
SUBSTITUTE HOUSE BILL 1778

State of Washington 61st Legislature 2009 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representative Blake; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to modernizing certain provisions in Title 77 RCW
2 regarding fish and wildlife; amending RCW 77.15.050, 77.15.700,
3 77.15.310, 77.15.320, 77.15.610, 77.32.470, 77.65.010, 77.65.370,
4 77.65.440, 77.15.510, 77.65.480, 77.15.552, 77.12.870, 77.12.879,
5 77.60.150, 77.85.230, 77.85.050, 77.120.030, 77.120.110, 77.120.120,
6 77.95.200, 77.95.310, 77.12.184, 77.12.190, 77.12.210, 77.12.230,
7 77.12.240, 77.12.323, 77.12.380, 77.12.390, 77.15.100, 77.32.430,
8 77.32.530, 77.32.560, 77.36.070, and 77.44.050; reenacting and amending
9 RCW 77.12.690; and repealing RCW 77.12.065.

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

11 **Sec. 1.** RCW 77.15.050 and 1998 c 190 s 6 are each amended to read
12 as follows:

13 (1) Unless the context clearly requires otherwise, as used in this
14 chapter, "conviction" means:

15 (a) A final conviction in a state or municipal court;

16 (b) A failure to appear at a hearing to contest an infraction or
17 criminal citation; or

18 (c) An unvacated forfeiture of bail paid as a final disposition for

1 ~~an offense ((or an unvacated forfeiture of bail or collateral deposited~~
2 ~~to secure the defendant's appearance in court))~~).

3 (2) A plea of guilty, or a finding of guilt for a violation of this
4 title or rule of the commission or director constitutes a conviction
5 regardless of whether the imposition of sentence is deferred or the
6 penalty is suspended.

7 **Sec. 2.** RCW 77.15.700 and 2007 c 163 s 2 are each amended to read
8 as follows:

9 (1) The department shall impose revocation and suspension of
10 privileges in the following circumstances:

11 ~~((1))~~ (a) Upon conviction, if directed by statute for an
12 offense~~((+))~~.

13 ~~((2))~~ (b) Upon conviction of a violation not involving commercial
14 fishing, if the department finds that actions of the defendant
15 demonstrated a willful or wanton disregard for conservation of fish or
16 wildlife. ~~((Such))~~ Suspension of privileges under this subsection may
17 be permanent. ~~((This subsection (2) does not apply to violations~~
18 ~~involving commercial fishing;~~

19 ~~(3))~~ (c) If a person is convicted twice within ten years for a
20 violation involving unlawful hunting, killing, or possessing big
21 game~~((, the department shall order))~~. Revocation and suspension ((of))
22 under this subsection must be ordered for all hunting privileges for
23 two years. ~~((RCW 77.12.722 or 77.16.050 as it existed before June 11,~~
24 ~~1998, may comprise one of the convictions constituting the basis for~~
25 ~~revocation and suspension under this subsection;~~

26 ~~(4)(a))~~ (d) If a person violates, three times or more in a ten-
27 year period, recreational hunting or fishing laws or rules for which
28 the person: (i) Is convicted of an offense((+)); (ii) has an
29 uncontested notice of infraction((+)); (iii) fails to appear at a
30 hearing to contest ((an)) a fish and wildlife infraction((+)); or (iv)
31 is found to have committed an infraction ((three times in ten years
32 involving any violation of recreational hunting or fishing laws or
33 rules, the department shall order a)). Revocation and suspension under
34 this subsection must be ordered of all recreational hunting and fishing
35 privileges for two years.

36 ~~((b))~~ (2)(a) A violation punishable as an infraction counts

1 towards the revocation and suspension of recreational hunting and
2 fishing privileges (~~(only where)~~) under this section if that violation
3 is:

4 (i) Punishable as a crime on July 24, 2005, and is subsequently
5 decriminalized; or

6 (ii) One of the following violations, as they exist on July 24,
7 2005: RCW 77.15.160 (~~((1) or (2))~~); WAC 220-56-116; WAC 220-56-
8 315(11); or WAC 220-56-355 (1) through (4).

9 (~~((c))~~) (b) The commission may, by rule, designate (~~(additional)~~)
10 infractions that do not count towards the revocation and suspension of
11 recreational hunting and fishing privileges.

12 (~~((5))~~) (3) If either the deferred education licensee or the
13 required nondeferred accompanying person, hunting under the authority
14 of RCW 77.32.155(2), is convicted of a violation of this title, except
15 for a violation of RCW 77.15.400 (1) through (3), the department may
16 revoke all hunting licenses and tags and may order a suspension of
17 (~~(one)~~) either or both the deferred education licensee's and the
18 nondeferred accompanying person's hunting privileges for one year.

19 **Sec. 3.** RCW 77.15.310 and 2003 c 39 s 38 are each amended to read
20 as follows:

21 (1) A person is guilty of unlawful failure to use or maintain an
22 approved fish guard on a diversion device if the person owns, controls,
23 or operates a device used for diverting or conducting water from a
24 lake, river, or stream and:

25 (a) The device is not equipped with a fish guard, screen, or bypass
26 approved by the director as required by RCW (~~(77.55.040 or 77.55.320)~~)
27 77.57.010 or 77.57.070; or

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

31 (2) Unlawful failure to use or maintain an approved fish guard,
32 screen, or bypass on a diversion device is a gross misdemeanor.
33 Following written notification to the person from the department that
34 there is a violation, each day that a diversion device is operated
35 without an approved or maintained fish guard, screen, or bypass is a
36 separate offense.

1 **Sec. 4.** RCW 77.15.320 and 2000 c 107 s 241 are each amended to
2 read as follows:

3 (1) A person is guilty of unlawful failure to provide, maintain, or
4 operate a fishway for dam or other obstruction if the person owns,
5 operates, or controls a dam or other obstruction to fish passage on a
6 river or stream and:

7 (a) The dam or obstruction is not provided with a durable and
8 efficient fishway approved by the director as required by RCW
9 (~~77.55.060~~) 77.57.030;

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

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

14 (2) Unlawful failure to provide, maintain, or operate a fishway for
15 dam or other obstruction is a gross misdemeanor. Following written
16 notification to the person from the department that there is a
17 violation, each day of unlawful failure to provide, maintain, or
18 operate a fishway is a separate offense.

19 **Sec. 5.** RCW 77.15.610 and 1998 c 190 s 33 are each amended to read
20 as follows:

21 (1) A person who holds a fur buyer's license or taxidermy license
22 is guilty of unlawful use of a commercial wildlife license if the
23 person:

24 (a) Fails to have the license in possession while engaged in fur
25 buying or practicing taxidermy for commercial purposes; or

26 (b) Violates any rule of the department regarding reporting
27 requirements or the use, possession, display, or presentation of the
28 taxidermy or fur buyer's license.

29 (2) Unlawful use of a commercial wildlife license is a misdemeanor.

30 **Sec. 6.** RCW 77.32.470 and 2008 c 35 s 1 are each amended to read
31 as follows:

32 (1) A personal use saltwater, freshwater, combination, temporary,
33 or family fishing weekend license is required for all persons fifteen
34 years of age or older to fish for or possess fish taken for personal
35 use from state waters or offshore waters.

1 (2) The fees for annual personal use saltwater, freshwater, or
2 combination licenses are as follows:

3 (a) A combination license allows the holder to fish for or possess
4 fish, shellfish, and seaweed from state waters or offshore waters. The
5 fee for this license is thirty-six dollars for residents, seventy-two
6 dollars for nonresidents, and five dollars for youth. There is an
7 additional fifty-cent surcharge for this license, to be deposited in
8 the rockfish research account created in RCW 77.12.702.

9 (b) A saltwater license allows the holder to fish for or possess
10 fish taken from saltwater areas. The fee for this license is eighteen
11 dollars for residents, thirty-six dollars for nonresidents, and five
12 dollars for resident seniors. There is an additional fifty-cent
13 surcharge for this license, to be deposited in the rockfish research
14 account created in RCW 77.12.702.

15 (c) A freshwater license allows the holder to fish for, take, or
16 possess food fish or game fish species in all freshwater areas. The
17 fee for this license is twenty dollars for residents, forty dollars for
18 nonresidents, and five dollars for resident seniors.

19 (3)(a) A temporary combination fishing license is valid for one to
20 five consecutive days and allows the holder to fish for or possess
21 fish, shellfish, and seaweed taken from state waters or offshore
22 waters. The fee for this temporary fishing license is:

23 (i) One day - Seven dollars for residents and fourteen dollars for
24 nonresidents;

25 (ii) Two days - Ten dollars for residents and twenty dollars for
26 nonresidents;

27 (iii) Three days - Thirteen dollars for residents and twenty-six
28 dollars for nonresidents;

29 (iv) Four days - Fifteen dollars for residents and thirty dollars
30 for nonresidents; and

31 (v) Five days - Seventeen dollars for residents and thirty-four
32 dollars for nonresidents.

33 (b) The fee for a charter stamp is seven dollars for a one-day
34 temporary combination fishing license for residents and nonresidents
35 for use on a charter boat as defined in RCW 77.65.150.

36 (c) A transaction fee to support the automated licensing system
37 will be taken from the amounts set forth in this subsection for
38 temporary licenses.

1 (d) Except for active duty military personnel serving in any branch
2 of the United States armed forces, the temporary combination fishing
3 license is not valid on game fish species for an eight-consecutive-day
4 period beginning on the opening day of the lowland lake fishing season
5 as defined by rule of the commission.

6 (e) The temporary combination fishing license fee for active duty
7 military personnel serving in any branch of the United States armed
8 forces is the resident rate as set forth in (a) of this subsection.
9 Active duty military personnel must provide a valid military
10 identification card at the time of purchase of the temporary license to
11 qualify for the resident rate.

12 (f) There is an additional fifty-cent surcharge on the temporary
13 combination fishing license and the associated charter stamp, to be
14 deposited in the rockfish research account created in RCW 77.12.702.

15 (4) A family fishing weekend license allows for a maximum of six
16 anglers: One resident and five youth; two residents and four youth; or
17 one resident, one nonresident, and four youth. This license allows the
18 holders to fish for or possess fish taken from state waters or offshore
19 waters. The fee for this license is twenty dollars. This license is
20 only valid during periods as specified by rule of the department.

21 (5) The commission may adopt rules to create and sell combination
22 licenses for all hunting and fishing activities at or below a fee equal
23 to the total cost of the individual license contained within any
24 combination.

25 (6) The commission may adopt rules to allow the use of two fishing
26 poles per fishing license holder for use on selected state waters. If
27 authorized by the commission, license holders must purchase a two-pole
28 stamp to use a second pole. The proceeds from the sale of the two-pole
29 stamp must be deposited into the state wildlife account created in RCW
30 77.12.170 and used for enhancing game fish fisheries. The fee for a
31 two-pole stamp is ten dollars for residents and nonresidents, and five
32 dollars for resident seniors.

33 **Sec. 7.** RCW 77.65.010 and 2005 c 20 s 1 are each amended to read
34 as follows:

35 (1) Except as otherwise provided by this title, a person (~~may~~
36 ~~not~~) must have a license or permit issued by the director in order to

1 engage in any of the following activities (~~(without a license or permit~~
2 ~~issued by the director)):~~

3 (a) Commercially fish for or take food fish or shellfish;

4 (b) Deliver from a commercial fishing vessel food fish or shellfish
5 taken for commercial purposes in offshore waters. As used in this
6 subsection, "deliver" means arrival at a place or port, and includes
7 arrivals from offshore waters to waters within the state and arrivals
8 from state or offshore waters;

9 (c) Operate a charter boat or commercial fishing vessel engaged in
10 a fishery;

11 (d) Engage in processing or wholesaling food fish or shellfish; or

12 (e) Act as a food fish guide (~~(for salmon)~~) for personal use in
13 freshwater rivers and streams, (~~(other than that part of the Columbia~~
14 ~~river below the bridge at Longview)) except that a charter boat license
15 is required to operate a vessel from which a person may for a fee fish
16 for food fish in state waters listed in RCW 77.65.150(4)(b).~~

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

22 (3) A valid Oregon license that is equivalent to a license under
23 this title is valid in the concurrent waters of the Columbia river if
24 the state of Oregon recognizes as valid the equivalent Washington
25 license. The director may identify by rule what Oregon licenses are
26 equivalent.

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

35 **Sec. 8.** RCW 77.65.370 and 1998 c 190 s 98 are each amended to read
36 as follows:

37 (1) A person shall not offer or perform the services of a

1 ((professional salmon)) food fish guide without a food fish guide
 2 license in the taking of ((salmon)) food fish for personal use in
 3 freshwater rivers and streams, ((other than in that part of the
 4 Columbia river below the bridge at Longview, without a professional
 5 salmon guide license)) except that a charter boat license is required
 6 to operate a vessel from which a person may for a fee fish for food
 7 fish in state waters listed in RCW 77.65.150(4)(b).

8 (2) Only an individual at least sixteen years of age may hold a
 9 ((professional salmon)) food fish guide license. No individual may
 10 hold more than one ((professional salmon)) food fish guide license.

11 **Sec. 9.** RCW 77.65.440 and 2000 c 107 s 55 are each amended to read
 12 as follows:

13 The director shall issue the personal licenses listed in this
 14 section according to the requirements of this title. The licenses and
 15 their annual fees are:

	Personal License	Annual Fee		Governing Section
		Resident	Nonresident	
		(RCW 77.95.090 Surcharge)		
	(1) Alternate Operator	\$ 35	\$ 35	RCW 77.65.130
	(2) Geoduck Diver	\$185	\$295	RCW 77.65.410
	(3) ((Salmon)) <u>Food</u> <u>Fish</u> Guide	\$130	\$630	RCW 77.65.370
		(plus \$20)	(plus \$100)	

24 **Sec. 10.** RCW 77.15.510 and 2001 c 253 s 43 are each amended to
 25 read as follows:

26 (1) A person is guilty of ((commercial)) acting as a game fish
 27 ((guiding)) guide, food fish guide, or chartering without a license
 28 if:

29 (a) The person operates a charter boat and does not hold the
 30 charter boat license required for the food fish taken;

31 (b) The person acts as a ((professional salmon)) food fish guide
 32 and does not hold a ((professional salmon)) food fish guide license; or

33 (c) The person acts as a game fish guide and does not hold a game
 34 fish guide license.

35 (2) ((Commercial)) Acting without a game fish ((guiding or

1 ~~chartering without a~~) guide license, food fish guide license, or
2 charter license is a gross misdemeanor.

3 **Sec. 11.** RCW 77.65.480 and 1991 sp.s. c 7 s 4 are each amended to
4 read as follows:

5 (1) A taxidermy license allows the holder to practice taxidermy for
6 ((profit)) commercial purposes, as that term is defined in RCW
7 77.15.110. The fee for this license is one hundred eighty dollars.

8 (2) A fur dealer's license allows the holder to purchase, receive,
9 or resell raw furs for ((profit)) commercial purposes, as that term is
10 defined in RCW 77.15.110. The fee for this license is one hundred
11 eighty dollars.

12 (3) A ((fishing)) game fish guide license allows the holder to
13 offer or perform the services of a ((professional)) game fish guide in
14 the taking of game fish. The fee for this license is one hundred
15 eighty dollars for a resident and six hundred dollars for a
16 nonresident.

17 (4) A game farm license allows the holder to operate a game farm to
18 acquire, breed, grow, keep, and sell wildlife under conditions
19 prescribed by the rules adopted pursuant to this title. The fee for
20 this license is seventy-two dollars for the first year and forty-eight
21 dollars for each following year.

22 (5) A game fish stocking permit allows the holder to release game
23 fish into the waters of the state as prescribed by rule of the
24 commission. The fee for this permit is twenty-four dollars.

25 (6) A fishing or field trial permit allows the holder to promote,
26 conduct, hold, or sponsor a fishing or field trial contest in
27 accordance with rules of the commission. The fee for a fishing contest
28 permit is twenty-four dollars. The fee for a field trial contest
29 permit is twenty-four dollars.

30 (7)(a) An anadromous game fish buyer's license allows the holder to
31 purchase or sell steelhead trout and other anadromous game fish
32 harvested by Indian ((fishermen)) fishers lawfully exercising fishing
33 rights reserved by federal statute, treaty, or executive order, under
34 conditions prescribed by rule of the director. The fee for this
35 license is one hundred eighty dollars.

36 (b) An anadromous game fish buyer's license is not required for

1 those businesses that buy steelhead trout and other anadromous game
2 fish from Washington licensed game fish dealers and sell solely at
3 retail.

4 **Sec. 12.** RCW 77.15.552 and 2003 c 386 s 3 are each amended to read
5 as follows:

6 (1) If a person is convicted of two or more qualifying commercial
7 fishing violations within a three-year period, the person's commercial
8 fishing license privileges (~~(to participate in the commercial fishery~~
9 ~~to which the violations applied)) under chapter 77.65 RCW may be
10 suspended by the director for up to one year. A commercial (~~(fishery))~~
11 fishing license that is (~~(suspended under this section))~~ impacted by
12 this privilege suspension may not be transferred after the director
13 issues a notice of suspension, or used by an alternative operator or
14 transferred during the period of suspension, if the person who is the
15 subject of the suspension notice is the person who owns the commercial
16 fishery license.~~

17 (2) For the purposes of this section only, "qualifying commercial
18 fishing violation" means either:

19 (a) A conviction under RCW 77.15.500, 77.15.510, 77.15.520,
20 77.15.530, 77.15.550(1)(a), 77.15.570, 77.15.580, or 77.15.590;

21 (b) A gross misdemeanor or felony involving commercial fish
22 harvesting, buying, or selling that is unlawful under the terms of the
23 license, this title, or the rules issued pursuant to this title, if the
24 quantity of unlawfully harvested, possessed, bought, or sold fish,
25 other than shellfish, groundfish, or coastal pelagic species of
26 baitfish totals greater than six percent, by weight, of the harvest
27 available for inspection at the time of citation and the cumulative
28 value of the unlawfully harvested fish is more than two hundred fifty
29 dollars at the time of citation;

30 (c) A gross misdemeanor or felony involving commercial groundfish
31 or coastal pelagic baitfish harvest, buying, or selling that is
32 unlawful under the terms of the license, this title, or the rules
33 issued under this title, if: (i) The quantity of unlawfully harvested,
34 possessed, bought, or sold groundfish or coastal pelagic baitfish
35 totals greater than ten percent, by weight, of the harvest available
36 for inspection at the time of citation and has a cumulative value
37 greater than five hundred dollars; or (ii) the quantity, by weight, of

1 the unlawfully commercially harvested groundfish or coastal pelagic
2 baitfish is ten percent greater than the landing allowances provided
3 under rules adopted by the department for species categorized as over-
4 fished by the national marine fisheries service; or

5 (d) A gross misdemeanor or felony involving commercial shellfish
6 harvesting, buying, or selling that is unlawful under the terms of the
7 license, this title, or the rules issued pursuant to this title, if the
8 quantity of unlawfully harvested, possessed, bought, or sold shellfish:
9 (i) Totals greater than six percent of the harvest available for
10 inspection at the time of citation; and (ii) totals fifty or more
11 individual shellfish.

12 (3)(a) The director may refer a person convicted of one qualifying
13 commercial fishing violation to the license suspension review committee
14 if the director feels that the qualifying commercial fishing violation
15 was of a severe enough magnitude to justify suspension of the
16 individual's license renewal privileges.

17 (b) The director may refer any person convicted of one egregious
18 shellfish violation to the license suspension review committee.

19 (c) For the purposes of this section only, "egregious shellfish
20 violation" means a gross misdemeanor or felony involving commercial
21 shellfish harvesting, buying, or selling that is unlawful under the
22 terms of the license, this title, or the rules issued pursuant to this
23 title, if the quantity of unlawfully harvested, possessed, bought, or
24 sold shellfish: (i) Totals more than twenty percent of the harvest
25 available for inspection at the time of citation; (ii) totals five
26 hundred or more individual shellfish; and (iii) is valued at two
27 thousand five hundred dollars or more.

28 (4) A person who has a commercial fishing license suspended or
29 revoked under this section may file an appeal with the license
30 suspension review committee pursuant to RCW 77.15.554. An appeal must
31 be filed within thirty-one days of notice of license suspension or
32 revocation. If an appeal is filed, the suspension or revocation issued
33 by the department does not take effect until after the license
34 suspension review committee has delivered an opinion. If no appeal is
35 filed within thirty-one days of notice of license suspension or
36 revocation, the right to an appeal is considered waived. All
37 suspensions ordered under this section take effect either thirty-one

1 days following the conviction for the second qualifying commercial
2 fishing violation, or upon a decision pursuant to RCW 77.15.554,
3 whichever is later.

4 (5) A fishing privilege suspended under this section is in addition
5 to the statutory penalties assigned to the underlying crime.

6 (6) For the purposes of this section only, the burden is on the
7 state to show the dollar amount or the percent of a harvest that is
8 comprised of unlawfully harvested, bought, or sold individual fish or
9 shellfish.

10 **Sec. 13.** RCW 77.12.870 and 2002 c 20 s 3 are each amended to read
11 as follows:

12 (1) The department, in consultation with the Northwest straits
13 commission, the department of natural resources, and other interested
14 parties, must create and maintain a database of known derelict fishing
15 gear, including the type of gear and its location.

16 (2) A person who loses or abandons commercial fishing gear within
17 the waters of the state is encouraged to report the location of the
18 loss and the type of gear lost to the department within forty-eight
19 hours of the loss.

20 ~~((3) The department, in consultation with fishing industry groups
21 and tribal comanagers, must evaluate methods to reduce future losses of
22 fishing gear and report the results of this evaluation to the
23 appropriate legislative committees by January 1, 2003.))~~

24 **Sec. 14.** RCW 77.12.879 and 2007 c 350 s 3 are each amended to read
25 as follows:

26 (1) The aquatic invasive species prevention account is created in
27 the state treasury. Moneys directed to the account from RCW 88.02.050
28 must be deposited in the account. Expenditures from the account may
29 only be used as provided in this section. Moneys in the account may be
30 spent only after appropriation.

31 (2) Funds in the aquatic invasive species prevention account may be
32 appropriated to the department to develop an aquatic invasive species
33 prevention program for recreational and commercial watercraft. Funds
34 must be expended as follows:

35 (a) To inspect recreational and commercial watercraft;

1 (b) To educate general law enforcement officers on how to enforce
2 state laws relating to preventing the spread of aquatic invasive
3 species;

4 (c) To evaluate and survey the risk posed by recreational and
5 commercial watercraft in spreading aquatic invasive species into
6 Washington state waters;

7 (d) To evaluate the risk posed by float planes in spreading aquatic
8 invasive species into Washington state waters; and

9 (e) To implement an aquatic invasive species early detection and
10 rapid response plan. The plan must address the treatment and immediate
11 response to the introduction to Washington waters of aquatic invasive
12 species. Agency and public review of the plan must be conducted under
13 chapter 43.21C RCW, the state environmental policy act. If the
14 implementation measures or actions would have a probable significant
15 adverse environmental impact, a detailed statement under chapter 43.21C
16 RCW must be prepared on the plan.

17 (3) Funds in the aquatic invasive species enforcement account
18 created in RCW 43.43.400 may be appropriated to the department and
19 Washington state patrol to develop an aquatic invasive species
20 enforcement program for recreational and commercial watercraft. The
21 department shall provide training to Washington state patrol employees
22 working at port of entry weigh stations on how to inspect recreational
23 and commercial watercraft for the presence of aquatic invasive species.
24 The department is authorized to require persons transporting
25 recreational and commercial watercraft to stop at check stations.
26 Check stations must be plainly marked by signs, operated by at least
27 one uniformed fish and wildlife officer, and operated in a safe manner.
28 Any person stopped at a check station who possesses a recreational or
29 commercial watercraft that is contaminated with aquatic invasive
30 species is exempt from the criminal penalties found in RCW 77.15.253
31 and 77.15.290, and forfeiture under RCW 77.15.070, if that person
32 complies with all department directives for the proper decontamination
33 of the watercraft and equipment.

34 (4) The department shall submit a biennial report to the
35 appropriate legislative committees describing the actions taken to
36 implement this section along with suggestions on how to better fulfill
37 the intent of chapter 464, Laws of 2005. (~~The first report is due~~
38 ~~December 1, 2007.~~)

1 **Sec. 15.** RCW 77.60.150 and 2001 c 273 s 1 are each amended to read
2 as follows:

3 (1) The department shall initiate a pilot project to evaluate the
4 feasibility and potential of intensively culturing shellfish on
5 currently nonproductive oyster reserve land in Puget Sound. The pilot
6 program shall include no fewer than three long-term lease agreements
7 with commercial shellfish growers. Except as provided in subsection
8 ~~((4))~~ (3) of this section, revenues from the lease of such lands
9 shall be deposited in the oyster reserve land account created in RCW
10 77.60.160.

11 (2) The department shall form one advisory committee each for the
12 Willapa Bay oyster reserve lands and the Puget Sound oyster reserve
13 lands. The advisory committees shall make recommendations on
14 management practices to conserve, protect, and develop oyster reserve
15 lands. The advisory committees may make recommendations regarding the
16 management practices on oyster reserve lands, in particular to ensure
17 that they are managed in a manner that will: (a) Increase revenue
18 through production of high-value shellfish; (b) not be detrimental to
19 the market for shellfish grown on nonreserve lands; and (c) avoid
20 negative impacts to existing shellfish populations. The advisory
21 committees may also make recommendation on the distribution of funds in
22 RCW 77.60.160(2)(a). The department shall attempt to structure each
23 advisory committee to include equal representation between shellfish
24 growers that participate in reserve sales and shellfish growers that do
25 not.

26 ~~(3) ((The department shall submit a brief progress report on the
27 status of the pilot programs to the appropriate standing committees of
28 the legislature by January 7, 2003.~~

29 ~~(4))~~ The department of natural resources, in consultation with the
30 department of fish and wildlife, shall administer the leases for oyster
31 reserves entered into under this chapter. In administering the leases,
32 the department of natural resources shall exercise its authority under
33 RCW ~~((79.96.090))~~ 79.135.300. Vacation of state oyster reserves by the
34 department ~~((of fish and wildlife))~~ shall not be a requirement for the
35 department of natural resources to lease any oyster reserves under this
36 section. The department of natural resources may recover reasonable
37 costs directly associated with the administration of the leases for
38 oyster reserves entered into under this chapter. All administrative

1 fees collected by the department of natural resources pursuant to this
2 section shall be deposited into the resource management cost account
3 established in RCW 79.64.020. The department of (~~fish and wildlife~~)
4 may not assess charges to recover the costs of consulting with the
5 department of natural resources under this subsection.

6 ((+5)) (4) The Puget Sound pilot program shall not include the
7 culture of geoduck.

8 **Sec. 16.** RCW 77.85.230 and 2003 c 391 s 5 are each amended to read
9 as follows:

10 (1) In consultation with the appropriate task force formed under
11 RCW 77.85.220, the conservation commission may contract with
12 universities, private consultants, nonprofit groups, or other entities
13 to assist it in developing a plan incorporating the following elements:

14 (a) An inventory of existing tide gates located on streams in the
15 county. The inventory shall include location, age, type, and
16 maintenance history of the tide gates and other factors as determined
17 by the appropriate task force in consultation with the county and
18 diking and drainage districts;

19 (b) An assessment of the role of tide gates located on streams in
20 the county; the role of intertidal fish habitat for various life stages
21 of salmon; the quantity and characterization of intertidal fish habitat
22 currently accessible to fish; the quantity and characterization of the
23 present intertidal fish habitat created at the time the dikes and
24 outlets were constructed; the quantity of potential intertidal fish
25 habitat on public lands and alternatives to enhance this habitat; the
26 effects of saltwater intrusion on agricultural land, including the
27 effects of backfeeding of saltwater through the underground drainage
28 system; the role of tide gates in drainage systems, including relieving
29 excess water from saturated soil and providing reservoir functions
30 between tides; the effect of saturated soils on production of crops;
31 the characteristics of properly functioning intertidal fish habitat; a
32 map of agricultural lands designated by the county as having long-term
33 commercial significance and the effect of that designation; and the
34 economic impacts to existing land uses for various alternatives for
35 tide gate alteration; and

36 (c) A long-term plan for intertidal salmon habitat enhancement to
37 meet the goals of salmon recovery and protection of agricultural lands.

1 The proposal shall consider all other means to achieve salmon recovery
2 without converting farmland. The proposal shall include methods to
3 increase fish passage and otherwise enhance intertidal habitat on
4 public lands pursuant to subsection (2) of this section, voluntary
5 methods to increase fish passage on private lands, a priority list of
6 intertidal salmon enhancement projects, and recommendations for funding
7 of high priority projects. The task force also may propose pilot
8 projects that will be designed to test and measure the success of
9 various proposed strategies.

10 (2) In conjunction with other public landowners and the appropriate
11 task force formed under RCW 77.85.220, the department shall develop an
12 initial salmon intertidal habitat enhancement plan for public lands in
13 the county. The initial plan shall include a list of public properties
14 in the intertidal zone that could be enhanced for salmon, a description
15 of how those properties could be altered to support salmon, a
16 description of costs and sources of funds to enhance the property, and
17 a strategy and schedule for prioritizing the enhancement of public
18 lands for intertidal salmon habitat. This initial plan shall be
19 submitted to the appropriate task force at least six months before the
20 deadline established in subsection (3) of this section.

21 (3) The final intertidal salmon enhancement plan shall be completed
22 within two years from the date the task force is formed under RCW
23 77.85.220 and funding has been secured. A final plan shall be
24 submitted by the appropriate task force to the lead entity for the
25 geographic area established under this chapter.

26 **Sec. 17.** RCW 77.85.050 and 2005 c 309 s 6 are each amended to read
27 as follows:

28 (1)(a) Counties, cities, and tribal governments must jointly
29 designate, by resolution or by letters of support, the area for which
30 a habitat project list is to be developed and the lead entity that is
31 to be responsible for submitting the habitat project list. No project
32 included on a habitat project list shall be considered mandatory in
33 nature and no private landowner may be forced or coerced into
34 participation in any respect. The lead entity may be a county, city,
35 conservation district, special district, tribal government, regional
36 recovery organization, or other entity.

1 (b) The lead entity shall establish a committee that consists of
2 representative interests of counties, cities, conservation districts,
3 tribes, environmental groups, business interests, landowners, citizens,
4 volunteer groups, regional fish enhancement groups, and other habitat
5 interests. The purpose of the committee is to provide a citizen-based
6 evaluation of the projects proposed to promote salmon habitat.

7 (c) The committee shall compile a list of habitat projects,
8 establish priorities for individual projects, define the sequence for
9 project implementation, and submit these activities as the habitat
10 project list. The committee shall also identify potential federal,
11 state, local, and private funding sources.

12 (2) The area covered by the habitat project list must be based, at
13 a minimum, on a WRIA, combination of WRIsAs, or any other area as agreed
14 to by the counties, cities, and tribes in resolutions or in letters of
15 support meeting the requirements of this subsection. Preference will
16 be given to projects in an area that contain a salmon species that is
17 listed or proposed for listing under the federal endangered species
18 act.

19 (3) The lead entity shall submit the habitat project list to the
20 (~~{salmon recovery funding}~~) salmon recovery funding board in
21 accordance with procedures adopted by the board.

22 **Sec. 18.** RCW 77.120.030 and 2007 c 350 s 10 are each amended to
23 read as follows:

24 (1) The owner or operator in charge of any vessel covered by this
25 chapter is required to ensure that the vessel under their ownership or
26 control does not discharge ballast water into the waters of the state
27 except as authorized by this section.

28 (2) Discharge of ballast water into waters of the state is
29 authorized only if there has been an open sea exchange, or if the
30 vessel has treated its ballast water, to meet standards set by the
31 department consistent with applicable state and federal laws.

32 (3) The department, in consultation with (~~the ballast water work~~
33 ~~group, or similar~~) a collaborative forum, shall adopt by rule
34 standards for the discharge of ballast water into the waters of the
35 state and their implementation timelines. The standards are intended
36 to ensure that the discharge of ballast water poses minimal risk of
37 introducing nonindigenous species. In developing these standards, the

1 department shall consider the extent to which the requirement is
2 technologically and practically feasible. Where practical and
3 appropriate, the standards must be compatible with standards set by the
4 United States coast guard, the federal clean water act (33 U.S.C. Sec.
5 1251-1387), or the international maritime organization.

6 (4) The master, operator, or person in charge of a vessel is not
7 required to conduct an open sea exchange or treatment of ballast water
8 if the master, operator, or person in charge of a vessel determines
9 that the operation would threaten the safety of the vessel, its crew,
10 or its passengers, because of adverse weather, vessel design
11 limitations, equipment failure, or any other extraordinary conditions.
12 A master, operator, or person in charge of a vessel who relies on this
13 exemption must file documentation defined by the department, subject
14 to: (a) Payment of a fee not to exceed five thousand dollars; (b)
15 discharging only the minimal amount of ballast water operationally
16 necessary; (c) ensuring that ballast water records accurately reflect
17 any reasons for not complying with the mandatory requirements; and (d)
18 any other requirements identified by the department by rule as provided
19 in subsections (3) and (6) of this section.

20 (5) For treatment technologies requiring shipyard modification, the
21 department may enter into a compliance plan with the vessel owner. The
22 compliance plan must include a timeline consistent with drydock and
23 shipyard schedules for completion of the modification. The department
24 shall adopt rules for compliance plans under this subsection.

25 (6) For an exemption claimed in subsection (4) of this section, the
26 department shall adopt rules for defining exemption conditions,
27 requirements, compliance plans, or alternative ballast water management
28 strategies to meet the intent of this section.

29 (7) The department shall make every effort to align ballast water
30 standards with adopted international and federal standards while
31 ensuring that the goals of this chapter are met.

32 (8) The requirements of this section do not apply to a vessel
33 discharging ballast water or sediments that originated solely within
34 the waters of Washington ((state)), the Columbia river system, or the
35 internal waters of British Columbia south of latitude fifty degrees
36 north, including the waters of the Straits of Georgia and Juan de Fuca.

37 (9) Open sea exchange is an exchange that occurs fifty or more

1 nautical miles offshore. If the United States coast guard requires a
2 vessel to conduct an exchange further offshore, then that distance is
3 the required distance for purposes of compliance with this chapter.

4 **Sec. 19.** RCW 77.120.110 and 2007 c 350 s 14 are each amended to
5 read as follows:

6 (1) The ballast water management account is created in the state
7 treasury. All receipts from legislative appropriations, gifts, grants,
8 donations, penalties, and fees received under this chapter must be
9 deposited into the account.

10 (2) Moneys in the account may be spent only after appropriation.
11 Expenditures from the account may be used only to carry out the
12 purposes of this chapter or support the goals of this chapter through
13 research and monitoring except:

14 (a) Expenditures may not be used for the salaries of permanent
15 department employees; and

16 (b) Penalties deposited into the account may be used(~~(, in~~
17 ~~consultation with the ballast water work group created in section 11 of~~
18 ~~this act,)) only to support basic and applied research and carry out
19 education and outreach related to the state's ballast water management.~~

20 **Sec. 20.** RCW 77.120.120 and 2007 c 350 s 15 are each amended to
21 read as follows:

22 The department may issue a special operating authorization for
23 passenger vessels conducting or assisting in research and testing
24 activities to determine the presence of invasive species in ballast
25 water collected in the waters of southeast Alaska north of latitude
26 fifty-four degrees thirty minutes north to sixty-one degrees ten
27 minutes north, extending to longitude one hundred forty-nine degrees
28 thirty minutes west. (~~(Such testing and research shall be reviewed by~~
29 ~~the ballast water work group, who may make recommendations to the~~
30 ~~department.)) The department may adopt rules for defining special
31 operating authorization conditions, requirements, limitations, and fees
32 as necessary to implement this section, consistent with the intent of
33 this chapter.~~

34 **Sec. 21.** RCW 77.95.200 and 1998 c 251 s 2 are each amended to read
35 as follows:

1 (1) The department shall develop and implement a program utilizing
2 remote site incubators in Washington state. The program shall identify
3 sites in tributaries that are suitable for reestablishing self-
4 sustaining, locally adapted populations of coho, chum, or chinook
5 salmon. The initial selection of sites shall be ~~((completed by July 1,~~
6 ~~1999, and))~~ updated annually ~~((thereafter))~~.

7 (2) The department may only approve a remote site incubator project
8 if the department deems it is consistent with the conservation of wild
9 salmon and trout. The department shall only utilize appropriate
10 salmonid eggs in remote site incubators, and may acquire eggs by gift
11 or purchase.

12 (3) The department shall depend chiefly upon volunteer efforts to
13 implement the remote site incubator program through volunteer
14 cooperative projects and the regional fisheries enhancement groups.
15 The department may prioritize remote site incubator projects within
16 regional enhancement areas.

17 (4) The department may purchase remote site incubators and may use
18 agency employees to construct remote site incubators. ~~((The director
19 and the secretary of the department of corrections shall jointly
20 investigate the potential of producing remote site incubators through
21 the prison industries program of the department of corrections, and
22 shall jointly report their finding to the natural resources committees
23 of the house of representatives and the senate by December 1, 1999.))~~

24 (5) The department shall investigate the use of the remote site
25 incubator technology for the production of warm water fish.

26 (6) ~~((The department shall evaluate the initial results of the
27 program and report to the legislature by December 1, 2000.))~~ Annual
28 reports on the progress of the program shall be provided to the fish
29 and wildlife commission.

30 **Sec. 22.** RCW 77.95.310 and 1997 c 414 s 1 are each amended to read
31 as follows:

32 ~~((Beginning September 1, 1998, and each September 1st thereafter,))~~
33 (1) The department shall ~~((submit))~~ maintain a report ~~((to the
34 appropriate standing committees of the legislature))~~ identifying
35 ~~((the))~~ total salmon and steelhead harvest ~~((of the preceding season))~~.
36 This report shall include the final commercial harvests and

1 recreational harvests. At a minimum, the report shall clearly
2 identify:

3 ~~((1))~~ (a) The total treaty tribal and nontribal harvests by
4 species and by management unit;

5 ~~((2))~~ (b) Where and why the nontribal harvest does not meet the
6 full allocation allowed under *United States v. Washington*, 384 F. Supp.
7 312 (1974) (Boldt I) including a summary of the key policies within the
8 management plan that result in a less than full nontribal allocation;
9 and

10 ~~((3))~~ (c) The location and quantity of salmon and steelhead
11 harvested under the wastage provisions of *United States v. Washington*,
12 384 F. Supp. 312 (1974).

13 (2) Upon request, the department shall present the report required
14 to be maintained under this section to the appropriate committees of
15 the legislature.

16 **Sec. 23.** RCW 77.12.184 and 2000 c 252 s 1 are each amended to read
17 as follows:

18 (1) The department shall deposit all moneys received from the
19 following activities into the state wildlife ~~((fund))~~ account created
20 in RCW 77.12.170:

21 (a) The sale of interpretive, recreational, historical,
22 educational, and informational literature and materials;

23 (b) The sale of advertisements in regulation pamphlets and other
24 appropriate mediums; and

25 (c) Enrollment fees in department-sponsored educational training
26 events.

27 (2) Moneys collected under subsection (1) of this section shall be
28 spent primarily for producing regulation booklets for users and for the
29 development, production, reprinting, and distribution of informational
30 and educational materials. The department may also spend these moneys
31 for necessary expenses associated with training activities, and other
32 activities as determined by the director.

33 (3) Regulation pamphlets may be subsidized through appropriate
34 advertising, but must be made available free of charge to the users.

35 (4) The director may enter into joint ventures with other agencies
36 and organizations to generate revenue for providing public information
37 and education on wildlife and hunting and fishing rules.

1 **Sec. 24.** RCW 77.12.190 and 1991 sp.s. c 31 s 17 are each amended
2 to read as follows:

3 Moneys in the state wildlife (~~fund~~) account created in RCW
4 77.12.170 may be used only for the purposes of this title, including
5 the payment of principal and interest on bonds issued for capital
6 projects.

7 **Sec. 25.** RCW 77.12.210 and 2000 c 107 s 218 are each amended to
8 read as follows:

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

14 The commission may authorize the director to sell, lease, convey,
15 or grant concessions upon real or personal property under the control
16 of the department. This includes the authority to sell timber, gravel,
17 sand, and other materials or products from real property held by the
18 department, and to sell or lease the department's real or personal
19 property or grant concessions or rights-of-way for roads or utilities
20 in the property. Oil and gas resources owned by the state which lie
21 below lands owned, leased, or held by the department shall be offered
22 for lease by the commissioner of public lands pursuant to chapter 79.14
23 RCW with the proceeds being deposited in the state wildlife (~~fund~~)
24 account created in RCW 77.12.170: PROVIDED, That the commissioner of
25 public lands shall condition such leases at the request of the
26 department to protect wildlife and its habitat.

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

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

1 Proceeds from the sales shall be deposited in the state wildlife
2 ((fund)) account created in RCW 77.12.170.

3 **Sec. 26.** RCW 77.12.230 and 1987 c 506 s 32 are each amended to
4 read as follows:

5 The director may pay lawful local improvement district assessments
6 for projects that may benefit wildlife or wildlife-oriented recreation
7 made against lands held by the state for department purposes. The
8 payments may be made from money appropriated from the state wildlife
9 ((fund)) account created in RCW 77.12.170 to the department.

10 **Sec. 27.** RCW 77.12.240 and 1989 c 197 s 1 are each amended to read
11 as follows:

12 The director may authorize the removal or killing of wildlife that
13 is destroying or injuring property, or when it is necessary for
14 wildlife management or research.

15 The director or other employees of the department shall dispose of
16 wildlife taken or possessed by them under this title in the manner
17 determined by the director to be in the best interest of the state.
18 Proceeds from sales shall be deposited in the state treasury to be
19 credited to the state wildlife ((fund)) account created in RCW
20 77.12.170.

21 **Sec. 28.** RCW 77.12.323 and 1987 c 506 s 42 are each amended to
22 read as follows:

23 (1) There is established in the state wildlife ((fund)) account
24 created in RCW 77.12.170 a special wildlife account. Moneys received
25 under RCW 77.12.320 as now or hereafter amended as compensation for
26 wildlife losses shall be deposited in the state treasury to be credited
27 to the special wildlife account.

28 (2) The director may advise the state treasurer and the state
29 investment board of a surplus in the special wildlife account above the
30 current needs. The state investment board may invest and reinvest the
31 surplus, as the commission deems appropriate, in an investment
32 authorized by RCW 43.84.150 or in securities issued by the United
33 States government as defined by RCW 43.84.080 (1) and (4). Income
34 received from the investments shall be deposited to the credit of the
35 special wildlife account.

1 **Sec. 29.** RCW 77.12.380 and 1987 c 506 s 44 are each amended to
2 read as follows:

3 Upon receipt of a request under RCW 77.12.360, the commissioner of
4 public lands shall determine if the withdrawal would benefit the people
5 of the state. If the withdrawal would be beneficial, the commissioner
6 shall have the lands appraised for their lease value. Before
7 withdrawal, the department shall transmit to the commissioner a voucher
8 authorizing payment from the state wildlife ((fund)) account created in
9 RCW 77.12.170 in favor of the fund for which the lands are held. The
10 payment shall equal the amount of the lease value for the duration of
11 the withdrawal.

12 **Sec. 30.** RCW 77.12.390 and 1987 c 506 s 45 are each amended to
13 read as follows:

14 Upon receipt of a voucher under RCW 77.12.380, the commissioner of
15 public lands shall withdraw the lands from lease. The commissioner
16 shall forward the voucher to the state treasurer, who shall draw a
17 warrant against the state wildlife ((fund)) account created in RCW
18 77.12.170 in favor of the fund for which the withdrawn lands are held.

19 **Sec. 31.** RCW 77.12.690 and 1998 c 245 s 158 and 1998 c 191 s 33
20 are each reenacted and amended to read as follows:

21 The migratory waterfowl art committee is responsible for the
22 selection of the annual migratory bird stamp design and shall provide
23 the design to the department. If the committee does not perform this
24 duty within the time frame necessary to achieve proper and timely
25 distribution of the stamps to license dealers, the director shall
26 initiate the art work selection for that year. The committee shall
27 create collector art prints and related artwork, utilizing the same
28 design as provided to the department. The administration, sale,
29 distribution, and other matters relating to the prints and sales of
30 stamps with prints and related artwork shall be the responsibility of
31 the migratory waterfowl art committee.

32 The total amount brought in from the sale of prints and related
33 artwork shall be deposited in the state wildlife ((fund)) account
34 created in RCW 77.12.170. The costs of producing and marketing of
35 prints and related artwork, including administrative expenses mutually
36 agreed upon by the committee and the director, shall be paid out of the

1 total amount brought in from sales of those same items. Net funds
2 derived from the sale of prints and related artwork shall be used by
3 the director to contract with one or more appropriate individuals or
4 nonprofit organizations for the development of waterfowl propagation
5 projects within Washington which specifically provide waterfowl for the
6 Pacific flyway. The department shall not contract with any individual
7 or organization that obtains compensation for allowing waterfowl
8 hunting except if the individual or organization does not permit
9 hunting for compensation on the subject property.

10 The migratory waterfowl art committee shall have an annual audit of
11 its finances conducted by the state auditor and shall furnish a copy of
12 the audit to the commission.

13 **Sec. 32.** RCW 77.15.100 and 2000 c 107 s 235 are each amended to
14 read as follows:

15 (1) Unless otherwise provided in this title, fish, shellfish, or
16 wildlife unlawfully taken or possessed, or involved in a violation
17 shall be forfeited to the state upon conviction. Unless already held
18 by, sold, destroyed, or disposed of by the department, the court shall
19 order such fish or wildlife to be delivered to the department. Where
20 delay will cause loss to the value of the property and a ready
21 wholesale buying market exists, the department may sell property to a
22 wholesale buyer at a fair market value.

23 (2) When seized property is forfeited to the department, the
24 department may retain it for official use unless the property is
25 required to be destroyed, or upon application by any law enforcement
26 agency of the state, release the property to the agency for the use of
27 enforcing this title, or sell such property and deposit the proceeds
28 into the state wildlife (~~fund~~) account established under RCW
29 77.12.170. Any sale of other property shall be at public auction or
30 after public advertisement reasonably designed to obtain the highest
31 price. The time, place, and manner of holding the sale shall be
32 determined by the director. The director may contract for the sale to
33 be through the department of general administration as state surplus
34 property, or, except where not justifiable by the value of the
35 property, the director shall publish notice of the sale once a week for
36 at least two consecutive weeks before the sale in at least one

1 newspaper of general circulation in the county in which the sale is to
2 be held.

3 **Sec. 33.** RCW 77.32.430 and 2005 c 192 s 2 are each amended to read
4 as follows:

5 (1) Catch record card information is necessary for proper
6 management of the state's food fish and game fish species and shellfish
7 resources. Catch record card administration shall be under rules
8 adopted by the commission. There is no charge for an initial catch
9 record card. Each subsequent or duplicate catch record card costs ten
10 dollars.

11 (2) A license to take and possess Dungeness crab is only valid in
12 Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has
13 in possession a valid catch record card officially endorsed for
14 Dungeness crab. The endorsement shall cost no more than three dollars,
15 including any or all fees authorized under RCW 77.32.050, when
16 purchased for a personal use saltwater, combination, or shellfish and
17 seaweed license. The endorsement shall cost no more than one dollar,
18 including any or all fees authorized under RCW 77.32.050, when
19 purchased for a temporary combination fishing license authorized under
20 RCW 77.32.470(3)(a).

21 (3) Catch record cards issued with affixed temporary short-term
22 charter stamp licenses are not subject to the ten-dollar charge nor to
23 the Dungeness crab endorsement fee provided for in this section.
24 Charter boat or guide operators issuing temporary short-term charter
25 stamp licenses shall affix the stamp to each catch record card issued
26 before fishing commences. Catch record cards issued with a temporary
27 short-term charter stamp are valid for one day.

28 (4) The department shall include provisions for recording marked
29 and unmarked salmon in catch record cards issued after March 31, 2004.

30 (5) The funds received from the sale of catch record cards and the
31 Dungeness crab endorsement must be deposited into the state wildlife
32 (~~fund~~) account created in RCW 77.12.170. The funds received from the
33 Dungeness crab endorsement may be used only for the sampling,
34 monitoring, and management of catch associated with the Dungeness crab
35 recreational fisheries. Moneys allocated under this section shall
36 supplement and not supplant other federal, state, and local funds used
37 for Dungeness crab recreational fisheries management.

1 **Sec. 34.** RCW 77.32.530 and 1996 c 101 s 5 are each amended to read
2 as follows:

3 (1) The commission in consultation with the director may authorize
4 hunting of big game animals and wild turkeys through auction. The
5 department may conduct the auction for the hunt or contract with a
6 nonprofit wildlife conservation organization to conduct the auction for
7 the hunt.

8 (2) The commission in consultation with the director may authorize
9 hunting of up to a total of (~~fifteen~~) thirty big game animals and
10 wild turkeys per year through raffle. The department may conduct
11 raffles or contract with a nonprofit wildlife conservation organization
12 to conduct raffles for hunting these animals. In consultation with the
13 gambling commission, the director may adopt rules for the
14 implementation of raffles involving hunting.

15 (3) The director shall establish the procedures for the hunts,
16 which shall require any participants to obtain any required license,
17 permit, or tag. Representatives of the department may participate in
18 the hunt upon the request of the commission to ensure that the animals
19 to be killed are properly identified.

20 (4) After deducting the expenses of conducting an auction or
21 raffle, any revenues retained by a nonprofit organization, as specified
22 under contract with the department, shall be devoted solely for
23 wildlife conservation, consistent with its qualification as a bona fide
24 nonprofit organization for wildlife conservation.

25 (5) The department's share of revenues from auctions and raffles
26 shall be deposited in the state wildlife (~~fund~~) account created in
27 RCW 77.12.170. The revenues shall be used to improve (~~the habitat,~~
28 ~~health, and welfare of the species auctioned or raffled~~) game
29 management and shall supplement, rather than replace, other funds
30 budgeted for management of (~~that~~) game species. The commission may
31 solicit input from groups or individuals with special interest in and
32 expertise on a species in determining how to use these revenues.

33 (6) A nonprofit wildlife conservation organization may petition the
34 commission to authorize an auction or raffle for a special hunt for big
35 game animals and wild turkeys.

36 **Sec. 35.** RCW 77.32.560 and 2003 c 317 s 2 are each amended to read
37 as follows:

1 (1) The department may sell watchable wildlife decals. Proceeds
2 from the sale of the decal must be deposited into the state wildlife
3 (~~fund~~) account created in RCW 77.12.170 and must be dedicated to the
4 support of the department's watchable wildlife activities. The
5 department may also use proceeds from the sale of the decal for
6 marketing the decal and for marketing watchable wildlife activities in
7 the state.

8 (2) The term "watchable wildlife activities" includes but is not
9 limited to: Initiating partnerships with communities to jointly
10 develop watchable wildlife projects, building infrastructure to serve
11 wildlife viewers, assisting and training communities in conducting
12 wildlife watching events, developing destination wildlife viewing
13 corridors and trails, tours, maps, brochures, and travel aides, and
14 offering grants to assist rural communities in identifying key wildlife
15 attractions and ways to protect and promote them.

16 (3) The commission must adopt by rule the cost of the watchable
17 wildlife decal. A person may, at their discretion, contribute more
18 than the cost as set by the commission by rule for the watchable
19 wildlife decal in order to support watchable wildlife activities. A
20 person who purchases a watchable wildlife decal must be issued one
21 vehicle use permit free of charge.

22 **Sec. 36.** RCW 77.36.070 and 1996 c 54 s 8 are each amended to read
23 as follows:

24 The department may pay no more than one hundred twenty thousand
25 dollars per fiscal year from the state wildlife (~~fund~~) account
26 created in RCW 77.12.170 for claims under RCW 77.36.040 and for
27 assessment costs and compromise of claims. Such money shall be used to
28 pay animal damage claims only if the claim meets the conditions of RCW
29 77.36.040 and the damage occurred in a place where the opportunity to
30 hunt was not restricted or prohibited by a county, municipality, or
31 other public entity during the season prior to the occurrence of the
32 damage.

33 **Sec. 37.** RCW 77.44.050 and 1999 c 235 s 1 are each amended to read
34 as follows:

35 The warm water game fish account is hereby created in the state
36 wildlife (~~fund~~) account created in RCW 77.12.170. Moneys in the

1 account are subject to legislative appropriation and shall be used for
2 the purpose of funding the warm water game fish enhancement program,
3 including the development of warm water pond and lake habitat, culture
4 of warm water game fish, improvement of warm water fish habitat,
5 management of warm water fish populations, and other practical
6 activities that will improve the fishing for warm water fish. Funds
7 for warm water game fish as provided in RCW 77.32.440 shall not serve
8 as replacement funding for department-operated warm water fish projects
9 existing on December 31, 1994(~~(, except that an amount not to exceed~~
10 ~~ninety one thousand dollars may be used for warm water fish culture at~~
11 ~~the Rod Meseberg warm water fish production facility during the~~
12 ~~biennium ending June 30, 2001))).~~

13 NEW SECTION. **Sec. 38.** RCW 77.12.065 (Wildlife viewing tourism)
14 and 2003 c 183 s 1 are each repealed.

--- END ---