salmon
16	<i>Oncorhynchus kisutch</i>	Coho salmon
17	<i>Oncorhynchus keta</i>	Chum salmon
18	<i>Oncorhynchus gorbuscha</i>	Pink salmon
19	<i>Oncorhynchus nerka</i>	Sockeye salmon

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

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

27 The commission shall not adopt rules that categorically prohibit
28 fishing with bait or artificial lures in streams, rivers, beaver ponds,
29 and lakes except that the commission may adopt rules and regulations
30 restricting fishing methods upon a determination by the director that
31 an individual body of water or part thereof clearly requires a fishing
32 method prohibition to conserve or enhance the fisheries resource or to
33 provide selected fishing alternatives. ~~((The commission shall attempt
34 to maximize the public recreational fishing opportunities of all
35 citizens, particularly juvenile, handicapped, and senior citizens.~~

1 ~~Nothing contained herein shall be construed to infringe on the~~
2 ~~right of a private property owner to control the owner's private~~
3 ~~property.)~~)

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

6 The ((department)) commission shall protect grizzly bears and
7 develop management programs on publicly owned lands that will encourage
8 the natural regeneration of grizzly bears in areas with suitable
9 habitat. Grizzly bears shall not be transplanted or introduced into
10 the state. Only grizzly bears that are native to Washington state may
11 be utilized by the department for management programs. The department
12 is directed to fully participate in all discussions and negotiations
13 with federal and state agencies relating to grizzly bear management and
14 shall fully communicate, support, and implement the policies of this
15 section.

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

18 (1) Fish and wildlife officers and ex officio fish and wildlife
19 officers shall enforce this title, ((Title 75 RCW,)) rules of the
20 department, and other statutes as prescribed by the legislature.
21 However, when acting within the scope of these duties and when an
22 offense occurs in the presence of the fish and wildlife officer who is
23 not an ex officio fish and wildlife officer, the fish and wildlife
24 officer may enforce all criminal laws of the state. The fish and
25 wildlife officer must have successfully completed the basic law
26 enforcement academy course sponsored by the criminal justice training
27 commission, or a course approved by the department and the criminal
28 justice training commission and provided by the department or the
29 criminal justice training commission, prior to enforcing the criminal
30 laws of the state.

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

32 (3) Any liability or claim of liability under chapter 4.92 RCW that
33 arises out of the exercise or alleged exercise of authority by a fish
34 and wildlife officer rests with the department unless the fish and
35 wildlife officer acts under the direction and control of another agency
36 or unless the liability is otherwise assumed under an agreement between
37 the department and another agency.

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

3 (5) Fish and wildlife officers may enforce RCW 79.01.805 and
4 79.01.810.

5 (6) Fish and wildlife officers are authorized to enforce all
6 provisions of chapter 88.02 RCW and any rules adopted under that
7 chapter, and the provisions of RCW 43.51.400 and any rules adopted
8 under that section.

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

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

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

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

19 Fish and wildlife officers and ex officio fish and wildlife
20 officers may make a reasonable search without warrant of a vessel,
21 container, or conveyances, vehicles, packages, (~~game baskets, game~~
22 ~~coats,~~) or other receptacles for fish and wildlife (~~, or tents, camps,~~
23 ~~or similar places~~) which they have reason to believe contain evidence
24 of a violation of law or rules adopted pursuant to this title (~~or~~
25 ~~Title 75 RCW~~) and seize evidence as needed for law enforcement. This
26 authority does not extend to quarters in a boat, building, or other
27 property used exclusively as a private domicile, does not extend to
28 transitory residences in which a person has a reasonable expectation of
29 privacy, and does not allow search and seizure without a warrant if the
30 thing or place is protected from search without warrant within the
31 meaning of Article I, section 7 of the state Constitution. Seizure of
32 property as evidence of a crime does not preclude seizure of the
33 property ((if authorized)) for forfeiture as authorized by law.

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

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

4 (2) An authorized state, county, or municipal officer may be
5 subject to civil liability under RCW 77.12.101 (as recodified by this
6 act) for willful misconduct or gross negligence in the performance of
7 his or her duties.

8 (3) The director, the fish and wildlife commission, or the
9 department may be subject to civil liability for their willful or
10 reckless misconduct in matters involving the seizure and forfeiture of
11 personal property involved with fish or wildlife offenses.

12 **Sec. 216.** RCW 77.12.200 and 1987 c 506 s 28 are each amended to
13 read as follows:

14 The commission may authorize the director to acquire by gift,
15 purchase, lease, or condemnation lands, buildings, waters, water
16 rights, rights of way, or other necessary property for purposes
17 consistent with this title, together with rights of way for access to
18 the property so acquired. Except to clear title and acquire access
19 rights of way, the power of condemnation may be exercised by the
20 director only when an appropriation has been made by the legislature
21 for the acquisition of a specific property.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **Sec. 221.** RCW 77.12.315 and 1987 c 506 s 40 are each amended to
26 read as follows:

27 If the director determines that a severe problem exists in an area
28 of the state because deer and elk are being pursued, harassed, attacked
29 or killed by dogs, the director may declare by emergency rule that an
30 emergency exists and specify the area where it is lawful for fish and
31 wildlife (~~agents~~) officers to take into custody or destroy the dogs
32 if necessary. Fish and wildlife (~~agents~~) officers who take into
33 custody or destroy a dog pursuant to this section are immune from civil
34 or criminal liability arising from their actions.

35 **Sec. 222.** RCW 77.12.470 and 1980 c 78 s 63 are each amended to
36 read as follows:

1 To enforce RCW 77.12.480 and 77.12.490 (as recodified by this act),
2 courts in the counties contiguous to the boundary waters, fish and
3 wildlife (~~((agents))~~) officers, and ex officio fish and wildlife
4 (~~((agents))~~) officers have jurisdiction over the boundary waters to the
5 furthestmost shoreline. This jurisdiction is concurrent with the courts
6 and law enforcement officers of Idaho.

7 **Sec. 223.** RCW 77.12.480 and 1980 c 78 s 64 are each amended to
8 read as follows:

9 The taking of wildlife from the boundary waters or islands of the
10 Snake river shall be in accordance with the wildlife laws of the
11 respective states. Fish and wildlife (~~((agents))~~) officers and ex
12 officio fish and wildlife (~~((agents))~~) officers shall honor the license
13 of either state and the right of the holder to take wildlife from the
14 boundary waters and islands in accordance with the laws of the state
15 issuing the license.

16 **Sec. 224.** RCW 77.12.490 and 1980 c 78 s 65 are each amended to
17 read as follows:

18 The purpose of RCW 77.12.450 through 77.12.490 (as recodified by
19 this act) is to avoid the conflict, confusion, and difficulty of
20 locating the state boundary in or on the boundary waters and islands of
21 the Snake river. These sections do not allow the holder of a
22 Washington license to fish or hunt on the shoreline, sloughs, or
23 tributaries on the Idaho side, nor allow the holder of an Idaho license
24 to fish or hunt on the shoreline, sloughs, or tributaries on the
25 Washington side.

26 **Sec. 225.** RCW 77.12.610 and 1982 c 155 s 1 are each amended to
27 read as follows:

28 The purposes of RCW 77.12.610 through 77.12.630 (~~((and 77.16.610))~~)
29 are to facilitate the department's gathering of biological data for
30 managing wildlife resources of this state and to protect wildlife
31 resources by assuring compliance with Title 77 RCW, and rules adopted
32 thereunder, in a manner designed to minimize inconvenience to the
33 public.

34 **Sec. 226.** RCW 77.12.620 and 1982 c 155 s 2 are each amended to
35 read as follows:

1 The department is authorized to require hunters and fishermen
2 occupying a motor vehicle approaching or entering a check station to
3 stop and produce for inspection: (1) Any wildlife in their possession;
4 (2) licenses, permits, tags, stamps, or (~~punchcards~~) catch record
5 cards, required under Title 77 RCW, or rules adopted thereunder. For
6 these purposes, the department is authorized to operate check stations
7 which shall be plainly marked by signs, operated by at least one
8 uniformed fish and wildlife (~~agent~~) officer, and operated in a safe
9 manner.

10 **Sec. 227.** RCW 77.12.630 and 1982 c 155 s 4 are each amended to
11 read as follows:

12 The powers conferred by RCW 77.12.610 through 77.12.630 (~~and~~
13 ~~77.16.610~~) are in addition to all other powers conferred by law upon
14 the department. Nothing in RCW 77.12.610 through 77.12.630 (~~and~~
15 ~~77.16.610~~) shall be construed to prohibit the department from
16 operating wildlife information stations at which persons shall not be
17 required to stop and report, or from executing arrests, searches, or
18 seizures otherwise authorized by law.

19 **Sec. 228.** RCW 77.12.830 and 1997 c 425 s 3 are each amended to
20 read as follows:

21 (1) Beginning in January 1998, the department of fish and wildlife
22 and the department of natural resources shall implement a habitat
23 incentives program based on the recommendations of federally recognized
24 Indian tribes, landowners, the regional fisheries enhancement groups,
25 the timber, fish, and wildlife cooperators, and other interested
26 parties. The program shall allow a private landowner to enter into an
27 agreement with the departments to enhance habitat on the landowner's
28 property for food fish, game fish, or other wildlife species. In
29 exchange, the landowner shall receive state regulatory certainty with
30 regard to future applications for hydraulic project approval or a
31 forest practices permit on the property covered by the agreement. The
32 overall goal of the program is to provide a mechanism that facilitates
33 habitat development on private property while avoiding an adverse state
34 regulatory impact to the landowner at some future date. A single
35 agreement between the departments and a landowner may encompass up to
36 one thousand acres. A landowner may enter into multiple agreements
37 with the departments, provided that the total acreage covered by such

1 agreements with a single landowner does not exceed ten thousand acres.
2 The departments are not obligated to enter into an agreement unless the
3 departments find that the agreement is in the best interest of
4 protecting fish or wildlife species or their habitat.

5 (2) A habitat incentives agreement shall be in writing and shall
6 contain at least the following: A description of the property covered
7 by the agreement, an expiration date, a description of the condition of
8 the property prior to the implementation of the agreement, and other
9 information needed by the landowner and the departments for future
10 reference and decisions.

11 (3) As part of the agreement, the department of fish and wildlife
12 may stipulate the factors that will be considered when the department
13 evaluates a landowner's application for hydraulic project approval
14 under RCW 75.20.100 or 75.20.103 (as recodified by this act) on
15 property covered by the agreement. The department's identification of
16 these evaluation factors shall be in concurrence with the department of
17 natural resources and affected federally recognized Indian tribes. In
18 general, future decisions related to the issuance, conditioning, or
19 denial of hydraulic project approval shall be based on the conditions
20 present on the landowner's property at the time of the agreement,
21 unless all parties agree otherwise.

22 (4) As part of the agreement, the department of natural resources
23 may stipulate the factors that will be considered when the department
24 evaluates a landowner's application for a forest practices permit under
25 chapter 76.09 RCW on property covered by the agreement. The
26 department's identification of these evaluation factors shall be in
27 concurrence with the department of fish and wildlife and affected
28 federally recognized Indian tribes. In general, future decisions
29 related to the issuance, conditioning, or denial of forest practices
30 permits shall be based on the conditions present on the landowner's
31 property at the time of the agreement, unless all parties agree
32 otherwise.

33 (5) The agreement is binding on and may be used by only the
34 landowner who entered into the agreement with the department. The
35 agreement shall not be appurtenant with the land. However, if a new
36 landowner chooses to maintain the habitat enhancement efforts on the
37 property, the new landowner and the departments may jointly choose to
38 retain the agreement on the property.

1 (6) If the departments receive multiple requests for agreements
2 with private landowners under the habitat incentives program, the
3 departments shall prioritize these requests and shall enter into as
4 many agreements as possible within available budgetary resources.

5 **Sec. 229.** RCW 77.15.070 and 1998 c 190 s 69 are each amended to
6 read as follows:

7 (1) Fish and wildlife officers and ex officio fish and wildlife
8 officers may seize without warrant boats, airplanes, vehicles, gear,
9 appliances, or other articles they have probable cause to believe have
10 been used in violation of this chapter. However, fish and wildlife
11 officers or ex officio fish and wildlife officers may not seize any
12 item or article, other than for evidence, if under the circumstances,
13 it is reasonable to conclude that the violation was inadvertent. The
14 property seized is subject to forfeiture to the state under this
15 section regardless of ownership. Property seized may be recovered by
16 its owner by depositing into court a cash bond equal to the value of
17 the seized property but not more than twenty-five thousand dollars.
18 Such cash bond is subject to forfeiture in lieu of the property.
19 Forfeiture of property seized under this section is a civil forfeiture
20 against property and is intended to be a remedial civil sanction.

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

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

37 (4) If any person timely serves the director with a claim to
38 property, the person shall be afforded an opportunity to be heard as to

1 the person's claim or right. The hearing shall be before the director
2 or director's designee, or before an administrative law judge appointed
3 under chapter 34.12 RCW, except that a person asserting a claim or
4 right may remove the matter to a court of competent jurisdiction if the
5 aggregate value of the property seized is more than five thousand
6 dollars.

7 (5) The hearing to contest forfeiture and any subsequent appeal
8 shall be as provided for in Title 34 RCW. The seizing authority has
9 the burden to demonstrate that it had reason to believe the property
10 was held with intent to violate or was used in violation of this title
11 or rule of the commission or director. The person contesting
12 forfeiture has the burden of production and proof by a preponderance of
13 evidence that the person owns or has a right to possess the property
14 and:

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

17 (b) If the property is a boat, airplane, or vehicle, that the
18 illegal use or planned illegal use of the boat, airplane, or vehicle
19 occurred without the owner's knowledge or consent, and that the owner
20 acted reasonably to prevent illegal uses of such boat, airplane, or
21 vehicle.

22 (6) A forfeiture of a conveyance encumbered by a perfected security
23 interest is subject to the interest of the secured party if the secured
24 party neither had knowledge (~~(of)~~) of nor consented to the act or
25 omission. No security interest in seized property may be perfected
26 after seizure.

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

33 **Sec. 230.** RCW 77.15.080 and 1998 c 190 s 113 are each amended to
34 read as follows:

35 Based upon articulable facts that a person is engaged in fishing or
36 hunting activities, fish and wildlife officers have the authority to
37 temporarily stop the person and check for valid licenses, tags,
38 permits, stamps, or catch record cards, and to inspect all fish and

1 wildlife in possession as well as the equipment being used to ensure
2 compliance with the requirements of this title (~~and Title 75 RCW~~).

3 **Sec. 231.** RCW 77.15.090 and 1998 c 190 s 117 are each amended to
4 read as follows:

5 On a showing of probable cause that there has been a violation of
6 any fish or wildlife law of the state of Washington, or upon a showing
7 of probable cause to believe that evidence of such violation may be
8 found at a place, a court shall issue a search warrant or arrest
9 warrant. Fish and wildlife officers may execute any such arrest or
10 search warrant reasonably necessary to their duties under this title
11 (~~or Title 75 RCW~~) and may seize fish and wildlife or any evidence of
12 a crime and the fruits or instrumentalities of a crime as provided by
13 warrant. The court may have a building, enclosure, vehicle, vessel,
14 container, or receptacle opened or entered and the contents examined.

15 **Sec. 232.** RCW 77.15.100 and 1998 c 190 s 63 are each amended to
16 read as follows:

17 (1) Unless otherwise provided in this title (~~or Title 75 RCW~~),
18 fish, shellfish, or wildlife unlawfully taken or possessed, or involved
19 in a violation shall be forfeited to the state upon conviction. Unless
20 already held by, sold, destroyed, or disposed of by the department, the
21 court shall order such fish or wildlife to be delivered to the
22 department. Where delay will cause loss to the value of the property
23 and a ready wholesale buying market exists, the department may sell
24 property to a wholesale buyer at a fair market value.

25 (2) (~~The department may use, sell, or destroy any other~~) When
26 seized property is forfeited (~~by the court or~~) to the department, the
27 department may retain it for official use unless the property is
28 required to be destroyed, or upon application by any law enforcement
29 agency of the state, release the property to the agency for the use of
30 enforcing this title, or sell such property and deposit the proceeds
31 into the state wildlife fund established under RCW 77.12.170. Any sale
32 of other property shall be at public auction or after public
33 advertisement reasonably designed to obtain the highest price. The
34 time, place, and manner of holding the sale shall be determined by the
35 director. The director may contract for the sale to be through the
36 department of general administration as state surplus property, or,
37 except where not justifiable by the value of the property, the director

1 shall publish notice of the sale once a week for at least two
2 consecutive weeks before the sale in at least one newspaper of general
3 circulation in the county in which the sale is to be held. ((Proceeds
4 of the sale shall be deposited in the state treasury to be credited to
5 the state wildlife fund.))

6 **Sec. 233.** RCW 77.15.120 and 1998 c 190 s 13 are each amended to
7 read as follows:

8 (1) A person is guilty of unlawful taking of endangered fish or
9 wildlife in the second degree if the person hunts, fishes, possesses,
10 maliciously harasses or kills fish or wildlife, or maliciously destroys
11 the nests or eggs of fish or wildlife and the fish or wildlife is
12 designated by the commission as endangered, and the taking has not been
13 authorized by rule of the commission.

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

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

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

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

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

28 **Sec. 234.** RCW 77.15.160 and 1998 c 190 s 17 are each amended to
29 read as follows:

30 A person is guilty of an infraction, which shall be cited and
31 punished as provided under chapter 7.84 RCW, if the person:

32 (1) Fails to immediately record a catch of fish or shellfish on a
33 catch record card required by RCW ((75.25.190 or 77.32.050)) 77.32.430,
34 or required by rule of the commission under this title ((or Title 75
35 RCW)); or

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

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

3 NEW SECTION. **Sec. 235.** A new section is added to chapter 77.15
4 RCW to read as follows:

5 Any person who is damaged by any act prohibited in RCW 77.15.210
6 may bring a civil action to enjoin further violations, and recover
7 damages sustained, including a reasonable attorneys' fee. The trial
8 court may increase the award of damages to an amount not to exceed
9 three times the damages sustained. A party seeking civil damages under
10 this section may recover upon proof of a violation by a preponderance
11 of the evidence. The state of Washington may bring a civil action to
12 enjoin violations of this section.

13 **Sec. 236.** RCW 77.15.300 and 1998 c 190 s 52 are each amended to
14 read as follows:

15 (1) A person is guilty of unlawfully undertaking hydraulic project
16 activities if the person constructs any form of hydraulic project or
17 performs other work on a hydraulic project and:

18 (a) Fails to have a hydraulic project approval required under
19 chapter 75.20 RCW (as recodified by this act) for such construction or
20 work; or

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

23 (2) Unlawfully undertaking hydraulic project activities is a gross
24 misdemeanor.

25 **Sec. 237.** RCW 77.15.310 and 1998 c 190 s 53 are each amended to
26 read as follows:

27 (1) A person is guilty of unlawful failure to use or maintain an
28 approved fish guard on a diversion device if the person owns, controls,
29 or operates a device used for diverting or conducting water from a
30 lake, river, or stream and:

31 (a) The device is not equipped with a fish guard, screen, or bypass
32 approved by the director as required by RCW 75.20.040 (~~or 77.16.220~~)
33 (as recodified by this act); or

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

1 (2) Unlawful failure to use or maintain an approved fish guard,
2 screen, or bypass on a diversion device is a gross misdemeanor.
3 Following written notification to the person from the department that
4 there is a violation, each day that a diversion device is operated
5 without an approved or maintained fish guard, screen, or bypass is a
6 separate offense.

7 **Sec. 238.** RCW 77.15.320 and 1998 c 190 s 54 are each amended to
8 read as follows:

9 (1) A person is guilty of unlawful failure to provide, maintain, or
10 operate a fishway for dam or other obstruction if the person owns,
11 operates, or controls a dam or other obstruction to fish passage on a
12 river or stream and:

13 (a) The dam or obstruction is not provided with a durable and
14 efficient fishway approved by the director as required by RCW 75.20.060
15 (as recodified by this act);

16 (b) Fails to maintain a fishway in efficient operating condition;
17 or

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

20 (2) Unlawful failure to provide, maintain, or operate a fishway for
21 dam or other obstruction is a gross misdemeanor. Following written
22 notification to the person from the department that there is a
23 violation, each day of unlawful failure to provide, maintain, or
24 operate a fishway is a separate offense.

25 **Sec. 239.** RCW 77.15.350 and 1998 c 190 s 58 are each amended to
26 read as follows:

27 (1) A person is guilty of violating a rule regarding inspection and
28 disease control of aquatic farms if the person:

29 (a) Violates any rule adopted under chapter 75.58 RCW (as
30 recodified by this act) regarding the inspection and disease control
31 program for an aquatic farm; or

32 (b) Fails to register or report production from an aquatic farm as
33 required by chapter 75.58 RCW (as recodified by this act).

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

1 **Sec. 240.** RCW 77.15.360 and 1998 c 190 s 61 are each amended to
2 read as follows:

3 (1) A person is guilty of unlawful interfering in department
4 operations if the person prevents department employees from carrying
5 out duties authorized by this title (~~(or Title 75 RCW)~~), including but
6 not limited to interfering in the operation of department vehicles,
7 vessels, or aircraft.

8 (2) Unlawful interfering in department operations is a gross
9 misdemeanor.

10 **Sec. 241.** RCW 77.15.380 and 1998 c 190 s 18 are each amended to
11 read as follows:

12 (1) A person is guilty of unlawful recreational fishing in the
13 second degree if the person fishes for, takes, possesses, or harvests
14 fish or shellfish and:

15 (a) The person does not have and possess the license or the catch
16 record card required by chapter 75.25 (as recodified by this act) or
17 77.32 RCW for such activity; or

18 (b) The action violates any rule of the commission or the director
19 regarding seasons, bag or possession limits but less than two times the
20 bag or possession limit, closed areas, closed times, or any other rule
21 addressing the manner or method of fishing or possession of fish,
22 except for use of a net to take fish as provided for in RCW 77.15.580.

23 (2) Unlawful recreational fishing in the second degree is a
24 misdemeanor.

25 **Sec. 242.** RCW 77.15.390 and 1998 c 190 s 20 are each amended to
26 read as follows:

27 (1) A person is guilty of unlawful taking of seaweed if the person
28 takes, possesses, or harvests seaweed and:

29 (a) The person does not have and possess the license required by
30 chapter 75.25 RCW (as recodified by this act) for taking seaweed; or

31 (b) The action violates any rule of the department or the
32 department of natural resources regarding seasons, possession limits,
33 closed areas, closed times, or any other rule addressing the manner or
34 method of taking, possessing, or harvesting of seaweed.

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

1 **Sec. 243.** RCW 77.15.470 and 1998 c 190 s 29 are each amended to
2 read as follows:

3 (1) A person is guilty of unlawfully avoiding wildlife check
4 stations or field inspections if the person fails to:

5 (a) Obey check station signs;

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

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

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

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

16 **Sec. 244.** RCW 77.15.480 and 1980 c 78 s 27 are each amended to
17 read as follows:

18 Articles or devices unlawfully used, possessed, or maintained for
19 catching, taking, killing, attracting, or decoying wildlife are public
20 nuisances. If necessary, fish and wildlife (~~agents~~) officers and ex
21 officio fish and wildlife (~~agents~~) officers may seize, abate, or
22 destroy these public nuisances without warrant or process.

23 **Sec. 245.** RCW 77.15.500 and 1998 c 190 s 35 are each amended to
24 read as follows:

25 (1) A person is guilty of commercial fishing without a license in
26 the second degree if the person fishes for, takes, or delivers food
27 fish, shellfish, or game fish while acting for commercial purposes and:

28 (a) The person does not hold a fishery license or delivery license
29 under chapter 75.28 RCW (as recodified by this act) for the food fish
30 or shellfish; or

31 (b) The person is not a licensed operator designated as an
32 alternate operator on a fishery or delivery license under chapter 75.28
33 RCW (as recodified by this act) for the food fish or shellfish.

34 (2) A person is guilty of commercial fishing without a license in
35 the first degree if the person commits the act described by subsection
36 (1) of this section and:

1 (a) The violation involves taking, delivery, or possession of food
2 fish or shellfish with a value of two hundred fifty dollars or more; or

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

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

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

10 **Sec. 246.** RCW 77.15.530 and 1998 c 190 s 38 are each amended to
11 read as follows:

12 (1) A person who holds a fishery license required by chapter 75.28
13 RCW (as recodified by this act), or who holds an operator's license and
14 is designated as an alternate operator on a fishery license required by
15 chapter 75.28 RCW (as recodified by this act), is guilty of unlawful
16 use of a nondesignated vessel if the person takes, fishes for, or
17 delivers from that fishery using a vessel not designated on the
18 person's license, when vessel designation is required by chapter 75.28
19 RCW (as recodified by this act).

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

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

25 (4) If the person commits the act described by subsection (1) of
26 this section and the vessel designated on the person's fishery license
27 was used by any person in the fishery on the same day, then the
28 violation for using a nondesignated vessel is a class C felony. Upon
29 conviction the department shall order revocation and suspension of all
30 commercial fishing privileges under chapter 75.28 RCW (as recodified by
31 this act) for a period of one year.

32 **Sec. 247.** RCW 77.15.540 and 1998 c 190 s 39 are each amended to
33 read as follows:

34 (1) A person who holds a fishery license required by chapter 75.28
35 RCW (as recodified by this act), or who holds an operator's license and
36 is designated as an alternate operator on a fishery license required by

1 chapter 75.28 RCW (as recodified by this act), is guilty of unlawful
2 use of a commercial fishery license if the person:

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

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

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

9 **Sec. 248.** RCW 77.15.570 and 1998 c 190 s 49 are each amended to
10 read as follows:

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

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

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

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

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

36 (4) For the purposes of this section:

37 (a) "Treaty Indian fisherman" means a person who may exercise
38 treaty Indian fishing rights as determined under *United States v.*

1 Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohapp v. Smith,
2 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those
3 courts;

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

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

11 (5) A violation of this section constitutes illegal fishing and is
12 subject to the suspensions provided for commercial fishing violations.

13 **Sec. 249.** RCW 77.15.580 and 1998 c 190 s 50 are each amended to
14 read as follows:

15 (1) A person is guilty of unlawful use of a net to take fish in the
16 second degree if the person:

17 (a) Lays, sets, uses, or controls a net or other device or
18 equipment capable of taking fish from the waters of this state, except
19 if the person has a valid license for such fishing gear from the
20 director under this title and is acting in accordance with all rules of
21 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) Commits the act described by subsection (1) of this section;
27 and

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

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

36 (b) Unlawful use of a net to take fish in the first degree is a
37 class C felony. Upon conviction, the department shall order a one-year

1 suspension of all commercial fishing privileges requiring a license
2 under this title (~~or Title 75 RCW~~)).

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

5 **Sec. 250.** RCW 77.15.620 and 1998 c 190 s 43 are each amended to
6 read as follows:

7 (1) A person is guilty of engaging in fish dealing activity without
8 a license in the second degree if the person:

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

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

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

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

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

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

36 **Sec. 251.** RCW 77.15.630 and 1998 c 190 s 44 are each amended to
37 read as follows:

1 (1) A person who holds a fish dealer's license required by RCW
2 75.28.300 (as recodified by this act), an anadromous game fish buyer's
3 license required by RCW 77.32.211 (as recodified by this act), or a
4 fish buyer's license required by RCW 75.28.340 (as recodified by this
5 act) is guilty of unlawful use of fish buying and dealing licenses in
6 the second degree if the person:

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

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

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

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

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

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

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

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

27 **Sec. 252.** RCW 77.15.640 and 1998 c 190 s 45 are each amended to
28 read as follows:

29 (1) A person who holds a wholesale fish dealer's license required
30 by RCW 75.28.300 (as recodified by this act), an anadromous game fish
31 buyer's license required by RCW 77.32.211 (as recodified by this act),
32 or a fish buyer's license required by RCW 75.28.340 (as recodified by
33 this act) is guilty of violating rules governing wholesale fish buying
34 and dealing if the person:

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

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

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

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

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

7 **Sec. 253.** RCW 77.15.650 and 1998 c 190 s 59 are each amended to
8 read as follows:

9 (1) A person is guilty of unlawful purchase or use of a license in
10 the second degree if the person buys, holds, uses, displays, transfers,
11 or obtains any license, tag, permit, or approval required by this title
12 (~~or Title 75 RCW~~) and the person:

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

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

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

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

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

25 (2) A person is guilty of unlawful purchase or use of a license in
26 the first degree if the person commits the act described by subsection
27 (1) of this section and the person was acting with intent that the
28 license, permit, tag, or approval be used for any commercial purpose.
29 A person is presumed to be acting with such intent if the violation
30 involved obtaining, holding, displaying, or using a license or permit
31 for participation in any commercial fishery issued under this title
32 (~~or Title 75 RCW~~) or a license authorizing fish or wildlife buying,
33 trafficking, or wholesaling.

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

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

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

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

14 **Sec. 254.** RCW 77.16.020 and 1998 c 190 s 119 are each amended to
15 read as follows:

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

20 **Sec. 255.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read
21 as follows:

22 (1) Notwithstanding the provisions of RCW 77.12.240 ((and
23 77.12.265)) or other provisions of law, it is unlawful to take, hunt,
24 or attract black bear with the aid of bait.

25 (a) Nothing in this subsection shall be construed to prohibit the
26 killing of black bear with the aid of bait by employees or agents of
27 county, state, or federal agencies while acting in their official
28 capacities for the purpose of protecting livestock, domestic animals,
29 private property, or the public safety.

30 (b) Nothing in this subsection shall be construed to prevent the
31 establishment and operation of feeding stations for black bear in order
32 to prevent damage to commercial timberland.

33 (c) Nothing in this subsection shall be construed to prohibit the
34 director from issuing a permit or memorandum of understanding to a
35 public agency, university, or scientific or educational institution for
36 the use of bait to attract black bear for scientific purposes.

1 (d) As used in this subsection, "bait" means a substance placed,
2 exposed, deposited, distributed, scattered, or otherwise used for the
3 purpose of attracting black bears to an area where one or more persons
4 hunt or intend to hunt them.

5 (2) Notwithstanding RCW 77.12.240 or any other provisions of law,
6 it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx
7 with the aid of a dog or dogs.

8 (a) Nothing in this subsection shall be construed to prohibit the
9 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or
10 dogs by employees or agents of county, state, or federal agencies while
11 acting in their official capacities for the purpose of protecting
12 livestock, domestic animals, private property, or the public safety.
13 A dog or dogs may be used by the owner or tenant of real property
14 consistent with a permit issued and conditioned by the director ((under
15 ~~RCW 77.12.265~~)).

16 (b) Nothing in this subsection shall be construed to prohibit the
17 director from issuing a permit or memorandum of understanding to a
18 public agency, university, or scientific or educational institution for
19 the use of a dog or dogs for the pursuit of black bear, cougar, bobcat,
20 or lynx for scientific purposes.

21 (3) A person who violates subsection (1) or (2) of this section is
22 guilty of a gross misdemeanor. In addition to appropriate criminal
23 penalties, the director shall revoke the hunting license of a person
24 who violates subsection (1) or (2) of this section and a hunting
25 license shall not be issued for a period of five years following the
26 revocation. Following a subsequent violation of subsection (1) or (2)
27 of this section by the same person, a hunting license shall not be
28 issued to the person at any time.

29 **Sec. 256.** RCW 77.17.020 and 1994 c 264 s 56 are each amended to
30 read as follows:

31 For purposes of Article VII of RCW 77.17.010 (as recodified by this
32 act), the term "licensing authority," with reference to this state,
33 means the department. The director is authorized to appoint a compact
34 administrator.

35 **Sec. 257.** RCW 77.18.010 and 1993 sp.s. c 2 s 76 are each amended
36 to read as follows:

1 Unless the context clearly requires otherwise, the definitions in
2 this section apply throughout this chapter.

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

4 ~~(2))~~ "Contract" means an agreement setting at a minimum, price,
5 quantity of fish to be delivered, time of delivery, and fish health
6 requirements.

7 ~~((3))~~ (2) "Fish health requirements" means those site specific
8 fish health and genetic requirements actually used by the department of
9 fish and wildlife in fish stocking.

10 ~~((4))~~ (3) "Aquatic farmer" means a private sector person who
11 commercially farms and manages private sector cultured aquatic products
12 on the person's own land or on land in which the person has a present
13 right of possession.

14 ~~((5))~~ ~~"Person" means a natural person, corporation, trust, or other~~
15 ~~legal entity.)~~

16 (4) "Warm water game fish" includes the following species: Bass,
17 channel catfish, walleye, crappie, and other species as defined by the
18 department.

19 **Sec. 258.** RCW 77.21.090 and 1993 c 82 s 5 are each amended to read
20 as follows:

21 (1) Upon receipt of a report of failure to comply with the terms of
22 a citation from the licensing authority of a state that is a party to
23 the wildlife violator compact under RCW 77.17.010 (as recodified by
24 this act), the department shall suspend the violator's license
25 privileges under this title until satisfactory evidence of compliance
26 with the terms of the wildlife citation has been furnished by the
27 issuing state to the department. The department shall adopt by rule
28 procedures for the timely notification and administrative review of
29 such suspension of licensing privileges.

30 (2) Upon receipt of a report of a conviction from the licensing
31 authority of a state that is a party to the wildlife violator compact
32 under RCW 77.17.010 (as recodified by this act), the department shall
33 enter such conviction in its records and shall treat such conviction as
34 if it occurred in the state of Washington for the purposes of
35 suspension, revocation, or forfeiture of license privileges.

36 **Sec. 259.** RCW 77.32.014 and 1998 c 191 s 8 are each amended to
37 read as follows:

1 (1) Licenses, tags, and stamps issued pursuant to this chapter
2 shall be invalid for any period in which a person is certified by the
3 department of social and health services or a court of competent
4 jurisdiction as a person in noncompliance with a support order. Fish
5 and wildlife officers and ex officio fish and wildlife officers shall
6 enforce this section through checks of the department of licensing's
7 computer data base. A listing on the department of licensing's data
8 base that an individual's license is currently suspended pursuant to
9 RCW 46.20.291(~~(+7)~~) (8) shall be prima facie evidence that the
10 individual is in noncompliance with a support order. Presentation of
11 a written release issued by the department of social and health
12 services stating that the person is in compliance with an order shall
13 serve as prima facie proof of compliance with a support order.

14 (2) It is unlawful to purchase, obtain, or possess a license
15 required by this chapter during any period in which a license is
16 suspended.

17 **Sec. 260.** RCW 77.32.199 and 1987 c 372 s 4 are each amended to
18 read as follows:

19 The (~~commission~~) director may revoke the trapper's license of a
20 person placing unauthorized traps on private property and may remove
21 those traps.

22 **Sec. 261.** RCW 77.32.350 and 1998 c 191 s 25 are each amended to
23 read as follows:

24 In addition to a small game hunting license, a supplemental permit
25 or stamp is required to hunt for western Washington pheasant or
26 migratory birds.

27 (1) A western Washington pheasant permit is required to hunt for
28 pheasant in western Washington. Western Washington pheasant permits
29 must contain numbered spaces for recording the location and date of
30 harvest of each western Washington pheasant. (~~It is unlawful to
31 harvest a western Washington pheasant without immediately recording
32 this information on the permit.~~)

33 (2) The permit shall be available as a season option, a youth full
34 season option, or a three-day option. The fee for this permit is:

35 (a) For the resident and nonresident full season option, thirty-six
36 dollars;

37 (b) For the youth full season option, eighteen dollars;

1 (c) For the three-day option, twenty dollars.

2 (3) A migratory bird stamp affixed to a hunting license designated
3 by rule of the commission is required for all persons sixteen years of
4 age or older to hunt migratory birds. The fee for the stamp for
5 hunters is six dollars for residents and nonresidents. The fee for the
6 stamp for collectors is six dollars.

7 (4) The migratory bird stamp shall be validated by the signature of
8 the licensee written across the face of the stamp.

9 **Sec. 262.** RCW 77.32.380 and 1998 c 87 s 1 are each amended to read
10 as follows:

11 (1) Persons who enter upon or use clearly identified department
12 improved access facilities with a motor vehicle may be required to
13 display a current annual fish and wildlife lands vehicle use permit on
14 the motor vehicle while within or while using an improved access
15 facility. An "improved access facility" is a clearly identified area
16 specifically created for motor vehicle parking, and includes any boat
17 launch or boat ramp associated with the parking area, but does not
18 include the department parking facilities at the Gorge Concert Center
19 near George, Washington. The vehicle use permit is issued in the form
20 of a decal. One decal shall be issued at no charge with each annual
21 saltwater, freshwater, combination, small game hunting, big game
22 hunting, and trapping license issued by the department. The annual fee
23 for a fish and wildlife lands vehicle use permit, if purchased
24 separately, is ten dollars. A person to whom the department has issued
25 a decal or who has purchased a vehicle use permit separately may
26 purchase a decal from the department for each additional vehicle owned
27 by the person at a cost of five dollars per decal upon a showing of
28 proof to the department that the person owns the additional vehicle or
29 vehicles. Revenue derived from the sale of fish and wildlife lands
30 vehicle use permits shall be used solely for the stewardship and
31 maintenance of department improved access facilities. ((Revenue
32 derived from the sale of fish and wildlife lands vehicle use permits
33 shall be used solely for the stewardship and maintenance of department
34 improved access facilities.))

35 Youth groups may use department improved access facilities without
36 possessing a vehicle use permit when accompanied by a vehicle use
37 permit holder.

1 The department may accept contributions into the state wildlife
2 fund for the sound stewardship of fish and wildlife. Contributors
3 shall be known as "conservation patrons" and, for contributions of
4 twenty dollars or more, shall receive a fish and wildlife lands vehicle
5 use permit free of charge.

6 (2) The decal must be affixed in a permanent manner to the motor
7 vehicle before entering upon or using the motor vehicle on a department
8 improved access facility, and must be displayed on the rear window of
9 the motor vehicle, or, if the motor vehicle does not have a rear
10 window, on the rear of the motor vehicle.

11 (3) Failure to display the fish and wildlife lands vehicle use
12 permit if required by this section is an infraction under chapter 7.84
13 RCW, and department employees are authorized to issue a notice of
14 infraction to the registered owner of any motor vehicle entering upon
15 or using a department improved access facility without such a decal.
16 The penalty for failure to display or improper display of the decal is
17 sixty-six dollars.

18 **Sec. 263.** RCW 77.32.420 and 1998 c 191 s 4 are each amended to
19 read as follows:

20 ((1)) Recreational licenses are not transferable. Upon request
21 of a fish and wildlife officer, ex officio fish and wildlife officer,
22 or authorized fish and wildlife employee, a person digging for, fishing
23 for, or possessing shellfish, or seaweed or fishing for or possessing
24 food fish or game fish for personal use shall exhibit the required
25 recreational license and write his or her signature for comparison with
26 the signature on the license. Failure to comply with the request is
27 prima facie evidence that the person does not have a license or is not
28 the person named on the license.

29 ~~((2) The personal use shellfish and seaweed license shall be
30 visible on the licensee while harvesting shellfish or seaweed.))~~

31 **Repealed Sections**

32 NEW SECTION. **Sec. 264.** The following acts or parts of acts are
33 each repealed:

34 (1) RCW 77.08.070 ("Raffle" defined) and 1996 c 101 s 4;

35 (2) RCW 77.16.210 (Fishways to be provided and maintained) and 1980
36 c 78 s 88 & 1955 c 36 s 77.16.210;

1 (3) RCW 77.16.220 (Diversion of water--Screen, bypass required) and
2 1998 c 190 s 122, 1980 c 78 s 89, & 1955 c 36 s 77.16.220;

3 (4) RCW 77.16.290 (Law enforcement officers, exemption) and 1994
4 sp.s. c 7 s 444, 1980 c 78 s 95, & 1955 c 36 s 77.16.290;

5 (5) RCW 77.16.340 (Obstructing the taking of fish or wildlife--
6 Penalty--Defenses) and 1988 c 265 s 1;

7 (6) RCW 77.16.350 (Obstructing the taking of fish or wildlife--
8 Civil action) and 1988 c 265 s 2;

9 (7) RCW 77.21.020 (Revocation of hunting license for big game
10 violation--Subsequent issuance--Appeal) and 1998 c 191 s 35, 1987 c 506
11 s 70, 1980 c 78 s 124, & 1975 1st ex.s. c 6 s 1;

12 (8) RCW 77.21.030 (Revocation for shooting person or livestock--
13 Subsequent issuance) and 1998 c 191 s 36, 1987 c 506 s 71, 1980 c 78 s
14 123, & 1955 c 36 s 77.32.280;

15 (9) RCW 77.21.070 (Illegal killing or possession of wildlife--
16 Restitution to state--Amounts--Bail--License revoked) and 1997 c 226 s
17 2, 1989 c 11 s 28, 1987 c 506 s 74, 1986 c 318 s 1, 1984 c 258 s 336,
18 & 1983 1st ex.s. c 8 s 3;

19 (10) RCW 77.32.005 (Definitions) and 1998 c 191 s 6, 1989 c 305 s
20 17, 1980 c 78 s 102, 1961 c 94 s 1, & 1957 c 176 s 14;

21 (11) RCW 77.32.060 (Licenses, permits, tags, stamps, and raffle
22 tickets--Amount of fees to be retained by license dealers) and 1998 c
23 245 s 160, 1996 c 101 s 9, 1995 c 116 s 2, 1987 c 506 s 78, 1985 c 464
24 s 1, 1981 c 310 s 17, 1980 c 78 s 107, 1979 ex.s. c 3 s 3, 1970 ex.s.
25 c 29 s 2, 1957 c 176 s 2, & 1955 c 36 s 77.32.060; and

26 (12) RCW 77.44.020 (Species included in term "warm water game
27 fish") and 1996 c 222 s 2.

28 **Recodified Sections**

29 NEW SECTION. **Sec. 265.** RCW 77.04.100, 77.16.020, 77.16.095, and
30 77.21.080 are each recodified as sections in chapter 77.12 RCW.

31 NEW SECTION. **Sec. 266.** RCW 77.12.080, 77.12.090, 77.12.095,
32 77.12.101, 77.12.103, 77.16.070, 77.16.360, and 77.21.090 are each
33 recodified as sections in chapter 77.15 RCW.

1 NEW SECTION. **Sec. 267.** RCW 77.12.530, 77.12.770, 77.12.780,
2 77.16.010, and 77.16.170 are each recodified as sections in chapter
3 77.32 RCW.

4 NEW SECTION. **Sec. 268.** RCW 77.18.005, 77.18.010, 77.18.020, and
5 77.18.030 are recodified as sections in chapter 77.44 RCW."

6 **ESHB 2078 - S COMM AMD S2587.1**

7 By Committee on Natural Resources, Parks & Recreation

8 ADOPTED AS AMENDED (FLR 408) 4/15/99

9 On page 1, line 1 of the title, after "wildlife;" strike the
10 remainder of the title and insert "amending RCW 75.08.012, 75.08.020,
11 75.08.045, 75.08.055, 75.08.080, 75.08.206, 75.08.208, 75.08.230,
12 75.08.245, 75.10.150, 75.12.230, 75.20.061, 75.20.098, 75.20.100,
13 75.20.1001, 75.20.104, 75.20.1041, 75.20.106, 75.20.130, 75.20.320,
14 75.24.060, 75.24.065, 75.24.070, 75.24.100, 75.24.130, 75.25.092,
15 75.28.011, 75.28.020, 75.28.034, 75.28.042, 75.28.046, 75.28.047,
16 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.116,
17 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280,
18 75.28.290, 75.28.300, 75.28.323, 75.28.340, 75.28.730, 75.28.740,
19 75.28.760, 75.28.770, 75.28.780, 75.30.021, 75.30.050, 75.30.060,
20 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125,
21 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220,
22 75.30.250, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.320,
23 75.30.330, 75.30.350, 75.30.370, 75.30.380, 75.30.390, 75.30.420,
24 75.30.440, 75.30.460, 75.30.470, 75.40.020, 75.40.110, 75.44.100,
25 75.44.120, 75.44.130, 75.44.150, 75.46.010, 75.46.040, 75.46.050,
26 75.46.070, 75.46.080, 75.46.090, 75.46.110, 75.46.120, 75.46.130,
27 75.48.100, 75.50.080, 75.50.105, 75.50.115, 75.50.160, 75.52.020,
28 75.52.050, 75.52.070, 75.52.100, 75.52.110, 75.52.130, 75.52.140,
29 75.52.160, 75.54.140, 75.54.150, 75.56.050, 75.58.010, 75.58.020,
30 75.58.030, 77.04.010, 77.04.020, 77.04.030, 77.04.055, 77.04.080,
31 77.04.100, 77.08.010, 77.12.010, 77.12.035, 77.12.055, 77.12.080,
32 77.12.090, 77.12.103, 77.12.200, 77.12.204, 77.12.210, 77.12.220,
33 77.12.250, 77.12.315, 77.12.470, 77.12.480, 77.12.490, 77.12.610,
34 77.12.620, 77.12.630, 77.12.830, 77.15.070, 77.15.080, 77.15.090,
35 77.15.100, 77.15.120, 77.15.160, 77.15.300, 77.15.310, 77.15.320,
36 77.15.350, 77.15.360, 77.15.380, 77.15.390, 77.15.470, 77.15.480,

1 77.15.500, 77.15.530, 77.15.540, 77.15.570, 77.15.580, 77.15.620,
2 77.15.630, 77.15.640, 77.15.650, 77.16.020, 77.16.360, 77.17.020,
3 77.18.010, 77.21.090, 77.32.014, 77.32.199, 77.32.350, 77.32.380, and
4 77.32.420; reenacting and amending RCW 75.50.100 and 75.50.110; adding
5 new sections to chapter 77.04 RCW; adding new sections to chapter 77.08
6 RCW; adding new sections to chapter 77.12 RCW; adding new sections to
7 chapter 77.15 RCW; adding new sections to chapter 77.32 RCW; adding new
8 sections to chapter 77.44 RCW; adding new chapters to Title 77 RCW;
9 recodifying RCW 75.08.012, 75.08.013, 75.08.020, 75.08.090, 75.08.110,
10 75.08.025, 75.08.040, 75.08.045, 75.08.055, 75.08.058, 75.08.065,
11 75.08.070, 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208,
12 75.08.230, 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295,
13 75.08.300, 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140,
14 75.12.155, 75.12.210, 75.12.230, 75.12.390, 75.12.440, 75.12.650,
15 75.20.005, 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060,
16 75.20.061, 75.20.090, 75.20.098, 75.20.100, 75.20.1001, 75.20.103,
17 75.20.104, 75.20.1041, 75.20.106, 75.20.108, 75.20.110, 75.20.130,
18 75.20.140, 75.20.150, 75.20.160, 75.20.170, 75.20.180, 75.20.190,
19 75.20.310, 75.20.320, 75.20.325, 75.20.330, 75.20.340, 75.20.350,
20 77.12.830, 75.24.010, 75.24.030, 75.24.060, 75.24.065, 75.24.070,
21 75.24.080, 75.24.100, 75.24.110, 75.24.120, 75.24.130, 75.24.140,
22 75.24.150, 75.28.010, 75.28.011, 75.28.014, 75.28.020, 75.28.030,
23 75.28.034, 75.28.040, 75.28.042, 75.28.044, 75.28.045, 75.28.046,
24 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113,
25 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133,
26 75.28.280, 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305,
27 75.28.315, 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700,
28 75.28.710, 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760,
29 75.28.770, 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199,
30 77.32.211, 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065,
31 75.30.070, 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130,
32 75.30.140, 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230,
33 75.30.240, 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290,
34 75.30.300, 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360,
35 75.30.370, 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430,
36 75.30.440, 75.30.450, 75.30.460, 75.30.470, 75.30.480 75.40.010,
37 75.40.020, 75.40.030, 75.40.040, 75.40.100, 75.40.110, 77.17.010,
38 77.17.020, 77.17.030, 77.12.450, 77.12.470, 77.12.480, 77.12.490,
39 75.40.060, 77.12.430, 77.12.440, 75.44.100, 75.44.110, 75.44.120,

1 75.44.130, 75.44.140, 75.44.150, 75.46.005, 75.46.010, 75.46.020,
2 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080,
3 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.130, 75.56.050,
4 75.46.900, 75.48.020, 75.48.040, 75.48.050, 75.48.060, 75.48.070,
5 75.48.080, 75.48.100, 75.48.110, 75.50.010, 75.50.020, 75.50.030,
6 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100,
7 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150,
8 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245,
9 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450,
10 75.08.500, 75.08.510, 75.08.520, 75.08.530, 75.50.900, 75.52.010,
11 75.52.020, 75.52.030, 75.52.035, 75.52.040, 75.52.050, 75.52.060,
12 75.52.070, 75.08.047, 75.52.080, 75.52.100, 75.52.110, 75.52.120,
13 75.52.130, 75.52.140, 75.52.150, 75.52.160, 75.52.900, 75.54.005,
14 75.54.010, 75.54.020, 75.54.030, 75.54.040, 75.54.050, 75.54.060,
15 75.54.070, 75.54.080, 75.54.090, 75.54.100, 75.54.110, 75.54.120,
16 75.54.130, 75.54.140, 75.54.150, 75.54.900, 75.54.901, 75.56.010,
17 75.56.020, 75.56.030, 75.56.040, 75.56.900, 75.56.905, 75.58.010,
18 75.58.020, 75.58.030, 75.58.040, 75.25.092, 75.10.150, 77.04.100,
19 77.16.020, 77.16.095, 77.21.080, 77.12.080, 77.12.090, 77.12.095,
20 77.12.101, 77.12.103, 77.16.070, 77.16.360, 77.21.090, 77.12.530,
21 77.12.770, 77.12.780, 77.16.010, 77.16.170, 77.18.005, 77.18.010,
22 77.18.020, and 77.18.030; decodifying RCW 75.25.901, 75.25.902,
23 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030; and
24 repealing RCW 75.08.010, 75.08.011, 75.08.014, 75.08.035, 75.08.274,
25 75.10.070, 75.10.160, 75.25.090, 75.25.160, 75.25.210, 75.28.012,
26 75.28.335, 75.30.160, 77.08.070, 77.16.210, 77.16.220, 77.16.290,
27 77.16.340, 77.16.350, 77.21.020, 77.21.030, 77.21.070, 77.32.005,
28 77.32.060, and 77.44.020."

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