
HOUSE BILL 1822

State of Washington

59th Legislature

2005 Regular Session

By Representatives Kagi and Dickerson

Read first time 02/07/2005. Referred to Committee on Natural Resources, Ecology & Parks.

1 AN ACT Relating to toxic shot; amending RCW 77.08.010 and
2 77.12.320; adding a new section to chapter 77.15 RCW; creating a new
3 section; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that hunting plays an
6 important role in the cultural and natural heritage of Washington, as
7 well as providing family recreational opportunities, economic
8 development in rural communities, and tools for the state's wildlife
9 managers. The legislature also finds that hunters and other outdoor
10 sports enthusiasts play a critical role in wildlife conservation
11 efforts and the sound stewardship of the state's wildlife resources.
12 However, the use of shotgun shells that contain lead poses a threat to
13 the very habitat on which many wildlife species depend, including game
14 species. The lead in the shot is a toxic material that, when dispersed
15 across a habitat, can contaminate the state's waters and poison its
16 wildlife. The legislature further finds that the role of the hunting
17 community in conservation should continue to be supported and
18 encouraged without diminishing hunting opportunities. To support this

1 goal, the use of the most toxic substances should gradually be phased
2 out of use on Washington's state-owned lands.

3 **Sec. 2.** RCW 77.08.010 and 2003 c 387 s 1 are each amended to read
4 as follows:

5 As used in this title or rules adopted under this title, unless the
6 context clearly requires otherwise:

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

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

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

10 (4) "Person" means and includes an individual; a corporation; a
11 public or private entity or organization; a local, state, or federal
12 agency; all business organizations, including corporations and
13 partnerships; or a group of two or more individuals acting with a
14 common purpose whether acting in an individual, representative, or
15 official capacity.

16 (5) "Fish and wildlife officer" means a person appointed and
17 commissioned by the director, with authority to enforce this title and
18 rules adopted pursuant to this title, and other statutes as prescribed
19 by the legislature. Fish and wildlife officer includes a person
20 commissioned before June 11, 1998, as a wildlife agent or a fisheries
21 patrol officer.

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

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

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

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

1 (10) "Open season" means those times, manners of taking, and places
2 or waters established by rule of the commission for the lawful hunting,
3 fishing, taking, or possession of game animals, game birds, game fish,
4 food fish, or shellfish that conform to the special restrictions or
5 physical descriptions established by rule of the commission or that
6 have otherwise been deemed legal to hunt, fish, take, harvest, or
7 possess by rule of the commission. "Open season" includes the first
8 and last days of the established time.

9 (11) "Closed season" means all times, manners of taking, and places
10 or waters other than those established by rule of the commission as an
11 open season. "Closed season" also means all hunting, fishing, taking,
12 or possession of game animals, game birds, game fish, food fish, or
13 shellfish that do not conform to the special restrictions or physical
14 descriptions established by rule of the commission as an open season or
15 that have not otherwise been deemed legal to hunt, fish, take, harvest,
16 or possess by rule of the commission as an open season.

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

19 (13) "Closed waters" means all or part of a lake, river, stream, or
20 other body of water, where fishing or harvesting is prohibited.

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

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

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

36 (17) "Wild animals" means those species of the class Mammalia whose
37 members exist in Washington in a wild state and the species Rana

1 catesbeiana (bullfrog). The term "wild animal" does not include feral
2 domestic mammals or old world rats and mice of the family Muridae of
3 the order Rodentia.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (35) "State waters" means all marine waters and fresh waters within
10 ordinary high water lines and within the territorial boundaries of the
11 state.

12 (36) "Offshore waters" means marine waters of the Pacific Ocean
13 outside the territorial boundaries of the state, including the marine
14 waters of other states and countries.

15 (37) "Concurrent waters of the Columbia river" means those waters
16 of the Columbia river that coincide with the Washington-Oregon state
17 boundary.

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

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

25 (40) "Shellfish" means those species of marine and freshwater
26 invertebrates that have been classified and that shall not be taken
27 except as authorized by rule of the commission. The term "shellfish"
28 includes all stages of development and the bodily parts of shellfish
29 species.

30 (41) "Commercial" means related to or connected with buying,
31 selling, or bartering.

32 (42) "To process" and its derivatives mean preparing or preserving
33 fish, wildlife, or shellfish.

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

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

1 (45) "Fishery" means the taking of one or more particular species
2 of fish or shellfish with particular gear in a particular geographical
3 area.

4 (46) "Limited-entry license" means a license subject to a license
5 limitation program established in chapter 77.70 RCW.

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

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

14 (49) "Invasive species" means a plant species or a nonnative animal
15 species that either:

16 (a) Causes or may cause displacement of, or otherwise threatens,
17 native species in their natural communities;

18 (b) Threatens or may threaten natural resources or their use in the
19 state;

20 (c) Causes or may cause economic damage to commercial or
21 recreational activities that are dependent upon state waters; or

22 (d) Threatens or harms human health.

23 (50) "Prohibited aquatic animal species" means an invasive species
24 of the animal kingdom that has been classified as a prohibited aquatic
25 animal species by the commission.

26 (51) "Regulated aquatic animal species" means a potentially
27 invasive species of the animal kingdom that has been classified as a
28 regulated aquatic animal species by the commission.

29 (52) "Unregulated aquatic animal species" means a nonnative animal
30 species that has been classified as an unregulated aquatic animal
31 species by the commission.

32 (53) "Unlisted aquatic animal species" means a nonnative animal
33 species that has not been classified as a prohibited aquatic animal
34 species, a regulated aquatic animal species, or an unregulated aquatic
35 animal species by the commission.

36 (54) "Aquatic plant species" means an emergent, submersed,
37 partially submersed, free-floating, or floating-leaving plant species
38 that grows in or near a body of water or wetland.

1 (55) "Retail-eligible species" means commercially harvested salmon,
2 crab, and sturgeon.

3 (56) "Toxic shot" means shot ammunition, either packaged in shells
4 or loose, that contains more than one percent, by weight, of lead,
5 unless there is no alternative on the market for the specific size or
6 type of shot.

7 NEW SECTION. Sec. 3. A new section is added to chapter 77.15 RCW
8 to read as follows:

9 (1) Beginning January 1, 2006, it is unlawful to possess or use
10 toxic shot on any land owned by the state that is located in department
11 game management units four, five, or six.

12 (2) Beginning January 1, 2007, it is unlawful to possess or use
13 toxic shot on any land owned by the state that is located in department
14 game management units one, two, or three.

15 (3) Beginning January 1, 2008, it is unlawful to use toxic shot
16 when hunting with a license issued by the department under chapter
17 77.32 RCW.

18 (4) A violation of this section is a natural resources infraction
19 under chapter 7.84 RCW.

20 (5) For the purposes of this section, the boundaries of all
21 department game management units are defined as they were created by
22 the department and as they existed on the effective date of this
23 section.

24 **Sec. 4.** RCW 77.12.320 and 2001 c 253 s 19 are each amended to read
25 as follows:

26 (1) The commission may make agreements with persons, political
27 subdivisions of this state, or the United States or its agencies or
28 instrumentalities, regarding fish, shellfish, and wildlife-oriented
29 recreation and the propagation, protection, conservation, and control
30 of fish, shellfish, and wildlife.

31 (2)(a) The director may make written agreements with the owners or
32 lessees of real or personal property to provide for the use of the
33 property for fish, shellfish, and wildlife-oriented recreation.

34 (b) The director may adopt rules governing the conduct of persons
35 in or on the real property.

1 (c) If the owner or lessee of the property provided under this
2 subsection receives direct or indirect compensation by the department
3 for the use of the property, then after January 1, 2007, the use of
4 toxic shot is forbidden on that property by any person with permission
5 to access the property through a written agreement with the department.
6 A violation of this section is a natural resources infraction under
7 chapter 7.84 RCW.

8 (3) The director may accept compensation for fish, shellfish, and
9 wildlife losses or gifts or grants of personal property for use by the
10 department.

--- END ---