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SENATE BILL 6209

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State of Washington

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2012 Regular Session

By Senators Schoesler, Benton, Swecker, Hatfield, Hobbs, Carrell, Honeyford, Padden, and Roach

Read first time 01/16/12. Referred to Committee on Energy, Natural Resources & Marine Waters.

1 AN ACT Relating to the authority of the department of fish and  
2 wildlife to prohibit the use or possession of ammunition containing  
3 lead; amending RCW 77.12.047 and 77.12.210; and creating a new section.

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

5 **Sec. 1.** RCW 77.12.047 and 2001 c 253 s 14 are each amended to read  
6 as follows:

7 (1) The commission may adopt, amend, or repeal rules as follows:

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

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

12 (c) Specifying and defining the gear, appliances, or other  
13 equipment and methods that may be used to take wildlife, fish, or  
14 shellfish, and specifying the times, places, and manner in which the  
15 equipment may be used or possessed. However, the commission may only  
16 prohibit the use or possession of ammunition due to lead content where  
17 the commission finds that the prohibition is necessary and narrowly  
18 tailored to address significant and substantiated impacts to one or  
19 more wildlife populations.

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

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

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

8 (g) Specifying the statistical and biological reports required from  
9 fishers, dealers, boathouses, or processors of wildlife, fish, or  
10 shellfish.

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

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

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

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

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

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

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

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

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

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

37 (3) Except for subsection (1)(g) of this section, this section does

1 not apply to private sector cultured aquatic products as defined in RCW  
2 15.85.020. Subsection (1)(g) of this section does apply to such  
3 products.

4 **Sec. 2.** RCW 77.12.210 and 2009 c 333 s 33 are each amended to read  
5 as follows:

6 (1) The director shall maintain and manage real or personal  
7 property owned, leased, or held by the department and shall control the  
8 construction of buildings, structures, and improvements in or on the  
9 property. The director may adopt rules for the operation and  
10 maintenance of the property.

11 (2) The commission may only prohibit the use or possession of  
12 ammunition on department-managed land due to lead content where the  
13 commission finds that the prohibition is necessary and narrowly  
14 tailored to address significant and substantiated impacts to one or  
15 more wildlife populations.

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

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

33 (5) If the state acquired real property with use limited to  
34 specific purposes, the director may negotiate terms for the return of  
35 the property to the donor or grantor. Other real property shall be  
36 sold to the highest bidder at public auction. After appraisal, notice  
37 of the auction shall be published at least once a week for two

1 successive weeks in a newspaper of general circulation within the  
2 county where the property is located at least twenty days prior to  
3 sale.

4 (6) Proceeds from the sales shall be deposited in the state  
5 wildlife account created in RCW 77.12.170.

6 NEW SECTION. **Sec. 3.** By July 1, 2013, and within existing  
7 resources, the state fish and wildlife commission shall review and  
8 update its rules to ensure consistency with this act.

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