

**E2SHB 2365** - S COMM AMD

By Committee on Energy, Natural Resources & Marine Waters

1       Strike everything after the enacting clause and insert the  
2 following:

3       "**Sec. 1.** RCW 77.08.010 and 2011 c 324 s 3 are each reenacted and  
4 amended to read as follows:

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

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

11       (2) "Aquatic invasive species" means any invasive, prohibited,  
12 regulated, unregulated, or unlisted aquatic animal or plant species as  
13 defined under subsections (3), (28), (40), (44), (60), and (61) of this  
14 section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),  
15 and aquatic nuisance species as defined under RCW 77.60.130(1).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 (d) Threatens or harms human health.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (45) "Resident" means:

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

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

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

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

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

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

28 (50) "Shark fin" means a raw, dried, or otherwise processed  
29 detached fin or tail of a shark.

30 (51)(a) "Shark fin derivative product" means any product intended  
31 for use by humans or animals that is derived in whole or in part from  
32 shark fins or shark fin cartilage.

33 (b) "Shark fin derivative product" does not include a drug approved  
34 by the United States food and drug administration and available by  
35 prescription only or medical device or vaccine approved by the United  
36 States food and drug administration.

37 (52) "Shellfish" means those species of marine and freshwater  
38 invertebrates that have been classified and that shall not be taken

1 except as authorized by rule of the commission. The term "shellfish"  
2 includes all stages of development and the bodily parts of shellfish  
3 species.

4 (53) "State waters" means all marine waters and fresh waters within  
5 ordinary high water lines and within the territorial boundaries of the  
6 state.

7 (54) "To fish," "to harvest," and "to take," and their derivatives  
8 means an effort to kill, injure, harass, or catch a fish or shellfish.

9 (55) "To hunt" and its derivatives means an effort to kill, injure,  
10 capture, or harass a wild animal or wild bird.

11 (56) "To process" and its derivatives mean preparing or preserving  
12 fish, wildlife, or shellfish.

13 (57) "To trap" and its derivatives means a method of hunting using  
14 devices to capture wild animals or wild birds.

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

18 (59) "Unclaimed" means that no owner of the property has been  
19 identified or has requested, in writing, the release of the property to  
20 themselves nor has the owner of the property designated an individual  
21 to receive the property or paid the required postage to effect delivery  
22 of the property.

23 (60) "Unlisted aquatic animal species" means a nonnative animal  
24 species that has not been classified as a prohibited aquatic animal  
25 species, a regulated aquatic animal species, or an unregulated aquatic  
26 animal species by the commission.

27 (61) "Unregulated aquatic animal species" means a nonnative animal  
28 species that has been classified as an unregulated aquatic animal  
29 species by the commission.

30 (62) "Wholesale fish dealer" means a person who, acting for  
31 commercial purposes, takes possession or ownership of fish or shellfish  
32 and sells, barter, or exchanges or attempts to sell, barter, or  
33 exchange fish or shellfish that have been landed into the state of  
34 Washington or entered the state of Washington in interstate or foreign  
35 commerce.

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

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

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

6 (65) "Wildlife" means all species of the animal kingdom whose  
7 members exist in Washington in a wild state. This includes but is not  
8 limited to mammals, birds, reptiles, amphibians, fish, and  
9 invertebrates. The term "wildlife" does not include feral domestic  
10 mammals, old world rats and mice of the family Muridae of the order  
11 Rodentia, or those fish, shellfish, and marine invertebrates classified  
12 as food fish or shellfish by the director. The term "wildlife"  
13 includes all stages of development and the bodily parts of wildlife  
14 members.

15 (66) "Youth" means a person fifteen years old for fishing and under  
16 sixteen years old for hunting.

17 (67) "Building" means a private domicile, garage, barn, or public  
18 or commercial building.

19 (68) "Food, food waste, or other substance" includes human and pet  
20 food or other waste or garbage that could attract large wild  
21 carnivores.

22 (69) "Intentionally feed, attempt to feed, or attract" means to  
23 purposefully or knowingly provide, leave, or place in, on, or about any  
24 land or building any food, food waste, or other substance that attracts  
25 or could attract large wild carnivores to that land or building.  
26 "Intentionally feed, attempt to feed, or attract" does not include  
27 keeping food, food waste, or other substance in an enclosed garbage  
28 receptacle or other enclosed container unless specifically directed by  
29 a fish and wildlife officer or animal control authority to secure the  
30 receptacle or container in another manner.

31 (70) "Large wild carnivore" includes wild bear, cougar, and wolf.

32 (71) "Negligently feed, attempt to feed, or attract" means to  
33 provide, leave, or place in, on, or about any land or building any  
34 food, food waste, or other substance that attracts or could attract  
35 large wild carnivores to that land or building, without the awareness  
36 that a reasonable person in the same situation would have with regard  
37 to the likelihood that the food, food waste, or other substance could  
38 attract large wild carnivores to the land or building. "Negligently

1 feed, attempt to feed, or attract" does not include keeping food, food  
2 waste, or other substance in an enclosed garbage receptacle or other  
3 enclosed container unless specifically directed by a fish and wildlife  
4 officer or animal control authority to secure the receptacle or  
5 container in another manner.

6 **Sec. 2.** RCW 77.08.030 and 1980 c 78 s 11 are each amended to read  
7 as follows:

8 As used in this title or rules of the commission, "big game" means  
9 the following species:

10

11	<b>Scientific Name</b>	<b>Common Name</b>
12	Cervus canadensis	elk or wapiti
13	Odocoileus hemionus	blacktail deer or mule deer
14	Odocoileus virginianus	whitetail deer
15	Alces americana	moose
16	Oreamnos americanus	mountain goat
17	Rangifer caribou	<u>woodland</u> caribou
18	Ovis canadensis	mountain sheep
19	Antilocapra americana	pronghorn antelope
20	(( <del>Felis</del> )) <u>Puma concolor</u>	cougar or mountain lion
21	(( <del>Euarctos americana</del> ))	black bear
22	<u>Ursus americanus</u>	
23	Ursus horribilis	grizzly bear
24	<u>Canis lupus</u>	<u>gray wolf</u>

25 **Sec. 3.** RCW 77.36.010 and 2009 c 521 s 184 and 2009 c 333 s 54 are  
26 each reenacted and amended to read as follows:

27 The definitions in this section apply throughout this chapter  
28 unless the context clearly requires otherwise.

29 (1) "Claim" means an application to the department for compensation  
30 under this chapter.

31 (2) "Commercial crop" means a horticultural or agricultural  
32 product, including the growing or harvested product. For the purposes  
33 of this chapter all parts of horticultural trees shall be considered a  
34 commercial crop and shall be eligible for claims.



1 (3) "~~((Commercial))~~ Livestock" means cattle, sheep, and horses  
2 (~~((held or raised by a person for sale))~~).

3 (4) "Compensation" means a cash payment, materials, or service.

4 (5) "Damage" means economic losses caused by wildlife interactions.

5 (6) "Immediate family member" means spouse, state registered  
6 domestic partner, brother, sister, grandparent, parent, child, or  
7 grandchild.

8 (7) "Owner" means a person who has a legal right to commercial  
9 crops, (~~((commercial))~~) livestock, or other property that was damaged  
10 during a wildlife interaction.

11 (8) "Wildlife interaction" means the negative interaction and the  
12 resultant damage between wildlife and commercial crops, (~~((commercial))~~)  
13 livestock, or other property.

14 NEW SECTION. **Sec. 4.** A new section is added to chapter 77.36 RCW  
15 to read as follows:

16 The wildlife conflict account is created in the custody of the  
17 state treasurer. Prior to the end of each biennium, the department  
18 must transfer to the wildlife conflict account the balance of  
19 unexpended state funds authorized to be used for livestock claims and  
20 assessment costs under section 5 of this act and appropriated for  
21 mitigation, claims, and assessment costs for injury to or loss of  
22 livestock submitted under RCW 77.36.100. The department may accept  
23 money or personal property from persons under conditions requiring the  
24 property or money to be used consistent with the intent of this  
25 section. Expenditures from the account may be used only for the  
26 mitigation, assessment, and payment of livestock losses consistent with  
27 this chapter. Only the director or the director's designee may  
28 authorize expenditures from the account. The account is subject to  
29 allotment procedures under chapter 43.88 RCW, but an appropriation is  
30 not required for expenditures.

31 NEW SECTION. **Sec. 5.** A new section is added to chapter 77.36 RCW  
32 to read as follows:

33 (1) The department may not pay more than fifty thousand dollars per  
34 fiscal year from the state wildlife account created in RCW 77.12.170  
35 for claims and assessment costs for injury or loss of livestock  
36 submitted under RCW 77.36.100.

1 (2) The department may accept and expend money from other sources  
2 to address losses or damage to livestock or other property.

3 (3) Prior to the end of any biennium in which the department  
4 expends fewer state funds from the state wildlife account than is  
5 authorized under subsection (1) of this section, under the specific  
6 authority provided in this section, the unexpended amount must be  
7 transferred to the wildlife conflict account created in section 4 of  
8 this act.

9 **Sec. 6.** RCW 77.36.100 and 2009 c 333 s 55 are each amended to read  
10 as follows:

11 (1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the  
12 department shall offer to distribute money appropriated to pay claims  
13 to the owner of commercial crops for damage caused by wild deer or elk  
14 (~~or to the owners of commercial livestock that has been killed by~~  
15 ~~bears, wolves, or cougars, or injured by bears, wolves, or cougars to~~  
16 ~~such a degree that the market value of the commercial livestock has~~  
17 ~~been diminished)). Payments for claims for damage to (~~commercial~~)  
18 livestock (~~are not subject to the limitations of RCW 77.36.070 and~~  
19 ~~77.36.080, but may not exceed the total amount specifically~~  
20 ~~appropriated therefor)) that have been killed or that have been injured  
21 by large wild carnivores to such a degree that the market value of the  
22 livestock has been diminished, are subject to the limitations of  
23 section 5(1) of this act and may not exceed the total amount  
24 specifically appropriated therefor.~~~~

25 (b) Owners of commercial crops or (~~commercial~~) livestock are only  
26 eligible for a claim under this subsection if:

27 (i) The owner satisfies the definition of "eligible farmer" in RCW  
28 82.08.855;

29 (ii) The conditions of RCW 77.36.110 have been satisfied; and

30 (iii) The damage caused to the commercial crop or (~~commercial~~)  
31 livestock satisfies the criteria for damage established by the  
32 commission under (c) of this subsection.

33 (c) The commission shall adopt and maintain by rule criteria that  
34 clarifies the damage to commercial crops and (~~commercial~~) livestock  
35 qualifying for compensation under this subsection. An owner of a  
36 commercial crop or (~~commercial~~) livestock must satisfy the criteria  
37 prior to receiving compensation under this subsection. The criteria

1 for damage adopted under this subsection must include, but not be  
2 limited to, a required minimum economic loss to the owner of the  
3 commercial crop or (~~commercial~~) livestock, which may not be set at a  
4 value of less than five hundred dollars.

5 (2)(a) The department may offer to provide noncash compensation  
6 (~~only~~) to offset wildlife interactions to a person who applies to the  
7 department for compensation for damage to property other than  
8 commercial crops or (~~commercial~~) livestock that is the result of a  
9 mammalian or avian species of wildlife on a case-specific basis if the  
10 conditions of RCW 77.36.110 have been satisfied and if the damage  
11 satisfies the criteria for damage established by the commission under  
12 (b) of this subsection.

13 (b) The commission shall adopt and maintain by rule criteria for  
14 damage to property other than a commercial crop or (~~commercial~~)  
15 livestock that is damaged by wildlife and may be eligible for  
16 compensation under this subsection, including criteria for filing a  
17 claim for compensation under this subsection.

18 (3)(a) To prevent or offset wildlife interactions, the department  
19 may offer materials or services to a person who applies to the  
20 department for assistance in providing mitigating actions designed to  
21 reduce wildlife interactions if the actions are designed to address  
22 damage that satisfies the criteria for damage established by the  
23 commission under this (~~subsection~~) section.

24 (b) The commission shall adopt and maintain by rule criteria for  
25 mitigating actions designed to address wildlife interactions that may  
26 be eligible for materials and services under this section, including  
27 criteria for submitting an application under this section.

28 (4) An owner who files a claim under this section may appeal the  
29 decision of the department pursuant to rules adopted by the commission  
30 if the claim:

31 (a) Is denied; or

32 (b) Is disputed by the owner and the owner disagrees with the  
33 amount of compensation determined by the department.

34 (5) The commission shall adopt rules setting limits and conditions  
35 for the department's expenditures on claims and assessments for  
36 commercial crops, livestock, other property, and mitigating actions.

1       **Sec. 7.** RCW 77.36.130 and 2009 c 333 s 58 are each amended to read  
2 as follows:

3       (1) Except as otherwise provided in this section and as limited by  
4 RCW 77.36.100, 77.36.070, ~~((and)) 77.36.080, and section 5(1) of this~~  
5 act, the cash compensation portion of each claim by the department  
6 under this chapter is limited to the lesser of:

7       (a) The value of the damage to the property by wildlife, reduced by  
8 the amount of compensation provided to the claimant by any nonprofit  
9 organizations that provide compensation to private property owners due  
10 to financial losses caused by wildlife interactions ~~((, except that,~~  
11 ~~subject to appropriation to pay compensation for damage to commercial~~  
12 ~~livestock,))~~. The value of killed or injured ~~((commercial))~~ livestock  
13 may be no more than two hundred dollars per sheep, one thousand five  
14 hundred dollars per head of cattle, and one thousand five hundred  
15 dollars per horse; or

16       (b) Ten thousand dollars.

17       (2) The department may offer to pay a claim for an amount in excess  
18 of ten thousand dollars to the owners of commercial crops or  
19 ~~((commercial))~~ livestock filing a claim under RCW 77.36.100 only if the  
20 outcome of an appeal filed by the claimant under RCW 77.36.100  
21 determines a payment higher than ten thousand dollars.

22       (3) All payments of claims by the department under this chapter  
23 must be paid to the owner of the damaged property and may not be  
24 assigned to a third party.

25       (4) The burden of proving all property damage, including damage to  
26 commercial crops and ~~((commercial))~~ livestock, belongs to the claimant.

27       NEW SECTION. **Sec. 8.** A new section is added to chapter 77.15 RCW  
28 to read as follows:

29       (1) A person may not negligently feed or attempt to feed large wild  
30 carnivores or negligently attract large wild carnivores to land or a  
31 building.

32       (2) If a fish and wildlife officer, ex officio fish and wildlife  
33 officer, or animal control authority as defined in RCW 16.30.010, has  
34 probable cause to believe that a person is negligently feeding,  
35 attempting to feed, or attracting large wild carnivores to land or a  
36 building by placing or locating food, food waste, or other substance  
37 in, on, or about any land or building, and the food, food waste, or

1 other substance poses a risk to the safety of any person, livestock, or  
2 pet because it is attracting or could attract large wild carnivores to  
3 the land or building, that person commits an infraction under chapter  
4 7.84 RCW.

5 (3) Subsection (2) of this section does not apply to:

6 (a) A person who is engaging in forest practices in accordance with  
7 chapter 76.09 RCW or in hunting or trapping wildlife in accordance with  
8 all other applicable provisions of this title or rules of the  
9 commission or the director;

10 (b) A person who is engaging in a farming or ranching operation  
11 that is using generally accepted farming or ranching practices  
12 consistent with Titles 15 and 16 RCW;

13 (c) Waste disposal facilities that are operating in accordance with  
14 applicable federal, state, and municipal laws;

15 (d) Entities listed in RCW 16.30.020(1) (a) through (j) and  
16 scientific collection permit holders; or

17 (e) A fish and wildlife officer or employee or agent of the  
18 department operating under the authority of or upon request from an  
19 officer conducting authorized wildlife capture activities to address a  
20 threat to human safety or a wildlife interaction as defined in RCW  
21 77.36.010.

22 (4) For persons and entities listed in subsection (3) of this  
23 section, a fish and wildlife officer, ex officio fish and wildlife  
24 officer, or animal control authority as defined in RCW 16.30.010, may  
25 issue a written warning to the person or entity if:

26 (a) The officer or animal control authority can articulate facts to  
27 support that the person or entity has placed or is responsible for  
28 placing food, food waste, or other substance in, on, or about the  
29 person's or entity's land or buildings; and

30 (b) The food, food waste, or other substance poses a risk to the  
31 safety of any person, livestock, or pet because the food, food waste,  
32 or other substance is attracting or could attract large wild carnivores  
33 to the land or buildings.

34 (5)(a) Any written warning issued under subsection (4) of this  
35 section requires the person or entity placing or otherwise responsible  
36 for placing the food, food waste, or other substance, to contain, move,  
37 or remove that food, food waste, or other substance within two days.

1 (b) If a person who is issued a written warning under (a) of this  
2 subsection fails to contain, move, or remove the food, food waste, or  
3 other substance as directed, the person commits an infraction under  
4 chapter 7.84 RCW.

5 NEW SECTION. **Sec. 9.** A new section is added to chapter 77.15 RCW  
6 to read as follows:

7 (1) A person may not intentionally feed or attempt to feed large  
8 wild carnivores or intentionally attract large wild carnivores to land  
9 or a building.

10 (2) A person who intentionally feeds, attempts to feed, or attracts  
11 large wild carnivores to land or a building is guilty of a misdemeanor.

12 (3) A person who is issued an infraction under section 8 of this  
13 act for negligently feeding, attempting to feed, or attracting large  
14 wild carnivores to land or a building, and who fails to contain, move,  
15 or remove the food, food waste, or other substance within twenty-four  
16 hours of being issued the infraction, is guilty of a misdemeanor.

17 **Sec. 10.** 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 under this title; (~~(e)~~)

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

26 (3) Negligently feeds, attempts to feed, or attract large wild  
27 carnivores in violation of section 8 of this act;

28 (4) Commits any offense designated as an infraction under this  
29 title; or

30 (5) Violates any other rule of the commission or director that is  
31 designated by rule as an infraction.

32 **Sec. 11.** RCW 77.15.120 and 2000 c 107 s 236 are each amended to  
33 read as follows:

34 (1) A person is guilty of unlawful taking of endangered fish or  
35 wildlife in the second degree if the person hunts, fishes, possesses,

1 maliciously harasses or kills fish or wildlife, or maliciously destroys  
2 the nests or eggs of fish or wildlife and the fish or wildlife is  
3 designated by the commission as endangered, and the taking is not  
4 consistent with RCW 77.36.030 or has not been authorized by rule of the  
5 commission.

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

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

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

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

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

20 **Sec. 12.** RCW 77.36.030 and 2009 c 333 s 61 are each amended to  
21 read as follows:

22 (1) Subject to limitations and conditions established by the  
23 commission, the owner, the owner's immediate family member, the owner's  
24 documented employee, or a tenant of real property may trap, consistent  
25 with RCW 77.15.194, or kill wildlife that is threatening human safety  
26 or causing property damage on that property, without the licenses  
27 required under RCW 77.32.010 or authorization from the director under  
28 RCW 77.12.240.

29 (2) The commission shall establish the limitations and conditions  
30 of this section by rule. The rules must include:

31 (a) Appropriate protection for threatened or endangered species;

32 (b) Instances when verbal or written permission is required to kill  
33 wildlife;

34 (c) Species that may be killed under this section; and

35 (d) Requirements for the disposal of wildlife trapped or killed  
36 under this section.

1           (3) The commission's rules must allow for an owner, the owner's  
2 immediate family member, or the owner's documented employee to kill a  
3 gray wolf, regardless of state classification, without a permit when  
4 there is physical evidence that the wolf is in the act of attacking the  
5 owner's livestock.

6           (4) In establishing the limitations and conditions of this section,  
7 the commission shall take into consideration the recommendations of the  
8 Washington state wolf conservation and management plan."

**E2SHB 2365** - S COMM AMD

By Committee on Energy, Natural Resources & Marine Waters

9           On page 1, line 1 of the title, after "management;" strike the  
10 remainder of the title and insert "amending RCW 77.08.030, 77.36.100,  
11 77.36.130, 77.15.160, 77.15.120, and 77.36.030; reenacting and amending  
12 RCW 77.08.010 and 77.36.010; adding new sections to chapter 77.36 RCW;  
13 adding new sections to chapter 77.15 RCW; and prescribing penalties."

EFFECT: Clarifies the exemption for fish and wildlife officers and  
department employees on an infraction for feeding or attempting to  
attract large wild carnivores to land or a building.

--- END ---