
HOUSE BILL 2368

State of Washington 58th Legislature 2004 Regular Session

By Representatives Hinkle, Buck, Hatfield, O'Brien and Shabro

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Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to state endangered species listings; and amending
2 RCW 77.12.020.

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

4 **Sec. 1.** RCW 77.12.020 and 2002 c 281 s 3 are each amended to read
5 as follows:

6 (1) The director shall investigate the habits and distribution of
7 the various species of wildlife native to or adaptable to the habitats
8 of the state. The commission shall determine whether a species should
9 be managed by the department and, if so, classify it under this
10 section.

11 (2) The commission may classify by rule wild animals as game
12 animals and game animals as fur-bearing animals.

13 (3) The commission may classify by rule wild birds as game birds or
14 predatory birds. All wild birds not otherwise classified are protected
15 wildlife.

16 (4) In addition to those species listed in RCW 77.08.020, the
17 commission may classify by rule as game fish other species of the class
18 Osteichthyes that are commonly found in fresh water except those
19 classified as food fish by the director.

1 (5) The director may recommend to the commission that a species of
2 wildlife should not be hunted or fished. The commission may designate
3 species of wildlife as protected.

4 (6) If (~~the director determines that a species of wildlife is~~
5 ~~seriously threatened with extinction in the state of Washington~~) a
6 species is listed as threatened or endangered under the federal
7 endangered species act, 16 U.S.C. Sec. 1531 et seq., the director may
8 (~~request its designation as an endangered species. The commission may~~
9 ~~designate an endangered species~~) coordinate department activities with
10 federal efforts to recover listed species. The state may not list
11 species that are not listed under the federal endangered species act,
12 16 U.S.C. Sec. 1531 et seq.

13 (7) If the director determines that a species of the animal
14 kingdom, not native to Washington, is dangerous to the environment or
15 wildlife of the state, the director may request its designation as
16 deleterious exotic wildlife. The commission may designate deleterious
17 exotic wildlife.

18 (8) Upon recommendation by the director, the commission may
19 classify nonnative aquatic animal species according to the following
20 categories:

21 (a) Prohibited aquatic animal species: These species are
22 considered by the commission to have a high risk of becoming an
23 invasive species and may not be possessed, imported, purchased, sold,
24 propagated, transported, or released into state waters except as
25 provided in RCW 77.15.253;

26 (b) Regulated aquatic animal species: These species are considered
27 by the commission to have some beneficial use along with a moderate,
28 but manageable risk of becoming an invasive species, and may not be
29 released into state waters, except as provided in RCW 77.15.253. The
30 commission shall classify the following commercial aquaculture species
31 as regulated aquatic animal species, and allow their release into state
32 waters pursuant to rule of the commission: Pacific oyster (*Crassostrea*
33 *gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster
34 (*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam
35 (*Tapes philippinarum*), blue mussel (*Mytilus galloprovincialis*), and
36 suminoe oyster (*Crassostrea ariankensis*);

37 (c) Unregulated aquatic animal species: These species are

1 considered by the commission as having some beneficial use along with
2 a low risk of becoming an invasive species, and are not subject to
3 regulation under this title;

4 (d) Unlisted aquatic animal species: These species are not
5 designated as a prohibited aquatic animal species, regulated aquatic
6 animal species, or unregulated aquatic animal species by the
7 commission, and may not be released into state waters. Upon request,
8 the commission may determine the appropriate category for an unlisted
9 aquatic animal species and classify the species accordingly;

10 (e) This subsection (8) does not apply to the transportation or
11 release of nonnative aquatic animal species by ballast water or ballast
12 water discharge.

13 (9) Upon recommendation by the director, the commission may develop
14 a work plan to eradicate native aquatic species that threaten human
15 health. Priority shall be given to water bodies that the department of
16 health has classified as representing a threat to human health based on
17 the presence of a native aquatic species.

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