

SHB 1885 - H AMD 1004

By Representative Van De Wege

ADOPTED 01/29/2010

1 Beginning on page 3, line 34, strike all of section 3 and insert
2 the following:

3 "Sec. 3. RCW 77.08.010 and 2009 c 333 s 12 are each amended to
4 read as follows:

5 The definitions in this section apply throughout this title or
6 rules adopted under this title unless the context clearly requires
7 otherwise.

8 (1) "Angling gear" means a line attached to a rod and reel capable
9 of being held in hand while landing the fish or a hand-held line
10 operated without rod or reel.

11 (2) "Aquatic invasive species" means any invasive, prohibited,
12 regulated, unregulated, or unlisted aquatic animal or plant species as
13 defined under subsections (3), (28), (40), (44), (58), and (59) of this
14 section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),
15 and aquatic nuisance species as defined under RCW 77.60.130(1).

16 (3) "Aquatic plant species" means an emergent, submersed, partially
17 submersed, free-floating, or floating-leaving plant species that grows
18 in or near a body of water or wetland.

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

23 (5) "Closed area" means a place where the hunting of some or all
24 species of wild animals or wild birds is prohibited.

25 (6) "Closed season" means all times, manners of taking, and places
26 or waters other than those established by rule of the commission as an
27 open season. "Closed season" also means all hunting, fishing, taking,
28 or possession of game animals, game birds, game fish, food fish, or
29 shellfish that do not conform to the special restrictions or physical

1 descriptions established by rule of the commission as an open season or
2 that have not otherwise been deemed legal to hunt, fish, take, harvest,
3 or possess by rule of the commission as an open season.

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

6 (8) "Commercial" means related to or connected with buying,
7 selling, or bartering.

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

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

12 (11) "Contraband" means any property that is unlawful to produce or
13 possess.

14 (12) "Deleterious exotic wildlife" means species of the animal
15 kingdom not native to Washington and designated as dangerous to the
16 environment or wildlife of the state.

17 (13) "Department" means the department of fish and wildlife.

18 (14) "Director" means the director of fish and wildlife.

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

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

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

35 (18) "Fish and wildlife officer" means a person appointed and
36 commissioned by the director, with authority to enforce this title and
37 rules adopted pursuant to this title, and other statutes as prescribed

1 by the legislature. Fish and wildlife officer includes a person
2 commissioned before June 11, 1998, as a wildlife agent or a fisheries
3 patrol officer.

4 (19) "Fish broker" means a person whose business it is to bring a
5 seller of fish and shellfish and a purchaser of those fish and
6 shellfish together.

7 (20) "Fishery" means the taking of one or more particular species
8 of fish or shellfish with particular gear in a particular geographical
9 area.

10 (21) "Freshwater" means all waters not defined as saltwater
11 including, but not limited to, rivers upstream of the river mouth,
12 lakes, ponds, and reservoirs.

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

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

17 (24) "Game birds" means wild birds that shall not be hunted except
18 as authorized by the commission.

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

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

24 (27) "Illegal items" means those items unlawful to be possessed.

25 (28) "Invasive species" means a plant species or a nonnative animal
26 species that either:

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

29 (b) Threatens or may threaten natural resources or their use in the
30 state;

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

33 (d) Threatens or harms human health.

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

37 (30) "Limited-entry license" means a license subject to a license
38 limitation program established in chapter 77.70 RCW.

1 (31) "Money" means all currency, script, personal checks, money
2 orders, or other negotiable instruments.

3 (32) "Nonresident" means a person who has not fulfilled the
4 qualifications of a resident.

5 (33) "Offshore waters" means marine waters of the Pacific Ocean
6 outside the territorial boundaries of the state, including the marine
7 waters of other states and countries.

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

16 (35) "Owner" means the person in whom is vested the ownership
17 dominion, or title of the property.

18 (36) "Person" means and includes an individual; a corporation; a
19 public or private entity or organization; a local, state, or federal
20 agency; all business organizations, including corporations and
21 partnerships; or a group of two or more individuals acting with a
22 common purpose whether acting in an individual, representative, or
23 official capacity.

24 (37) "Personal property" or "property" includes both corporeal and
25 incorporeal personal property and includes, among other property,
26 contraband and money.

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

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

31 (40) "Prohibited aquatic animal species" means an invasive species
32 of the animal kingdom that has been classified as a prohibited aquatic
33 animal species by the commission.

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

36 (42) "Raffle" means an activity in which tickets bearing an
37 individual number are sold for not more than twenty-five dollars each

1 and in which a permit or permits are awarded to hunt or for access to
2 hunt big game animals or wild turkeys on the basis of a drawing from
3 the tickets by the person or persons conducting the raffle.

4 (43) "Recreational and commercial watercraft" includes the boat, as
5 well as equipment used to transport the boat, and any auxiliary
6 equipment such as attached or detached outboard motors.

7 (44) "Regulated aquatic animal species" means a potentially
8 invasive species of the animal kingdom that has been classified as a
9 regulated aquatic animal species by the commission.

10 (45) "Resident" means:

11 (a) A person who has maintained a permanent place of abode within
12 the state for at least ninety days immediately preceding an application
13 for a license, has established by formal evidence an intent to continue
14 residing within the state, and who is not licensed to hunt or fish as
15 a resident in another state; and

16 (b) A person age eighteen or younger who does not qualify as a
17 resident under (a) of this subsection, but who has a parent that
18 qualifies as a resident under (a) of this subsection.

19 (46) "Retail-eligible species" means commercially harvested salmon,
20 crab, and sturgeon.

21 (47) "Saltwater" means those marine waters seaward of river mouths.

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

27 (49) "Senior" means a person seventy years old or older.

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

33 (51) "State waters" means all marine waters and fresh waters within
34 ordinary high water lines and within the territorial boundaries of the
35 state.

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

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

3 (54) "To process" and its derivatives mean preparing or preserving
4 fish, wildlife, or shellfish.

5 (55) "To trap" and its derivatives means a method of hunting using
6 devices to capture wild animals or wild birds.

7 (56) "Trafficking" means offering, attempting to engage, or
8 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
9 deleterious exotic wildlife.

10 (57) "Unclaimed" means that no owner of the property has been
11 identified or has requested, in writing, the release of the property to
12 themselves nor has the owner of the property designated an individual
13 to receive the property or paid the required postage to effect delivery
14 of the property.

15 (58) "Unlisted aquatic animal species" means a nonnative animal
16 species that has not been classified as a prohibited aquatic animal
17 species, a regulated aquatic animal species, or an unregulated aquatic
18 animal species by the commission.

19 (59) "Unregulated aquatic animal species" means a nonnative animal
20 species that has been classified as an unregulated aquatic animal
21 species by the commission.

22 (60) "Wholesale fish dealer" means a person who, acting for
23 commercial purposes, takes possession or ownership of fish or shellfish
24 and sells, barter, or exchanges or attempts to sell, barter, or
25 exchange fish or shellfish that have been landed into the state of
26 Washington or entered the state of Washington in interstate or foreign
27 commerce.

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

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

35 (63) "Wildlife" means all species of the animal kingdom whose
36 members exist in Washington in a wild state. This includes but is not
37 limited to mammals, birds, reptiles, amphibians, fish, and
38 invertebrates. The term "wildlife" does not include feral domestic

1 mammals, old world rats and mice of the family Muridae of the order
2 Rodentia, or those fish, shellfish, and marine invertebrates classified
3 as food fish or shellfish by the director. The term "wildlife"
4 includes all stages of development and the bodily parts of wildlife
5 members.

6 (64) "Youth" means a person fifteen years old for fishing and under
7 sixteen years old for hunting.

8 (65) "Potentially habituated wildlife" includes bear, cougar, wolf,
9 coyote, deer, elk, and raccoon."

EFFECT: Updates RCW 77.08.010 to reflect amendments to that
section during the 2009 legislative session.

--- END ---