

SENATE BILL REPORT

SB 6041

As Reported by Senate Committee On:
Natural Resources & Parks, January 30, 2014

Title: An act relating to fish and wildlife law enforcement.

Brief Description: Regarding fish and wildlife law enforcement.

Sponsors: Senators Hargrove, Pearson, Rolfes, Hewitt and Sheldon; by request of Department of Fish and Wildlife.

Brief History:

Committee Activity: Natural Resources & Parks: 1/21/14, 1/30/14 [DPS].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 6041 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pearson, Chair; Liias, Ranking Member; Dangel, Hargrove, Hewitt, Kline and Parlette.

Staff: Richard Rodger (786-7401)

Background: The Department of Fish and Wildlife (DFW) is mandated to preserve, protect, perpetuate, and manage wildlife, and food fish, game fish, and shellfish in state waters and offshore waters. As part of this mandate, DFW is authorized to regulate many aspects of fishing, harvesting, and hunting, including the type of species, quantities taken, the transportation, sale and disposal, classification of species, and reporting requirements. Based upon articulable facts that a person is engaged in fishing, harvesting, or hunting activities, DFW officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in their possession.

DFW believes that the current laws protecting the state's fish and wildlife are inadequate to deter individuals from unlawfully possessing endangered fish species, illegally interacting with orca whales, harming or harassing fish or wildlife, possessing wildlife taken illegally in another state or country, or attempting to rehabilitate sick or injured animals without a permit. DFW also believes that many of the definitions and terms used in its enforcement statutes should be clarified and strengthened.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill (Recommended Substitute): Existing definitions for fish buyer, to fish, and to hunt are clarified. New definitions are provided for the terms to take, to waste, unclassified wildlife, active nests, perennial nests, wild salmon, and wild steelhead.

The term resident is clarified to include active duty, nonretired members of the armed forces who are permanently stationed in the state or who designate Washington as their state of legal residence. Numerous other definitional and clarifying changes are made.

The crime of unlawful taking of endangered fish or wildlife is expanded from maliciously destroying nests to knowingly destroying eggs or active or perennial nests of endangered fish or wildlife. The offense of unlawful taking of protected fish or wildlife is expanded to include when a person: (1) maliciously takes or harasses the fish or wildlife; (2) intentionally takes fish or wildlife; and (3) intentionally destroys eggs or nests.

New penalties are imposed for the death of a white sturgeon longer than 55 inches, \$2,000; any green sturgeon, \$2,000; or a wild salmon or wild steelhead, \$500. These additional penalties must be imposed, are in addition to any other current penalties, and may not be suspended, waived, modified, or deferred. The penalties are doubled if the person commits another violation that requires payment of a criminal wildlife penalty within five years or if the person took the fish with the intent of deriving an economic profit.

The fine, plus any statutory assessments, for illegal interactions with a southern resident orca whale is statutorily set at \$500. The definition of vessel is clarified for the purpose of this infraction. Vessel does not include flotation devices customarily used by swimmers.

The grandfather clause is repealed that permitted trafficking in shark fin and its derivative products which were acquired before July 22, 2011.

The statutes regulating fish and shellfish accounting are merged and clarified. Commercial fishers, direct retail sellers, and other unlicensed persons, acting in such capacity, are added to the list of those individuals who can be found guilty of unlawful catch accounting. New definitions are added for the terms receives and delivers fish or shellfish. The related statute [RCW 77.15.560] is repealed as a result of the merged provisions.

A new misdemeanor crime is created to prohibit the possession of fish, shellfish, or wildlife that the person knows was taken in violation of another state's or country's laws. Another misdemeanor crime is created for engaging in wildlife rehabilitation without a permit issued by DFW.

The Fish and Wildlife Commission may allow the Colville Tribes to issue fishing permits to nontribal members fishing on the waters of Lake Rufus Woods.

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Substitute): Strikes the substantive change to the definition of aquatic invasive species.

Removes the new term takes from six of the criminal offenses. Adds the requirement that a person intentionally takes the protected fish or wildlife, or intentionally destroys eggs or

nests. Removes language that expanded the unlawful recreational fishing offense in regard to taking or maliciously harassing a threatened or endangered fish. Expands the exemption to permitted taking and now includes any permit issued by a state or federal agency where taking was authorized.

The references to the expired Lake Rufus Woods pilot project are removed.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Section 13 seeks to extend the penalty assessment model for certain sensitive fish species, i.e. sturgeon, to bring it in line with certain wildlife poaching models such as those for deer and elk. This bill further strengthens penalties that are currently not enough to successfully deter poachers. Section 24 deals with a state tool that can be used to prevent poaching and trafficking of illegal animals across state and international borders. This bill is similar to the interstate and foreign regulations contained in the federal Lacey Act. This bill allows for issues to be dealt with on a state level rather than relying on the federal government.

Persons Testifying: PRO: Steve Crown, Mike Cenci, DFW.