
SUBSTITUTE SENATE BILL 5127

State of Washington

61st Legislature

2009 Regular Session

By Senate Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen and Haugen)

READ FIRST TIME 02/25/09.

1 AN ACT Relating to the governance of the department of fish and
2 wildlife; amending RCW 77.04.012, 77.04.020, 77.04.030, 77.04.040,
3 77.04.055, 77.04.060, 77.04.080, 77.04.090, 77.04.130, 77.04.140,
4 77.04.150, 77.08.010, 77.08.020, 77.08.022, 77.08.030, 77.12.010,
5 77.12.020, 77.12.035, 77.12.037, 77.12.045, 77.12.047, 77.12.140,
6 77.12.150, 77.12.152, 77.12.177, 77.12.210, 77.12.220, 77.12.275,
7 77.12.285, 77.12.320, 77.12.323, 77.12.325, 77.12.330, 77.12.420,
8 77.12.455, 77.12.560, 77.12.570, 77.12.722, 77.12.760, 77.12.800,
9 77.12.875, 77.12.878, 77.15.005, 77.15.020, 77.15.050, 77.15.065,
10 77.15.070, 77.15.085, 77.15.096, 77.15.098, 77.15.120, 77.15.130,
11 77.15.140, 77.15.160, 77.15.190, 77.15.245, 77.15.250, 77.15.253,
12 77.15.280, 77.15.290, 77.15.330, 77.15.340, 77.15.370, 77.15.380,
13 77.15.400, 77.15.410, 77.15.425, 77.15.430, 77.15.530, 77.15.554,
14 77.15.580, 77.15.590, 77.15.660, 77.15.700, 77.15.710, 77.15.720,
15 77.18.060, 77.32.007, 77.32.025, 77.32.050, 77.32.070, 77.32.090,
16 77.32.155, 77.32.237, 77.32.238, 77.32.370, 77.32.400, 77.32.430,
17 77.32.440, 77.32.450, 77.32.470, 77.32.500, 77.32.525, 77.32.530,
18 77.32.535, 77.32.550, 77.32.560, 77.32.565, 77.36.020, 77.50.010,
19 77.50.020, 77.50.040, 77.50.050, 77.50.070, 77.50.090, 77.50.100,
20 77.50.110, 77.55.011, 77.55.191, 77.60.020, 77.60.030, 77.60.100,
21 77.65.420, 77.65.480, 77.65.510, 77.70.450, 77.70.460, 77.70.470,

1 77.75.020, 77.75.040, 77.75.100, 77.75.140, 77.85.220, 77.85.230,
2 77.95.010, 77.95.020, 77.95.030, 77.95.040, 77.95.060, 77.95.090,
3 77.95.110, 77.95.140, 77.95.200, 77.100.060, 77.100.080, 77.115.010,
4 9.46.010, 9.46.400, 43.17.020, 79.105.430, 79.135.320, and 79A.05.793;
5 reenacting and amending RCW 77.12.170 and 77.12.690; adding a new
6 section to chapter 77.04 RCW; creating new sections; repealing RCW
7 43.300.040 and 77.04.013; providing an effective date; and declaring an
8 emergency.

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

10 NEW SECTION. **Sec. 1.** (1) This act makes changes to the governance
11 of the department of fish and wildlife, including modifying the
12 structure and role of the fish and wildlife commission and transferring
13 certain powers and duties from the commission to the department and the
14 director of fish and wildlife. No substantive fish and wildlife policy
15 changes are intended.

16 (2) The transfer of any authority or rule-making power from the
17 commission to the department and the director provided for in this act
18 does not invalidate policies or rules adopted under the authority of
19 the commission prior to the effective date of this section.

20 **Sec. 2.** RCW 77.04.012 and 2000 c 107 s 2 are each amended to read
21 as follows:

22 Wildlife, fish, and shellfish are the property of the state. The
23 (~~commission, director, and the~~) department shall preserve, protect,
24 perpetuate, and manage the wildlife and food fish, game fish, and
25 shellfish in state waters and offshore waters.

26 The department shall conserve the wildlife and food fish, game
27 fish, and shellfish resources in a manner that does not impair the
28 resource. In a manner consistent with this goal, the department shall
29 seek to maintain the economic well-being and stability of the fishing
30 industry in the state. The department shall promote orderly fisheries
31 and shall enhance and improve recreational and commercial fishing in
32 this state.

33 The (~~commission~~) department may authorize the taking of wildlife,
34 food fish, game fish, and shellfish only at times or places, or in

1 manners or quantities, as in the judgment of the ((commission))
2 department does not impair the supply of these resources.

3 The ((commission)) department shall attempt to maximize the public
4 recreational game fishing and hunting opportunities of all citizens,
5 including juveniles, ((disabled)) individuals with disabilities, and
6 senior citizens.

7 Recognizing that the management of our state wildlife, food fish,
8 game fish, and shellfish resources depends heavily on the assistance of
9 volunteers, the department shall work cooperatively with volunteer
10 groups and individuals to achieve the goals of this title to the
11 greatest extent possible.

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

14 **Sec. 3.** RCW 77.04.020 and 2000 c 107 s 202 are each amended to
15 read as follows:

16 The department consists of the ((~~state fish and wildlife commission~~
17 ~~and the director. The commission may delegate to the director any of~~
18 ~~the powers and duties vested in the commission~~)) director and
19 department personnel.

20 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.04 RCW
21 to read as follows:

22 (1) The commission shall:

23 (a) Propose policies to the department, including policies designed
24 to ensure the development, implementation, and update of a
25 comprehensive science-based strategy to perpetuate sustainable levels
26 of fish and wildlife, protect fish and wildlife habitat, and preserve
27 the state's natural resources and recreational opportunities;

28 (b) Conduct or commission studies and policy analysis for the
29 development of policy recommendations, plans, and strategies to propose
30 to the department;

31 (c) Provide for public and tribal involvement in the development of
32 policy recommendations, plans, and strategies to propose to the
33 department;

34 (d) Review the department's implementation of policy
35 recommendations, plans, and strategies proposed by the commission; and

1 (e) Serve as a forum for public input on and discussion of issues
2 relating to fish and wildlife management, fish and wildlife habitat,
3 and fish and wildlife-related recreation.

4 (2) The commission may appoint citizen advisory committees to
5 assist in developing policy recommendations. Advisory committee
6 members serve without compensation, but shall be reimbursed for travel
7 expenses as provided in RCW 43.03.050 and 43.03.060.

8 (3) The commission shall provide an annual report to the governor
9 and appropriate committees of the senate and house of representatives
10 that includes its policy recommendations and an evaluation of the
11 department's implementation of legislative directives and the policy
12 recommendations, plans, and strategies proposed by the commission.

13 (4) The commission may employ staff to provide administrative
14 support to the commission in carrying out its duties under this
15 section. The department shall provide scientific and policy support
16 upon request of the commission.

17 **Sec. 5.** RCW 77.04.030 and 2001 c 155 s 1 are each amended to read
18 as follows:

19 (1) The fish and wildlife commission consists of ~~((nine))~~ seven
20 registered voters of the state. ~~((In January of each odd-numbered~~
21 ~~year,))~~

22 (2) The governor shall appoint commissioners, who must be
23 registered voters, with the advice and consent of the senate ~~((three~~
24 ~~registered voters to the commission to serve for terms of six years~~
25 ~~from that January or until their successors are appointed and~~
26 ~~qualified)). The governor shall appoint two commissioners each
27 January, except every third January following January 2010 the governor
28 shall appoint three commissioners. Commissioners serve for a term of
29 three years.~~

30 (3) If a member is not confirmed by the senate by the end of the
31 first full regular legislative session following the member's initial
32 appointment, that member's position is considered vacated. The
33 governor may remove a member who has not been confirmed by the senate
34 during the member's current or a previous term for any reason, and may
35 remove a confirmed member for cause. If a vacancy occurs on the
36 commission prior to the expiration of a term, the governor shall
37 appoint a registered voter within sixty days to complete the term.

1 (~~Three members shall be residents of that portion of the state lying~~
2 ~~east of the summit of the Cascade mountains, and three shall be~~
3 ~~residents of that portion of the state lying west of the summit of the~~
4 ~~Cascade mountains. Three additional members.))~~

5 (4) The governor shall appoint commissioners representing the
6 various geographic areas of the state. Specifically, one member must
7 reside within the boundaries of each of the six administrative regions
8 recognized by the department on the effective date of this section.
9 One member shall be appointed at-large. No two members may be
10 residents of the same county.

11 (5) The legal office of the commission is at the administrative
12 office of the department in Olympia.

13 NEW SECTION. Sec. 6. (1) In order to effectuate section 5 of this
14 act, the position of each sitting fish and wildlife commission member
15 is considered vacated on January 1, 2010.

16 (2) The governor shall then appoint seven registered voters to the
17 fish and wildlife commission, with the advice and consent of the
18 senate, on January 1, 2010. The governor shall appoint three members
19 for a three-year term, two members for a two-year term, and two members
20 for a one-year term.

21 (3) Nothing in this section or section 4 of this act prohibits the
22 governor from appointing a sitting commissioner whose position is
23 considered vacated under subsection (1) of this section as a
24 commissioner under subsection (2) of this section.

25 **Sec. 7.** RCW 77.04.040 and 1995 1st sp.s. c 2 s 3 are each amended
26 to read as follows:

27 (1) Persons eligible for appointment as members of the commission
28 shall (~~have general knowledge of the habits and distribution of fish~~
29 ~~and wildlife and~~) be knowledgeable regarding fish and wildlife
30 management and conservation. Appointments to the commission shall not
31 hold another state, county, or municipal elective or appointive office.
32 (~~In making these appointments, the governor shall seek to maintain a~~
33 ~~balance reflecting all aspects of fish and wildlife, including~~
34 ~~representation recommended by organized groups representing~~
35 ~~sportfishers, commercial fishers, hunters, private landowners, and~~
36 ~~environmentalists.))~~

1 (2) Persons eligible for appointment as fish and wildlife
2 commissioners shall comply with the provisions of chapters 42.52 and
3 42.17 RCW.

4 **Sec. 8.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
5 read as follows:

6 (1) ~~((In establishing policies to preserve, protect, and perpetuate
7 wildlife, fish, and wildlife and fish habitat, the commission shall
8 meet annually with the governor to:~~

9 ~~(a) Review and prescribe basic goals and objectives related to
10 those policies; and~~

11 ~~(b) Review the performance of the department in implementing fish
12 and wildlife policies.))~~

13 The ~~((commission))~~ department shall maximize fishing, hunting, and
14 outdoor recreational opportunities compatible with healthy and diverse
15 fish and wildlife populations.

16 (2) The ~~((commission))~~ department shall establish hunting,
17 trapping, and fishing seasons and prescribe the time, place, manner,
18 and methods that may be used to harvest or enjoy game fish and
19 wildlife.

20 (3) The ~~((commission))~~ department shall establish provisions
21 regulating food fish and shellfish as provided in RCW 77.12.047.

22 (4) The ~~((commission))~~ department shall have final approval
23 authority for tribal, interstate, international, and any other
24 department agreements relating to fish and wildlife. However, the
25 governor may exercise final approval authority for tribal, interstate,
26 or international agreements relating to fish and wildlife, or delegate
27 such approval authority to another state agency.

28 (5) The ~~((commission))~~ department shall adopt rules to implement
29 the state's fish and wildlife laws.

30 (6) The ~~((commission))~~ department shall have final approval
31 authority for the department's budget proposals.

32 (7) The commission shall select its own staff ~~((and shall appoint
33 the director of the department))~~. The ~~((director and))~~ commission
34 staff shall serve at the pleasure of the commission.

35 **Sec. 9.** RCW 77.04.060 and 1993 sp.s. c 2 s 63 are each amended to
36 read as follows:

1 (1) The commission shall hold at least one regular meeting during
2 the first two months of each calendar quarter, and up to two special
3 meetings per calendar year when called by the chair and by ((five))
4 four members to address specific issues that require attention prior to
5 the next regular meeting. ((Five)) Four members constitute a quorum
6 for the transaction of business.

7 ~~(2) The ((commission at a meeting in each odd-numbered year shall~~
8 ~~elect one of its members as chairman and another member as vice chair-~~
9 ~~man, each of whom shall serve for a term of two years or until a~~
10 ~~successor is elected and qualified)) governor shall select the chair~~
11 ~~and vice-chair of the commission.~~

12 (3) Members of the commission shall be compensated in accordance
13 with RCW 43.03.250. In addition, members are allowed their travel
14 expenses incurred while absent from their usual places of residence in
15 accordance with RCW 43.03.050 and 43.03.060.

16 **Sec. 10.** RCW 77.04.080 and 2000 c 107 s 205 are each amended to
17 read as follows:

18 (1) Persons eligible for appointment as director shall have
19 practical knowledge of the habits and distribution of fish and
20 wildlife.

21 (2) The director must be appointed by the governor with the advice
22 and consent of the senate, and serves at the pleasure of the governor.
23 If the director is not confirmed by the senate by the end of the first
24 full regular legislative session following the director's appointment,
25 the governor shall remove the director.

26 (3) The director shall supervise the administration and operation
27 of the department and perform the duties prescribed by law ((and
28 delegated by the commission)). The director shall carry out the basic
29 goals and objectives prescribed under RCW 77.04.055. The director may
30 appoint and employ necessary personnel. All powers and duties provided
31 to the department are vested in the director. Except where
32 specifically prohibited, the director may delegate, in writing, to
33 department personnel the duties and powers necessary for efficient
34 operation and administration of the department.

35 (4) Only persons having general knowledge of the fisheries and
36 wildlife resources and of the commercial and recreational fishing

1 industry in this state are eligible for appointment as director. The
2 director shall not have a financial interest in the recreational or
3 commercial fishing industry or a directly related industry.

4 (5) The director shall receive the salary fixed by the governor
5 under RCW 43.03.040.

6 (6) The director is ~~((the))~~ a nonvoting ex officio ~~((secretary))~~
7 member of the commission and shall attend its meetings ~~((and keep a~~
8 ~~record of its business))~~. The director may not delegate ex officio
9 membership on the commission to a designee.

10 **Sec. 11.** RCW 77.04.090 and 1996 c 267 s 35 are each amended to
11 read as follows:

12 (1) ~~The ((commission shall adopt permanent rules and amendments to~~
13 ~~or repeals of existing rules by approval of a majority of the members~~
14 ~~by resolution, entered and recorded in the minutes of the commission:~~
15 ~~PROVIDED, That the commission))~~ department may not adopt rules ~~((after~~
16 ~~July 23, 1995,))~~ that are based solely on a section of law stating a
17 statute's intent or purpose, on the enabling provisions of the statute
18 establishing the agency, or on any combination of such provisions, for
19 statutory authority to adopt any rule. ~~((The commission shall adopt~~
20 ~~emergency rules by approval of a majority of the members.))~~

21 (2) The ~~((commission))~~ department, when adopting emergency rules
22 under RCW 77.12.150, shall adopt rules in conformance with chapter
23 34.05 RCW.

24 (3) Judicial notice shall be taken of the rules filed and published
25 as provided in RCW 34.05.380 and 34.05.210.

26 (4) A copy of an emergency rule, certified as a true copy by ~~((a~~
27 ~~member of the commission,))~~ the director, or by a person authorized in
28 writing by the director to make the certification, is admissible in
29 court as prima facie evidence of the adoption and validity of the rule.

30 **Sec. 12.** RCW 77.04.130 and 1995 1st sp.s. c 2 s 12 are each
31 amended to read as follows:

32 (1) Rules of the ~~((commission))~~ department shall be adopted by the
33 ~~((commission))~~ director or a designee in accordance with chapter 34.05
34 RCW.

35 (2) Rules of the ~~((commission))~~ department shall be admitted as
36 evidence in the courts of the state when accompanied by an affidavit

1 from the ((~~commission~~)) director or a designee certifying that the rule
2 has been lawfully adopted and the affidavit is prima facie evidence of
3 the adoption of the rule.

4 (3) The ((~~commission~~)) director may designate department employees
5 to act on the ((~~commission's~~)) director's behalf in the adoption and
6 certification of rules.

7 **Sec. 13.** RCW 77.04.140 and 1995 1st sp.s. c 2 s 13 are each
8 amended to read as follows:

9 Provisions of this title or rules of the ((~~commission~~)) department
10 shall not be printed in a pamphlet unless the pamphlet is clearly
11 marked as an unofficial version. This section does not apply to
12 printings approved by the ((~~commission~~)) department.

13 **Sec. 14.** RCW 77.04.150 and 2008 c 294 s 1 are each amended to read
14 as follows:

15 (1) The ((~~commission~~)) director must appoint an advisory committee
16 to generally represent the interests of hunters and fishers with
17 disabilities on matters including, but not limited to, special hunts,
18 modified sporting equipment, access to public land, and hunting and
19 fishing opportunities. The advisory committee is composed of seven
20 members, each being an individual with a disability. The advisory
21 committee members must represent the entire state. The members must be
22 appointed so that each of the six department administrative regions, as
23 they existed on January 1, 2007, are represented with one resident on
24 the advisory committee. One additional member must be appointed at
25 large. The chair of the advisory committee must be a member of the
26 advisory committee and shall be selected by the members of the advisory
27 committee.

28 (2) For the purposes of this section, an individual with a
29 disability includes but is not limited to:

30 (a) An individual with a permanent disability who is not ambulatory
31 over natural terrain without a prosthesis or assistive device;

32 (b) An individual with a permanent disability who is unable to walk
33 without the use of assistance from a brace, cane, crutch, wheelchair,
34 scooter, walker, or other assistive device;

35 (c) An individual who has a cardiac condition to the extent that
36 the individual's functional limitations are severe;

1 (d) An individual who is restricted by lung disease to the extent
2 that the individual's functional limitations are severe;

3 (e) An individual who is totally blind or visually impaired; or

4 (f) An individual with a permanent disability with upper or lower
5 extremity impairments who does not have the use of one or both upper or
6 lower extremities.

7 (3) The members of the advisory committee are appointed for a four-
8 year term. If a vacancy occurs on the advisory committee prior to the
9 expiration of a term, the (~~commission~~) director must appoint a
10 replacement within sixty days to complete the term.

11 (4) The advisory committee must meet at least semiannually, and may
12 meet at other times as requested by a majority of the advisory
13 committee members for any express purpose that directly relates to the
14 duties set forth in subsection (1) of this section. A majority of
15 members currently serving on the advisory committee constitutes a
16 quorum. The department must provide staff support for all official
17 advisory committee meetings.

18 (5) Each member of the advisory committee shall serve without
19 compensation but may be reimbursed for travel expenses as authorized in
20 RCW 43.03.050 and 43.03.060.

21 (6) The members of the advisory committee, or individuals acting on
22 their behalf, are immune from civil liability for official acts
23 performed in the course of their duties.

24 (7) Beginning December 1, 2011, and again at least once every four
25 years, the (~~commission~~) department shall present a report to the
26 appropriate legislative committees detailing the effectiveness of the
27 advisory committee including, but not limited to, the participation
28 levels, general interest, quality of advice, and recommendations as to
29 the advisory committee's continuance or modification.

30 NEW SECTION. **Sec. 15.** Sections 5 and 9 of this act take effect
31 January 1, 2010.

32 **Sec. 16.** RCW 77.08.010 and 2008 c 277 s 2 are each amended to read
33 as follows:

34 The definitions in this section apply throughout this title or
35 rules adopted under this title unless the context clearly requires
36 otherwise.

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

4 (2) "Aquatic invasive species" means any invasive, prohibited,
5 regulated, unregulated, or unlisted aquatic animal or plant species as
6 defined under subsections (~~((48) through (53))~~) (3), (25), (34), (38),
7 (51), and (52) of this section, aquatic noxious weeds as defined under
8 RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW
9 77.60.130(1).

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

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

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

19 (6) "Closed season" means all times, manners of taking, and places
20 or waters other than those established by rule of the (~~(commission)~~)
21 department as an open season. "Closed season" also means all hunting,
22 fishing, taking, or possession of game animals, game birds, game fish,
23 food fish, or shellfish that do not conform to the special restrictions
24 or physical descriptions established by rule of the (~~(commission)~~)
25 department as an open season or that have not otherwise been deemed
26 legal to hunt, fish, take, harvest, or possess by rule of the
27 (~~(commission)~~) department as an open season.

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

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

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

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

36 (11) "Deleterious exotic wildlife" means species of the animal
37 kingdom not native to Washington and designated as dangerous to the
38 environment or wildlife of the state.

- 1 (12) "Department" means the department of fish and wildlife.
- 2 (13) "Director" means the director of fish and wildlife.
- 3 (14) "Endangered species" means wildlife designated by the
4 ((~~commission~~)) department as seriously threatened with extinction.
- 5 (15) "Ex officio fish and wildlife officer" means a commissioned
6 officer of a municipal, county, state, or federal agency having as its
7 primary function the enforcement of criminal laws in general, while the
8 officer is in the appropriate jurisdiction. The term "ex officio fish
9 and wildlife officer" includes special agents of the national marine
10 fisheries service, state parks commissioned officers, United States
11 fish and wildlife special agents, department of natural resources
12 enforcement officers, and United States forest service officers, while
13 the agents and officers are within their respective jurisdictions.
- 14 (16) "Fish" includes all species classified as game fish or food
15 fish by statute or rule, as well as all fin fish not currently
16 classified as food fish or game fish if such species exist in state
17 waters. The term "fish" includes all stages of development and the
18 bodily parts of fish species.
- 19 (17) "Fish and wildlife officer" means a person appointed and
20 commissioned by the director, with authority to enforce this title and
21 rules adopted pursuant to this title, and other statutes as prescribed
22 by the legislature. Fish and wildlife officer includes a person
23 commissioned before June 11, 1998, as a wildlife agent or a fisheries
24 patrol officer.
- 25 (18) "Fishery" means the taking of one or more particular species
26 of fish or shellfish with particular gear in a particular geographical
27 area.
- 28 (19) "Freshwater" means all waters not defined as saltwater
29 including, but not limited to, rivers upstream of the river mouth,
30 lakes, ponds, and reservoirs.
- 31 (20) "Fur-bearing animals" means game animals that shall not be
32 trapped except as authorized by the ((~~commission~~)) department.
- 33 (21) "Game animals" means wild animals that shall not be hunted
34 except as authorized by the ((~~commission~~)) department.
- 35 (22) "Game birds" means wild birds that shall not be hunted except
36 as authorized by the ((~~commission~~)) department.
- 37 (23) "Game farm" means property on which wildlife is held or raised

1 for commercial purposes, trade, or gift. The term "game farm" does not
2 include publicly owned facilities.

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

5 (25) "Invasive species" means a plant species or a nonnative animal
6 species that either:

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

9 (b) Threatens or may threaten natural resources or their use in the
10 state;

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

13 (d) Threatens or harms human health.

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

17 (27) "Limited-entry license" means a license subject to a license
18 limitation program established in chapter 77.70 RCW.

19 (28) "Nonresident" means a person who has not fulfilled the
20 qualifications of a resident.

21 (29) "Offshore waters" means marine waters of the Pacific Ocean
22 outside the territorial boundaries of the state, including the marine
23 waters of other states and countries.

24 (30) "Open season" means those times, manners of taking, and places
25 or waters established by rule of the (~~commission~~) department for the
26 lawful hunting, fishing, taking, or possession of game animals, game
27 birds, game fish, food fish, or shellfish that conform to the special
28 restrictions or physical descriptions established by rule of the
29 (~~commission~~) department or that have otherwise been deemed legal to
30 hunt, fish, take, harvest, or possess by rule of the (~~commission~~)
31 department. "Open season" includes the first and last days of the
32 established time.

33 (31) "Person" means and includes an individual; a corporation; a
34 public or private entity or organization; a local, state, or federal
35 agency; all business organizations, including corporations and
36 partnerships; or a group of two or more individuals acting with a
37 common purpose whether acting in an individual, representative, or
38 official capacity.

1 (32) "Personal use" means for the private use of the individual
2 taking the fish or shellfish and not for sale or barter.

3 (33) "Predatory birds" means wild birds that may be hunted
4 throughout the year as authorized by the (~~commission~~) department.

5 (34) "Prohibited aquatic animal species" means an invasive species
6 of the animal kingdom that has been classified as a prohibited aquatic
7 animal species by the (~~commission~~) department.

8 (35) "Protected wildlife" means wildlife designated by the
9 (~~commission~~) department that shall not be hunted or fished.

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

15 (37) "Recreational and commercial watercraft" includes the boat, as
16 well as equipment used to transport the boat, and any auxiliary
17 equipment such as attached or detached outboard motors.

18 (38) "Regulated aquatic animal species" means a potentially
19 invasive species of the animal kingdom that has been classified as a
20 regulated aquatic animal species by the (~~commission~~) department.

21 (39) "Resident" means:

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

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

30 (40) "Retail-eligible species" means commercially harvested salmon,
31 crab, and sturgeon.

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

33 (42) "Seaweed" means marine aquatic plant species that are
34 dependent upon the marine aquatic or tidal environment, and exist in
35 either an attached or free floating form, and includes but is not
36 limited to marine aquatic plants in the classes Chlorophyta,
37 Phaeophyta, and Rhodophyta.

38 (43) "Senior" means a person seventy years old or older.

1 (44) "Shellfish" means those species of marine and freshwater
2 invertebrates that have been classified and that shall not be taken
3 except as authorized by rule of the (~~commission~~) department. The
4 term "shellfish" includes all stages of development and the bodily
5 parts of shellfish species.

6 (45) "State waters" means all marine waters and fresh waters within
7 ordinary high water lines and within the territorial boundaries of the
8 state.

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

11 (47) "To hunt" and its derivatives means an effort to kill, injure,
12 capture, or harass a wild animal or wild bird.

13 (48) "To process" and its derivatives mean preparing or preserving
14 fish, wildlife, or shellfish.

15 (49) "To trap" and its derivatives means a method of hunting using
16 devices to capture wild animals or wild birds.

17 (50) "Trafficking" means offering, attempting to engage, or
18 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or
19 deleterious exotic wildlife.

20 (51) "Unlisted aquatic animal species" means a nonnative animal
21 species that has not been classified as a prohibited aquatic animal
22 species, a regulated aquatic animal species, or an unregulated aquatic
23 animal species by the (~~commission~~) department.

24 (52) "Unregulated aquatic animal species" means a nonnative animal
25 species that has been classified as an unregulated aquatic animal
26 species by the (~~commission~~) department.

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

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

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

1 Rodentia, or those fish, shellfish, and marine invertebrates classified
2 as food fish or shellfish by the (~~director~~) department. The term
3 "wildlife" includes all stages of development and the bodily parts of
4 wildlife members.

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

7 **Sec. 17.** RCW 77.08.020 and 1989 c 218 s 2 are each amended to read
8 as follows:

9 (1) As used in this title or rules of the (~~commission~~)
10 department, "game fish" means those species of the class Osteichthyes
11 that shall not be fished for except as authorized by rule of the
12 (~~commission~~) department and includes:

13	Scientific Name	Common Name
14	Ambloplites rupestris	rock bass
15	Coregonus clupeaformis	lake white fish
16	Ictalurus furcatus	blue catfish
17	Ictalurus melas	black bullhead
18	Ictalurus natalis	yellow bullhead
19	Ictalurus nebulosus	brown bullhead
20	Ictalurus punctatus	channel catfish
21	Lepomis cyanellus	green sunfish
22	Lepomis gibbosus	pumpkinseed
23	Lepomis gulosus	warmouth
24	Lepomis macrochirus	bluegill
25	Lota lota	burbot or fresh water ling
26	Micropterus dolomieu	smallmouth bass
27	Micropterus salmoides	largemouth bass
28	Oncorhynchus nerka (in its	kokanee or silver trout
29	landlocked form)	
30	Perca flavescens	yellow perch
31	Pomixis annularis	white crappie
32	Pomixis nigromaculatus	black crappie
33	Prosopium williamsoni	mountain white fish
34	Oncorhynchus aquabonita	golden trout
35	Oncorhynchus clarkii	cutthroat trout

1	Oncorhynchus mykiss	rainbow or steelhead trout
2	Salmo salar (in its	Atlantic salmon
3	landlocked form)	
4	Salmo trutta	brown trout
5	Salvelinus fontinalis	eastern brook trout
6	Salvelinus malma	Dolly Varden trout
7	Salvelinus namaycush	lake trout
8	Stizostedion vitreum	Walleye
9	Thymallus arcticus	arctic grayling

10 (2) Private sector cultured aquatic products as defined in RCW
11 15.85.020 are not game fish.

12 **Sec. 18.** RCW 77.08.022 and 2000 c 107 s 208 are each amended to
13 read as follows:

14 "Food fish" means those species of the classes Osteichthyes,
15 Agnatha, and Chondrichthyes that have been classified and that shall
16 not be fished for except as authorized by rule of the (~~commission~~)
17 department. The term "food fish" includes all stages of development
18 and the bodily parts of food fish species.

19 **Sec. 19.** RCW 77.08.030 and 1980 c 78 s 11 are each amended to read
20 as follows:

21 As used in this title or rules of the (~~commission~~) department,
22 "big game" means the following species:

23	Scientific Name	Common Name
24	Cervus canadensis	elk or wapiti
25	Odocoileus hemionus	blacktail deer or mule deer
26	Odocoileus virginianus	whitetail deer
27	Alces americana	moose
28	Oreamnos americanus	mountain goat
29	Rangifer caribou	caribou
30	Ovis canadensis	mountain sheep
31	Antilocapra americana	pronghorn antelope
32	Felis concolor	cougar or mountain lion

1	Euarctos americana	black bear
2	Ursus horribilis	grizzly bear

3 **Sec. 20.** RCW 77.12.010 and 2000 c 107 s 210 are each amended to
4 read as follows:

5 The ~~((commission))~~ department shall not adopt rules that
6 categorically prohibit fishing with bait or artificial lures in
7 streams, rivers, beaver ponds, and lakes except that the ~~((commission))~~
8 department may adopt rules and regulations restricting fishing methods
9 upon a determination by the ~~((director))~~ department that an individual
10 body of water or part thereof clearly requires a fishing method
11 prohibition to conserve or enhance the fisheries resource or to provide
12 selected fishing alternatives.

13 **Sec. 21.** RCW 77.12.020 and 2002 c 281 s 3 are each amended to read
14 as follows:

15 (1) The ~~((director))~~ department shall investigate the habits and
16 distribution of the various species of wildlife native to or adaptable
17 to the habitats of the state. The ~~((commission))~~ department shall
18 determine whether a species should be managed by the department and, if
19 so, classify it under this section.

20 (2) The ~~((commission))~~ department may classify by rule wild animals
21 as game animals and game animals as fur-bearing animals.

22 (3) The ~~((commission))~~ department may classify by rule wild birds
23 as game birds or predatory birds. All wild birds not otherwise
24 classified are protected wildlife.

25 (4) In addition to those species listed in RCW 77.08.020, the
26 ~~((commission))~~ department may classify by rule as game fish other
27 species of the class Osteichthyes that are commonly found in fresh
28 water except those classified as food fish ~~((by the director))~~.

29 ~~((The director may recommend to the commission that a species
30 of wildlife should not be hunted or fished.))~~ The ~~((commission))~~
31 department may designate species of wildlife as protected if it
32 determines that such species should not be hunted or fished.

33 (6) If the ~~((director))~~ department determines that a species of
34 wildlife is seriously threatened with extinction in the state of
35 Washington, the ~~((director))~~ department may ~~((request its designation~~

1 ~~as an endangered species. The commission may~~) designate it as an
2 endangered species.

3 (7) If the ~~((director))~~ department determines that a species of the
4 animal kingdom, not native to Washington, is dangerous to the
5 environment or wildlife of the state, the ~~((director))~~ department may
6 ~~((request its designation))~~ designate it as deleterious exotic
7 wildlife. ~~((The commission may designate deleterious exotic
8 wildlife.))~~

9 (8) ~~((Upon recommendation by the director,))~~ The ~~((commission))~~
10 department may classify nonnative aquatic animal species according to
11 the following categories:

12 (a) Prohibited aquatic animal species: These species are
13 considered by the ~~((commission))~~ department to have a high risk of
14 becoming an invasive species and may not be possessed, imported,
15 purchased, sold, propagated, transported, or released into state waters
16 except as provided in RCW 77.15.253;

17 (b) Regulated aquatic animal species: These species are considered
18 by the ~~((commission))~~ department to have some beneficial use along with
19 a moderate, but manageable risk of becoming an invasive species, and
20 may not be released into state waters, except as provided in RCW
21 77.15.253. The ~~((commission))~~ department shall classify the following
22 commercial aquaculture species as regulated aquatic animal species, and
23 allow their release into state waters pursuant to rule of the
24 ~~((commission))~~ department: Pacific oyster (*Crassostrea gigas*),
25 kumamoto oyster (*Crassostrea sikamea*), European flat oyster (*Ostrea*
26 *edulis*), eastern oyster (*Crassostrea virginica*), manila clam (*Tapes*
27 *philippinarum*), blue mussel (*Mytilus galloprovincialis*), and suminoe
28 oyster (*Crassostrea ariankensis*);

29 (c) Unregulated aquatic animal species: These species are
30 considered by the ~~((commission))~~ department as having some beneficial
31 use along with a low risk of becoming an invasive species, and are not
32 subject to regulation under this title;

33 (d) Unlisted aquatic animal species: These species are not
34 designated as a prohibited aquatic animal species, regulated aquatic
35 animal species, or unregulated aquatic animal species by the
36 ~~((commission))~~ department, and may not be released into state waters.
37 Upon request, the ~~((commission))~~ department may determine the

1 appropriate category for an unlisted aquatic animal species and
2 classify the species accordingly;

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

6 (9) (~~Upon recommendation by the director,~~) The (~~commission~~)
7 department may develop a work plan to eradicate native aquatic species
8 that threaten human health. Priority shall be given to water bodies
9 that the department of health has classified as representing a threat
10 to human health based on the presence of a native aquatic species.

11 **Sec. 22.** RCW 77.12.035 and 2000 c 107 s 211 are each amended to
12 read as follows:

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

23 **Sec. 23.** RCW 77.12.037 and 2000 c 107 s 4 are each amended to read
24 as follows:

25 (1) The (~~commission~~) department may acquire by gift, easement,
26 purchase, lease, or condemnation lands, buildings, water rights,
27 rights-of-way, or other necessary property, and construct and maintain
28 necessary facilities for purposes consistent with this title. The
29 (~~commission~~) department may (~~authorize the director to~~) acquire
30 property under this section, but the power of condemnation may only be
31 exercised by the (~~director~~) department when an appropriation has been
32 made by the legislature for the acquisition of a specific property,
33 except to clear title and acquire access rights-of-way.

34 (2) The (~~commission~~) department may sell, lease, convey, or grant
35 concessions upon real or personal property under the control of the
36 department.

1 **Sec. 24.** RCW 77.12.045 and 2001 c 253 s 13 are each amended to
2 read as follows:

3 Consistent with federal law, the (~~commission's~~) department's
4 authority extends to all areas and waters within the territorial
5 boundaries of the state, to the offshore waters, and to the concurrent
6 waters of the Columbia river.

7 Consistent with federal law, the (~~commission's~~) department's
8 authority extends to fishing in offshore waters by residents of this
9 state.

10 The (~~commission~~) department may adopt rules consistent with the
11 regulations adopted by the United States department of commerce for the
12 offshore waters. The (~~commission~~) department may adopt rules
13 consistent with the recommendations or regulations of the Pacific
14 marine fisheries commission, Columbia river compact, the Pacific salmon
15 commission as provided in chapter 77.75 RCW, or the international
16 Pacific halibut commission.

17 **Sec. 25.** RCW 77.12.047 and 2001 c 253 s 14 are each amended to
18 read as follows:

19 (1) The (~~commission~~) department may adopt, amend, or repeal rules
20 as follows:

21 (a) Specifying the times when the taking of wildlife, fish, or
22 shellfish is lawful or unlawful.

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

25 (c) Specifying and defining the gear, appliances, or other
26 equipment and methods that may be used to take wildlife, fish, or
27 shellfish, and specifying the times, places, and manner in which the
28 equipment may be used or possessed.

29 (d) Regulating the importation, transportation, possession,
30 disposal, landing, and sale of wildlife, fish, shellfish, or seaweed
31 within the state, whether acquired within or without the state.

32 (e) Regulating the prevention and suppression of diseases and pests
33 affecting wildlife, fish, or shellfish.

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

36 (g) Specifying the statistical and biological reports required from

1 fishers, dealers, boathouses, or processors of wildlife, fish, or
2 shellfish.

3 (h) Classifying species of marine and freshwater life as food fish
4 or shellfish.

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

7 (j) Regulating the taking, sale, possession, and distribution of
8 wildlife, fish, shellfish, or deleterious exotic wildlife.

9 (k) Establishing game reserves and closed areas where hunting for
10 wild animals or wild birds may be prohibited.

11 (l) Regulating the harvesting of fish, shellfish, and wildlife in
12 the federal exclusive economic zone by vessels or individuals
13 registered or licensed under the laws of this state.

14 (m) Authorizing issuance of permits to release, plant, or place
15 fish or shellfish in state waters.

16 (n) Governing the possession of fish, shellfish, or wildlife so
17 that the size, species, or sex can be determined visually in the field
18 or while being transported.

19 (o) Other rules necessary to carry out this title and the purposes
20 and duties of the department.

21 (2) Subsections (1)(a), (b), (c), (d), and (f) of this section do
22 not apply to private tideland owners and lessees and the immediate
23 family members of the owners or lessees of state tidelands, when they
24 take or possess oysters, clams, cockles, borers, or mussels, excluding
25 razor clams, produced on their own private tidelands or their leased
26 state tidelands for personal use.

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

29 (3) Except for subsection (1)(g) of this section, this section does
30 not apply to private sector cultured aquatic products as defined in RCW
31 15.85.020. Subsection (1)(g) of this section does apply to such
32 products.

33 **Sec. 26.** RCW 77.12.140 and 1987 c 506 s 23 are each amended to
34 read as follows:

35 The (~~director, acting in a manner not inconsistent with criteria~~
36 ~~established by the commission,~~) department may obtain by purchase,

1 gift, or exchange and may sell or transfer wildlife and their eggs for
2 stocking, research, or propagation.

3 **Sec. 27.** RCW 77.12.150 and 2003 c 385 s 2 are each amended to read
4 as follows:

5 (1) By emergency rule only, (~~and in accordance with criteria~~
6 ~~established by the commission,~~) the (~~director~~) department may close
7 or shorten a season for game animals, game birds, or game fish, and
8 after a season has been closed or shortened, may reopen it and
9 reestablish bag limits on game animals, game birds, or game fish during
10 that season. (~~The director shall advise the commission of the~~
11 ~~adoption of emergency rules.~~) A copy of an emergency rule, certified
12 as a true copy by the director or by a person authorized in writing by
13 the director to make the certification, is admissible in court as prima
14 facie evidence of the adoption and validity of the rule.

15 (2)(a) If the (~~director~~) department finds that game animals have
16 increased in numbers in an area of the state so that they are damaging
17 public or private property or over-utilizing their habitat, the
18 (~~commission~~) department may establish a special hunting season and
19 designate the time, area, and manner of taking and the number and sex
20 of the animals that may be killed or possessed by a licensed hunter.
21 The (~~director~~) department shall include notice of the special season
22 in the rules establishing open seasons.

23 (b) When the department receives six complaints concerning damage
24 to commercial agricultural and horticultural crop production by
25 wildlife from the owner or tenant of real property, or from several
26 owners or tenants in a locale, the (~~commission~~) department shall
27 conduct a special hunt or special hunts or take remedial action to
28 reduce the potential for the damage, and shall authorize either one or
29 two permits per hunter. Each complaint must be confirmed by qualified
30 department staff, or their designee.

31 (c) The (~~director~~) department shall determine by random selection
32 the identity of hunters who may hunt within the area of the special
33 hunt and shall determine the conditions and requirements of the
34 selection process. Within this process, the department must maintain
35 a list of all persons holding valid wildlife hunting licenses, arranged
36 by county of residence, who may hunt deer or elk that are causing
37 damage to crops. The department must update the list annually and

1 utilize the list when contacting persons to assist in controlling game
2 damage to crops. The department must make all reasonable efforts to
3 contact individuals residing within the county where the hunting of
4 deer or elk will occur before contacting a person who is not a resident
5 of that county. The department must randomize the names of people on
6 the list in order to provide a fair distribution of the hunting
7 opportunities. Hunters who participate in hunts under this section
8 must report any kills to the department. The department must include
9 a summary of the wildlife harvested in these hunts in the annual game
10 management reports it makes available to the public.

11 **Sec. 28.** RCW 77.12.152 and 1995 1st sp.s. c 2 s 14 are each
12 amended to read as follows:

13 The (~~commission~~) department may designate the boundaries of
14 fishing areas by driving piling or by establishing monuments or by
15 description of landmarks or section lines and directional headings.

16 **Sec. 29.** RCW 77.12.170 and 2005 c 418 s 3, 2005 c 225 s 4, 2005 c
17 224 s 4, and 2005 c 42 s 4 are each reenacted and amended to read as
18 follows:

19 (1) There is established in the state treasury the state wildlife
20 account which consists of moneys received from:

21 (a) Rentals or concessions of the department;

22 (b) The sale of real or personal property held for department
23 purposes;

24 (c) The assessment of administrative penalties, and the sale of
25 licenses, permits, tags, and stamps required by chapter 77.32 RCW and
26 RCW 77.65.490, except annual resident adult saltwater and all annual
27 razor clam and shellfish licenses, which shall be deposited into the
28 state general fund;

29 (d) Fees for informational materials published by the department;

30 (e) Fees for personalized vehicle, Wild on Washington, and
31 Endangered Wildlife license plates and Washington's Wildlife license
32 plate collection as provided in chapter 46.16 RCW;

33 (f) Articles or wildlife sold by the (~~director~~) department under
34 this title;

35 (g) Compensation for damage to department property or wildlife
36 losses or contributions, gifts, or grants received under RCW 77.12.320;

1 (h) Excise tax on anadromous game fish collected under chapter
2 82.27 RCW;

3 (i) The sale of personal property seized by the department for
4 fish, shellfish, or wildlife violations;

5 (j) The department's share of revenues from auctions and raffles
6 authorized by the (~~commission~~) department; and

7 (k) The sale of watchable wildlife decals under RCW 77.32.560.

8 (2) State and county officers receiving any moneys listed in
9 subsection (1) of this section shall deposit them in the state treasury
10 to be credited to the state wildlife account.

11 **Sec. 30.** RCW 77.12.177 and 2001 c 253 s 16 are each amended to
12 read as follows:

13 (1) Except as provided in this title, state and county officers
14 receiving the following moneys shall deposit them in the state general
15 fund:

16 (a) The sale of commercial licenses required under this title,
17 except for licenses issued under RCW 77.65.490; and

18 (b) Moneys received for damages to food fish or shellfish.

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

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

24 (4) Proceeds from the sale of food fish or shellfish taken in test
25 fishing conducted by the department, to the extent that these proceeds
26 exceed the estimates in the budget approved by the legislature, may be
27 allocated as unanticipated receipts under RCW 43.79.270 to reimburse
28 the department for unanticipated costs for test fishing operations in
29 excess of the allowance in the budget approved by the legislature.

30 (5) Proceeds from the sale of salmon carcasses and salmon eggs from
31 state general funded hatcheries by the department of general
32 administration shall be deposited in the regional fisheries enhancement
33 group account established in RCW 77.95.090.

34 (6) Moneys received by the (~~commission~~) department under RCW
35 77.12.039, to the extent these moneys exceed estimates in the budget
36 approved by the legislature, may be allocated as unanticipated receipts
37 under RCW 43.79.270. Allocations under this subsection shall be made

1 only for the specific purpose for which the moneys were received,
2 unless the moneys were received in settlement of a claim for damages to
3 food fish or shellfish, in which case the moneys may be expended for
4 the conservation of these resources.

5 (7) Proceeds from the sale of herring spawn on kelp fishery
6 licenses by the department, to the extent those proceeds exceed
7 estimates in the budget approved by the legislature, may be allocated
8 as unanticipated receipts under RCW 43.79.270. Allocations under this
9 subsection shall be made only for herring management, enhancement, and
10 enforcement.

11 **Sec. 31.** RCW 77.12.210 and 2000 c 107 s 218 are each amended to
12 read as follows:

13 (1) The ~~((director))~~ department shall maintain and manage real or
14 personal property owned, leased, or held by the department and shall
15 control the construction of buildings, structures, and improvements in
16 or on the property. The ~~((director))~~ department may adopt rules for
17 the operation and maintenance of the property.

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

31 (3)(a) If the ~~((commission))~~ department determines that real or
32 personal property held by the department cannot be used advantageously
33 ~~((by the department))~~, the ~~((director))~~ department may dispose of that
34 property if it is in the public interest.

35 (b) If the state acquired real property with use limited to
36 specific purposes, the ~~((director))~~ department may negotiate terms for
37 the return of the property to the donor or grantor. Other real

1 property shall be sold to the highest bidder at public auction. After
2 appraisal, notice of the auction shall be published at least once a
3 week for two successive weeks in a newspaper of general circulation
4 within the county where the property is located at least twenty days
5 prior to sale.

6 (c) Proceeds from the sales shall be deposited in the state
7 wildlife ((fund)) account.

8 **Sec. 32.** RCW 77.12.220 and 2000 c 107 s 219 are each amended to
9 read as follows:

10 For purposes of this title, the ((~~commission~~)) department may make
11 agreements to obtain real or personal property or to transfer or convey
12 property held by the state to the United States or its agencies or
13 instrumentalities, units of local government of this state, public
14 service companies, or other persons, if in the judgment of the
15 ((~~commission~~)) department and the attorney general the transfer and
16 conveyance is consistent with public interest. For purposes of this
17 section, "local government" means any city, town, county, special
18 district, municipal corporation, or quasi-municipal corporation.

19 If the ((~~commission~~)) department agrees to a transfer or conveyance
20 under this section or to a sale or return of real property under RCW
21 77.12.210, the director shall certify, with the attorney general, to
22 the governor that the agreement has been made. The certification shall
23 describe the real property. The governor then may execute and the
24 secretary of state attest and deliver to the appropriate entity or
25 person the instrument necessary to fulfill the agreement.

26 **Sec. 33.** RCW 77.12.275 and 1995 1st sp.s. c 2 s 7 are each amended
27 to read as follows:

28 The ((~~commission~~)) department may negotiate agreements with the
29 United States department of defense to coordinate fishing in state
30 waters over which the department of defense has assumed control.

31 **Sec. 34.** RCW 77.12.285 and 2000 c 107 s 6 are each amended to read
32 as follows:

33 (1) The ((~~commission~~)) department may enter into agreements with
34 and receive funds from the United States for the construction,
35 maintenance, and operation of fish cultural stations, laboratories, and

1 devices in the Columbia River basin for improvement of feeding and
2 spawning conditions for fish, for the protection of migratory fish from
3 irrigation projects and for facilitating free migration of fish over
4 obstructions.

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

8 **Sec. 35.** RCW 77.12.320 and 2001 c 253 s 19 are each amended to
9 read as follows:

10 (1) The (~~commission~~) department may make agreements with persons,
11 political subdivisions of this state, or the United States or its
12 agencies or instrumentalities, regarding fish, shellfish, and wildlife-
13 oriented recreation and the propagation, protection, conservation, and
14 control of fish, shellfish, and wildlife.

15 (2) The (~~director~~) department may make written agreements with
16 the owners or lessees of real or personal property to provide for the
17 use of the property for fish, shellfish, and wildlife-oriented
18 recreation. The (~~director~~) department may adopt rules governing the
19 conduct of persons in or on the real property.

20 (3) The (~~director~~) department may accept compensation for fish,
21 shellfish, and wildlife losses or gifts or grants of personal property
22 for use by the department.

23 **Sec. 36.** RCW 77.12.323 and 1987 c 506 s 42 are each amended to
24 read as follows:

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

30 (2) The (~~director~~) department may advise the state treasurer and
31 the state investment board of a surplus in the special wildlife account
32 above the current needs. The state investment board may invest and
33 reinvest the surplus, as the (~~commission~~) department deems
34 appropriate, in an investment authorized by RCW 43.84.150 or in
35 securities issued by the United States government as defined by RCW

1 43.84.080 (1) and (4). Income received from the investments shall be
2 deposited to the credit of the special wildlife account.

3 **Sec. 37.** RCW 77.12.325 and 2001 c 253 s 20 are each amended to
4 read as follows:

5 The ((~~commission~~)) department may cooperate with the Oregon fish
6 and wildlife commission in the adoption of rules to ensure an annual
7 yield of fish, shellfish, and wildlife on the Columbia river and to
8 prevent the taking of fish, shellfish, and wildlife at places or times
9 that might endanger fish, shellfish, and wildlife.

10 **Sec. 38.** RCW 77.12.330 and 1980 c 78 s 53 are each amended to read
11 as follows:

12 The ((~~commission~~)) department may establish by rule exclusive
13 fishing waters for minors within specified ages.

14 **Sec. 39.** RCW 77.12.420 and 1987 c 506 s 46 are each amended to
15 read as follows:

16 The ((~~director~~)) department may spend moneys to improve natural
17 growing conditions for fish by constructing fishways, installing
18 screens, and removing obstructions to migratory fish. The eradication
19 of undesirable fish shall be authorized by the ((~~commission~~))
20 department. The ((~~director~~)) department may enter into cooperative
21 agreements with state, county, municipal, and federal agencies, and
22 with private individuals for these purposes.

23 **Sec. 40.** RCW 77.12.455 and 2001 c 253 s 22 are each amended to
24 read as follows:

25 The ((~~commission~~)) department may prohibit the introduction,
26 transportation or transplanting of fish, shellfish, organisms,
27 material, or other equipment which in the ((~~commission's~~)) department's
28 judgment may transmit any disease or pests affecting fish or shellfish.

29 **Sec. 41.** RCW 77.12.560 and 1980 c 78 s 127 are each amended to
30 read as follows:

31 The ((~~commission~~)) department may adopt rules regarding the use of
32 the tidelands as shooting grounds.

1 **Sec. 42.** RCW 77.12.570 and 1987 c 506 s 49 are each amended to
2 read as follows:

3 The ((~~commission~~)) department shall establish the qualifications
4 and conditions for issuing a game farm license. The ((~~director~~))
5 department shall adopt rules governing the operation of game farms.
6 Private sector cultured aquatic products as defined in RCW 15.85.020
7 are exempt from regulation under this section.

8 **Sec. 43.** RCW 77.12.690 and 1998 c 245 s 158 and 1998 c 191 s 33
9 are each reenacted and amended to read as follows:

10 The migratory waterfowl art committee is responsible for the
11 selection of the annual migratory bird stamp design and shall provide
12 the design to the department. If the committee does not perform this
13 duty within the time frame necessary to achieve proper and timely
14 distribution of the stamps to license dealers, the ((~~director~~))
15 department shall initiate the art work selection for that year. The
16 committee shall create collector art prints and related artwork,
17 utilizing the same design as provided to the department. The
18 administration, sale, distribution, and other matters relating to the
19 prints and sales of stamps with prints and related artwork shall be the
20 responsibility of the migratory waterfowl art committee.

21 The total amount brought in from the sale of prints and related
22 artwork shall be deposited in the state wildlife ((~~fund~~)) account. The
23 costs of producing and marketing of prints and related artwork,
24 including administrative expenses mutually agreed upon by the committee
25 and the ((~~director~~)) department, shall be paid out of the total amount
26 brought in from sales of those same items. Net funds derived from the
27 sale of prints and related artwork shall be used by the ((~~director~~))
28 department to contract with one or more appropriate individuals or
29 nonprofit organizations for the development of waterfowl propagation
30 projects within Washington which specifically provide waterfowl for the
31 Pacific flyway. The department shall not contract with any individual
32 or organization that obtains compensation for allowing waterfowl
33 hunting except if the individual or organization does not permit
34 hunting for compensation on the subject property.

35 The migratory waterfowl art committee shall have an annual audit of
36 its finances conducted by the state auditor and shall furnish a copy of
37 the audit to the ((~~commission~~)) department.

1 **Sec. 44.** RCW 77.12.722 and 2000 c 107 s 259 are each amended to
2 read as follows:

3 For the purposes of establishing a season or bag limit restriction
4 on Canada goose hunting, the ((~~commission~~)) department shall not
5 consider leg length or bill length of dusky Canada geese (*Branta*
6 *canadensis occidentalis*).

7 **Sec. 45.** RCW 77.12.760 and 1993 sp.s. c 2 s 78 are each amended to
8 read as follows:

9 Steelhead trout shall be managed solely as a recreational fishery
10 for non-Indian ((~~fishermen~~)) fishers under the rule-setting authority
11 of the ((~~fish and wildlife commission~~)) department.

12 Commercial non-Indian steelhead fisheries are not authorized.

13 **Sec. 46.** RCW 77.12.800 and 1997 c 422 s 3 are each amended to read
14 as follows:

15 The ((~~commission~~)) department must establish special pheasant
16 hunting opportunities for juvenile hunters in eastern Washington for
17 the 1998 season and future seasons.

18 **Sec. 47.** RCW 77.12.875 and 2002 c 281 s 5 are each amended to read
19 as follows:

20 (1) The ((~~commission~~)) department may designate by rule state
21 waters as infested if the ((~~director~~)) department determines that these
22 waters contain a prohibited aquatic animal species.

23 (2) The ((~~commission~~)) department, in consultation with the
24 department of ecology, may designate state waters as infested if it is
25 determined that these waters contain an invasive aquatic plant species.

26 (3) The department shall work with the aquatic nuisance species
27 committee and its member agencies to create educational materials
28 informing the public of state waters that are infested with invasive
29 species, and advise them of applicable rules and practices designed to
30 reduce the spread of the invasive species infesting the waters.

31 **Sec. 48.** RCW 77.12.878 and 2002 c 281 s 6 are each amended to read
32 as follows:

33 (1) The ((~~director~~)) department shall create a rapid response plan
34 in cooperation with the aquatic nuisance species committee and its

1 member agencies that describes actions to be taken when a prohibited
2 aquatic animal species is found to be infesting a water body. These
3 actions include eradication or control programs where feasible and
4 containment of infestation where practical through notification, public
5 education, and the enforcement of regulatory programs.

6 (2) The (~~commission~~) department may adopt rules to implement the
7 rapid response plan.

8 (3) The (~~director~~) department, the department of ecology, and the
9 Washington state parks and recreation commission may post signs at
10 water bodies that are infested with aquatic animal species that are
11 classified as prohibited aquatic animal species under RCW 77.12.020 or
12 with invasive species of the plant kingdom. The signs should identify
13 the prohibited plant and animal species present and warn users of the
14 water body of the hazards and penalties for possessing and transporting
15 these species. Educational signs may be placed at uninfested sites.

16 **Sec. 49.** RCW 77.15.005 and 1998 c 190 s 1 are each amended to read
17 as follows:

18 The legislature finds that merger of the departments of fisheries
19 and wildlife resulted in two criminal codes applicable to fish and
20 wildlife, and that it has become increasingly difficult to administer
21 and enforce the two criminal codes. Furthermore, laws defining crimes
22 involving fish and wildlife have evolved over many years of changing
23 uses and management objectives for fish and wildlife. The resulting
24 two codes make it difficult for citizens to comply with the law and
25 unnecessarily complicate enforcement of laws against violators.

26 The legislature intends by chapter 190, Laws of 1998 to revise and
27 recodify the criminal laws governing fish and wildlife, ensuring that
28 all people involved with fish and wildlife are able to know and
29 understand the requirements of the laws and the risks of violation.
30 Additionally, the legislature intends to create a more uniform approach
31 to criminal laws governing fish and wildlife and to the laws
32 authorizing prosecution, sentencing, and punishments, including
33 repealing crimes that are redundant to other provisions of the criminal
34 code.

35 (~~Chapter 190, Laws of 1998 is not intended to alter existing~~
36 ~~powers of the commission or the director to adopt rules or exercise~~
37 ~~powers over fish and wildlife. In some places reference is made to~~

1 ~~violation of department rules, but this is intended to conform with~~
2 ~~current powers of the commission, director, or both, to adopt rules~~
3 ~~governing fish and wildlife activities.)~~)

4 **Sec. 50.** RCW 77.15.020 and 2005 c 321 s 2 are each amended to read
5 as follows:

6 If the (~~commission or director~~) department has authority to adopt
7 a rule that is punishable as a crime under this chapter, then the
8 (~~commission or director~~) department may provide that violation of the
9 rule shall be punished with notice of infraction under RCW 7.84.030.
10 (~~Neither the commission nor the director~~) The department does not
11 have the authority to adopt a rule providing that a violation
12 punishable as an infraction shall be a crime.

13 **Sec. 51.** RCW 77.15.050 and 1998 c 190 s 6 are each amended to read
14 as follows:

15 Unless the context clearly requires otherwise, as used in this
16 chapter, "conviction" means a final conviction in a state or municipal
17 court or an unvacated forfeiture of bail or collateral deposited to
18 secure the defendant's appearance in court. A plea of guilty, or a
19 finding of guilt for a violation of this title or rule of the
20 (~~commission or director~~) department constitutes a conviction
21 regardless of whether the imposition of sentence is deferred or the
22 penalty is suspended.

23 **Sec. 52.** RCW 77.15.065 and 1996 c 267 s 9 are each amended to read
24 as follows:

25 If the prosecuting attorney of the county in which a violation of
26 this title or rule of the department occurs fails to file an
27 information against the alleged violator, the attorney general upon
28 request of the (~~commission~~) department may file an information in the
29 superior court of the county and prosecute the case in place of the
30 prosecuting attorney. The (~~commission~~) department may request
31 prosecution by the attorney general if thirty days have passed since
32 the (~~commission~~) department informed the county prosecuting attorney
33 of the alleged violation.

1 **Sec. 53.** RCW 77.15.070 and 2005 c 406 s 2 are each amended to read
2 as follows:

3 (1) Fish and wildlife officers and ex officio fish and wildlife
4 officers may seize without warrant boats, airplanes, vehicles,
5 motorized implements, conveyances, gear, appliances, or other articles
6 they have probable cause to believe have been held with intent to
7 violate or used in violation of this title or rule of the (~~commission~~
8 ~~or director~~) department. However, fish and wildlife officers or ex
9 officio fish and wildlife officers may not seize any item or article,
10 other than for evidence, if under the circumstances, it is reasonable
11 to conclude that the violation was inadvertent. The property seized is
12 subject to forfeiture to the state under this section regardless of
13 ownership. Property seized may be recovered by its owner by depositing
14 with the department or into court a cash bond or equivalent security
15 equal to the value of the seized property but not more than one hundred
16 thousand dollars. Such cash bond or security is subject to forfeiture
17 in lieu of the property. Forfeiture of property seized under this
18 section is a civil forfeiture against property and is intended to be a
19 remedial civil sanction.

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

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

36 (4) If any person timely serves the director with a claim to
37 property, the person shall be afforded an opportunity to be heard as to
38 the person's claim or right. The hearing shall be before the director

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

7 (5) The hearing to contest forfeiture and any subsequent appeal
8 shall be as provided for in chapter 34.05 RCW, the administrative
9 procedure act. The seizing authority has the burden to demonstrate
10 that it had reason to believe the property was held with intent to
11 violate or was used in violation of this title or rule of the
12 (~~commission or director~~) department. The person contesting
13 forfeiture has the burden of production and proof by a preponderance of
14 evidence that the person owns or has a right to possess the property
15 and:

16 (a) That the property was not held with intent to violate or used
17 in violation of this title; or

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

23 (6) A forfeiture of a conveyance encumbered by a perfected security
24 interest is subject to the interest of the secured party if the secured
25 party neither had knowledge of nor consented to the act or omission.
26 No security interest in seized property may be perfected after seizure.

27 (7) If seized property is forfeited under this section the
28 department may retain it for official use unless the property is
29 required to be destroyed, or upon application by any law enforcement
30 agency of the state, release such property to the agency for the use of
31 enforcing this title, or sell such property, and deposit the proceeds
32 to the fish and wildlife enforcement reward account created in RCW
33 77.15.425.

34 **Sec. 54.** RCW 77.15.085 and 2000 c 107 s 232 are each amended to
35 read as follows:

36 Fish and wildlife officers and ex officio fish and wildlife
37 officers may seize without a warrant wildlife, fish, and shellfish they

1 have probable cause to believe have been taken, transported, or
2 possessed in violation of this title or rule of the (~~commission or~~
3 ~~director~~) department.

4 **Sec. 55.** RCW 77.15.096 and 2002 c 128 s 5 are each amended to read
5 as follows:

6 Fish and wildlife officers may inspect without warrant at
7 reasonable times and in a reasonable manner the premises, containers,
8 fishing equipment, fish, seaweed, shellfish, and wildlife, and records
9 required by the department of any commercial fisher or wholesale dealer
10 or fish buyer. Fish and wildlife officers may similarly inspect
11 without warrant the premises, containers, fishing equipment, fish,
12 shellfish, and wildlife, and records required by the department of any
13 shipping agent or other person placing or attempting to place fish,
14 shellfish, or wildlife into interstate commerce, any cold storage plant
15 that the department has probable cause to believe contains fish,
16 shellfish, or wildlife, or of any taxidermist or fur buyer. Fish and
17 wildlife officers may inspect without warrant the records required by
18 the department of any retail outlet selling fish, shellfish, or
19 wildlife, and, if the officers have probable cause to believe a
20 violation of this title or rules of the (~~commission~~) department has
21 occurred, they may inspect without warrant the premises, containers,
22 and fish, shellfish, and wildlife of any retail outlet selling fish,
23 shellfish, or wildlife. Authority granted under this section does not
24 extend to quarters in a boat, building, or other property used
25 exclusively as a private domicile, does not extend to transitory
26 residences in which a person has a reasonable expectation of privacy,
27 and does not allow search and seizure without a warrant if the thing or
28 place is protected from search without warrant within the meaning of
29 Article I, section 7 of the state Constitution.

30 **Sec. 56.** RCW 77.15.098 and 2000 c 107 s 215 are each amended to
31 read as follows:

32 (1) An authorized state, county, or municipal officer may be
33 subject to civil liability under RCW 77.15.070 for willful misconduct
34 or gross negligence in the performance of his or her duties.

35 (2) The (~~director, the fish and wildlife commission, or the~~)

1 department may be subject to civil liability for (~~their~~) its willful
2 or reckless misconduct in matters involving the seizure and forfeiture
3 of personal property involved with fish or wildlife offenses.

4 **Sec. 57.** RCW 77.15.120 and 2000 c 107 s 236 are each amended to
5 read as follows:

6 (1) A person is guilty of unlawful taking of endangered fish or
7 wildlife in the second degree if the person hunts, fishes, possesses,
8 maliciously harasses or kills fish or wildlife, or maliciously destroys
9 the nests or eggs of fish or wildlife and the fish or wildlife is
10 designated by the (~~commission~~) department as endangered, and the
11 taking has not been authorized by rule of the (~~commission~~)
12 department.

13 (2) A person is guilty of unlawful taking of endangered fish or
14 wildlife in the first degree if the person has been:

15 (a) Convicted under subsection (1) of this section or convicted of
16 any crime under this title involving the killing, possessing,
17 harassing, or harming of endangered fish or wildlife; and

18 (b) Within five years of the date of the prior conviction the
19 person commits the act described by subsection (1) of this section.

20 (3)(a) Unlawful taking of endangered fish or wildlife in the second
21 degree is a gross misdemeanor.

22 (b) Unlawful taking of endangered fish or wildlife in the first
23 degree is a class C felony. The department shall revoke any licenses
24 or tags used in connection with the crime and order the person's
25 privileges to hunt, fish, trap, or obtain licenses under this title to
26 be suspended for two years.

27 **Sec. 58.** RCW 77.15.130 and 1998 c 190 s 14 are each amended to
28 read as follows:

29 (1) A person is guilty of unlawful taking of protected fish or
30 wildlife if:

31 (a) The person hunts, fishes, possesses, or maliciously kills
32 protected fish or wildlife, or the person possesses or maliciously
33 destroys the eggs or nests of protected fish or wildlife, and the
34 taking has not been authorized by rule of the (~~commission~~)
35 department; or

1 (b) The person violates any rule of the (~~commission~~) department
2 regarding the taking, harming, harassment, possession, or transport of
3 protected fish or wildlife.

4 (2) Unlawful taking of protected fish or wildlife is a misdemeanor.

5 **Sec. 59.** RCW 77.15.140 and 1998 c 190 s 15 are each amended to
6 read as follows:

7 (1) A person is guilty of unlawful taking of unclassified fish or
8 wildlife if:

9 (a) The person kills, hunts, fishes, takes, holds, possesses,
10 transports, or maliciously injures or harms fish or wildlife that is
11 not classified as big game, game fish, game animals, game birds, food
12 fish, shellfish, protected wildlife, or endangered wildlife; and

13 (b) The act violates any rule of the (~~commission or the director~~)
14 department.

15 (2) Unlawful taking of unclassified fish or wildlife is a
16 misdemeanor.

17 **Sec. 60.** RCW 77.15.160 and 2000 c 107 s 237 are each amended to
18 read as follows:

19 A person is guilty of an infraction, which shall be cited and
20 punished as provided under chapter 7.84 RCW, if the person:

21 (1) Fails to immediately record a catch of fish or shellfish on a
22 catch record card required by RCW 77.32.430, or required by rule of the
23 (~~commission~~) department under this title; or

24 (2) Fishes for personal use using barbed hooks in violation of any
25 rule; or

26 (3) Violates any other rule of the (~~commission or director~~)
27 department that is designated by rule as an infraction.

28 **Sec. 61.** RCW 77.15.190 and 1999 c 258 s 9 are each amended to read
29 as follows:

30 (1) A person is guilty of unlawful trapping if the person:

31 (a) Sets out traps that are capable of taking wild animals, game
32 animals, or furbearing mammals and does not possess all licenses, tags,
33 or permits required under this title;

34 (b) Violates any rule of the (~~commission or director~~) department

1 regarding seasons, bag or possession limits, closed areas including
2 game reserves, closed times, or any other rule governing the trapping
3 of wild animals; or

4 (c) Fails to identify the owner of the traps or devices by neither
5 (i) attaching a metal tag with the owner's department-assigned
6 identification number or the name and address of the trapper legibly
7 written in numbers or letters not less than one-eighth inch in height
8 nor (ii) inscribing into the metal of the trap such number or name and
9 address.

10 (2) Unlawful trapping is a misdemeanor.

11 **Sec. 62.** RCW 77.15.245 and 2005 c 107 s 1 are each amended to read
12 as follows:

13 (1) Notwithstanding the provisions of RCW 77.12.240, 77.36.020,
14 77.36.030, or any other provisions of law, it is unlawful to take,
15 hunt, or attract black bear with the aid of bait.

16 (a) Nothing in this subsection shall be construed to prohibit the
17 killing of black bear with the aid of bait by employees or agents of
18 county, state, or federal agencies while acting in their official
19 capacities for the purpose of protecting livestock, domestic animals,
20 private property, or the public safety.

21 (b) Nothing in this subsection shall be construed to prevent the
22 establishment and operation of feeding stations for black bear in order
23 to prevent damage to commercial timberland.

24 (c) Nothing in this subsection shall be construed to prohibit the
25 (~~director~~) department from issuing a permit or memorandum of
26 understanding to a public agency, university, or scientific or
27 educational institution for the use of bait to attract black bear for
28 scientific purposes.

29 (d) As used in this subsection, "bait" means a substance placed,
30 exposed, deposited, distributed, scattered, or otherwise used for the
31 purpose of attracting black bears to an area where one or more persons
32 hunt or intend to hunt them.

33 (2) Notwithstanding RCW 77.12.240, 77.36.020, 77.36.030, or any
34 other provisions of law, it is unlawful to hunt or pursue black bear,
35 cougar, bobcat, or lynx with the aid of a dog or dogs.

36 (a) Nothing in this subsection shall be construed to prohibit the
37 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or

1 dogs by employees or agents of county, state, or federal agencies while
2 acting in their official capacities for the purpose of protecting
3 livestock, domestic animals, private property, or the public safety.
4 A dog or dogs may be used by the owner or tenant of real property
5 consistent with a permit issued and conditioned by the ((~~director~~))
6 department.

7 (b) Nothing in this subsection shall be construed to prohibit the
8 ((~~director~~)) department from issuing a permit or memorandum of
9 understanding to a public agency, university, or scientific or
10 educational institution for the use of a dog or dogs for the pursuit,
11 capture and relocation, of black bear, cougar, bobcat, or lynx for
12 scientific purposes.

13 (c) Nothing in this subsection shall be construed to prohibit the
14 ((~~director~~)) department from issuing a permit or memorandum of
15 understanding to a public agency, university, or scientific or
16 educational institution for the use of a dog or dogs for the killing of
17 black bear, cougar, or bobcat, for the protection of a state and/or
18 federally listed threatened or endangered species.

19 (3)(a) Notwithstanding subsection (2) of this section, the
20 ((~~commission~~)) department shall authorize the use of dogs only in
21 selected areas within a game management unit to address a public safety
22 need presented by one or more cougar. This authority may only be
23 exercised after the ((~~commission~~)) department has determined that no
24 other practical alternative to the use of dogs exists, and after the
25 ((~~commission~~)) department has adopted rules describing the conditions
26 in which dogs may be used. Conditions that may warrant the use of dogs
27 within a game management unit include, but are not limited to,
28 confirmed cougar/human safety incidents, confirmed cougar/livestock and
29 cougar/pet depredations, and the number of cougar capture attempts and
30 relocations.

31 (b) The department shall post on their internet web site the known
32 details of all reported cougar/human, cougar/pet, or cougar/livestock
33 interactions within ten days of receiving the report. The posted
34 material must include, but is not limited to, the location and time of
35 all reported sightings, and the known details of any cougar/livestock
36 incidents.

37 (4) A person who violates subsection (1) or (2) of this section is
38 guilty of a gross misdemeanor. In addition to appropriate criminal

1 penalties, the department shall revoke the hunting license of a person
2 who violates subsection (1) or (2) of this section and order the
3 suspension of wildlife hunting privileges for a period of five years
4 following the revocation. Following a subsequent violation of
5 subsection (1) or (2) of this section by the same person, a hunting
6 license shall not be issued to the person at any time.

7 **Sec. 63.** RCW 77.15.250 and 2001 c 253 s 32 are each amended to
8 read as follows:

9 (1)(a) A person is guilty of unlawfully releasing, planting, or
10 placing fish, shellfish, or wildlife if the person knowingly releases,
11 plants, or places live fish, shellfish, wildlife, or aquatic plants
12 within the state, and the fish, shellfish, or wildlife have not been
13 classified as deleterious wildlife. This subsection does not apply to
14 a release of game fish into private waters for which a game fish
15 stocking permit has been obtained, or the planting of fish or shellfish
16 by permit of the (~~commission~~) department.

17 (b) A violation of this subsection is a gross misdemeanor. In
18 addition, the department shall order the person to pay all costs the
19 department incurred in capturing, killing, or controlling the fish,
20 shellfish, aquatic plants, or wildlife released or its progeny. This
21 does not affect the existing authority of the department to bring a
22 separate civil action to recover costs of capturing, killing,
23 controlling the fish, shellfish, aquatic plants, or wildlife released
24 or their progeny, or restoration of habitat necessitated by the
25 unlawful release.

26 (2)(a) A person is guilty of unlawful release of deleterious exotic
27 wildlife if the person knowingly releases, plants, or places live fish,
28 shellfish, or wildlife within the state and such fish, shellfish, or
29 wildlife has been classified as deleterious exotic wildlife by rule of
30 the (~~commission~~) department.

31 (b) A violation of this subsection is a class C felony. In
32 addition, the department shall also order the person to pay all costs
33 the department incurred in capturing, killing, or controlling the fish,
34 shellfish, or wildlife released or its progeny. This does not affect
35 the existing authority of the department to bring a separate civil
36 action to recover costs of capturing, killing, controlling the fish,

1 shellfish, or wildlife released or their progeny, or restoration of
2 habitat necessitated by the unlawful release.

3 **Sec. 64.** RCW 77.15.253 and 2007 c 350 s 5 are each amended to read
4 as follows:

5 (1) A person is guilty of unlawful use of a prohibited aquatic
6 animal species if he or she possesses, imports, purchases, sells,
7 propagates, transports, or releases a prohibited aquatic animal species
8 within the state, except as provided in this section.

9 (2) Unless otherwise prohibited by law, a person may:

10 (a) Transport prohibited aquatic animal species to the department,
11 or to another destination designated by the (~~director~~) department, in
12 a manner designated by the (~~director~~) department, for purposes of
13 identifying a species or reporting the presence of a species;

14 (b) Possess a prohibited aquatic animal species if he or she is in
15 the process of removing it from watercraft or equipment in a manner
16 specified by the department;

17 (c) Release a prohibited aquatic animal species if the species was
18 caught while fishing and it is being immediately returned to the water
19 from which it came; or

20 (d) Possess, transport, or release a prohibited aquatic animal
21 species as the (~~commission~~) department may otherwise prescribe.

22 (3) Unlawful use of a prohibited aquatic animal species is a gross
23 misdemeanor. A subsequent violation of subsection (1) of this section
24 within five years is a class C felony.

25 (4) A person is guilty of unlawful release of a regulated aquatic
26 animal species if he or she releases a regulated aquatic animal species
27 into state waters, unless allowed by the (~~commission~~) department.

28 (5) Unlawful release of a regulated aquatic animal species is a
29 gross misdemeanor.

30 (6) A person is guilty of unlawful release of an unlisted aquatic
31 animal species if he or she releases an unlisted aquatic animal species
32 into state waters without requesting a (~~commission~~) department
33 designation under RCW 77.12.020.

34 (7) Unlawful release of an unlisted aquatic animal species is a
35 gross misdemeanor.

36 (8) This section does not apply to:

37 (a) The transportation or release of organisms in ballast water;

1 (b) A person stopped at an aquatic invasive species check station
2 who possesses a recreational or commercial watercraft that is
3 contaminated with an aquatic invasive species, if that person complies
4 with all department directives for the proper decontamination of the
5 watercraft and equipment; or

6 (c) A person who has voluntarily submitted a recreational or
7 commercial watercraft for inspection by the department and has received
8 a receipt verifying that the watercraft has not been contaminated since
9 its last use.

10 **Sec. 65.** RCW 77.15.280 and 2008 c 244 s 2 are each amended to read
11 as follows:

12 (1) A person is guilty of violating rules requiring reporting of
13 fish or wildlife harvest if the person:

14 (a) Fails to make a harvest log report of a commercial fish or
15 shellfish catch in violation of any rule of the (~~commission or the~~
16 ~~director~~) department;

17 (b) Fails to maintain a trapper's report or taxidermist ledger in
18 violation of any rule of the (~~commission or the director~~) department;

19 (c) Fails to submit any portion of a big game animal for a required
20 inspection required by rule of the (~~commission or the director~~)
21 department; or

22 (d) Fails to return a catch record card to the department as
23 required by rule of the (~~commission or director~~) department, except
24 for catch record cards officially endorsed for Puget Sound Dungeness
25 crab.

26 (2) Violating rules requiring reporting of fish or wildlife harvest
27 is a misdemeanor.

28 **Sec. 66.** RCW 77.15.290 and 2007 c 350 s 6 are each amended to read
29 as follows:

30 (1) A person is guilty of unlawful transportation of fish or
31 wildlife in the second degree if the person:

32 (a) Knowingly imports, moves within the state, or exports fish,
33 shellfish, or wildlife in violation of any rule of the (~~commission or~~
34 ~~the director~~) department governing the transportation or movement of
35 fish, shellfish, or wildlife and the transportation does not involve

1 big game, endangered fish or wildlife, deleterious exotic wildlife, or
2 fish, shellfish, or wildlife having a value greater than two hundred
3 fifty dollars; or

4 (b) Possesses but fails to affix or notch a big game transport tag
5 as required by rule of the (~~commission or director~~) department.

6 (2) A person is guilty of unlawful transportation of fish or
7 wildlife in the first degree if the person:

8 (a) Knowingly imports, moves within the state, or exports fish,
9 shellfish, or wildlife in violation of any rule of the (~~commission or~~
10 ~~the director~~) department governing the transportation or movement of
11 fish, shellfish, or wildlife and the transportation involves big game,
12 endangered fish or wildlife, deleterious exotic wildlife, or fish,
13 shellfish, or wildlife with a value of two hundred fifty dollars or
14 more; or

15 (b) Knowingly transports shellfish, shellstock, or equipment used
16 in commercial culturing, taking, handling, or processing shellfish
17 without a permit required by authority of this title.

18 (3)(a) Unlawful transportation of fish or wildlife in the second
19 degree is a misdemeanor.

20 (b) Unlawful transportation of fish or wildlife in the first degree
21 is a gross misdemeanor.

22 (4) A person is guilty of unlawful transport of aquatic plants if
23 the person transports aquatic plants on any state or public road,
24 including forest roads, except as provided in this section.

25 (5) Unless otherwise prohibited by law, a person may transport
26 aquatic plants:

27 (a) To the department, or to another destination designated by the
28 (~~director~~) department, in a manner designated by the department, for
29 purposes of identifying a species or reporting the presence of a
30 species;

31 (b) When legally obtained for aquarium use, wetland or lakeshore
32 restoration, or ornamental purposes;

33 (c) When transporting a commercial aquatic plant harvester to a
34 suitable location for purposes of removing aquatic plants;

35 (d) In a manner that prevents their unintentional dispersal, to a
36 suitable location for disposal, research, or educational purposes; or

37 (e) As the (~~commission~~) department may otherwise prescribe.

38 (6) Unlawful transport of aquatic plants is a misdemeanor.

1 (7) This section does not apply to: (a) Any person stopped at an
2 aquatic invasive species check station who possesses a recreational or
3 commercial watercraft that is contaminated with an aquatic invasive
4 species if that person complies with all department directives for the
5 proper decontamination of the watercraft and equipment; or (b) any
6 person who has voluntarily submitted a recreational or commercial
7 watercraft for inspection by the department or its designee and has
8 received a receipt verifying that the watercraft has not been
9 contaminated since its last use.

10 **Sec. 67.** RCW 77.15.330 and 2001 c 253 s 36 are each amended to
11 read as follows:

12 (1) A person is guilty of unlawfully holding a hunting or fishing
13 contest if the person:

14 (a) Conducts, holds, or sponsors a hunting contest, a fishing
15 contest involving game fish, or a competitive field trial using live
16 wildlife without the permit required by RCW 77.65.480; or

17 (b) Violates any rule of the (~~commission or the director~~)
18 department applicable to a hunting contest, fishing contest involving
19 game fish, or a competitive field trial using live wildlife.

20 (2) Unlawfully holding a hunting or fishing contest is a
21 misdemeanor.

22 **Sec. 68.** RCW 77.15.340 and 2001 c 253 s 37 are each amended to
23 read as follows:

24 (1) A person is guilty of unlawful operation of a game farm if the
25 person (a) operates a game farm without the license required by RCW
26 77.65.480; or (b) violates any rule of the (~~commission or the~~
27 ~~director~~) department applicable to game farms under RCW 77.12.570,
28 77.12.580, and 77.12.590.

29 (2) Unlawful operation of a game farm is a gross misdemeanor.

30 **Sec. 69.** RCW 77.15.370 and 2005 c 406 s 3 are each amended to read
31 as follows:

32 (1) A person is guilty of unlawful recreational fishing in the
33 first degree if:

34 (a) The person takes, possesses, or retains two times or more than
35 the bag limit or possession limit of fish or shellfish allowed by any

1 rule of the (~~director or commission~~) department setting the amount of
2 food fish, game fish, or shellfish that can be taken, possessed, or
3 retained for noncommercial use;

4 (b) The person fishes in a fishway;

5 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or
6 stones fish or shellfish in state waters, or possesses fish or
7 shellfish taken by such means, unless such means are authorized by
8 express rule of the (~~commission or director~~) department; or

9 (d) The person fishes for or possesses a fish listed as threatened
10 or endangered in 50 C.F.R. Sec. 17.11 (2002), unless fishing for or
11 possession of such fish is specifically allowed under federal or state
12 law.

13 (2) Unlawful recreational fishing in the first degree is a gross
14 misdemeanor.

15 **Sec. 70.** RCW 77.15.380 and 2001 c 253 s 39 are each amended to
16 read as follows:

17 (1) A person is guilty of unlawful recreational fishing in the
18 second degree if the person fishes for, takes, possesses, or harvests
19 fish or shellfish and:

20 (a) The person does not have and possess the license or the catch
21 record card required by chapter 77.32 RCW for such activity; or

22 (b) The action violates any rule of the (~~commission or the~~
23 ~~director~~) department regarding seasons, bag or possession limits but
24 less than two times the bag or possession limit, closed areas, closed
25 times, or any other rule addressing the manner or method of fishing or
26 possession of fish, except for use of a net to take fish as provided
27 for in RCW 77.15.580.

28 (2) Unlawful recreational fishing in the second degree is a
29 misdemeanor.

30 **Sec. 71.** RCW 77.15.400 and 2006 c 148 s 1 are each amended to read
31 as follows:

32 (1) A person is guilty of unlawful hunting of wild birds in the
33 second degree if the person:

34 (a) Hunts for, takes, or possesses a wild bird and the person does
35 not have and possess all licenses, tags, stamps, and permits required
36 under this title;

1 (b) Maliciously destroys, takes, or harms the eggs or nests of a
2 wild bird except when authorized by permit;

3 (c) Violates any rule of the (~~commission or director~~) department
4 regarding seasons, bag or possession limits but less than two times the
5 bag or possession limit, closed areas, closed times, or other rule
6 addressing the manner or method of hunting or possession of wild birds;
7 or

8 (d) Possesses a wild bird taken during a closed season for that
9 wild bird or taken from a closed area for that wild bird.

10 (2) A person is guilty of unlawful hunting of wild birds in the
11 first degree if the person takes or possesses two times or more than
12 the possession or bag limit for wild birds allowed by rule of the
13 (~~commission or director~~) department.

14 (3)(a) Unlawful hunting of wild birds in the second degree is a
15 misdemeanor.

16 (b) Unlawful hunting of wild birds in the first degree is a gross
17 misdemeanor.

18 (4) In addition to the penalties set forth in this section, if a
19 person, other than a youth as defined in RCW 77.08.010 for hunting
20 purposes, violates a rule adopted by the (~~commission~~) department
21 under the authority of this title that requires the use of nontoxic
22 shot, upon conviction:

23 (a) The court shall require a payment of one thousand dollars as a
24 criminal wildlife penalty assessment that must be paid to the clerk of
25 the court and distributed to the state treasurer for deposit in the
26 fish and wildlife enforcement reward account created in RCW 77.15.425.
27 The criminal wildlife penalty assessment must be imposed regardless of
28 and in addition to any sentence, fine, or costs imposed for violating
29 this section. The criminal wildlife penalty assessment must be
30 included by the court in any pronouncement of sentence and may not be
31 suspended, waived, modified, or deferred in any respect; and

32 (b) The department shall revoke the hunting license of the person
33 and order a suspension of small game hunting privileges for two years.

34 **Sec. 72.** RCW 77.15.410 and 2005 c 406 s 4 are each amended to read
35 as follows:

36 (1) A person is guilty of unlawful hunting of big game in the
37 second degree if the person:

1 (a) Hunts for, takes, or possesses big game and the person does not
2 have and possess all licenses, tags, or permits required under this
3 title;

4 (b) Violates any rule of the (~~commission or director~~) department
5 regarding seasons, bag or possession limits, closed areas including
6 game reserves, closed times, or any other rule governing the hunting,
7 taking, or possession of big game; or

8 (c) Possesses big game taken during a closed season for that big
9 game or taken from a closed area for that big game.

10 (2) A person is guilty of unlawful hunting of big game in the first
11 degree if the person was previously convicted of any crime under this
12 title involving unlawful hunting, killing, possessing, or taking big
13 game, and within five years of the date that the prior conviction was
14 entered the person:

15 (a) Hunts for big game and does not have and possess all licenses,
16 tags, or permits required under this title;

17 (b) Acts in violation of any rule of the (~~commission or director~~)
18 department regarding seasons, bag or possession limits, closed areas
19 including game reserves, or closed times; or

20 (c) Possesses big game taken during a closed season for that big
21 game or taken from a closed area for that big game.

22 (3)(a) Unlawful hunting of big game in the second degree is a gross
23 misdemeanor. Upon conviction of an offense involving killing or
24 possession of big game taken during a period of time when hunting for
25 the particular species is not permitted, or in excess of the bag or
26 possession limit, the department shall revoke all hunting licenses and
27 tags and order a suspension of hunting privileges for two years.

28 (b) Unlawful hunting of big game in the first degree is a class C
29 felony. Upon conviction, the department shall revoke all hunting
30 licenses or tags and the department shall order the person's hunting
31 privileges suspended for ten years.

32 **Sec. 73.** RCW 77.15.425 and 2006 c 148 s 2 are each amended to read
33 as follows:

34 The fish and wildlife enforcement reward account is created in the
35 custody of the state treasurer. All receipts from criminal wildlife
36 penalty assessments under RCW 77.15.420 and 77.15.400 must be deposited
37 into the account. The department may accept money or personal property

1 from persons under conditions requiring the property or money to be
2 used consistent with the intent of expenditures from the fish and
3 wildlife enforcement reward account. Expenditures from the account may
4 be used only for investigation and prosecution of fish and wildlife
5 offenses, to provide rewards to persons informing the department about
6 violations of this title and rules adopted under this title, and for
7 other valid enforcement uses as determined by the ((~~commission~~))
8 department. Only the director or the director's designee may authorize
9 expenditures from the account. The account is subject to allotment
10 procedures under chapter 43.88 RCW, but an appropriation is not
11 required for expenditures.

12 **Sec. 74.** RCW 77.15.430 and 1999 c 258 s 4 are each amended to read
13 as follows:

14 (1) A person is guilty of unlawful hunting of wild animals in the
15 second degree if the person:

16 (a) Hunts for, takes, or possesses a wild animal that is not
17 classified as big game, and does not have and possess all licenses,
18 tags, or permits required by this title;

19 (b) Violates any rule of the ((~~commission or director~~)) department
20 regarding seasons, bag or possession limits but less than two times the
21 bag or possession limit, closed areas including game reserves, closed
22 times, or other rule addressing the manner or method of hunting or
23 possession of wild animals not classified as big game; or

24 (c) Possesses a wild animal that is not classified as big game
25 taken during a closed season for that wild animal or from a closed area
26 for that wild animal.

27 (2) A person is guilty of unlawful hunting of wild animals in the
28 first degree if the person takes or possesses two times or more than
29 the possession or bag limit for wild animals that are not classified as
30 big game animals as allowed by rule of the ((~~commission or director~~))
31 department.

32 (3)(a) Unlawful hunting of wild animals in the second degree is a
33 misdemeanor.

34 (b) Unlawful hunting of wild animals in the first degree is a gross
35 misdemeanor.

1 **Sec. 75.** RCW 77.15.530 and 2000 c 107 s 249 are each amended to
2 read as follows:

3 (1) A person who holds a fishery license required by chapter 77.65
4 RCW, or who holds an operator's license and is designated as an
5 alternate operator on a fishery license required by chapter 77.65 RCW,
6 is guilty of unlawful use of a nondesignated vessel if the person
7 takes, fishes for, or delivers from that fishery using a vessel not
8 designated on the person's license, when vessel designation is required
9 by chapter 77.65 RCW.

10 (2) Unlawful use of a nondesignated vessel is a gross misdemeanor.

11 (3) A nondesignated vessel may be used, subject to appropriate
12 notification to the department and in accordance with rules established
13 by the (~~commission~~) department, when a designated vessel is
14 inoperative because of accidental damage or mechanical breakdown.

15 (4) If the person commits the act described by subsection (1) of
16 this section and the vessel designated on the person's fishery license
17 was used by any person in the fishery on the same day, then the
18 violation for using a nondesignated vessel is a class C felony. Upon
19 conviction the department shall order revocation and suspension of all
20 commercial fishing privileges under chapter 77.65 RCW for a period of
21 one year.

22 **Sec. 76.** RCW 77.15.554 and 2003 c 386 s 4 are each amended to read
23 as follows:

24 (1) The license suspension review committee is created. The
25 license suspension review committee may only hear appeals from
26 commercial fishers who have had a license revoked or suspended pursuant
27 to RCW 77.15.552.

28 (2)(a) The license suspension review committee is composed of five
29 voting members and up to four alternates.

30 (b) Two of the members must be appointed by the director and may be
31 department employees.

32 (c) Three members, and up to four alternates, must be peer-group
33 members, who are individuals owning a commercial fishing license issued
34 by the department. If a peer-group member appears before the license
35 suspension review committee because of a qualifying commercial fishing
36 violation, the member must recuse himself or herself from the
37 proceedings relating to that violation. No two voting peer-group

1 members may reside in the same county. All peer-group members must be
2 appointed by the ((commission)) director, who may accept
3 recommendations from professional organizations that represent
4 commercial fishing interests or from the legislative authority of any
5 Washington county.

6 (d) All license suspension review committee members serve a two-
7 year renewable term.

8 (e) The ((commission)) department may develop minimum member
9 standards for service on the license suspension review committee, and
10 standards for terminating a member before the expiration of his or her
11 term.

12 (3) The license suspension review committee must convene and
13 deliver an opinion on a license renewal suspension within three months
14 of appeal or of referral from the department. The director shall
15 consider the committee's opinion and make a decision and may issue, not
16 issue, or modify the license suspension.

17 (4) The license suspension review committee shall collect the
18 information and hear the testimony that it feels necessary to deliver
19 an opinion on the proper length, if any, of a suspension of a
20 commercial license. The opinion may be based on extenuating
21 circumstances presented by the individual convicted of the qualifying
22 commercial fishing violation or considerations of the type and
23 magnitude of violations that have been committed by the individual.
24 The maximum length of any suspension may not exceed one year.

25 (5) All opinions of the license suspension review committee must be
26 by a majority vote of all voting members. Alternate committee members
27 may only vote when one of the voting members is unavailable, has been
28 recused, or has decided not to vote on the case before the committee.
29 Nonvoting alternates may be present and may participate at all license
30 suspension review committee meetings.

31 (6) Members of the license suspension review committee serve as
32 volunteers, and are not eligible for compensation other than travel
33 expenses pursuant to RCW 43.03.050 and 43.03.060.

34 (7) Staff of the license suspension review committee must be
35 provided by the department.

36 **Sec. 77.** RCW 77.15.580 and 2000 c 107 s 252 are each amended to
37 read as follows:

1 (1) A person is guilty of unlawful use of a net to take fish in the
2 second degree if the person:

3 (a) Lays, sets, uses, or controls a net or other device or
4 equipment capable of taking fish from the waters of this state, except
5 if the person has a valid license for such fishing gear from the
6 (~~director~~) department under this title and is acting in accordance
7 with all rules of the (~~commission and director~~) department; or

8 (b) Fails to return unauthorized fish to the water immediately
9 while otherwise lawfully operating a net under a valid license.

10 (2) A person is guilty of unlawful use of a net to take fish in the
11 first degree if the person:

12 (a) Commits the act described by subsection (1) of this section;
13 and

14 (b) The violation occurs within five years of entry of a prior
15 conviction for a gross misdemeanor or felony under this title involving
16 fish, other than a recreational fishing violation, or involving
17 unlawful use of nets.

18 (3)(a) Unlawful use of a net to take fish in the second degree is
19 a gross misdemeanor. Upon conviction, the department shall revoke any
20 license held under this title allowing commercial net fishing used in
21 connection with the crime.

22 (b) Unlawful use of a net to take fish in the first degree is a
23 class C felony. Upon conviction, the department shall order a one-year
24 suspension of all commercial fishing privileges requiring a license
25 under this title.

26 (4) Notwithstanding subsections (1) and (2) of this section, it is
27 lawful to use a landing net to land fish otherwise legally hooked.

28 **Sec. 78.** RCW 77.15.590 and 1998 c 190 s 51 are each amended to
29 read as follows:

30 (1) A person is guilty of unlawful use of a commercial fishing
31 vessel, except as may be authorized by rule of the (~~commission~~)
32 department, for recreational or charter fishing if the person uses,
33 operates, or controls a vessel on the same day for both:

34 (a) Charter or recreational fishing; and

35 (b) Commercial fishing or shellfish harvesting.

36 (2) Unlawful use of a commercial fishing vessel for recreational or
37 charter fishing is a gross misdemeanor.

1 **Sec. 79.** RCW 77.15.660 and 1998 c 190 s 55 are each amended to
2 read as follows:

3 (1) A person is guilty of unlawful use of a scientific permit if
4 the person:

5 (a) Violates any terms or conditions of a scientific permit issued
6 by the (~~director~~) department;

7 (b) Buys or sells fish or wildlife taken with a scientific permit;
8 or

9 (c) Violates any rule of the (~~commission or the director~~)
10 department applicable to the issuance or use of scientific permits.

11 (2) Unlawful use of a scientific permit is a gross misdemeanor.

12 **Sec. 80.** RCW 77.15.700 and 2007 c 163 s 2 are each amended to read
13 as follows:

14 The department shall impose revocation and suspension of privileges
15 in the following circumstances:

16 (1) Upon conviction, if directed by statute for an offense;

17 (2) Upon conviction, if the department finds that actions of the
18 defendant demonstrated a willful or wanton disregard for conservation
19 of fish or wildlife. Such suspension of privileges may be permanent.
20 This subsection (2) does not apply to violations involving commercial
21 fishing;

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

28 (4)(a) If a person is convicted of an offense, has an uncontested
29 notice of infraction, fails to appear at a hearing to contest an
30 infraction, or is found to have committed an infraction three times in
31 ten years involving any violation of recreational hunting or fishing
32 laws or rules, the department shall order a revocation and suspension
33 of all recreational hunting and fishing privileges for two years.

34 (b) A violation punishable as an infraction counts towards the
35 revocation and suspension of recreational hunting and fishing
36 privileges only where that violation is:

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

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

6 (c) The (~~commission~~) department may, by rule, designate
7 additional infractions that do not count towards the revocation and
8 suspension of recreational hunting and fishing privileges.

9 (5) If either the deferred education licensee or the required
10 nondeferred accompanying person, hunting under the authority of RCW
11 77.32.155(2), is convicted of a violation of this title, except for a
12 violation of RCW 77.15.400 (1) through (3), the department may revoke
13 all hunting licenses and tags and may order a suspension of one or both
14 the deferred education licensee and the nondeferred accompanying
15 person's hunting privileges for one year.

16 **Sec. 81.** RCW 77.15.710 and 2000 c 107 s 257 are each amended to
17 read as follows:

18 (1) The (~~commission~~) department shall revoke all hunting,
19 fishing, or other licenses issued under this title and order a ten-year
20 suspension of all privileges extended under the authority of the
21 department of a person convicted of assault on a fish and wildlife
22 officer, ex officio officer, employee, agent, or personnel acting for
23 the department, if the employee assaulted was on duty at the time of
24 the assault and carrying out the provisions of this title. The
25 suspension shall be continued beyond this period if any damages to the
26 victim have not been paid by the suspended person.

27 (2) For the purposes of this section, the definition of assault
28 includes:

- 29 (a) RCW 9A.32.030; murder in the first degree;
- 30 (b) RCW 9A.32.050; murder in the second degree;
- 31 (c) RCW 9A.32.060; manslaughter in the first degree;
- 32 (d) RCW 9A.32.070; manslaughter in the second degree;
- 33 (e) RCW 9A.36.011; assault in the first degree;
- 34 (f) RCW 9A.36.021; assault in the second degree; and
- 35 (g) RCW 9A.36.031; assault in the third degree.

1 **Sec. 82.** RCW 77.15.720 and 2000 c 107 s 258 are each amended to
2 read as follows:

3 (1) If a person shoots another person or domestic livestock while
4 hunting, the ~~((director))~~ department shall revoke all hunting licenses
5 and suspend all hunting privileges for three years. If the shooting of
6 another person or livestock is the result of criminal negligence or
7 reckless or intentional conduct, then the person's privileges shall be
8 suspended for ten years. The suspension shall be continued beyond
9 these periods if damages owed to the victim or livestock owner have not
10 been paid by the suspended person. A hunting license shall not be
11 reissued to the suspended person unless authorized by the ~~((director))~~
12 department.

13 (2) Within twenty days of service of an order suspending privileges
14 or imposing conditions under this section or RCW 77.15.710, a person
15 may petition for administrative review under chapter 34.05 RCW by
16 serving the director with a petition for review. The order is final
17 and unappealable if there is no timely petition for administrative
18 review.

19 (3) The ~~((commission))~~ department may by rule authorize petitions
20 for reinstatement of administrative suspensions and define
21 circumstances under which reinstatement will be allowed.

22 **Sec. 83.** RCW 77.18.060 and 2005 c 87 s 1 are each amended to read
23 as follows:

24 The ~~((fish and wildlife commission in consultation with the))~~
25 department is authorized to determine which waters of the state are
26 appropriate for this use. In making this determination, the
27 ~~((commission))~~ department shall seek geographic distribution to assure
28 opportunity to fishers statewide.

29 The ~~((commission in consultation with the))~~ department will
30 determine the maximum number of fish that may be planted into state
31 waters so as not to compete with the wild populations of fish species
32 in the water body.

33 **Sec. 84.** RCW 77.32.007 and 1984 c 240 s 8 are each amended to read
34 as follows:

35 For the purposes of this chapter "special hunting season" means a

1 hunting season established by rule of the ((~~commission~~)) department for
2 the purpose of taking specified wildlife under a special hunting
3 permit.

4 **Sec. 85.** RCW 77.32.025 and 1998 c 191 s 9 are each amended to read
5 as follows:

6 Notwithstanding RCW 77.32.010, the ((~~commission~~)) department may
7 adopt rules designating times and places for the purposes of family
8 fishing days when licenses and catch record cards are not required to
9 fish or to harvest shellfish.

10 **Sec. 86.** RCW 77.32.050 and 2003 c 389 s 1 are each amended to read
11 as follows:

12 All recreational licenses, permits, tags, and stamps required by
13 this title and raffle tickets authorized under chapter 77.12 RCW shall
14 be issued under the authority of the ((~~commission~~)) department. The
15 ((~~commission~~)) department shall adopt rules for the issuance of
16 recreational licenses, permits, tags, stamps, and raffle tickets, and
17 for the collection, payment, and handling of license fees, terms and
18 conditions to govern dealers, and dealers' fees. A transaction fee on
19 recreational documents issued through an automated licensing system may
20 be set by the ((~~commission~~)) department and collected from licensees.
21 The department may authorize all or part of such fee to be paid
22 directly to a contractor providing automated licensing system services.
23 Fees retained by dealers shall be uniform throughout the state. The
24 department shall authorize dealers to collect and retain dealer fees of
25 at least two dollars for purchase of a standard hunting or fishing
26 recreational license document, except that the ((~~commission~~))
27 department may set a lower dealer fee for issuance of tags or when a
28 licensee buys a license that involves a stamp or display card format
29 rather than a standard department licensing document form.

30 **Sec. 87.** RCW 77.32.070 and 2008 c 244 s 1 are each amended to read
31 as follows:

32 (1) Applicants for a license, permit, tag, or stamp shall furnish
33 the information required by the ((~~director~~)) department. However, the
34 ((~~director~~)) department may not require the purchaser of a razor clam
35 license under RCW 77.32.520 to provide any personal information except

1 for proof of residency. The ((~~commission~~)) department may adopt rules
2 requiring licensees or permittees to keep records and make reports
3 concerning the taking of or effort to harvest fish, shellfish, and
4 wildlife. The reporting requirement may be waived where, for any
5 reason, the department is not able to receive the report. The
6 department must provide reasonable options for a licensee to submit
7 information to a live operator prior to the reporting deadline.

8 (2) The ((~~commission~~)) department may, by rule, set an
9 administrative penalty for failure to comply with rules requiring the
10 reporting of taking or effort to harvest wildlife. The ((~~commission~~))
11 department may also adopt rules requiring hunters who have not reported
12 for the previous license year to complete a report and pay the assessed
13 administrative penalty before a new hunting license is issued.

14 (a) The total administrative penalty per hunter set by the
15 ((~~commission~~)) department must not exceed ten dollars.

16 (b) By December 31st of each year, the department shall report the
17 rate of hunter compliance with the harvest reporting requirement, the
18 administrative penalty imposed for failing to report, and the amount of
19 administrative penalties collected during that year to the appropriate
20 fiscal and policy committees of the senate and house of
21 representatives.

22 (3) The ((~~commission~~)) department may, by rule, set an
23 administrative penalty for failure to comply with rules requiring the
24 reporting of data from catch record cards officially endorsed for Puget
25 Sound Dungeness crab. The ((~~commission~~)) department may also adopt
26 rules requiring fishers who possessed a catch record card officially
27 endorsed for Puget Sound Dungeness crab and who have not reported for
28 the previous license year to complete a report and pay the assessed
29 administrative penalty before a new catch record card officially
30 endorsed for Puget Sound Dungeness crab is issued.

31 (a) The total administrative penalty per fisher set by the
32 ((~~commission~~)) department must not exceed ten dollars.

33 (b) By December 31st of each year, the department shall report the
34 rate of fisher compliance with the Puget Sound Dungeness crab catch
35 record card reporting requirement, the administrative penalty imposed
36 for failing to report, and the amount of administrative penalties
37 collected during that year to the appropriate fiscal and policy
38 committees of the senate and house of representatives.

1 **Sec. 88.** RCW 77.32.090 and 2000 c 107 s 267 are each amended to
2 read as follows:

3 The (~~commission~~) department may adopt rules pertaining to the
4 form, period of validity, use, possession, and display of licenses,
5 permits, tags, stamps, and raffle tickets required by this chapter.

6 **Sec. 89.** RCW 77.32.155 and 2007 c 163 s 1 are each amended to read
7 as follows:

8 (1)(a) When purchasing any hunting license, persons under the age
9 of eighteen shall present certification of completion of a course of
10 instruction of at least ten hours in the safe handling of firearms,
11 safety, conservation, and sportsmanship. All persons purchasing any
12 hunting license for the first time, if born after January 1, 1972,
13 shall present such certification.

14 (b) The (~~director~~) department may establish a program for
15 training persons in the safe handling of firearms, conservation, and
16 sportsmanship and shall prescribe the type of instruction and the
17 qualifications of the instructors. The (~~director~~) department may
18 cooperate with the National Rifle Association, organized sportsmen's
19 groups, or other public or private organizations when establishing the
20 training program.

21 (c) Upon the successful completion of a course established under
22 this section, the trainee shall receive a hunter education certificate
23 signed by an authorized instructor. The certificate is evidence of
24 compliance with this section.

25 (d) The (~~director~~) department may accept certificates from other
26 states that persons have successfully completed firearm safety, hunter
27 education, or similar courses as evidence of compliance with this
28 section.

29 (2)(a) The (~~director~~) department may authorize a once in a
30 lifetime, one license year deferral of hunter education training for
31 individuals who are accompanied by a nondeferred Washington-licensed
32 hunter who has held a Washington hunting license for the prior three
33 years and is over eighteen years of age. The (~~commission~~) department
34 shall adopt rules for the administration of this subsection to avoid
35 potential fraud and abuse.

36 (b) The (~~director~~) department is authorized to collect an
37 application fee, not to exceed twenty dollars, for obtaining the once

1 in a lifetime, one license year deferral of hunter education training
2 from the department. This fee must be deposited into the fish and
3 wildlife enforcement reward account and must be used exclusively to
4 administer the deferral program created in this subsection.

5 (c) For the purposes of this subsection, "accompanied" means to go
6 along with another person while staying within a range of the other
7 person that permits continual unaided visual and auditory
8 communication.

9 (3) To encourage the participation of an adequate number of
10 instructors for the training program, the ~~((commission))~~ department
11 shall develop nonmonetary incentives available to individuals who
12 commit to serving as an instructor. The incentives may include
13 additional hunting opportunities for instructors.

14 **Sec. 90.** RCW 77.32.237 and 2007 c 254 s 6 are each amended to read
15 as follows:

16 The ~~((commission))~~ department shall attempt to enhance the hunting
17 opportunities for persons with a disability. The ~~((commission shall
18 authorize the director))~~ department is authorized to issue disabled
19 hunter permits to persons with a disability. The ~~((commission))~~
20 department shall adopt rules governing the conduct of persons with a
21 disability who hunt and their designated licensed hunter.

22 **Sec. 91.** RCW 77.32.238 and 2007 c 254 s 5 are each amended to read
23 as follows:

24 (1) The ~~((commission))~~ department shall adopt rules defining who is
25 a person with a disability and governing the conduct of persons with a
26 disability who hunt and their designated licensed hunters. It is
27 unlawful for any person to possess a loaded firearm in or on a motor
28 vehicle except a person with a disability who possesses a disabled
29 hunter permit and all appropriate hunting licenses may discharge a
30 firearm or other legal hunting device from a nonmoving motor vehicle
31 that has the engine turned off. A person with a disability who
32 possesses a disabled hunter permit shall not be exempt from permit
33 requirements for carrying concealed weapons, or from rules, laws, or
34 ordinances concerning the discharge of these weapons. No hunting shall
35 be permitted from a motor vehicle that is parked on or beside the

1 maintained portion of a public road, except as authorized by the
2 ((~~commission~~)) department by rule.

3 (2) A person with a disability holding a disabled hunter permit may
4 be accompanied by one licensed hunter who may assist the person with a
5 disability by killing game wounded by the person with a disability, and
6 by tagging and retrieving game killed by the person with a disability
7 or the designated licensed hunter. A nondisabled hunter shall not
8 possess a loaded gun in, or shoot from, a motor vehicle.

9 **Sec. 92.** RCW 77.32.370 and 1998 c 191 s 26 are each amended to
10 read as follows:

11 (1) A special hunting season permit is required to hunt in each
12 special season established under chapter 77.12 RCW.

13 (2) Persons may apply for special hunting season permits as
14 provided by rule of the ((~~commission~~)) department.

15 (3) The application fee to enter the drawing for a special hunting
16 permit is five dollars for residents, fifty dollars for nonresidents,
17 and three dollars for youth.

18 **Sec. 93.** RCW 77.32.400 and 2007 c 254 s 2 are each amended to read
19 as follows:

20 (1) The ((~~commission shall authorize the director to~~)) department
21 may issue designated harvester cards to persons with a disability. The
22 ((~~commission~~)) department shall adopt rules defining who is a person
23 with a disability and rules governing the conduct of persons with a
24 disability who fish and harvest shellfish and their designated
25 harvesters.

26 (2) It is lawful for a designated harvester to fish for, take, or
27 possess the personal-use daily bag limit of fish or shellfish for a
28 person with a disability if the harvester is licensed and has a
29 designated harvester card, and if the person with a disability is
30 present on site and in possession of the appropriate fishing license
31 issued under this chapter. Except as provided in subsection (4) of
32 this section, the person with a disability must be present and
33 participating in the fishing activity.

34 (3) A designated harvester card will be issued to such a person
35 with a disability upon written application to the ((~~director~~))

1 department. The application must be submitted on a department official
2 form and must be accompanied by a licensed medical doctor's
3 certification of disability.

4 (4) A person with a disability utilizing the services of a
5 designated harvester is not required to be present at the location
6 where the designated harvester is harvesting shellfish for the person
7 with a disability. The person with a disability is required to be in
8 the direct line of sight of the designated harvester who is harvesting
9 shellfish for him or her, unless it is not possible to be in a direct
10 line of sight because of a physical obstruction or other barrier. If
11 such a barrier or obstruction exists, the person with a disability is
12 required to be within one-quarter mile of the designated harvester who
13 is harvesting shellfish for him or her.

14 **Sec. 94.** RCW 77.32.430 and 2005 c 192 s 2 are each amended to read
15 as follows:

16 (1) Catch record card information is necessary for proper
17 management of the state's food fish and game fish species and shellfish
18 resources. Catch record card administration shall be under rules
19 adopted by the (~~commission~~) department. There is no charge for an
20 initial catch record card. Each subsequent or duplicate catch record
21 card costs ten dollars.

22 (2) A license to take and possess Dungeness crab is only valid in
23 Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has
24 in possession a valid catch record card officially endorsed for
25 Dungeness crab. The endorsement shall cost no more than three dollars,
26 including any or all fees authorized under RCW 77.32.050, when
27 purchased for a personal use saltwater, combination, or shellfish and
28 seaweed license. The endorsement shall cost no more than one dollar,
29 including any or all fees authorized under RCW 77.32.050, when
30 purchased for a temporary combination fishing license authorized under
31 RCW 77.32.470(3)(a).

32 (3) Catch record cards issued with affixed temporary short-term
33 charter stamp licenses are not subject to the ten-dollar charge nor to
34 the Dungeness crab endorsement fee provided for in this section.
35 Charter boat or guide operators issuing temporary short-term charter
36 stamp licenses shall affix the stamp to each catch record card issued

1 before fishing commences. Catch record cards issued with a temporary
2 short-term charter stamp are valid for one day.

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

5 (5) The funds received from the sale of catch record cards and the
6 Dungeness crab endorsement must be deposited into the state wildlife
7 (~~fund~~) account. The funds received from the Dungeness crab
8 endorsement may be used only for the sampling, monitoring, and
9 management of catch associated with the Dungeness crab recreational
10 fisheries. Moneys allocated under this section shall supplement and
11 not supplant other federal, state, and local funds used for Dungeness
12 crab recreational fisheries management.

13 **Sec. 95.** RCW 77.32.440 and 1999 c 235 s 2 are each amended to read
14 as follows:

15 (1) The (~~commission~~) department shall adopt rules to continue
16 funding current enhancement programs at levels equal to the
17 participation of licensees in each of the individual enhancement
18 programs. All enhancement funding will continue to be deposited
19 directly into the individual accounts created for each enhancement.

20 (2) In implementing subsection (1) of this section with regard to
21 warm water game fish, the department shall deposit in the warm water
22 game fish account the sum of one million two hundred fifty thousand
23 dollars each fiscal year during the fiscal years 1999 and 2000, based
24 on two hundred fifty thousand warm water anglers. Beginning in fiscal
25 year 2001, and each year thereafter, the deposit to the warm water game
26 fish account established in this subsection shall be adjusted annually
27 to reflect the actual numbers of license holders fishing for warm water
28 game fish based on an annual survey of licensed anglers from the
29 previous year conducted by the department beginning with the April 1,
30 1999, to March 31, 2000, license year survey.

31 **Sec. 96.** RCW 77.32.450 and 2005 c 140 s 1 are each amended to read
32 as follows:

33 (1) A big game hunting license is required to hunt for big game.
34 A big game license allows the holder to hunt for forest grouse,
35 unclassified wildlife, and the individual species identified within a
36 specific big game combination license package. Each big game license

1 includes one transport tag for each species purchased in that package.
2 A hunter may not purchase more than one license for each big game
3 species except as authorized by rule of the ((~~commission~~)) department.

4 The fees for annual big game combination packages are as follows:

5 (a) Big game number 1: Deer, elk, bear, and cougar. The fee for
6 this license is sixty-six dollars for residents, six hundred sixty
7 dollars for nonresidents, and thirty-three dollars for youth.

8 (b) Big game number 2: Deer and elk. The fee for this license is
9 fifty-six dollars for residents, five hundred sixty dollars for
10 nonresidents, and twenty-eight dollars for youth.

11 (c) Big game number 3: Deer or elk, bear, and cougar. At the time
12 of purchase, the holder must identify either deer or elk. The fee for
13 this license is forty-six dollars for residents, four hundred sixty
14 dollars for nonresidents, and twenty-three dollars for youth.

15 (d) Big game number 4: Deer or elk. At the time of purchase, the
16 holder must identify either deer or elk. The fee for this license is
17 thirty-six dollars for residents, three hundred sixty dollars for
18 nonresidents, and eighteen dollars for youth.

19 (e) Big game number 5: Bear and cougar. The fee for this license
20 is twenty dollars for residents, two hundred dollars for nonresidents,
21 and ten dollars for youth.

22 (2) In the event that the ((~~commission~~)) department authorizes a
23 two animal big game limit, the fees for the second animal are as
24 follows:

25 (a) Elk: The fee is twenty dollars for residents, two hundred
26 dollars for nonresidents, and ten dollars for youth.

27 (b) Deer: The fee is twenty dollars for residents, two hundred
28 dollars for nonresidents, and ten dollars for youth.

29 (c) Bear: The fee is ten dollars for residents, one hundred
30 dollars for nonresidents, and five dollars for youth.

31 (d) Cougar: The fee is ten dollars for residents, one hundred
32 dollars for nonresidents, and five dollars for youth.

33 (3) In the event that the ((~~commission~~)) department authorizes a
34 special permit hunt for goat, sheep, or moose, the permit fees are as
35 follows:

36 (a) Mountain goat: The fee is one hundred dollars for residents,
37 one thousand dollars for nonresidents, and fifty dollars for youth.

1 (b) Sheep: The fee is one hundred dollars for residents, one
2 thousand dollars for nonresidents, and fifty dollars for youth.

3 (c) Moose: The fee is one hundred dollars for residents, one
4 thousand dollars for nonresidents, and fifty dollars for youth.

5 (4) Multiple season big game permit: The (~~commission~~) department
6 may, by rule, offer permits for hunters to hunt deer or elk during more
7 than one general season. Only one deer or elk may be harvested
8 annually under a multiple season big game permit. The fee is one
9 hundred fifty dollars for residents and one thousand five hundred
10 dollars for nonresidents.

11 (5) Authorization to hunt the species set out under subsection
12 (3)(a) through (c) of this section or in multiple seasons as set out in
13 subsection (4) of this section is by special permit issued under RCW
14 77.32.370.

15 (6) The (~~commission~~) department may adopt rules to reduce the
16 price of a license or eliminate the transportation tag requirements
17 concerning bear or cougar when necessary to meet harvest objectives.

18 **Sec. 97.** RCW 77.32.470 and 2008 c 35 s 1 are each amended to read
19 as follows:

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

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

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

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

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

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

9 (i) One day - Seven dollars for residents and fourteen dollars for
10 nonresidents;

11 (ii) Two days - Ten dollars for residents and twenty dollars for
12 nonresidents;

13 (iii) Three days - Thirteen dollars for residents and twenty-six
14 dollars for nonresidents;

15 (iv) Four days - Fifteen dollars for residents and thirty dollars
16 for nonresidents; and

17 (v) Five days - Seventeen dollars for residents and thirty-four
18 dollars for nonresidents.

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

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

25 (d) Except for active duty military personnel serving in any branch
26 of the United States armed forces, the temporary combination fishing
27 license is not valid on game fish species for an eight-consecutive-day
28 period beginning on the opening day of the lowland lake fishing season.

29 (e) The temporary combination fishing license fee for active duty
30 military personnel serving in any branch of the United States armed
31 forces is the resident rate as set forth in (a) of this subsection.
32 Active duty military personnel must provide a valid military
33 identification card at the time of purchase of the temporary license to
34 qualify for the resident rate.

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

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

7 (5) The (~~commission~~) department may adopt rules to create and
8 sell combination licenses for all hunting and fishing activities at or
9 below a fee equal to the total cost of the individual license contained
10 within any combination.

11 **Sec. 98.** RCW 77.32.500 and 1998 c 191 s 41 are each amended to
12 read as follows:

13 In order to simplify fishing license requirements in transition
14 areas between saltwater and freshwater, the (~~commission~~) department
15 may adopt rules designating specific waters where either a freshwater
16 or a saltwater license is valid.

17 **Sec. 99.** RCW 77.32.525 and 1987 c 506 s 48 are each amended to
18 read as follows:

19 The (~~director shall administer rules adopted by the commission~~)
20 department shall adopt rules governing the time, place, and manner of
21 holding hunting and fishing contests and competitive field trials
22 involving live wildlife for hunting dogs. The department shall
23 prohibit contests and field trials that are not in the best interests
24 of wildlife.

25 **Sec. 100.** RCW 77.32.530 and 1996 c 101 s 5 are each amended to
26 read as follows:

27 (1) The (~~commission in consultation with the director~~) department
28 may authorize hunting of big game animals and wild turkeys through
29 auction. The department may conduct the auction for the hunt or
30 contract with a nonprofit wildlife conservation organization to conduct
31 the auction for the hunt.

32 (2) The (~~commission in consultation with the director~~) department
33 may authorize hunting of up to a total of fifteen big game animals and
34 wild turkeys per year through raffle. The department may conduct
35 raffles or contract with a nonprofit wildlife conservation organization

1 to conduct raffles for hunting these animals. In consultation with the
2 gambling commission, the ~~((director))~~ department may adopt rules for
3 the implementation of raffles involving hunting.

4 (3) The ~~((director))~~ department shall establish the procedures for
5 the hunts, which shall require any participants to obtain any required
6 license, permit, or tag. Representatives of the department may
7 participate in the hunt ~~((upon the request of the commission))~~ to
8 ensure that the animals to be killed are properly identified.

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

14 (5) The department's share of revenues from auctions and raffles
15 shall be deposited in the state wildlife ~~((fund))~~ account. The
16 revenues shall be used to improve the habitat, health, and welfare of
17 the species auctioned or raffled and shall supplement, rather than
18 replace, other funds budgeted for management of that species. The
19 ~~((commission))~~ department may solicit input from groups or individuals
20 with special interest in and expertise on a species in determining how
21 to use these revenues.

22 (6) A nonprofit wildlife conservation organization may petition the
23 ~~((commission))~~ department to authorize an auction or raffle for a
24 special hunt for big game animals and wild turkeys.

25 **Sec. 101.** RCW 77.32.535 and 2001 c 253 s 52 are each amended to
26 read as follows:

27 If a private entity has a private lands wildlife management area
28 agreement in effect with the department, the ~~((commission))~~ department
29 may authorize the private entity to conduct raffles for access to hunt
30 for big game animals and wild turkeys to meet the conditions of the
31 agreement. The private entity shall comply with all applicable rules
32 adopted under RCW 77.32.530 for the implementation of raffles; however,
33 raffle hunts conducted pursuant to this section shall not be counted
34 toward the number of raffle hunts the ~~((commission))~~ department may
35 authorize under RCW 77.32.530. The ~~((director))~~ department shall
36 establish the procedures for the hunts, which shall require any
37 participants to obtain any required license, permit, or tag.

1 Representatives of the department may participate in the hunt (~~upon~~
2 ~~the request of the commission~~) to ensure that the animals to be killed
3 are properly identified.

4 **Sec. 102.** RCW 77.32.550 and 2007 c 254 s 4 are each amended to
5 read as follows:

6 (1) A group fishing permit allows a group of individuals to fish,
7 and harvest shellfish, without individual licenses or the payment of
8 individual license fees.

9 (2) The (~~director~~) department must issue a group fishing permit
10 on a seasonal basis to a state-operated facility or state-licensed
11 nonprofit facility or program for persons with physical or mental
12 disabilities, hospital patients, seriously or terminally ill persons,
13 persons who are dependent on the state because of emotional or physical
14 developmental disabilities, or senior citizens who are in the care of
15 the facility. The permit is valid only for use during open season.

16 (3) The (~~director~~) department may set conditions and issue a
17 group fishing permit to groups working in partnership with and
18 participating in department outdoor education programs. At the
19 discretion of the (~~director~~) department, a processing fee may be
20 applied.

21 (4) The (~~commission~~) department may adopt rules that provide the
22 conditions under which a group fishing permit is issued.

23 **Sec. 103.** RCW 77.32.560 and 2003 c 317 s 2 are each amended to
24 read as follows:

25 (1) The department may sell watchable wildlife decals. Proceeds
26 from the sale of the decal must be deposited into the state wildlife
27 (~~fund~~) account created in RCW 77.12.170 and must be dedicated to the
28 support of the department's watchable wildlife activities. The
29 department may also use proceeds from the sale of the decal for
30 marketing the decal and for marketing watchable wildlife activities in
31 the state.

32 (2) The term "watchable wildlife activities" includes but is not
33 limited to: Initiating partnerships with communities to jointly
34 develop watchable wildlife projects, building infrastructure to serve
35 wildlife viewers, assisting and training communities in conducting
36 wildlife watching events, developing destination wildlife viewing

1 corridors and trails, tours, maps, brochures, and travel aides, and
2 offering grants to assist rural communities in identifying key wildlife
3 attractions and ways to protect and promote them.

4 (3) The (~~commission~~) department must adopt by rule the cost of
5 the watchable wildlife decal. A person may, at their discretion,
6 contribute more than the cost as set by the (~~commission~~) department
7 by rule for the watchable wildlife decal in order to support watchable
8 wildlife activities. A person who purchases a watchable wildlife decal
9 must be issued one vehicle use permit free of charge.

10 **Sec. 104.** RCW 77.32.565 and 2008 c 10 s 1 are each amended to read
11 as follows:

12 (1) In order to facilitate hunting and fishing opportunities for a
13 terminally ill person, the (~~director~~) department may provide any
14 licenses, tags, permits, stamps, and other fees without charge
15 including transaction and dealer fees.

16 (2) The (~~director~~) department may accept special permits or other
17 special hunting opportunities, including raffle tags, auction tags, and
18 multiple season opportunities from donors seeking to facilitate hunting
19 opportunities for a terminally ill person. The (~~director~~) department
20 shall distribute these donations pursuant to rules adopted under
21 subsection (4) of this section.

22 (3) The (~~director~~) department may take other actions consistent
23 with facilitating hunting and fishing opportunities for a terminally
24 ill person. These actions may include, but are not limited to,
25 entering into agreements with willing landowners pursuant to RCW
26 77.12.320.

27 (4) In addition to rules required under subsection (2) of this
28 section, the (~~commission~~) department may adopt rules as necessary to
29 effectuate the purpose and policies of this section.

30 **Sec. 105.** RCW 77.36.020 and 2003 c 385 s 1 are each amended to
31 read as follows:

32 The department shall work closely with landowners and tenants
33 suffering game damage problems to control damage without killing the
34 animals when practical, to increase the harvest of damage-causing
35 animals in hunting seasons, and to kill the animals when no other
36 practical means of damage control is feasible.

1 If the department receives recurring complaints regarding property
2 being damaged as described in this section or RCW 77.36.030 from the
3 owner or tenant of real property, or receives such complaints from
4 several such owners or tenants in a locale, the ((~~commission~~))
5 department shall conduct a special hunt or special hunts or take
6 remedial action to reduce the potential for such damage. The
7 ((~~commission~~)) department shall authorize either one or two antlerless
8 permits per hunter for special hunts held in damage areas where
9 qualified department staff, or their designee, have confirmed six
10 incidents of crop damage by deer or elk.

11 As an alternative to hunting, the department shall work with
12 affected entities to relocate deer and elk when needed to augment
13 existing herds.

14 **Sec. 106.** RCW 77.50.010 and 2002 c 311 s 2 are each amended to
15 read as follows:

16 (1) The ((~~commission~~)) department may authorize commercial fishing
17 for sockeye salmon within the waters described in subsection (2) of
18 this section only during the period June 10th to July 25th and for
19 other salmon only from the second Monday of September through November
20 30th, except during the hours between 4:00 p.m. of Friday and 4:00 p.m.
21 of the following Sunday.

22 (2) All waters east and south of a line commencing at a concrete
23 monument on Angeles Point in Clallam county near the mouth of the Elwha
24 River on which is inscribed "Angeles Point Monument" (latitude 48° 9'
25 3" north, longitude 123° 33' 01" west of Greenwich Meridian); thence
26 running east on a line 81° 30' true across the flashlight and bell buoy
27 off Partridge Point and thence continued to longitude 122° 40' west;
28 thence north to the southerly shore of Sinclair Island; thence along
29 the southerly shore of the island to the most easterly point of the
30 island; thence 46° true to Carter Point, the most southerly point of
31 Lummi Island; thence northwesterly along the westerly shore line of
32 Lummi Island to where the shore line intersects line of longitude 122°
33 40' west; thence north to the mainland, including: The southerly
34 portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay,
35 Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes
36 Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and
37 their inlets, passages, waters, waterways, and tributaries.

1 (3) The (~~commission~~) department may authorize commercial fishing
2 for salmon with gill net, purse seine, and other lawful gear prior to
3 the second Monday in September within the waters of Hale Passage,
4 Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel,
5 Skagit Bay, and Similk Bay, to wit: Those waters northerly and
6 easterly of a line commencing at Stanwood, thence along the south shore
7 of Skagit Bay to Rocky Point on Camano Island; thence northerly to
8 Polnell Point on Whidbey Island.

9 (4) Whenever the (~~commission~~) department determines that a stock
10 or run of salmon cannot be harvested in the usual manner, and that the
11 stock or run of salmon may be in danger of being wasted and surplus to
12 natural or artificial spawning requirements, the (~~commission~~)
13 department may authorize units of gill net and purse seine gear in any
14 number or equivalents, by time and area, to fully utilize the
15 harvestable portions of these salmon runs for the economic well being
16 of the citizens of this state. Gill net and purse seine gear other
17 than emergency and test gear authorized by the (~~director~~) department
18 shall not be used in Lake Washington.

19 (5) The (~~commission~~) department may authorize commercial fishing
20 for pink salmon in each odd-numbered year from August 1st through
21 September 1st in the waters lying inside of a line commencing at the
22 most easterly point of Dungeness Spit and thence projected to Point
23 Partridge on Whidbey Island and a line commencing at Olele Point and
24 thence projected easterly to Bush Point on Whidbey Island.

25 **Sec. 107.** RCW 77.50.020 and 1998 c 190 s 76 are each amended to
26 read as follows:

27 (1) The (~~commission~~) department may authorize commercial fishing
28 for coho salmon in the Pacific Ocean and the Straits of Juan de Fuca
29 only from June 16th through October 31st.

30 (2) The (~~commission~~) department may authorize commercial fishing
31 for chinook salmon in the Pacific Ocean and the Straits of Juan de Fuca
32 only from March 15th through October 31st.

33 **Sec. 108.** RCW 77.50.040 and 1998 c 190 s 78 are each amended to
34 read as follows:

35 (1) The (~~commission~~) department shall adopt rules defining

1 geographical boundaries of the following Columbia river tributaries and
2 sloughs:

- 3 (a) Washougal river;
- 4 (b) Camas slough;
- 5 (c) Lewis river;
- 6 (d) Kalama river;
- 7 (e) Cowlitz river;
- 8 (f) Elokomin river;
- 9 (g) Elokomin sloughs;
- 10 (h) Skamokawa sloughs;
- 11 (i) Grays river;
- 12 (j) Deep river;
- 13 (k) Grays bay.

14 (2) The (~~commission~~) department may authorize commercial net
15 fishing for salmon in the tributaries and sloughs from September 1st to
16 November 30th only, if the time, areas, and level of effort are
17 regulated in order to maximize the recreational fishing opportunity
18 while minimizing excess returns of fish to hatcheries. The
19 (~~commission~~) department shall not authorize commercial net fishing if
20 a significant catch of steelhead would occur.

21 **Sec. 109.** RCW 77.50.050 and 1998 c 190 s 79 are each amended to
22 read as follows:

23 The (~~commission~~) department shall not authorize use of reef net
24 fishing gear except in the reef net areas described in this section.

25 (1) Point Roberts reef net fishing area includes those waters
26 within 250 feet on each side of a line projected 129° true from a point
27 at longitude 123° 01' 15" W. latitude 48° 58' 38" N. to a point one
28 mile distant, as such description is shown upon the United States Coast
29 and Geodetic Survey map numbered 6300, published September, 1941, in
30 Washington, D.C., eleventh edition.

31 (2) Cherry Point reef net fishing area includes those waters inland
32 and inside the 10-fathom line between lines projected 205° true from
33 points on the mainland at longitude 122° 44' 54" latitude 48° 51' 48"
34 and longitude 122° 44' 18" latitude 48° 51' 33", (~~a-as~~) as such
35 descriptions are shown upon the United States Coast and Geodetic Survey
36 map numbered 6380, published March, 1947, in Washington, D.C., eighth
37 edition.

1 (3) Lummi Island reef net fishing area includes those waters inland
2 and inside a line projected from Village Point 208° true to a point 900
3 yards distant, thence 129° true to the point of intersection with a
4 line projected 259° true from the shore of Lummi Island 122° 40' 42"
5 latitude 48° 41' 32", as such descriptions are shown upon the United
6 States Coast and Geodetic Survey map numbered 6380, published March,
7 1947, in Washington, D.C., eighth edition, revised 11-25-57, save and
8 except that there shall be excluded therefrom all waters lying inside
9 of a line projected 259° true from a point at 122° 40' 42" latitude 48°
10 41' 32" to a point 300 yards distant from high tide, thence in a
11 northerly direction to the United States Coast and Geodetic Survey
12 reference mark number 2, 1941-1950, located on that point on Lummi
13 Island known as Lovers Point, as such descriptions are shown upon the
14 United States Coast and Geodetic Survey map number 6380 as aforesaid.
15 The term "Village Point" as used herein shall be construed to mean a
16 point of location on Village Point, Lummi Island, at the mean high tide
17 line on a true bearing of 43° 53' a distance of 457 feet to the center
18 of the chimney of a wood frame house on the east side of the county
19 road. Said chimney and house being described as Village Point Chimney
20 on page 612 of the United States Coast and Geodetic Survey list of
21 geographic positions No. G-5455, Rosario Strait.

22 (4) Sinclair Island reef net fishing area includes those waters
23 inland and inside a line projected from the northern point of Sinclair
24 Island to Boulder reef, thence 200° true to the northwesterly point of
25 Sinclair Island, as such descriptions are shown upon the United States
26 Coast and Geodetic Survey map numbered 6380, published March, 1947, in
27 Washington, D.C., eighth edition.

28 (5) Flat Point reef net fishing area includes those waters within
29 a radius of 175 feet of a point off Lopez Island located at longitude
30 122° 55' 24" latitude 48° 32' 33", as such description is shown upon
31 the United States Coast and Geodetic Survey map numbered 6380,
32 published March, 1947, in Washington, D.C., eighth edition.

33 (6) Lopez Island reef net fishing area includes those waters within
34 400 yards of shore between lines projected true west from points on the
35 shore of Lopez Island at longitude 122° 55' 04" latitude 48° 31' 59"
36 and longitude 122° 55' 54" latitude 48° 30' 55", as such descriptions
37 are shown upon the United States Coast and Geodetic Survey map numbered
38 6380, published March, 1947, in Washington, D.C., eighth edition.

1 (7) Iceberg Point reef net fishing area includes those waters
2 inland and inside a line projected from Davis Point on Lopez Island to
3 the west point of Long Island, thence to the southern point of Hall
4 Island, thence to the eastern point at the entrance to Jones Bay, and
5 thence to the southern point at the entrance to Mackaye Harbor on Lopez
6 Island; and those waters inland and inside a line projected 320° from
7 Iceberg Point light on Lopez Island, a distance of 400 feet, thence
8 easterly to the point on Lopez Island at longitude 122° 53' 00"
9 latitude 48° 25' 39", as such descriptions are shown upon the United
10 States Coast and Geodetic Survey map numbered 6380, published March,
11 1947, in Washington, D.C., eighth edition.

12 (8) Aleck Bay reef net fishing area includes those waters inland
13 and inside a line projected from the southwestern point at the entrance
14 to Aleck Bay on Lopez Island at longitude 122° 51' 11" latitude 48° 25'
15 14" southeasterly 800 yards to the submerged rock shown on U.S.G.S. map
16 number 6380, thence northerly to the cove on Lopez Island at longitude
17 122° 50' 49" latitude 48° 25' 42", as such descriptions are shown upon
18 the United States Coast and Geodetic Survey map numbered 6380,
19 published March, 1947, in Washington, D.C., eighth edition.

20 (9) Shaw Island reef net fishing area number 1 includes those
21 waters within 300 yards of shore between lines projected true south
22 from points on Shaw Island at longitude 122° 56' 14" latitude 48° 33'
23 28" and longitude 122° 57' 29" latitude 48° 32' 58", as such
24 descriptions are shown upon the United States Coast and Geodetic Survey
25 map numbered 6380, published March, 1947, in Washington, D.C., eighth
26 edition.

27 (10) Shaw Island reef net fishing area number 2 includes those
28 waters inland and inside a line projected from Point George on Shaw
29 Island to the westerly point of Neck Point on Shaw Island, as such
30 description is shown upon the United States Coast and Geodetic Survey
31 map numbered 6380, published March, 1947, in Washington, D.C., eighth
32 edition.

33 (11) Stuart Island reef net fishing area number 1 includes those
34 waters within 600 feet of the shore of Stuart Island between lines
35 projected true east from points at longitude 123° 10' 47" latitude 48°
36 39' 47" and longitude 123° 10' 47" latitude 48° 39' 33", as such
37 descriptions are shown upon the United States Coast and Geodetic Survey

1 map numbered 6380, published March, 1947, in Washington, D.C., eighth
2 edition.

3 (12) Stuart Island reef net fishing area number 2 includes those
4 waters within 250 feet of Gossip Island, also known as Happy Island, as
5 such description is shown upon the United States Coast and Geodetic
6 Survey map numbered 6380, published March, 1947, in Washington, D.C.,
7 eighth edition.

8 (13) Johns Island reef net fishing area includes those waters
9 inland and inside a line projected from the eastern point of Johns
10 Island to the northwestern point of Little Cactus Island, thence
11 northwesterly to a point on Johns Island at longitude $123^{\circ} 09' 24''$
12 latitude $48^{\circ} 39' 59''$, as such descriptions are shown upon the United
13 States Coast and Geodetic Survey map numbered 6380, published March,
14 1947, in Washington, D.C., eighth edition.

15 (14) Battleship Island reef net fishing area includes those waters
16 lying within 350 feet of Battleship Island, as such description is
17 shown upon the United States Coast and Geodetic Survey map numbered
18 6380, published March, 1947, in Washington, D.C., eighth edition.

19 (15) Open Bay reef net fishing area includes those waters lying
20 within 150 feet of shore between lines projected true east from a point
21 on Henry Island at longitude $123^{\circ} 11' 34 \frac{1}{2}''$ latitude $48^{\circ} 35' 27 \frac{1}{2}''$
22 at a point 250 feet south, as such descriptions are shown upon the
23 United States Coast and Geodetic Survey map numbered 6380, published
24 March, 1947, in Washington, D.C., eighth edition.

25 (16) Mitchell Reef net fishing area includes those waters within a
26 line beginning at the rock shown on U.S.G.S. map number 6380 at
27 longitude $123^{\circ} 10' 56''$ latitude $48^{\circ} 34' 49 \frac{1}{2}''$, and projected 50 feet
28 northwesterly, thence southwesterly 250 feet, thence southeasterly 300
29 feet, thence northeasterly 250 feet, thence to the point of beginning,
30 as such descriptions are shown upon the United States Coast and
31 Geodetic Survey map numbered 6380, published March, 1947, in
32 Washington, D.C., eighth edition.

33 (17) Smugglers Cove reef fishing area includes those waters within
34 200 feet of shore between lines projected true west from points on the
35 shore of San Juan Island at longitude $123^{\circ} 10' 29''$ latitude $48^{\circ} 33' 50''$
36 and longitude $123^{\circ} 10' 31''$ latitude $48^{\circ} 33' 45''$, as such descriptions
37 are shown upon the United States Coast and Geodetic Survey map numbered
38 6380, published March, 1947, in Washington, D.C., eighth edition.

1 (18) Andrews Bay reef net fishing area includes those waters lying
2 within 300 feet of the shore of San Juan Island between a line
3 projected true south from a point at the northern entrance of Andrews
4 Bay at longitude 123° 09' 53 1/2" latitude 48° 33' 00" and the cable
5 crossing sign in Andrews Bay, at longitude 123° 09' 45" latitude 48°
6 33' 04", as such descriptions are shown upon the United States Coast
7 and Geodetic Survey map numbered 6380, published March, 1947, in
8 Washington, D.C., eighth edition.

9 (19) Orcas Island reef net fishing area includes those waters
10 inland and inside a line projected true west a distance of 1,000 yards
11 from the shore of Orcas Island at longitude 122° 57' 40" latitude 48°
12 41' 06" thence northeasterly to a point 500 feet true west of Point
13 Doughty, then true east to Point Doughty, as such descriptions are
14 shown upon the United States Coast and Geodetic Survey map numbered
15 6380, published March, 1947, in Washington, D.C., eighth edition.

16 **Sec. 110.** RCW 77.50.070 and 1998 c 190 s 80 are each amended to
17 read as follows:

18 (1) Except as provided in subsection (2) of this section, the
19 (~~commission~~) department shall not authorize gear other than troll
20 gear or angling gear for taking salmon within the offshore waters or
21 the waters of the Pacific Ocean over which the state has jurisdiction
22 lying west of the following line: Commencing at the point of
23 intersection of the international boundary line in the Strait of Juan
24 de Fuca and a line drawn between the lighthouse on Tatoosh Island in
25 Clallam County and Bonilla Point on Vancouver Island; thence southerly
26 to the lighthouse on Tatoosh Island; thence southerly to the most
27 westerly point of Cape Flattery; thence southerly along the state
28 shoreline of the Pacific Ocean, crossing any river mouths at their most
29 westerly points of land, to Point Brown at the entrance to Grays
30 Harbor; thence southerly to Point Chehalis Light on Point Chehalis;
31 thence southerly from Point Chehalis along the state shoreline of the
32 Pacific Ocean to the Cape Shoalwater tower at the entrance to Willapa
33 Bay; thence southerly to Leadbetter Point; thence southerly along the
34 state shoreline of the Pacific Ocean to the inshore end of the North
35 jetty at the entrance to the Columbia River; thence southerly to the
36 knuckle of the South jetty at the entrance to said river.

1 (2) The ((~~commission~~)) department may authorize the use of nets for
2 taking salmon in the waters described in subsection (1) of this section
3 for scientific investigations.

4 **Sec. 111.** RCW 77.50.090 and 1998 c 190 s 82 are each amended to
5 read as follows:

6 The ((~~commission~~)) department shall not authorize commercial bottom
7 trawling for food fish and shellfish in all areas of Hood Canal south
8 of a line projected from Tala Point to Foulweather Bluff and in Puget
9 Sound south of a line projected from Foulweather Bluff to Double Bluff
10 and including all marine waters east of Whidbey Island and Camano
11 Island.

12 **Sec. 112.** RCW 77.50.100 and 1998 c 190 s 83 are each amended to
13 read as follows:

14 The ((~~commission~~)) department shall not authorize any commercial
15 fisher to use more than fifty shrimp pots while commercially fishing
16 for shrimp in that portion of Hood Canal lying south of the Hood Canal
17 floating bridge.

18 **Sec. 113.** RCW 77.50.110 and 1998 c 190 s 84 are each amended to
19 read as follows:

20 The ((~~commission~~)) department shall not authorize angling gear or
21 other personal use gear for commercial salmon fishing.

22 **Sec. 114.** RCW 77.55.011 and 2005 c 146 s 101 are each amended to
23 read as follows:

24 The definitions in this section apply throughout this chapter
25 unless the context clearly requires otherwise.

26 (1) "Bed" means the land below the ordinary high water lines of
27 state waters. This definition does not include irrigation ditches,
28 canals, storm water runoff devices, or other artificial watercourses
29 except where they exist in a natural watercourse that has been altered
30 by man.

31 (2) "Board" means the hydraulic appeals board created in RCW
32 77.55.301.

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

34 (~~4~~)) "Department" means the department of fish and wildlife.

1 ~~((+5))~~ (4) "Director" means the director of the department of fish
2 and wildlife.

3 ~~((+6))~~ (5) "Emergency" means an immediate threat to life, the
4 public, property, or of environmental degradation.

5 ~~((+7))~~ (6) "Hydraulic project" means the construction or
6 performance of work that will use, divert, obstruct, or change the
7 natural flow or bed of any of the salt or freshwaters of the state.

8 ~~((+8))~~ (7) "Imminent danger" means a threat by weather, water
9 flow, or other natural conditions that is likely to occur within sixty
10 days of a request for a permit application.

11 ~~((+9))~~ (8) "Marina" means a public or private facility providing
12 boat moorage space, fuel, or commercial services. Commercial services
13 include but are not limited to overnight or live-aboard boating
14 accommodations.

15 ~~((+10))~~ (9) "Marine terminal" means a public or private commercial
16 wharf located in the navigable water of the state and used, or intended
17 to be used, as a port or facility for the storing, handling,
18 transferring, or transporting of goods to and from vessels.

19 ~~((+11))~~ (10) "Ordinary high water line" means the mark on the
20 shores of all water that will be found by examining the bed and banks
21 and ascertaining where the presence and action of waters are so common
22 and usual, and so long continued in ordinary years as to mark upon the
23 soil or vegetation a character distinct from the abutting upland.
24 Provided, that in any area where the ordinary high water line cannot be
25 found, the ordinary high water line adjoining saltwater is the line of
26 mean higher high water and the ordinary high water line adjoining fresh
27 water is the elevation of the mean annual flood.

28 ~~((+12))~~ (11) "Permit" means a hydraulic project approval permit
29 issued under this chapter.

30 ~~((+13))~~ (12) "Sandbars" includes, but is not limited to, sand,
31 gravel, rock, silt, and sediments.

32 ~~((+14))~~ (13) "Small scale prospecting and mining" means the use of
33 only the following methods: Pans; nonmotorized sluice boxes;
34 concentrators; and minirocker boxes for the discovery and recovery of
35 minerals.

36 ~~((+15))~~ (14) "Spartina," "purple loosestrife," and "aquatic
37 noxious weeds" have the same meanings as defined in RCW 17.26.020.

1 ~~((16))~~ (15) "Streambank stabilization" means those projects that
2 prevent or limit erosion, slippage, and mass wasting. These projects
3 include, but are not limited to, bank resloping, log and debris
4 relocation or removal, planting of woody vegetation, bank protection
5 using rock or woody material or placement of jetties or groins, gravel
6 removal, or erosion control.

7 ~~((17))~~ (16) "Tide gate" means a one-way check valve that prevents
8 the backflow of tidal water.

9 ~~((18))~~ (17) "Waters of the state" and "state waters" means all
10 salt and fresh waters waterward of the ordinary high water line and
11 within the territorial boundary of the state.

12 **Sec. 115.** RCW 77.55.191 and 2005 c 146 s 506 are each amended to
13 read as follows:

14 (1) Except for the north fork of the Lewis river and the White
15 Salmon river, all streams and rivers tributary to the Columbia river
16 downstream from McNary dam are established as an anadromous fish
17 sanctuary. This sanctuary is created to preserve and develop the food
18 fish and game fish resources in these streams and rivers and to protect
19 them against undue industrial encroachment.

20 (2) Within the sanctuary area:

21 (a) The department shall not issue a permit to construct a dam
22 greater than twenty-five feet high within the migration range of
23 anadromous fish as determined by the department.

24 (b) A person shall not divert water from rivers and streams in
25 quantities that will reduce the respective stream flow below the annual
26 average low flow, based upon data published in United States geological
27 survey reports.

28 (3) The ~~((commission))~~ department may acquire and abate a dam or
29 other obstruction, or acquire any water right vested on a sanctuary
30 stream or river, which is in conflict with the provisions of subsection
31 (2) of this section.

32 (4) Subsection (2)(a) of this section does not apply to the
33 sediment retention structure to be built on the North Fork Toutle river
34 by the United States army corps of engineers.

35 **Sec. 116.** RCW 77.60.020 and 1995 1st sp.s. c 2 s 28 are each
36 amended to read as follows:

1 Only upon recommendation of the (~~commission~~) department may the
2 state oyster reserves be sold, leased, or otherwise disposed of by the
3 department of natural resources.

4 **Sec. 117.** RCW 77.60.030 and 2000 c 107 s 22 are each amended to
5 read as follows:

6 It is the policy of the state to improve state oyster reserves so
7 that they are productive and yield a revenue sufficient for their
8 maintenance. In fixing the price of oysters and other shellfish sold
9 from the reserves, the (~~director~~) department shall take into
10 consideration this policy. It is also the policy of the state to
11 maintain the oyster reserves to furnish shellfish to growers and
12 processors and to stock public beaches.

13 Shellfish may be harvested from state oyster reserves for personal
14 use as prescribed by rule of the (~~director~~) department.

15 The (~~director~~) department shall periodically inventory the state
16 oyster reserves and assign the reserve lands into management
17 categories:

- 18 (1) Native Olympia oyster broodstock reserves;
- 19 (2) Commercial shellfish harvesting zones;
- 20 (3) Commercial shellfish propagation zones designated for long-term
21 leasing to private aquaculturists;
- 22 (4) Public recreational shellfish harvesting zones;
- 23 (5) Unproductive land.

24 The (~~director~~) department shall manage each category of oyster
25 reserve land to maximize the sustained yield production of shellfish
26 consistent with the purpose for establishment of each management
27 category.

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

31 The (~~director~~) department shall protect, reseed, improve the
32 habitat of, and replant state oyster reserves. The (~~director~~)
33 department shall also issue cultch permits and oyster reserve fishery
34 licenses.

35 **Sec. 118.** RCW 77.60.100 and 2000 c 107 s 26 are each amended to
36 read as follows:

1 The (~~commission~~) department may examine the clam, mussel, and
2 oyster beds located on aquatic lands belonging to the state and request
3 the commissioner of public lands to withdraw these lands from sale and
4 lease for the purpose of establishing reserves or public beaches. The
5 (~~director~~) department shall conserve, protect, and develop these
6 reserves and the oyster, shrimp, clam, and mussel beds on state lands.

7 **Sec. 119.** RCW 77.65.420 and 2000 c 107 s 53 are each amended to
8 read as follows:

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

14 **Sec. 120.** RCW 77.65.480 and 1991 sp.s. c 7 s 4 are each amended to
15 read as follows:

16 (1) A taxidermy license allows the holder to practice taxidermy for
17 profit. The fee for this license is one hundred eighty dollars.

18 (2) A fur dealer's license allows the holder to purchase, receive,
19 or resell raw furs for profit. The fee for this license is one hundred
20 eighty dollars.

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

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

30 (5) A game fish stocking permit allows the holder to release game
31 fish into the waters of the state as prescribed by rule of the
32 (~~commission~~) department. The fee for this permit is twenty-four
33 dollars.

34 (6) A fishing or field trial permit allows the holder to promote,
35 conduct, hold, or sponsor a fishing or field trial contest in

1 accordance with rules of the (~~commission~~) department. The fee for a
2 fishing contest permit is twenty-four dollars. The fee for a field
3 trial contest permit is twenty-four dollars.

4 (7) An anadromous game fish buyer's license allows the holder to
5 purchase or sell steelhead trout and other anadromous game fish
6 harvested by Indian fishermen lawfully exercising fishing rights
7 reserved by federal statute, treaty, or executive order, under
8 conditions prescribed by rule of the (~~director~~) department. The fee
9 for this license is one hundred eighty dollars.

10 **Sec. 121.** RCW 77.65.510 and 2003 c 387 s 2 are each amended to
11 read as follows:

12 (1) The department must establish and administer a direct retail
13 endorsement to serve as a single license that permits the holder of a
14 Washington license to commercially harvest retail-eligible species and
15 to clean, dress, and sell his or her catch directly to consumers at
16 retail, including over the internet. The direct retail endorsement
17 must be issued as an optional addition to all holders of a commercial
18 fishing license for retail-eligible species that the department offers
19 under this chapter.

20 (2) The direct retail endorsement must be offered at the time of
21 application for the qualifying commercial fishing license. Individuals
22 in possession of a qualifying commercial fishing license issued under
23 this chapter may add a direct retail endorsement to their current
24 license at any time. Individuals who do not have a commercial fishing
25 license for retail-eligible species issued under this chapter may not
26 receive a direct retail endorsement. The costs, conditions,
27 responsibilities, and privileges associated with the endorsed
28 commercial fishing license is not affected or altered in any way by the
29 addition of a direct retail endorsement. These costs include the base
30 cost of the license and any revenue and excise taxes.

31 (3) An individual need only add one direct retail endorsement to
32 his or her license portfolio. If a direct retail endorsement is
33 selected by an individual holding more than one commercial fishing
34 license issued under this chapter, a single direct retail endorsement
35 is considered to be added to all qualifying commercial fishing licenses
36 held by that individual, and is the only license required for the
37 individual to sell at retail any retail-eligible species permitted by

1 all of the underlying endorsed licenses. The direct retail endorsement
2 applies only to the person named on the endorsed license, and may not
3 be used by an alternate operator named on the endorsed license.

4 (4) In addition to any fees charged for the endorsed licenses and
5 harvest documentation as required by this chapter or the rules of the
6 department, the department may set a reasonable annual fee not to
7 exceed the administrative costs to the department for a direct retail
8 endorsement.

9 (5) The holder of a direct retail endorsement is responsible for
10 documenting the commercial harvest of salmon and crab according to the
11 provisions of this chapter, the rules of the department for a wholesale
12 fish dealer, and the reporting requirements of the endorsed license.
13 Any retail-eligible species caught by the holder of a direct retail
14 endorsement must be documented on fish tickets.

15 (6) The direct retail endorsement must be displayed in a readily
16 visible manner by the seller wherever and whenever a sale to someone
17 other than a licensed wholesale dealer occurs. The (~~commission~~)
18 department may require that the holder of a direct retail endorsement
19 notify the department up to eighteen hours before conducting an in-
20 person sale of retail-eligible species, except for in-person sales that
21 have a cumulative retail sales value of less than one hundred fifty
22 dollars in a twenty-four hour period that are sold directly from the
23 vessel. For sales occurring in a venue other than in person, such as
24 over the internet, through a catalog, or on the phone, the direct
25 retail endorsement number of the seller must be provided to the buyer
26 both at the time of sale and the time of delivery. All internet sales
27 must be conducted in accordance with federal laws and regulations.

28 (7) The direct retail endorsement is to be held by a natural person
29 and is not transferrable or assignable. If the endorsed license is
30 transferred, the direct retail endorsement immediately becomes void,
31 and the transferor is not eligible for a full or prorated reimbursement
32 of the annual fee paid for the direct retail endorsement. Upon
33 becoming void, the holder of a direct retail endorsement must surrender
34 the physical endorsement to the department.

35 (8) The holder of a direct retail endorsement must abide by the
36 provisions of Title 69 RCW as they apply to the processing and retail
37 sale of seafood. The department must distribute a pamphlet, provided

1 by the department of agriculture, with the direct retail endorsement
2 generally describing the labeling requirements set forth in chapter
3 69.04 RCW as they apply to seafood.

4 (9) The holder of a qualifying commercial fishing license issued
5 under this chapter must either possess a direct retail endorsement or
6 a wholesale dealer license provided for in RCW 77.65.280 in order to
7 lawfully sell their catch or harvest in the state to anyone other than
8 a licensed wholesale dealer.

9 (10) The direct retail endorsement entitles the holder to sell a
10 retail-eligible species only at a temporary food service establishment
11 as that term is defined in RCW 69.06.045, or directly to a restaurant
12 or other similar food service business.

13 **Sec. 122.** RCW 77.70.450 and 2003 c 174 s 1 are each amended to
14 read as follows:

15 The commercial fisheries buyback account is created in the custody
16 of the state treasurer. All receipts from money collected by the
17 (~~commission~~) department under RCW 77.70.460, moneys appropriated for
18 the purposes of this section, and other gifts, grants, or donations
19 specifically made to the fund must be deposited into the account.
20 Expenditures from the account may be used only for the purpose of
21 repaying moneys advanced by the federal government under a groundfish
22 fleet reduction program established by the federal government, or for
23 other fleet reduction efforts, commercial fishing license buyback
24 programs, or similar programs designed to reduce the harvest capacity
25 in a commercial fishery. Only the director (~~of the department~~) or
26 the director's designee may authorize expenditures from the account.
27 The account is subject to allotment procedures under chapter 43.88 RCW,
28 but an appropriation is not required for expenditures.

29 **Sec. 123.** RCW 77.70.460 and 2003 c 174 s 2 are each amended to
30 read as follows:

31 (1) The (~~commission~~) department shall collect a fee upon all
32 deliveries of fish or shellfish from persons holding: (a) A federal
33 pacific groundfish limited entry permit with a trawl endorsement; (b)
34 an ocean pink shrimp delivery license issued under RCW 77.65.390; (c)
35 a Dungeness crab--coastal fishery license issued under RCW 77.70.280;
36 (d) a food fish delivery license issued under RCW 77.65.200; or (e) a

1 shrimp trawl license under RCW 77.65.220, to repay the federal
2 government for moneys advanced by the federal government under a
3 groundfish fleet reduction program established by the federal
4 government.

5 (2) The ((~~commission~~)) department shall adopt a fee schedule by
6 rule for the collection of the fee required by subsection (1) of this
7 section. The fee schedule adopted shall limit the total amount of
8 moneys collected through the fee to the minimum amount necessary to
9 repay the moneys advanced by the federal government, but be sufficient
10 to repay the debt obligation of each fishery. The fee charged to the
11 holders of a Dungeness crab--coastal fishery license may not exceed two
12 percent of the total ex-vessel value of annual landings, and the fee
13 charged to all other eligible license holders may not exceed five
14 percent of the total ex-vessel value of annual landings. The
15 ((~~commission~~)) department may adjust the fee schedule as necessary to
16 ensure that the funds collected are adequate to repay the debt
17 obligation of each fishery.

18 (3) The ((~~commission~~)) department shall deposit moneys collected
19 under this section in the commercial fisheries buyback account created
20 in RCW 77.70.450.

21 **Sec. 124.** RCW 77.70.470 and 2003 c 174 s 3 are each amended to
22 read as follows:

23 The ((~~commission~~)) department may not assess the fee specified
24 under RCW 77.70.460 until after the federal government creates a
25 groundfish fleet reduction program.

26 **Sec. 125.** RCW 77.75.020 and 2000 c 107 s 86 are each amended to
27 read as follows:

28 The ((~~commission~~)) department may give to the state of Oregon such
29 consent and approbation of the state of Washington as is necessary
30 under the compact set out in RCW 77.75.010. For the purposes of RCW
31 77.75.010, the states of Washington and Oregon have concurrent
32 jurisdiction in the concurrent waters of the Columbia river.

33 **Sec. 126.** RCW 77.75.040 and 1995 1st sp.s. c 2 s 20 are each
34 amended to read as follows:

35 ((~~A member selected by or a designee of the fish and wildlife~~

1 ~~commission))~~ The director or the director's designee, ex officio, and
2 two appointees of the governor representing the fishing industry shall
3 act as the representatives of this state on the Pacific Marine
4 Fisheries Commission. The appointees of the governor are subject to
5 confirmation by the state senate.

6 **Sec. 127.** RCW 77.75.100 and 1980 c 78 s 62 are each amended to
7 read as follows:

8 The (~~commission~~) department may cooperate with the Idaho fish and
9 game commission in the adoption and enforcement of rules regarding
10 wildlife on that portion of the Snake river forming the boundary
11 between Washington and Idaho.

12 **Sec. 128.** RCW 77.75.140 and 1995 1st sp.s. c 2 s 21 are each
13 amended to read as follows:

14 The (~~commission~~) department may adopt and enforce the provisions
15 of the treaty between the government of the United States and the
16 government of Canada concerning Pacific salmon, treaty document number
17 99-2, entered into force March 18, 1985, at Quebec City, Canada, and
18 the regulations of the (~~commission~~) department adopted under
19 authority of the treaty.

20 **Sec. 129.** RCW 77.85.220 and 2003 c 391 s 4 are each amended to
21 read as follows:

22 (1) If a limiting factors analysis has been conducted under this
23 chapter for a specific geographic area and that analysis shows
24 insufficient intertidal salmon habitat, the department (~~of fish and~~
25 ~~wildlife~~) and the county legislative authorities of the affected
26 counties may jointly initiate a salmon intertidal habitat restoration
27 planning process to develop a plan that addresses the intertidal
28 habitat goals contained in the limiting factors analysis. The (~~fish~~
29 ~~and wildlife commission~~) department and the county legislative
30 authorities of the geographic area shall jointly appoint a task force
31 composed of the following members:

32 (a) One representative of the (~~fish and wildlife commission~~)
33 department, appointed by the (~~chair of the commission~~) director;

34 (b) Two representatives of the agricultural industry familiar with

1 agricultural issues in the geographic area, one appointed by an
2 organization active in the geographic area and one appointed by a
3 statewide organization representing the industry;

4 (c) Two representatives of environmental interest organizations
5 with familiarity and expertise of salmon habitat, one appointed by an
6 organization in the geographic area and one appointed by a statewide
7 organization representing environmental interests;

8 (d) One representative of a diking and drainage district, appointed
9 by the individual districts in the geographic area or by an association
10 of diking and drainage districts;

11 (e) One representative of the lead entity for salmon recovery in
12 the geographic area, appointed by the lead entity;

13 (f) One representative of each county in the geographic area,
14 appointed by the respective county legislative authorities; and

15 (g) One representative from the office of the governor.

16 (2) Representatives of the United States environmental protection
17 agency, the United States natural resources conservation service,
18 federal fishery agencies, as appointed by their regional director, and
19 tribes with interests in the geographic area shall be invited and
20 encouraged to participate as members of the task force.

21 (3) The task force shall elect a chair and adopt rules for
22 conducting the business of the task force. Staff support for the task
23 force shall be provided by the Washington state conservation
24 commission.

25 (4) The task force shall:

26 (a) Review and analyze the limiting factors analysis for the
27 geographic area;

28 (b) Initiate and oversee intertidal salmon habitat studies for
29 enhancement of the intertidal area as provided in RCW 77.85.230;

30 (c) Review and analyze the completed assessments listed in RCW
31 77.85.230;

32 (d) Develop and draft an overall plan that addresses identified
33 intertidal salmon habitat goals that has public support; and

34 (e) Identify appropriate demonstration projects and early
35 implementation projects that are of high priority and should commence
36 immediately within the geographic area.

37 (5) The task force may request briefings as needed on legal issues

1 that may need to be considered when developing or implementing various
2 plan options.

3 (6) Members of the task force shall be reimbursed by the
4 conservation commission for travel expenses as provided in RCW
5 43.03.050 and 43.03.060.

6 (7) The task force shall provide annual reports that provide an
7 update on its activities to the (~~fish and wildlife commission~~)
8 department, to the involved county legislative authorities, and to the
9 lead entity formed under this chapter.

10 **Sec. 130.** RCW 77.85.230 and 2003 c 391 s 5 are each amended to
11 read as follows:

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

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

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

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

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

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

27 **Sec. 131.** RCW 77.95.010 and 1995 1st sp.s. c 2 s 33 are each
28 amended to read as follows:

29 Currently, many of the salmon stocks of Washington state are
30 critically reduced from their sustainable level. The best interests of
31 all fishing groups and the citizens as a whole are served by a stable
32 and productive salmon resource. Immediate action is needed to reverse
33 the severe decline of the resource and to insure its very survival.
34 The legislature finds a state of emergency exists and that immediate
35 action is required to restore its fishery.

36 Disagreement and strife have dominated the salmon fisheries for
37 many years. Conflicts among the various fishing interests have only

1 served to erode the resource. It is time for the state of Washington
2 to make a major commitment to increasing productivity of the resource
3 and to move forward with an effective rehabilitation and enhancement
4 program. The (~~commission~~) department is directed to dedicate its
5 efforts (~~and the efforts of the department~~) to seek resolution to the
6 many conflicts that involve the resource.

7 Success of the enhancement program can only occur if projects
8 efficiently produce salmon or restore habitat. The expectation of the
9 program is to optimize the efficient use of funding on projects that
10 will increase artificially and naturally produced salmon, restore and
11 improve habitat, or identify ways to increase the survival of salmon.
12 The full utilization of state resources and cooperative efforts with
13 interested groups are essential to the success of the program.

14 **Sec. 132.** RCW 77.95.020 and 1995 1st sp.s. c 2 s 34 are each
15 amended to read as follows:

16 (1) The (~~commission~~) department shall develop long-term regional
17 policy statements regarding the salmon fishery resources before
18 December 1, 1985. The (~~commission~~) department shall consider the
19 following in formulating and updating regional policy statements:

- 20 (a) Existing resource needs;
- 21 (b) Potential for creation of new resources;
- 22 (c) Successful existing programs, both within and outside the
23 state;
- 24 (d) Balanced utilization of natural and hatchery production;
- 25 (e) Desires of the fishing interest;
- 26 (f) Need for additional data or research;
- 27 (g) Federal court orders; and
- 28 (h) Salmon advisory council recommendations.

29 (2) The (~~commission~~) department shall review and update each
30 policy statement at least once each year.

31 **Sec. 133.** RCW 77.95.030 and 1995 1st sp.s. c 2 s 35 are each
32 amended to read as follows:

33 (1) The (~~commission~~) department shall develop a detailed salmon
34 enhancement plan with proposed enhancement projects. The plan and the
35 regional policy statements shall be submitted to the secretary of the
36 senate and chief clerk of the house of representatives for legislative

1 distribution by June 30, 1986. The enhancement plan and regional
2 policy statements shall be provided by June 30, 1986, to the natural
3 resources committees of the house of representatives and the senate.
4 The ((~~commission~~)) department shall provide a maximum opportunity for
5 the public to participate in the development of the salmon enhancement
6 plan. To ((~~insure~~)) ensure full participation by all interested
7 parties, the ((~~commission~~)) department shall solicit and consider
8 enhancement project proposals from Indian tribes, sports ((~~fishermen~~))
9 fishers, commercial ((~~fishermen~~)) fishers, private aquaculturists, and
10 other interested groups or individuals for potential inclusion in the
11 salmon enhancement plan. Joint or cooperative enhancement projects
12 shall be considered for funding.

13 (2) The following criteria shall be used by the ((~~commission~~))
14 department in formulating the project proposals:

- 15 (a) Compatibility with the long-term policy statement;
- 16 (b) Benefit/cost analysis;
- 17 (c) Needs of all fishing interests;
- 18 (d) Compatibility with regional plans, including harvest management
19 plans;
- 20 (e) Likely increase in resource productivity;
- 21 (f) Direct applicability of any research;
- 22 (g) Salmon advisory council recommendations;
- 23 (h) Compatibility with federal court orders;
- 24 (i) Coordination with the salmon and steelhead advisory commission
25 program;
- 26 (j) Economic impact to the state;
- 27 (k) Technical feasibility; and
- 28 (l) Preservation of native salmon runs.

29 (3) The ((~~commission~~)) department shall not approve projects that
30 serve as replacement funding for projects that exist prior to May 21,
31 1985, unless no other sources of funds are available.

32 (4) The ((~~commission~~)) department shall prioritize various projects
33 and establish a recommended implementation time schedule.

34 **Sec. 134.** RCW 77.95.040 and 1995 1st sp.s. c 2 s 36 are each
35 amended to read as follows:

36 Upon approval by the legislature of funds for its implementation,

1 the (~~commission~~) department shall monitor the progress of projects
2 detailed in the salmon enhancement plan.

3 The (~~commission~~) department shall be responsible for establishing
4 criteria which shall be used to measure the success of each project in
5 the salmon enhancement plan.

6 **Sec. 135.** RCW 77.95.060 and 1995 1st sp.s. c 2 s 38 are each
7 amended to read as follows:

8 The legislature finds that it is in the best interest of the salmon
9 resource of the state to encourage the development of regional
10 fisheries enhancement groups. The accomplishments of one existing
11 group, the Grays Harbor fisheries enhancement task force, have been
12 widely recognized as being exemplary. The legislature recognizes the
13 potential benefits to the state that would occur if each region of the
14 state had a similar group of dedicated citizens working to enhance the
15 salmon resource.

16 The legislature authorizes the formation of regional fisheries
17 enhancement groups. These groups shall be eligible for state financial
18 support and shall be actively supported by the (~~commission and the~~)
19 department. The regional groups shall be operated on a strictly
20 nonprofit basis, and shall seek to maximize the efforts of volunteer
21 and private donations to improve the salmon resource for all citizens
22 of the state.

23 **Sec. 136.** RCW 77.95.090 and 2000 c 107 s 106 are each amended to
24 read as follows:

25 The dedicated regional fisheries enhancement group account is
26 created in the custody of the state treasurer. Only the (~~commission~~
27 ~~or the commission's~~) director or the director's designee may authorize
28 expenditures from the account. The account is subject to allotment
29 procedures under chapter 43.88 RCW, but no appropriation is required
30 for expenditures.

31 A portion of each recreational fishing license fee shall be used as
32 provided in RCW 77.32.440. A surcharge of one hundred dollars shall be
33 collected on each commercial salmon fishery license, each salmon
34 delivery license, and each salmon charter license sold in the state.
35 All receipts shall be placed in the regional fisheries enhancement
36 group account and shall be used exclusively for regional fisheries

1 enhancement group projects for the purposes of RCW 77.95.110. Funds
2 from the regional fisheries enhancement group account shall not serve
3 as replacement funding for department operated salmon projects that
4 exist on January 1, 1991.

5 All revenue from the department's sale of salmon carcasses and eggs
6 that return to group facilities shall be deposited in the regional
7 fisheries enhancement group account for use by the regional fisheries
8 enhancement group that produced the surplus. The ((~~commission~~))
9 department shall adopt rules to implement this section pursuant to
10 chapter 34.05 RCW.

11 **Sec. 137.** RCW 77.95.110 and 2000 c 107 s 108 are each amended to
12 read as follows:

13 (1) A regional fisheries enhancement group advisory board is
14 established to make recommendations to the ((~~commission~~)) department.
15 The members shall be appointed by the ((~~commission~~)) director and
16 consist of two commercial fishing representatives, two recreational
17 fishing representatives, and three at-large positions. At least two of
18 the advisory board members shall be members of a regional fisheries
19 enhancement group. Advisory board members shall serve three-year
20 terms. The advisory board membership shall include two members serving
21 ex officio to be nominated, one through the Northwest Indian fisheries
22 commission, and one through the Columbia river intertribal fish
23 commission. The chair of the regional fisheries enhancement group
24 advisory board shall be elected annually by members of the regional
25 fisheries enhancement group advisory board. The advisory board shall
26 meet at least quarterly. All meetings of the advisory board shall be
27 open to the public under the open public meetings act, chapter 42.30
28 RCW.

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

32 (2) Members shall not be compensated but shall receive
33 reimbursement for travel expenses in accordance with RCW 43.03.050 and
34 43.03.060.

35 (3) The department may use account funds to provide agency
36 assistance to the groups, to provide professional, administrative or
37 clerical services to the advisory board, or to implement the training

1 and technical assistance services plan as developed by the advisory
2 board pursuant to RCW 77.95.120. The level of account funds used by
3 the department shall be determined by the ((~~commission~~)) department
4 after review of recommendation by the regional fisheries enhancement
5 group advisory board and shall not exceed twenty percent of annual
6 contributions to the account.

7 **Sec. 138.** RCW 77.95.140 and 1995 1st sp.s. c 2 s 41 are each
8 amended to read as follows:

9 The ((~~commission~~)) department shall prepare a salmon recovery plan
10 for the Skagit river. The plan shall include strategies for employing
11 displaced timber workers to conduct salmon restoration and other tasks
12 identified in the plan. The plan shall incorporate the best available
13 technology in order to achieve maximum restoration of depressed salmon
14 stocks. The plan must encourage the restoration of natural spawning
15 areas and natural rearing of salmon but must not preclude the
16 development of an active hatchery program.

17 **Sec. 139.** RCW 77.95.200 and 1998 c 251 s 2 are each amended to
18 read as follows:

19 (1) The department shall develop and implement a program utilizing
20 remote site incubators in Washington state. The program shall identify
21 sites in tributaries that are suitable for reestablishing self-
22 sustaining, locally adapted populations of coho, chum, or chinook
23 salmon. The initial selection of sites shall be completed by July 1,
24 1999, and updated annually thereafter.

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

30 (3) The department shall depend chiefly upon volunteer efforts to
31 implement the remote site incubator program through volunteer
32 cooperative projects and the regional fisheries enhancement groups.
33 The department may prioritize remote site incubator projects within
34 regional enhancement areas.

35 (4) The department may purchase remote site incubators and may use
36 agency employees to construct remote site incubators. The director and

1 the secretary of the department of corrections shall jointly
2 investigate the potential of producing remote site incubators through
3 the prison industries program of the department of corrections, and
4 shall jointly report their finding to the natural resources committees
5 of the house of representatives and the senate by December 1, 1999.

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

8 (6) The department shall evaluate the initial results of the
9 program and report to the legislature by December 1, 2000. Annual
10 reports on the progress of the program shall be provided to the ((fish
11 and wildlife commission)) director.

12 **Sec. 140.** RCW 77.100.060 and 2001 c 337 s 4 are each amended to
13 read as follows:

14 The ((commission)) department shall establish by rule:

15 (1) The procedure for entering a cooperative agreement and the
16 application forms for a permit to release fish or wildlife ((required
17 by RCW 77.12.457)). The procedure shall indicate the information
18 required from the volunteer group as well as the process of review by
19 the department. The process of review shall include the means to
20 coordinate with other agencies and Indian tribes when appropriate and
21 to coordinate the review of any necessary hydraulic permit approval
22 applications.

23 (2) The procedure for providing within forty-five days of receipt
24 of a proposal a written response to the volunteer group indicating the
25 date by which an acceptance or rejection of the proposal can be
26 expected, the reason why the date was selected, and a written summary
27 of the process of review. The response should also include any
28 suggested modifications to the proposal which would increase its
29 likelihood of approval and the date by which such modified proposal
30 could be expected to be accepted. If the proposal is rejected, the
31 department must provide in writing the reasons for rejection. The
32 volunteer group may request the director or the director's designee to
33 review information provided in the response.

34 (3) The priority of the uses to which eggs, seed, juveniles, or
35 brood stock are put. Use by cooperative projects shall be second in
36 priority only to the needs of programs of the department or of other
37 public agencies within the territorial boundaries of the state. Sales

1 of eggs, seed, juveniles, or brood stock have a lower priority than use
2 for cooperative projects. The rules must identify and implement
3 appropriate protocols for brood stock handling, including the
4 outplanting of adult fish, spawning, incubation, rearing, and release
5 and establish a prioritized schedule for implementation of chapter 337,
6 Laws of 2001, and shall include directives for allowing more hatchery
7 salmon to spawn naturally in areas where progeny of hatchery fish have
8 spawned, including the outplanting of adult fish, in order to increase
9 the number of viable salmon eggs and restore healthy numbers of fish
10 within the state.

11 (4) The procedure for the director to notify a volunteer group that
12 the agreement for the project is being revoked for cause and the
13 procedure for revocation. Revocation shall be documented in writing to
14 the volunteer group. Cause for revocation may include: (a) The
15 unavailability of adequate biological or financial resources; (b) the
16 development of unacceptable biological or resource management
17 conflicts; or (c) a violation of agreement provisions. Notice of cause
18 to revoke for a violation of agreement provisions may specify a
19 reasonable period of time within which the volunteer group must comply
20 with any violated provisions of the agreement.

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

23 **Sec. 141.** RCW 77.100.080 and 2000 c 107 s 113 are each amended to
24 read as follows:

- 25 (1) The volunteer group shall:
- 26 (a) Provide care and diligence in conducting the cooperative
27 project; and
- 28 (b) Maintain accurately the required records of the project on
29 forms provided by the department.

30 (2) The volunteer group shall acknowledge that fish and game reared
31 in cooperative projects are public property and must be handled and
32 released for the benefit of all citizens of the state. The fish and
33 game are to remain public property until reduced to private ownership
34 under rules of the (~~commission~~) department.

35 **Sec. 142.** RCW 77.115.010 and 2000 c 107 s 122 are each amended to
36 read as follows:

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

- 10 (a) Disease diagnosis;
- 11 (b) Import and transfer requirements;
- 12 (c) Provision for certification of stocks;
- 13 (d) Classification of diseases by severity;
- 14 (e) Provision for treatment of selected high-risk diseases;
- 15 (f) Provision for containment and eradication of high-risk
16 diseases;
- 17 (g) Provision for destruction of diseased cultured aquatic
18 products;
- 19 (h) Provision for quarantine of diseased cultured aquatic products;
- 20 (i) Provision for coordination with state and federal agencies;
- 21 (j) Provision for development of preventative or control measures;
- 22 (k) Provision for cooperative consultation service to aquatic
23 farmers; and
- 24 (l) Provision for disease history records.

25 (2) The (~~commission~~) department shall adopt rules implementing
26 this section. However, such rules shall have the prior approval of the
27 director of agriculture and shall provide therein that the director of
28 agriculture has provided such approval. The director of agriculture or
29 the director's designee shall attend the rule-making hearings conducted
30 under chapter 34.05 RCW and shall assist in conducting those hearings.
31 The authorities granted the department by these rules and by RCW
32 77.12.047(1)(g), 77.60.060, 77.60.080, 77.65.210, (~~77.115.020,~~)
33 77.115.030, and 77.115.040 constitute the only authorities of the
34 department to regulate private sector cultured aquatic products and
35 aquatic farmers as defined in RCW 15.85.020. Except as provided in
36 subsection (3) of this section, no action may be taken against any
37 person to enforce these rules unless the department has first provided

1 the person an opportunity for a hearing. In such a case, if the
2 hearing is requested, no enforcement action may be taken before the
3 conclusion of that hearing.

4 (3) The rules adopted under this section shall specify the
5 emergency enforcement actions that may be taken by the department, and
6 the circumstances under which they may be taken, without first
7 providing the affected party with an opportunity for a hearing.
8 Neither the provisions of this subsection nor the provisions of
9 subsection (2) of this section shall preclude the department from
10 requesting the initiation of criminal proceedings for violations of the
11 disease inspection and control rules.

12 (4) A person shall not violate the rules adopted under subsection
13 (2) or (3) of this section or violate RCW 77.115.040.

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

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

21 **Sec. 143.** RCW 9.46.010 and 1996 c 101 s 2 are each amended to read
22 as follows:

23 The public policy of the state of Washington on gambling is to keep
24 the criminal element out of gambling and to promote the social welfare
25 of the people by limiting the nature and scope of gambling activities
26 and by strict regulation and control.

27 It is hereby declared to be the policy of the legislature,
28 recognizing the close relationship between professional gambling and
29 organized crime, to restrain all persons from seeking profit from
30 professional gambling activities in this state; to restrain all persons
31 from patronizing such professional gambling activities; to safeguard
32 the public against the evils induced by common gamblers and common
33 gambling houses engaged in professional gambling; and at the same time,
34 both to preserve the freedom of the press and to avoid restricting
35 participation by individuals in activities and social pastimes, which
36 activities and social pastimes are more for amusement rather than for

1 profit, do not maliciously affect the public, and do not breach the
2 peace.

3 The legislature further declares that the raising of funds for the
4 promotion of bona fide charitable or nonprofit organizations is in the
5 public interest as is participation in such activities and social
6 pastimes as are hereinafter in this chapter authorized.

7 The legislature further declares that the conducting of bingo,
8 raffles, and amusement games and the operation of punchboards, pull-
9 tabs, card games and other social pastimes, when conducted pursuant to
10 the provisions of this chapter and any rules and regulations adopted
11 pursuant thereto, are hereby authorized, as are only such lotteries for
12 which no valuable consideration has been paid or agreed to be paid as
13 hereinafter in this chapter provided.

14 The legislature further declares that fishing derbies shall not
15 constitute any form of gambling and shall not be considered as a
16 lottery, a raffle, or an amusement game and shall not be subject to the
17 provisions of this chapter or any rules and regulations adopted
18 hereunder.

19 The legislature further declares that raffles authorized by the
20 department of fish and wildlife (~~commission~~) involving hunting big
21 game animals or wild turkeys shall not be subject to the provisions of
22 this chapter or any rules and regulations adopted hereunder, with the
23 exception of this section and RCW 9.46.400.

24 All factors incident to the activities authorized in this chapter
25 shall be closely controlled, and the provisions of this chapter shall
26 be liberally construed to achieve such end.

27 **Sec. 144.** RCW 9.46.400 and 1996 c 101 s 3 are each amended to read
28 as follows:

29 Any raffle authorized by the department of fish and wildlife
30 (~~commission~~) involving hunting big game animals or wild turkeys shall
31 not be subject to any provisions of this chapter other than RCW
32 9.46.010 and this section or to any rules or regulations of the
33 gambling commission.

34 **Sec. 145.** RCW 43.17.020 and 2007 c 341 s 47 are each amended to
35 read as follows:

36 There shall be a chief executive officer of each department to be

1 known as: (1) The secretary of social and health services, (2) the
2 director of ecology, (3) the director of labor and industries, (4) the
3 director of agriculture, (5) the director of fish and wildlife, (6) the
4 secretary of transportation, (7) the director of licensing, (8) the
5 director of general administration, (9) the director of community,
6 trade, and economic development, (10) the director of veterans affairs,
7 (11) the director of revenue, (12) the director of retirement systems,
8 (13) the secretary of corrections, (14) the secretary of health, (15)
9 the director of financial institutions, (16) the director of the
10 department of archaeology and historic preservation, (17) the director
11 of early learning, and (18) the executive director of the Puget Sound
12 partnership.

13 Such officers(~~(, except the director of fish and wildlife,)~~) shall
14 be appointed by the governor, with the consent of the senate, and hold
15 office at the pleasure of the governor. (~~(The director of fish and
16 wildlife shall be appointed by the fish and wildlife commission as
17 prescribed by RCW 77.04.055.)~~)

18 **Sec. 146.** RCW 79.105.430 and 2005 c 155 s 106 are each amended to
19 read as follows:

20 (1) The abutting residential owner to state-owned shorelands,
21 tidelands, or related beds of navigable waters, other than harbor
22 areas, may install and maintain without charge a dock on the areas if
23 used exclusively for private recreational purposes and the area is not
24 subject to prior rights, including any rights of upland, tideland, or
25 shoreland owners as provided in RCW 79.125.400, 79.125.460, 79.125.410,
26 and 79.130.010. The dock cannot be sold or leased separately from the
27 upland residence. The dock cannot be used to moor boats for commercial
28 or residential use. This permission is subject to applicable local,
29 state, and federal rules and regulations governing location, design,
30 construction, size, and length of the dock. Nothing in this subsection
31 (1) prevents the abutting owner from obtaining a lease if otherwise
32 provided by law.

33 (2) The abutting residential owner to state-owned shorelands,
34 tidelands, or related beds of navigable waters, other than harbor
35 areas, may install and maintain a mooring buoy without charge if the
36 boat that is moored to the buoy is used for private recreational
37 purposes, the area is not subject to prior rights, including any rights

1 of upland, tideland, or shoreland owners as provided in RCW 79.125.400,
2 79.125.460, 79.125.410, and 79.130.010, and the buoy will not obstruct
3 the use of mooring buoys previously authorized by the department.

4 (a) The buoy must be located as near to the upland residence as
5 practical, consistent with applicable rules and regulations and the
6 provisions of this section. The buoy must be located, or relocated if
7 necessary, to accommodate the use of lawfully installed and maintained
8 buoys.

9 (b) If two or more residential owners, who otherwise qualify for
10 free use under the provisions of this section, are in dispute over
11 assertion of rights to install and maintain a mooring buoy in the same
12 location, they may seek formal settlement through adjudication in
13 superior court for the county in which the buoy site is located. In
14 the adjudication, preference must be given to the residential owner
15 that first installed and continually maintained and used a buoy on that
16 site, if it meets all applicable rules, regulations, and provisions of
17 this section, and then to the owner of the residential property nearest
18 the site. Nothing in this section requires the department to mediate
19 or otherwise resolve disputes between residential owners over the use
20 of the same site for a mooring buoy.

21 (c) The buoy cannot be sold or leased separately from the abutting
22 residential property. The buoy cannot be used to moor boats for
23 commercial or residential use, nor to moor boats over sixty feet in
24 length.

25 (d) If the department determines that it is necessary for secure
26 moorage, the abutting residential owner may install and maintain a
27 second mooring buoy, under the same provisions as the first, the use of
28 which is limited to a second mooring line to the boat moored at the
29 first buoy.

30 (e) The permission granted in this subsection (2) is subject to
31 applicable local, state, and federal rules and regulations governing
32 location, design, installation, maintenance, and operation of the
33 mooring buoy, anchoring system, and moored boat. Nothing in this
34 subsection (2) prevents a boat owner from obtaining a lease if
35 otherwise provided by law. This subsection (2) also applies to areas
36 that have been designated by the commissioner or the department of fish
37 and wildlife (~~commission~~) as aquatic reserves.

1 (3) This permission to install and maintain a recreational dock or
2 mooring buoy may be revoked by the department, or the department may
3 direct the owner of a recreational dock or mooring buoy to relocate
4 their dock or buoy, if the department makes a finding of public
5 necessity to protect waterward access, ingress rights of other
6 landowners, public health or safety, or public resources.
7 Circumstances prompting a finding of public necessity may include, but
8 are not limited to, the dock, buoy, anchoring system, or boat posing a
9 hazard or obstruction to navigation or fishing, contributing to
10 degradation of aquatic habitat, or contributing to decertification of
11 shellfish beds otherwise suitable for commercial or recreational
12 harvest. The revocation may be appealed as provided for under RCW
13 79.105.160.

14 (4) Nothing in this section authorizes a boat owner to abandon a
15 vessel at a recreational dock, mooring buoy, or elsewhere.

16 **Sec. 147.** RCW 79.135.320 and 2005 c 155 s 712 are each amended to
17 read as follows:

18 (1) In the event that the department of fish and wildlife
19 (~~(commission)~~) approves the vacation of the whole or any part of a
20 reserve, the department may vacate and offer for lease the parts or all
21 of the reserve as it deems to be for the best interest of the state,
22 and all moneys received for the lease of the lands shall be paid to the
23 department.

24 (2) Notwithstanding RCW 77.60.020, subsection (1) of this section,
25 or any other provision of state law, the state oyster reserves in Eld
26 Inlet, Hammersley Inlet, or Totten Inlet, situated in Mason or Thurston
27 counties shall permanently be designated as state oyster reserve lands.

28 **Sec. 148.** RCW 79A.05.793 and 2000 c 11 s 64 are each amended to
29 read as follows:

30 Nothing in RCW 79A.05.750 through 79A.05.795 shall be construed to
31 interfere with the powers, duties, and authority of the state
32 department of fish and wildlife (~~(or the state fish and wildlife~~
33 ~~commission)~~) to regulate, manage, conserve, and provide for the harvest
34 of wildlife within such area(~~(: PROVIDED, HOWEVER, That)~~). However,
35 no hunting shall be permitted in any state park.

1 NEW SECTION. **Sec. 149.** The following acts or parts of acts are
2 each repealed:

3 (1) RCW 43.300.040 (Director's duties) and 1996 c 267 s 33 & 1993
4 sp.s. c 2 s 5; and

5 (2) RCW 77.04.013 (Findings and intent) and 1995 1st sp.s. c 2 s 1.

6 NEW SECTION. **Sec. 150.** Except for sections 5 and 9 of this act,
7 this act is necessary for the immediate preservation of the public
8 peace, health, or safety, or support of the state government and its
9 existing public institutions, and takes effect immediately.

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