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SENATE BILL 6136

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State of Washington

62nd Legislature

2012 Regular Session

By Senators Morton, Schoesler, Delvin, and Hobbs

Read first time 01/12/12. Referred to Committee on Energy, Natural Resources & Marine Waters.

1 AN ACT Relating to the regional management of mammalian apex  
2 predators; amending RCW 77.12.020; adding a new section to chapter  
3 77.12 RCW; and creating a new section.

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

5 **Sec. 1.** RCW 77.12.020 and 2002 c 281 s 3 are each amended to read  
6 as follows:

7 (1) The director shall investigate the habits and distribution of  
8 the various species of wildlife native to or adaptable to the habitats  
9 of the state. The commission shall determine whether a species should  
10 be managed by the department and, if so, classify it under this  
11 section.

12 (2) The commission may classify by rule wild animals as game  
13 animals and game animals as fur-bearing animals.

14 (3) The commission may classify by rule wild birds as game birds or  
15 predatory birds. All wild birds not otherwise classified are protected  
16 wildlife.

17 (4) In addition to those species listed in RCW 77.08.020, the  
18 commission may classify by rule as game fish other species of the class

1 Osteichthyes that are commonly found in freshwater except those  
2 classified as food fish by the director.

3 (5) The director may recommend to the commission that a species of  
4 wildlife should not be hunted or fished. The commission may designate  
5 species of wildlife as protected.

6 (6) If the director determines that a species of wildlife is  
7 seriously threatened with extinction in the state of Washington, the  
8 director may request its designation as an endangered species. The  
9 commission may designate, and remove the designation for, an endangered  
10 species consistent with section 2 of this act.

11 (7) If the director determines that a species of the animal  
12 kingdom, not native to Washington, is dangerous to the environment or  
13 wildlife of the state, the director may request its designation as  
14 deleterious exotic wildlife. The commission may designate deleterious  
15 exotic wildlife.

16 (8) Upon recommendation by the director, the commission may  
17 classify nonnative aquatic animal species according to the following  
18 categories:

19 (a) Prohibited aquatic animal species: These species are  
20 considered by the commission to have a high risk of becoming an  
21 invasive species and may not be possessed, imported, purchased, sold,  
22 propagated, transported, or released into state waters except as  
23 provided in RCW 77.15.253;

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

35 (c) Unregulated aquatic animal species: These species are  
36 considered by the commission as having some beneficial use along with  
37 a low risk of becoming an invasive species, and are not subject to  
38 regulation under this title;

1 (d) Unlisted aquatic animal species: These species are not  
2 designated as a prohibited aquatic animal species, regulated aquatic  
3 animal species, or unregulated aquatic animal species by the  
4 commission, and may not be released into state waters. Upon request,  
5 the commission may determine the appropriate category for an unlisted  
6 aquatic animal species and classify the species accordingly;

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

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

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW  
16 to read as follows:

17 (1) For mammalian apex predators only, if the commission has listed  
18 a species statewide as endangered, threatened, or sensitive in  
19 Washington under RCW 77.12.020, it must consider any petitions for  
20 removing a species from classification under RCW 77.12.020, or changing  
21 the classification of the species, on a regional basis.

22 (2) Regional changes to the listing status of a mammalian apex  
23 predator must be based on the biological status of the species in the  
24 proposed region, given the preponderance of scientific data available.  
25 However, the commission must consider the parallel federal endangered  
26 species act status of the species in question for the region where a  
27 change in status is petitioned.

28 NEW SECTION. **Sec. 3.** (1) The fish and wildlife commission must  
29 suspend any management plan or planning process for a mammalian apex  
30 predator species listed as endangered, threatened, or sensitive in  
31 Washington under RCW 77.12.020 if the species in question is not listed  
32 as endangered under the federal endangered species act for the entirety  
33 of the state of Washington's land mass.

34 (2) The suspension of any management plan affected by this section  
35 may not be lifted unless the fish and wildlife commission amends the

1 plan to be consistent with any regional changes in species status  
2 petitioned for under section 2 of this act.

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