
HOUSE BILL 2859

State of Washington**65th Legislature****2018 Regular Session****By** Representatives Walsh and HalerRead first time 01/18/18. Referred to Committee on State Govt,
Elections & IT.

1 AN ACT Relating to modifying the management of the state's
2 fisheries by creating the department of fisheries separate from the
3 department of wildlife; amending RCW 77.08.022, 77.08.024, 77.12.010,
4 77.12.275, 77.12.420, 77.12.455, 77.12.560, 77.12.760, 77.12.850,
5 77.12.858, 77.12.860, 77.12.865, 77.15.300, 77.15.310, 77.15.320,
6 77.15.350, 77.15.370, 77.15.380, 77.15.382, 77.15.390, 77.15.500,
7 77.15.520, 77.15.522, 77.15.530, 77.15.540, 77.15.552, 77.15.554,
8 77.15.565, 77.15.570, 77.15.590, 77.15.620, 77.15.640, 77.15.803,
9 77.15.813, 77.15.805, 77.15.809, 77.15.811, 77.18.050, 77.18.060,
10 77.50.010, 77.50.020, 77.50.040, 77.50.050, 77.50.070, 77.50.080,
11 77.50.090, 77.50.100, 77.50.110, 77.50.120, 77.55.021, 77.55.041,
12 77.55.081, 77.55.111, 77.55.121, 77.55.131, 77.55.141, 77.55.151,
13 77.55.161, 77.55.181, 77.55.191, 77.55.241, 77.55.251, 77.55.261,
14 77.55.291, 77.55.331, 77.57.040, 77.57.060, 77.60.020, 77.60.030,
15 77.60.050, 77.60.100, 77.60.150, 77.60.160, 77.60.170, 77.80.030,
16 77.80.040, 77.80.060, 77.85.010, 77.85.020, 77.85.030, 77.85.040,
17 77.85.060, 77.85.080, 77.85.090, 77.85.110, 77.85.120, 77.85.130,
18 77.85.140, 77.85.200, 77.85.220, 77.85.230, 77.95.020, 77.95.030,
19 77.95.040, 77.95.060, 77.95.070, 77.95.090, 77.95.100, 77.95.140,
20 77.95.160, 77.95.170, 77.95.180, 77.95.185, 77.95.210, 77.95.270,
21 77.95.320, 77.105.010, 77.105.020, 77.105.140, 77.105.150,
22 77.105.160, 77.115.010, 77.115.030, 77.135.010, 77.135.020,
23 77.135.050, 77.135.060, 77.135.070, 77.135.080, 77.135.100,

1 77.135.110, 77.135.120, 77.135.130, 77.135.140, 77.135.200,
2 77.135.210, 77.135.220, 77.135.230, 77.135.240, 77.04.012, 77.04.020,
3 77.04.030, 77.04.040, 77.04.055, 77.04.080, 77.04.150, 77.08.010,
4 77.12.020, 77.12.039, 77.12.045, 77.12.047, 77.12.150, 77.12.154,
5 77.12.184, 77.12.204, 77.12.262, 77.12.264, 77.12.320, 77.12.325,
6 77.12.475, 77.12.610, 77.12.620, 77.12.630, 77.15.040, 77.15.070,
7 77.15.075, 77.15.085, 77.15.090, 77.15.092, 77.15.094, 77.15.096,
8 77.15.098, 77.15.100, 77.15.110, 77.15.120, 77.15.130, 77.15.150,
9 77.15.180, 77.15.210, 77.15.240, 77.15.245, 77.15.250, 77.15.260,
10 77.15.265, 77.15.270, 77.15.280, 77.15.290, 77.15.470, 77.15.480,
11 77.15.670, 77.15.710, 77.15.750, 77.15.780, 77.15.790, 77.15.900,
12 77.32.010, 77.32.014, 77.32.050, 77.32.070, 77.32.240, 77.32.256,
13 77.32.440, 77.32.480, 77.32.525, 77.32.540, 77.32.565, 77.75.070,
14 77.75.110, 77.75.120, 77.130.010, 77.130.020, 77.130.050, 77.130.060,
15 43.17.010, 43.17.020, 43.300.010, 43.300.020, and 79A.80.090;
16 reenacting and amending RCW 77.55.011, 77.120.010, 77.15.080, and
17 77.15.160; adding a new Title to the Revised Code of Washington to be
18 codified as Title 75A RCW; creating new sections; recodifying RCW
19 77.04.120, 77.04.160, 77.04.170, 77.08.020, 77.08.022, 77.08.024,
20 77.12.043, 77.12.068, 77.12.275, 77.12.285, 77.12.330, 77.12.420,
21 77.12.451, 77.12.453, 77.12.455, 77.12.459, 77.12.465, 77.12.550,
22 77.12.702, 77.12.712, 77.12.714, 77.12.716, 77.12.718, 77.12.732,
23 77.12.734, 77.12.755, 77.12.760, 77.12.765, 77.12.850, 77.12.852,
24 77.12.854, 77.12.858, 77.12.860, 77.12.865, 77.12.870, 77.15.300,
25 77.15.310, 77.15.320, 77.15.350, 77.15.370, 77.15.380, 77.15.382,
26 77.15.390, 77.15.500, 77.15.510, 77.15.520, 77.15.522, 77.15.530,
27 77.15.540, 77.15.550, 77.15.552, 77.15.554, 77.15.565, 77.15.568,
28 77.15.570, 77.15.580, 77.15.590, 77.15.620, 77.15.630, 77.15.640,
29 77.15.740, 77.15.770, 77.15.805, 77.15.807, 77.15.809, 77.15.811,
30 77.15.813, 77.18.050, 77.18.060, 77.32.410, 77.32.520, 77.44.005,
31 77.44.007, 77.44.010, 77.44.030, 77.44.040, 77.44.050, 77.44.060,
32 77.44.070, 77.50.010, 77.50.020, 77.50.030, 77.50.040, 77.50.050,
33 77.50.060, 77.50.070, 77.50.080, 77.50.090, 77.50.100, 77.50.110,
34 77.50.120, 77.55.011, 77.55.021, 77.55.031, 77.55.041, 77.55.051,
35 77.55.061, 77.55.081, 77.55.091, 77.55.101, 77.55.111, 77.55.121,
36 77.55.131, 77.55.141, 77.55.151, 77.55.161, 77.55.171, 77.55.181,
37 77.55.191, 77.55.201, 77.55.211, 77.55.221, 77.55.231, 77.55.241,
38 77.55.251, 77.55.261, 77.55.271, 77.55.281, 77.55.291, 77.55.331,
39 77.55.341, 77.55.351, 77.55.361, 77.55.371, 77.57.010, 77.57.020,
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1 77.60.010, 77.60.020, 77.60.030, 77.60.040, 77.60.050, 77.60.060,
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4 77.65.060, 77.65.070, 77.65.080, 77.65.090, 77.65.100, 77.65.110,
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6 77.65.180, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.240,
7 77.65.250, 77.65.260, 77.65.270, 77.65.280, 77.65.310, 77.65.320,
8 77.65.330, 77.65.340, 77.65.350, 77.65.370, 77.65.380, 77.65.390,
9 77.65.400, 77.65.410, 77.65.420, 77.65.430, 77.65.440, 77.65.450,
10 77.65.460, 77.65.480, 77.65.490, 77.65.500, 77.65.510, 77.65.530,
11 77.65.550, 77.65.560, 77.65.570, 77.65.580, 77.65.590, 77.65.600,
12 77.65.610, 77.70.005, 77.70.010, 77.70.020, 77.70.040, 77.70.050,
13 77.70.060, 77.70.070, 77.70.080, 77.70.090, 77.70.100, 77.70.110,
14 77.70.120, 77.70.130, 77.70.140, 77.70.150, 77.70.160, 77.70.170,
15 77.70.180, 77.70.190, 77.70.200, 77.70.210, 77.70.220, 77.70.230,
16 77.70.240, 77.70.250, 77.70.260, 77.70.280, 77.70.290, 77.70.300,
17 77.70.310, 77.70.320, 77.70.330, 77.70.340, 77.70.350, 77.70.360,
18 77.70.370, 77.70.390, 77.70.400, 77.70.410, 77.70.420, 77.70.430,
19 77.70.440, 77.70.442, 77.70.450, 77.70.460, 77.70.470, 77.70.480,
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23 77.85.120, 77.85.130, 77.85.135, 77.85.140, 77.85.150, 77.85.160,
24 77.85.170, 77.85.180, 77.85.190, 77.85.200, 77.85.220, 77.85.230,
25 77.85.240, 77.95.010, 77.95.020, 77.95.030, 77.95.040, 77.95.050,
26 77.95.060, 77.95.070, 77.95.080, 77.95.090, 77.95.100, 77.95.130,
27 77.95.140, 77.95.150, 77.95.160, 77.95.170, 77.95.180, 77.95.185,
28 77.95.190, 77.95.200, 77.95.210, 77.95.220, 77.95.230, 77.95.240,
29 77.95.250, 77.95.260, 77.95.270, 77.95.280, 77.95.290, 77.95.300,
30 77.95.310, 77.95.320, 77.95.330, 77.95.340, 77.105.005, 77.105.010,
31 77.105.020, 77.105.030, 77.105.050, 77.105.140, 77.105.150,
32 77.105.160, 77.105.170, 77.110.010, 77.110.020, 77.110.030,
33 77.110.040, 77.110.900, 77.115.010, 77.115.030, 77.115.040,
34 77.120.005, 77.120.010, 77.120.020, 77.120.030, 77.120.040,
35 77.120.050, 77.120.070, 77.120.100, 77.120.110, 77.120.120,
36 77.120.130, 77.120.140, 77.125.010, 77.125.020, 77.125.030,
37 77.125.040, 77.135.010, 77.135.020, 77.135.030, 77.135.040,
38 77.135.050, 77.135.060, 77.135.070, 77.135.080, 77.135.090,
39 77.135.100, 77.135.110, 77.135.120, 77.135.130, 77.135.140,
40 77.135.150, 77.135.160, 77.135.170, 77.135.180, 77.135.200,

1 77.135.210, 77.135.220, 77.135.230, and 77.135.240; repealing RCW
2 77.15.005, 43.300.005, and 77.04.013; prescribing penalties;
3 providing an effective date; and providing an expiration date.

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

5 **PART ONE**

6 **DEPARTMENT OF FISHERIES CREATED**

7 NEW SECTION. **Sec. 1001.** It is in the interest of the people of
8 the state to have dynamic agencies that have flexibility to modernize
9 and provide better service. Washington's fisheries management were
10 consolidated with the department of wildlife late last century. It is
11 again time for the department to reconfigure and adjust its
12 resources. The legislature is creating this opportunity by providing
13 a clear change of department structure to invest in management of
14 fisheries.

15 NEW SECTION. **Sec. 1002.** The definitions in this section apply
16 throughout this title or rules adopted under this title unless the
17 context clearly requires otherwise.

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

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

25 (3) "Building" means a private domicile, garage, barn, or public
26 or commercial building.

27 (4) "Closed season" means all times, manners of taking, and
28 places or waters other than those established by rule of the
29 department as an open season. "Closed season" also means all hunting,
30 fishing, taking, or possession of game animals, game birds, game
31 fish, food fish, or shellfish that do not conform to the special
32 restrictions or physical descriptions established by rule of the
33 department as an open season or that have not otherwise been deemed
34 legal to hunt, fish, take, harvest, or possess by rule of the
35 department as an open season.

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

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

5 (7) "Contraband" means any property that is unlawful to produce
6 or possess.

7 (8) "Covered animal species" means any species of elephant,
8 rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine turtle,
9 shark, or ray either: (a) Listed in appendix I or appendix II of the
10 convention on international trade in endangered species of wild flora
11 and fauna; or (b) listed as critically endangered, endangered, or
12 vulnerable on the international union for conservation of nature and
13 natural resources red list of threatened species.

14 (9) "Covered animal species part or product" means any item that
15 contains, or is wholly or partially made from, any covered animal
16 species.

17 (10) "Deleterious exotic wildlife" means species of the animal
18 kingdom not native to Washington and designated as dangerous to the
19 environment or wildlife of the state.

20 (11) "Department" means the department of fisheries.

21 (12) "Director" means the director of fisheries.

22 (13) "Distribute" or "distribution" means either a change in
23 possession for consideration or a change in legal ownership.

24 (14) "Endangered species" means wildlife designated by the
25 department as seriously threatened with extinction.

26 (15) "Ex officio fish and wildlife officer" means:

27 (a) A commissioned officer of a municipal, county, or state
28 agency having as its primary function the enforcement of criminal
29 laws in general, while the officer is acting in the respective
30 jurisdiction of that agency;

31 (b) An officer or special agent commissioned by one of the
32 following: The national marine fisheries service; the Washington
33 state parks and recreation commission; the United States fish and
34 wildlife service; the Washington state department of natural
35 resources; the United States forest service; or the United States
36 parks service, if the agent or officer is in the respective
37 jurisdiction of the primary commissioning agency and is acting under
38 a mutual law enforcement assistance agreement between the department
39 and the primary commissioning agency;

1 (c) A commissioned fish and wildlife peace officer from another
2 state who meets the training standards set by the Washington state
3 criminal justice training commission pursuant to RCW 10.93.090,
4 43.101.080, and 43.101.200, and who is acting under a mutual law
5 enforcement assistance agreement between the department and the
6 primary commissioning agency; or

7 (d) A Washington state tribal police officer who successfully
8 completes the requirements set forth under RCW 43.101.157, is
9 employed by a tribal nation that has complied with RCW 10.92.020(2)
10 (a) and (b), and is acting under a mutual law enforcement assistance
11 agreement between the department and the tribal government.

12 (16) "Fish" includes all species classified as game fish or food
13 fish by statute or rule, as well as all fin fish not currently
14 classified as food fish or game fish if such species exist in state
15 waters. The term "fish" includes all stages of development and the
16 bodily parts of fish species.

17 (17) "Fish broker" means a person who facilitates the sale or
18 purchase of raw or frozen fish or shellfish on a fee or commission
19 basis, without assuming title to the fish or shellfish.

20 (18) "Fish dealer" means a person who engages in any activity
21 that triggers the need to obtain a fish dealer license under RCW
22 77.65.280 (as recodified by this act).

23 (19) "Fisheries patrol officer" means a person appointed and
24 commissioned by the director, with authority to enforce this title,
25 rules of the director, and other statutes as prescribed by the
26 legislature. Fisheries patrol officers are peace officers.

27 (20) "Food, food waste, or other substance" includes human and
28 pet food or other waste or garbage that could attract large wild
29 carnivores.

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

33 (22) "Illegal items" means those items unlawful to be possessed.

34 (23) "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 (24) "Limited-entry license" means a license subject to a license
38 limitation program established in chapter 77.70 RCW (as recodified by
39 this act).

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

3 (26) "Natural person" means a human being.

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

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

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

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

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

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

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

30 (34) "Predatory birds" means wild birds that may be hunted
31 throughout the year as authorized by the department.

32 (35) "Protected wildlife" means wildlife designated by the
33 department that shall not be hunted or fished.

34 (36) "Resident" has the same meaning as defined in RCW 77.08.075.

35 (37) "Saltwater" means those marine waters seaward of river
36 mouths.

37 (38) "Seaweed" means marine aquatic plant species that are
38 dependent upon the marine aquatic or tidal environment, and exist in
39 either an attached or free floating form, and includes but is not

1 limited to marine aquatic plants in the classes Chlorophyta,
2 Phaeophyta, and Rhodophyta.

3 (39) "Senior" means a person seventy years old or older.

4 (40) "Shark fin" means a raw, dried, or otherwise processed
5 detached fin or tail of a shark.

6 (41)(a) "Shark fin derivative product" means any product intended
7 for use by humans or animals that is derived in whole or in part from
8 shark fins or shark fin cartilage.

9 (b) "Shark fin derivative product" does not include a drug
10 approved by the United States food and drug administration and
11 available by prescription only or medical device or vaccine approved
12 by the United States food and drug administration.

13 (42) "Shellfish" means those species of marine and freshwater
14 invertebrates that have been classified and that shall not be taken
15 or possessed except as authorized by rule of the department. The term
16 "shellfish" includes all stages of development and the bodily parts
17 of shellfish species.

18 (43) "State waters" means all marine waters and fresh waters
19 within ordinary high water lines and within the territorial
20 boundaries of the state.

21 (44) "Taxidermist" means a person who, for commercial purposes,
22 creates lifelike representations of fish and wildlife using fish and
23 wildlife parts and various supporting structures.

24 (45) "To take" and its derivatives means to kill, injure,
25 harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.

26 (46) "To waste" or "to be wasted" means to allow any edible
27 portion of any game bird, food fish, game fish, shellfish, or big
28 game animal other than cougar to be rendered unfit for human
29 consumption, or to fail to retrieve edible portions of such a game
30 bird, food fish, game fish, shellfish, or big game animal other than
31 cougar from the field. For purposes of this chapter, edible portions
32 of game birds must include, at a minimum, the breast meat of those
33 birds. Entrails, including the heart and liver, of any wildlife
34 species are not considered edible.

35 (47) "Trafficking" means offering, attempting to engage, or
36 engaging in sale, barter, or purchase of fish, shellfish, wildlife,
37 or deleterious exotic wildlife.

38 (48) "Unclaimed" means that no owner of the property has been
39 identified or has requested, in writing, the release of the property
40 to themselves nor has the owner of the property designated an

1 individual to receive the property or paid the required postage to
2 effect delivery of the property.

3 (49) "Wholesale fish buyer" means a person who engages in any
4 fish buying or selling activity that triggers the need to obtain a
5 wholesale fish buyer endorsement under RCW 77.65.340 (as recodified
6 by this act).

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

16 (51) "Wildlife meat cutter" means a person who packs, cuts,
17 processes, or stores wildlife for consumption for another for
18 commercial purposes.

19 (52) "Youth" means a person under fifteen years old for fishing
20 and under sixteen years old for hunting.

21 NEW SECTION. **Sec. 1003.** The department shall preserve, protect,
22 perpetuate, and manage the food fish, game fish, and shellfish in
23 state waters and offshore waters. The department shall conserve the
24 food fish and shellfish resources in a manner that does not impair
25 the resource. In a manner consistent with this goal, the department
26 shall seek to maintain the economic well-being and stability of the
27 fishing industry in the state. The department shall promote orderly
28 fisheries and shall enhance and improve recreational and commercial
29 fishing in this state.

30 NEW SECTION. **Sec. 1004.** (1) Except as provided in subsection
31 (2) of this section, the director of fisheries must be elected at the
32 time and in the manner that other state officers are elected.

33 (2)(a) The governor must appoint an acting director who meets the
34 qualifications in (b) of this subsection to serve upon the creation
35 of the department of fisheries. The acting director shall continue in
36 office until his or her successor is duly elected and qualified.

37 (b) Only persons having general knowledge of the fisheries
38 resources and commercial and recreational fishing industry in this

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

4 (3) The director shall supervise the administration and operation
5 of the department of fisheries and perform the duties prescribed by
6 law. The director may appoint and employ necessary personnel, and may
7 delegate, in writing, to department personnel the duties and powers
8 necessary for efficient operation and administration of the
9 department.

10 NEW SECTION. **Sec. 1005.** (1) The director shall investigate the
11 habits and distribution of the various species of fish and aquatic
12 wildlife native to or adaptable to the habitats of the state. The
13 director shall determine whether a species should be managed by the
14 department and, if so, classify it under this section.

15 (2) In addition to those species listed in RCW 77.08.020 (as
16 recodified by this act), the director may classify by rule as game
17 fish other species of the class Osteichthyes that are commonly found
18 in freshwater except those classified as food fish by the director.

19 (3) The director may determine that a species of fish or aquatic
20 wildlife should not be hunted or fished and may designate such a
21 species as protected.

22 (4) If the director determines that a species of wildlife is
23 seriously threatened with extinction in the state of Washington, the
24 director may designate it as an endangered species.

25 (5) If the director determines that a species of fish or aquatic
26 wildlife, not native to Washington, is dangerous to the environment
27 or wildlife of the state, the director may designate it as
28 deleterious exotic wildlife.

29 (6) The director may develop a work plan to eradicate native
30 aquatic species that threaten human health. Priority shall be given
31 to water bodies that the department of health has classified as
32 representing a threat to human health based on the presence of a
33 native aquatic species.

34 **Sec. 1006.** RCW 77.08.022 and 2000 c 107 s 208 are each amended
35 to read as follows:

36 "Food fish" means those species of the classes Osteichthyes,
37 Agnatha, and Chondrichthyes that have been classified and that shall
38 not be fished for except as authorized by rule of the (~~commission~~)

1 department. The term "food fish" includes all stages of development
2 and the bodily parts of food fish species.

3 **Sec. 1007.** RCW 77.08.024 and 2000 c 107 s 209 are each amended
4 to read as follows:

5 "Salmon" means all species of the genus *Oncorhynchus*, except
6 those classified as game fish in RCW 77.08.020 (as recodified by this
7 act), and includes:

| 8 | Scientific Name | Common Name |
|----|---------------------------------|----------------|
| 9 | <i>Oncorhynchus tshawytscha</i> | Chinook salmon |
| 10 | <i>Oncorhynchus kisutch</i> | Coho salmon |
| 11 | <i>Oncorhynchus keta</i> | Chum salmon |
| 12 | <i>Oncorhynchus gorbuscha</i> | Pink salmon |
| 13 | <i>Oncorhynchus nerka</i> | Sockeye salmon |

14 **Sec. 1008.** RCW 77.12.010 and 2000 c 107 s 210 are each amended
15 to read as follows:

16 The (~~commission~~) department shall not adopt rules that
17 categorically prohibit fishing with bait or artificial lures in
18 streams, rivers, beaver ponds, and lakes except that the
19 (~~commission~~) department may adopt rules and regulations restricting
20 fishing methods upon a determination by the director that an
21 individual body of water or part thereof clearly requires a fishing
22 method prohibition to conserve or enhance the fisheries resource or
23 to provide selected fishing alternatives.

24 **Sec. 1009.** RCW 77.12.275 and 1995 1st sp.s. c 2 s 7 are each
25 amended to read as follows:

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

29 **Sec. 1010.** RCW 77.12.420 and 1987 c 506 s 46 are each amended to
30 read as follows:

31 The director may:

32 (1) Spend moneys to improve natural growing conditions for fish
33 by constructing fishways, installing screens, and removing
34 obstructions to migratory fish((-))i

1 (2) Authorize the eradication of undesirable fish (~~shall be~~
2 ~~authorized by the commission. The director may~~); and

3 (3) Enter into cooperative agreements with state, county,
4 municipal, and federal agencies, and with private individuals for
5 these purposes.

6 **Sec. 1011.** RCW 77.12.455 and 2001 c 253 s 22 are each amended to
7 read as follows:

8 The (~~commission~~) director may prohibit the introduction,
9 transportation or transplanting of fish, shellfish, organisms,
10 material, or other equipment which in the (~~commission's~~) director's
11 judgment may transmit any disease or pests affecting fish or
12 shellfish.

13 **Sec. 1012.** RCW 77.12.560 and 1980 c 78 s 127 are each amended to
14 read as follows:

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

17 **Sec. 1013.** RCW 77.12.760 and 2013 c 23 s 241 are each amended to
18 read as follows:

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

22 Commercial non-Indian steelhead fisheries are not authorized.

23 **Sec. 1014.** RCW 77.12.850 and 2011 1st sp.s. c 21 s 20 are each
24 amended to read as follows:

25 The definitions in this section apply throughout RCW 77.12.850
26 through 77.12.860 (as recodified by this act) unless the context
27 clearly requires otherwise.

28 (1) "Salmon" means all species of the genus *Oncorhynchus*, except
29 those classified as game fish in this title, and includes:

| | Scientific Name | Common Name |
|----|---------------------------------|--------------------|
| 30 | | |
| 31 | <i>Oncorhynchus tshawytscha</i> | Chinook salmon |
| 32 | <i>Oncorhynchus kisutch</i> | Coho salmon |
| 33 | <i>Oncorhynchus keta</i> | Chum salmon |
| 34 | <i>Oncorhynchus gorbuscha</i> | Pink salmon |
| 35 | <i>Oncorhynchus nerka</i> | Sockeye salmon |

1 (2) "Department" means the department of (~~fish and wildlife~~)
2 fisheries.

3 (3) "Stamp" means the stamp created under the Washington salmon
4 stamp program and the Washington junior salmon stamp program, created
5 in RCW 77.12.850 through 77.12.860 (as recodified by this act).

6 **Sec. 1015.** RCW 77.12.858 and 2000 c 107 s 230 are each amended
7 to read as follows:

8 All receipts from the salmon stamp program created under RCW
9 77.12.850 through 77.12.860 (as recodified by this act) must be
10 deposited into the regional fisheries enhancement salmonid recovery
11 account created under RCW 77.95.130 (as recodified by this act).
12 Expenditures from the account may be used only for the purposes
13 specified in RCW 77.95.130 (as recodified by this act) and chapter
14 342, Laws of 1999. The department shall report biennially to the
15 legislature on the amount of money the salmon stamp program has
16 generated.

17 **Sec. 1016.** RCW 77.12.860 and 1999 c 342 s 7 are each amended to
18 read as follows:

19 The department (~~(is granted the authority to)~~) may establish by
20 rule the method for selecting appropriate designs for the Washington
21 salmon stamp program and Washington junior salmon stamp program. The
22 stamp shall be designed and produced in accordance with department
23 rules.

24 **Sec. 1017.** RCW 77.12.865 and 2010 c 193 s 7 are each amended to
25 read as follows:

26 (1) As used in this section and RCW 77.12.870 (as recodified by
27 this act), "derelict fishing gear" includes lost or abandoned fishing
28 nets, fishing lines, and other commercial and recreational fishing
29 equipment. The term does not include lost or abandoned vessels or
30 shellfish pots.

31 (2) The department, in partnership with the Northwest straits
32 commission, the department of natural resources, and other interested
33 parties, must publish guidelines for the safe removal and disposal of
34 derelict fishing gear. The guidelines may be updated as deemed
35 necessary by the department. The guidelines must be made available to
36 any person interested in derelict fishing gear removal.

1 (3) Derelict fishing gear removal conducted in accordance with
2 the guidelines prepared in subsection (2) of this section is not
3 subject to permitting under RCW 77.55.021 (as recodified by this
4 act).

5 NEW SECTION. **Sec. 1018.** (1) Fisheries officers may inspect
6 without warrant at reasonable times and in a reasonable manner:

7 (a) The premises, containers, fishing equipment, fish, seaweed,
8 shellfish, and wildlife of any commercial fisher or wholesale dealer
9 or fish dealer; and

10 (b) Records required by the department of any commercial fisher
11 or wholesale fish buyer or fish dealer.

12 (2) Fisheries officers and ex officio fish and wildlife officers
13 may inspect without warrant at reasonable times and in a reasonable
14 manner:

15 (a) The premises, containers, fishing equipment, fish, shellfish,
16 wildlife, or covered animal species of any person trafficking or
17 otherwise distributing or receiving fish, shellfish, wildlife, or
18 covered animal species;

19 (b) Records required by the department of any person trafficking
20 or otherwise distributing or receiving fish, shellfish, wildlife, or
21 covered animal species;

22 (c) Any cold storage plant that a fisheries officer has probable
23 cause to believe contains fish, shellfish, or wildlife;

24 (d) The premises, containers, fish, shellfish, wildlife, or
25 covered animal species of any taxidermist or fur buyer; or

26 (e) The records required by the department of any taxidermist or
27 fur buyer.

28 (3) Fisheries officers may inspect without warrant, at reasonable
29 times and in a reasonable manner, the records required by the
30 department of any retail outlet selling fish, shellfish, or wildlife,
31 and, if the officers have probable cause to believe a violation of
32 this title or rules of the department has occurred, they may inspect
33 without warrant the premises, containers, and fish, shellfish, and
34 wildlife of any retail outlet selling fish, shellfish, or wildlife.

35 (4) Authority granted under this section does not extend to
36 quarters in a boat, building, or other property used exclusively as a
37 private domicile, does not extend to transitory residences in which a
38 person has a reasonable expectation of privacy, and does not allow
39 search and seizure without a warrant if the thing or place is

1 protected from search without warrant within the meaning of Article
2 I, section 7 of the state Constitution.

3 **Sec. 1019.** RCW 77.15.300 and 2000 c 107 s 239 are each amended
4 to read as follows:

5 (1) A person is guilty of unlawfully undertaking hydraulic
6 project activities if the person constructs any form of hydraulic
7 project or performs other work on a hydraulic project and:

8 (a) Fails to have a hydraulic project approval required under
9 chapter 77.55 RCW (as recodified by this act) for such construction
10 or work; or

11 (b) Violates any requirements or conditions of the hydraulic
12 project approval for such construction or work.

13 (2) Unlawfully undertaking hydraulic project activities is a
14 gross misdemeanor.

15 **Sec. 1020.** RCW 77.15.310 and 2009 c 333 s 3 are each amended to
16 read as follows:

17 (1) A person is guilty of unlawful failure to use or maintain an
18 approved fish guard on a diversion device if the person owns,
19 controls, or operates a device used for diverting or conducting water
20 from a lake, river, or stream and:

21 (a) The device is not equipped with a fish guard, screen, or
22 bypass approved by the director as required by RCW 77.57.010 or
23 77.57.070 (as recodified by this act); or

24 (b) The person knowingly fails to maintain or operate an approved
25 fish guard, screen, or bypass so as to effectively screen or prevent
26 fish from entering the intake.

27 (2) Unlawful failure to use or maintain an approved fish guard,
28 screen, or bypass on a diversion device is a gross misdemeanor.
29 Following written notification to the person from the department that
30 there is a violation, each day that a diversion device is operated
31 without an approved or maintained fish guard, screen, or bypass is a
32 separate offense.

33 **Sec. 1021.** RCW 77.15.320 and 2009 c 333 s 4 are each amended to
34 read as follows:

35 (1) A person is guilty of unlawful failure to provide, maintain,
36 or operate a fishway for dam or other obstruction if the person owns,

1 operates, or controls a dam or other obstruction to fish passage on a
2 river or stream and:

3 (a) The dam or obstruction is not provided with a durable and
4 efficient fishway approved by the director as required by RCW
5 77.57.030 (as recodified by this act);

6 (b) Fails to maintain a fishway in efficient operating condition;
7 or

8 (c) Fails to continuously supply a fishway with a sufficient
9 supply of water to allow the free passage of fish.

10 (2) Unlawful failure to provide, maintain, or operate a fishway
11 for dam or other obstruction is a gross misdemeanor. Following
12 written notification to the person from the department that there is
13 a violation, each day of unlawful failure to provide, maintain, or
14 operate a fishway is a separate offense.

15 **Sec. 1022.** RCW 77.15.350 and 2000 c 107 s 242 are each amended
16 to read as follows:

17 (1) A person is guilty of violating a rule regarding inspection
18 and disease control of aquatic farms if the person:

19 (a) Violates any rule adopted under chapter 77.115 RCW (as
20 recodified by this act) regarding the inspection and disease control
21 program for an aquatic farm; or

22 (b) Fails to register or report production from an aquatic farm
23 as required by chapter 77.115 RCW (as recodified by this act).

24 (2) A violation of a rule regarding inspection and disease
25 control of aquatic farms is a misdemeanor.

26 **Sec. 1023.** RCW 77.15.370 and 2016 c 64 s 1 are each amended to
27 read as follows:

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

30 (a) The person takes or possesses two times or more than the bag
31 limit or possession limit of fish or shellfish allowed by any rule of
32 the director (~~or commission~~) setting the amount of food fish, game
33 fish, or shellfish that can be taken or possessed for noncommercial
34 use;

35 (b) The person fishes in a fishway;

36 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or
37 stones fish or shellfish in state waters, or possesses fish or

1 shellfish taken by such means, unless such means are authorized by
2 express department rule;

3 (d) The person fishes for or possesses a fish listed as
4 threatened or endangered in 50 C.F.R. Sec. 223.102 (2006) or Sec.
5 224.101 (2010), unless fishing for or possessing such fish is
6 specifically allowed under federal or state law;

7 (e) The person possesses a white sturgeon measuring in excess of
8 the maximum size limit as established by rules adopted by the
9 department;

10 (f) The person possesses a green sturgeon of any size; or

11 (g)(i) The person possesses a wild salmon or wild steelhead
12 during a season closed for wild salmon or wild steelhead.

13 (ii) For the purposes of this subsection:

14 (A) "Wild salmon" means a salmon with an unclipped adipose fin,
15 regardless of whether the salmon's ventral fin is clipped. A salmon
16 is considered to have an unclipped adipose fin if it does not have a
17 healed scar at the location of the clipped adipose fin.

18 (B) "Wild steelhead" means a steelhead with no fins clipped.

19 (2) Unlawful recreational fishing in the first degree is a gross
20 misdemeanor.

21 (3) In addition to the penalties set forth in subsection (2) of
22 this section, if a person is convicted of violating this section and
23 the violation results in the death of fish listed in this subsection,
24 the court shall require payment of the following amounts for each
25 fish taken or possessed. This is a criminal wildlife penalty
26 assessment that must be paid to the clerk of the court and
27 distributed each month to the state treasurer for deposit in the fish
28 and wildlife enforcement reward account created in RCW 77.15.425:

29 (a) White sturgeon longer than fifty-five inches in fork length,
30 two thousand dollars;

31 (b) Green sturgeon, two thousand dollars; and

32 (c) Wild salmon or wild steelhead, five hundred dollars.

33 (4) If two or more persons are convicted under subsection (1) of
34 this section, and subsection (3) of this section is applicable, the
35 criminal wildlife penalty assessment must be imposed against the
36 persons jointly and severally.

37 (5)(a) The criminal wildlife penalty assessment under subsection
38 (3) of this section must be imposed regardless of and in addition to
39 any sentence, fines, or costs otherwise provided for violating any
40 provision of this section. The criminal wildlife penalty assessment

1 must be included by the court in any pronouncement of sentence and
2 may not be suspended, waived, modified, or deferred in any respect.

3 (b) This subsection may not be construed to abridge or alter
4 alternative rights of action or remedies in equity or under common
5 law or statutory law, criminal or civil.

6 (6) A defaulted criminal wildlife penalty assessment authorized
7 under subsection (3) of this section may be collected by any means
8 authorized by law for the enforcement of orders of the court or
9 collection of a fine or costs, including but not limited to vacation
10 of a deferral of sentencing or vacation of a suspension of sentence.

11 (7) The department shall revoke the fishing license and suspend
12 the fishing privileges of a person assessed a criminal wildlife
13 penalty assessment under this section until the penalty assessment is
14 paid through the registry of the court in which the penalty
15 assessment was assessed.

16 (8) The criminal wildlife penalty assessments provided in
17 subsection (3) of this section must be doubled in the following
18 instances:

19 (a) When a person commits a violation that requires payment of a
20 criminal wildlife penalty assessment within five years of a prior
21 gross misdemeanor or felony conviction under this title; or

22 (b) When the trier of fact determines that the person took or
23 possessed the fish in question with the intent of bartering, selling,
24 or otherwise deriving economic profit from the fish or fish parts.

25 **Sec. 1024.** RCW 77.15.380 and 2014 c 48 s 14 are each amended to
26 read as follows:

27 (1) A person is guilty of unlawful recreational fishing in the
28 second degree if the person fishes for fish or shellfish and, whether
29 or not the person possesses fish or shellfish, the person has not
30 purchased the appropriate fishing or shellfishing license and catch
31 record card issued to Washington residents or nonresidents under
32 (~~chapter 77.32 RCW~~) sections 1083 through 1103 of this act.

33 (2) A person is guilty of unlawful recreational fishing in the
34 second degree if the person takes or possesses fish or shellfish and:

35 (a) The person owns, but does not have in the person's
36 possession, the license or the catch record card required by
37 (~~chapter 77.32 RCW~~) sections 1083 through 1103 of this act for such
38 activity; or

1 (b) The action violates any department rule regarding seasons,
2 bag or possession limits but less than two times the bag or
3 possession limit, closed areas, closed times, or any other rule
4 addressing the manner or method of fishing for, taking, or possessing
5 fish or shellfish. This section does not apply to use of a net to
6 take fish under RCW 77.15.580 (as recodified by this act) or the
7 unlawful use of shellfish gear for personal use under RCW 77.15.382
8 (as recodified by this act).

9 (3) Unlawful recreational fishing in the second degree is a
10 misdemeanor.

11 **Sec. 1025.** RCW 77.15.382 and 2010 c 193 s 2 are each amended to
12 read as follows:

13 (1) A person is guilty of the unlawful use of shellfish gear for
14 personal use purposes if the person:

15 (a) Takes, fishes for, or possesses crab, shrimp, or crawfish for
16 personal use purposes with shellfish gear that is constructed or
17 altered in a manner that violates any rule of the (~~commission~~)
18 department relating to required gear design specifications; or

19 (b) Is found in possession of, upon any vessel located on the
20 waters of the state, shellfish gear that is constructed or altered in
21 a manner that violates any rule of the (~~commission~~) department
22 relating to required gear design specifications, unless a person
23 holds a valid crab pot removal permit under RCW 77.70.500 (as
24 recodified by this act) and is in the process of transporting removed
25 crab pots as part of the Dungeness crab pot removal program.

26 (2) The unlawful use of shellfish gear for personal use purposes
27 is a misdemeanor.

28 **Sec. 1026.** RCW 77.15.390 and 2014 c 48 s 15 are each amended to
29 read as follows:

30 (1) A person is guilty of unlawful taking of seaweed if the
31 person takes or possesses seaweed and:

32 (a) The person has not purchased a personal use shellfish and
33 seaweed license issued to Washington residents or nonresidents under
34 chapter (~~77.32~~) 75A.--- RCW (the new chapter created in section
35 1202 of this act); or

36 (b) The person takes or possesses seaweed in an amount that is
37 two times or more of the daily possession limit of seaweed.

1 (2) Unlawful taking of seaweed is a misdemeanor. This does not
2 affect rights of the state to recover civilly for trespass,
3 conversion, or theft of state-owned valuable materials.

4 **Sec. 1027.** RCW 77.15.500 and 2017 3rd sp.s. c 8 s 10 are each
5 amended to read as follows:

6 (1) A person is guilty of commercial fishing without a license in
7 the second degree if the person fishes for, takes, or delivers fish
8 or shellfish while acting for commercial purposes and:

9 (a) The person does not hold a fishery license or delivery
10 license under chapter 77.65 RCW (as recodified by this act) for the
11 fish or shellfish;

12 (b) The person is not a licensed operator designated as an
13 alternate operator on a fishery or delivery license under chapter
14 77.65 RCW (as recodified by this act) for the fish or shellfish; or

15 (c) The person does not hold a crewmember license when required
16 under RCW 77.65.610 (as recodified by this act).

17 (2) A person is guilty of commercial fishing without a license in
18 the first degree if the person commits the act described by
19 subsection (1) of this section and:

20 (a) The violation involves taking, delivery, or possession of
21 fish or shellfish with a value of two hundred fifty dollars or more;
22 or

23 (b) The violation involves taking, delivery, or possession of
24 fish or shellfish from an area that was closed to the taking of the
25 fish or shellfish by any statute or rule.

26 (3)(a) Commercial fishing without a license in the second degree
27 is a gross misdemeanor.

28 (b) Commercial fishing without a license in the first degree is a
29 class C felony.

30 **Sec. 1028.** RCW 77.15.520 and 2010 c 193 s 4 are each amended to
31 read as follows:

32 (1) Except for actions involving shellfish gear punishable under
33 RCW 77.15.522 (as recodified by this act), a person is guilty of
34 commercial fishing using unlawful gear or methods if the person acts
35 for commercial purposes and takes or fishes for any fish or shellfish
36 using any gear or method in violation of a rule of the ~~((commission))~~
37 department specifying, regulating, or limiting the gear or method for
38 taking, fishing, or harvesting of such fish or shellfish.

1 (2) Commercial fishing using unlawful gear or methods is a gross
2 misdemeanor.

3 **Sec. 1029.** RCW 77.15.522 and 2010 c 193 s 1 are each amended to
4 read as follows:

5 (1) A person is guilty of the unlawful use of shellfish gear for
6 commercial purposes if the person:

7 (a) Takes, fishes for, or possesses crab, shrimp, or crawfish for
8 commercial purposes with shellfish gear that is constructed or
9 altered in a manner that violates any rule of the (~~commission~~)
10 department relating to required gear design specifications; or

11 (b) Is found in possession of, upon any vessel located on the
12 waters of the state, shellfish gear that is constructed or altered in
13 a manner that violates any rule of the (~~commission~~) department
14 relating to required gear design specifications, unless a person
15 holds a valid crab pot removal permit under RCW 77.70.500 (as
16 recodified by this act) and is in the process of transporting removed
17 crab pots as part of the Dungeness crab pot removal program.

18 (2) The unlawful use of shellfish gear for commercial purposes is
19 a gross misdemeanor.

20 **Sec. 1030.** RCW 77.15.530 and 2000 c 107 s 249 are each amended
21 to read as follows:

22 (1) A person who holds a fishery license required by chapter
23 77.65 RCW (as recodified by this act), or who holds an operator's
24 license and is designated as an alternate operator on a fishery
25 license required by chapter 77.65 RCW (as recodified by this act), is
26 guilty of unlawful use of a nondesignated vessel if the person takes,
27 fishes for, or delivers from that fishery using a vessel not
28 designated on the person's license, when vessel designation is
29 required by chapter 77.65 RCW (as recodified by this act).

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

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

37 (4) If the person commits the act described by subsection (1) of
38 this section and the vessel designated on the person's fishery

1 license was used by any person in the fishery on the same day, then
2 the violation for using a nondesignated vessel is a class C felony.
3 Upon conviction the department shall order revocation and suspension
4 of all commercial fishing privileges under chapter 77.65 RCW (as
5 recodified by this act) for a period of one year.

6 **Sec. 1031.** RCW 77.15.540 and 2000 c 107 s 250 are each amended
7 to read as follows:

8 (1) A person who holds a fishery license required by chapter
9 77.65 RCW (as recodified by this act), or who holds an operator's
10 license and is designated as an alternate operator on a fishery
11 license required by chapter 77.65 RCW (as recodified by this act), is
12 guilty of unlawful use of a commercial fishery license if the person:

13 (a) Does not have the commercial fishery license or operator's
14 license in possession during fishing or delivery; or

15 (b) Violates any rule of the department regarding the use,
16 possession, display, or presentation of the person's license, decals,
17 or vessel numbers.

18 (2) Unlawful use of a commercial fishery license is a
19 misdemeanor.

20 **Sec. 1032.** RCW 77.15.552 and 2003 c 386 s 3 are each amended to
21 read as follows:

22 (1) If a person is convicted of two or more qualifying commercial
23 fishing violations within a three-year period, the person's
24 privileges to participate in the commercial fishery to which the
25 violations applied may be suspended by the director for up to one
26 year. A commercial fishery license that is suspended under this
27 section may not be transferred after the director issues a notice of
28 suspension, or used by an alternative operator or transferred during
29 the period of suspension, if the person who is the subject of the
30 suspension notice is the person who owns the commercial fishery
31 license.

32 (2) For the purposes of this section only, "qualifying commercial
33 fishing violation" means either:

34 (a) A conviction under RCW 77.15.500, 77.15.510, 77.15.520,
35 77.15.530, 77.15.550(1)(a), 77.15.570, 77.15.580, or 77.15.590 (as
36 recodified by this act);

37 (b) A gross misdemeanor or felony involving commercial fish
38 harvesting, buying, or selling that is unlawful under the terms of

1 the license, this title, or the rules issued pursuant to this title,
2 if the quantity of unlawfully harvested, possessed, bought, or sold
3 fish, other than shellfish, groundfish, or coastal pelagic species of
4 baitfish totals greater than six percent, by weight, of the harvest
5 available for inspection at the time of citation and the cumulative
6 value of the unlawfully harvested fish is more than two hundred fifty
7 dollars at the time of citation;

8 (c) A gross misdemeanor or felony involving commercial groundfish
9 or coastal pelagic baitfish harvest, buying, or selling that is
10 unlawful under the terms of the license, this title, or the rules
11 issued under this title, if: (i) The quantity of unlawfully
12 harvested, possessed, bought, or sold groundfish or coastal pelagic
13 baitfish totals greater than ten percent, by weight, of the harvest
14 available for inspection at the time of citation and has a cumulative
15 value greater than five hundred dollars; or (ii) the quantity, by
16 weight, of the unlawfully commercially harvested groundfish or
17 coastal pelagic baitfish is ten percent greater than the landing
18 allowances provided under rules adopted by the department for species
19 categorized as over-fished by the national marine fisheries service;
20 or

21 (d) A gross misdemeanor or felony involving commercial shellfish
22 harvesting, buying, or selling that is unlawful under the terms of
23 the license, this title, or the rules issued pursuant to this title,
24 if the quantity of unlawfully harvested, possessed, bought, or sold
25 shellfish: (i) Totals greater than six percent of the harvest
26 available for inspection at the time of citation; and (ii) totals
27 fifty or more individual shellfish.

28 (3)(a) The director may refer a person convicted of one
29 qualifying commercial fishing violation to the license suspension
30 review committee if the director feels that the qualifying commercial
31 fishing violation was of a severe enough magnitude to justify
32 suspension of the individual's license renewal privileges.

33 (b) The director may refer any person convicted of one egregious
34 shellfish violation to the license suspension review committee.

35 (c) For the purposes of this section only, "egregious shellfish
36 violation" means a gross misdemeanor or felony involving commercial
37 shellfish harvesting, buying, or selling that is unlawful under the
38 terms of the license, this title, or the rules issued pursuant to
39 this title, if the quantity of unlawfully harvested, possessed,
40 bought, or sold shellfish: (i) Totals more than twenty percent of the

1 harvest available for inspection at the time of citation; (ii) totals
2 five hundred or more individual shellfish; and (iii) is valued at two
3 thousand five hundred dollars or more.

4 (4) A person who has a commercial fishing license suspended or
5 revoked under this section may file an appeal with the license
6 suspension review committee pursuant to RCW 77.15.554 (as recodified
7 by this act). An appeal must be filed within thirty-one days of
8 notice of license suspension or revocation. If an appeal is filed,
9 the suspension or revocation issued by the department does not take
10 effect until after the license suspension review committee has
11 delivered an opinion. If no appeal is filed within thirty-one days of
12 notice of license suspension or revocation, the right to an appeal is
13 considered waived. All suspensions ordered under this section take
14 effect either thirty-one days following the conviction for the second
15 qualifying commercial fishing violation, or upon a decision pursuant
16 to RCW 77.15.554 (as recodified by this act), whichever is later.

17 (5) A fishing privilege suspended under this section is in
18 addition to the statutory penalties assigned to the underlying crime.

19 (6) For the purposes of this section only, the burden is on the
20 state to show the dollar amount or the percent of a harvest that is
21 comprised of unlawfully harvested, bought, or sold individual fish or
22 shellfish.

23 **Sec. 1033.** RCW 77.15.554 and 2003 c 386 s 4 are each amended to
24 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

35 **Sec. 1034.** RCW 77.15.565 and 2017 3rd sp.s. c 8 s 11 are each
36 amended to read as follows:

37 Since violation of the rules of the department relating to the
38 accounting of the commercial harvest of fish and shellfish results in
39 damage to the resources of the state, liability for damage to fish

1 and shellfish resources is imposed on a wholesale fish buyer or a
2 limited fish seller for violation of a provision in chapters 77.65
3 and 77.70 RCW (as recodified by this act) or a rule of the department
4 related to the accounting of the commercial harvest of fish and
5 shellfish and shall be for the actual damages or for damages imposed
6 as follows:

7 (1) For violation of rules requiring the timely presentation to
8 the department of documents relating to the accounting of commercial
9 harvest, fifty dollars for each of the first fifteen documents in a
10 series and ten dollars for each subsequent document in the same
11 series. If documents relating to the accounting of commercial harvest
12 of fish and shellfish are lost or destroyed and the wholesale fish
13 buyer or limited fish seller notifies the department in writing
14 within seven days of the loss or destruction, the director shall
15 waive the requirement for timely presentation of the documents.

16 (2) For violation of rules requiring accurate and legible
17 information relating to species, value, harvest area, or amount of
18 harvest, twenty-five dollars for each of the first five violations of
19 this subsection per calendar year, and fifty dollars for each
20 violation after the first five violations.

21 (3) For violations of rules requiring certain signatures, fifty
22 dollars for each of the first two violations and one hundred dollars
23 for each subsequent violation. For the purposes of this subsection,
24 each signature is a separate requirement.

25 (4) For other violations of rules relating to the accounting of
26 the commercial harvest, fifty dollars for each separate violation.

27 **Sec. 1035.** RCW 77.15.570 and 2013 c 23 s 242 are each amended to
28 read as follows:

29 (1) Except as provided in subsection (3) of this section, it is
30 unlawful for a person who is not a treaty Indian fisher to
31 participate in the taking of fish or shellfish in a treaty Indian
32 fishery, or to be on board a vessel, or associated equipment,
33 operating in a treaty Indian fishery. A violation of this subsection
34 is a gross misdemeanor.

35 (2) A person who violates subsection (1) of this section with the
36 intent of acting for commercial purposes, including any sale of
37 catch, control of catch, profit from catch, or payment for fishing
38 assistance, is guilty of a class C felony. Upon conviction, the
39 department shall order revocation of any license and a one-year

1 suspension of all commercial fishing privileges requiring a license
2 under chapter 77.65 or 77.70 RCW (as recodified by this act).

3 (3)(a) The spouse, forebears, siblings, children, and
4 grandchildren of a treaty Indian fisher may assist the fisher in
5 exercising treaty Indian fishing rights when the treaty Indian fisher
6 is present at the fishing site.

7 (b) Other treaty Indian fishers with off-reservation treaty
8 fishing rights in the same usual and accustomed places, whether or
9 not the fishers are members of the same tribe or another treaty
10 tribe, may assist a treaty Indian fisher in exercising treaty Indian
11 fishing rights when the treaty Indian fisher is present at the
12 fishing site.

13 (c) Biologists approved by the department may be on board a
14 vessel operating in a treaty Indian fishery.

15 (4) For the purposes of this section:

16 (a) "Treaty Indian fisher" means a person who may exercise treaty
17 Indian fishing rights as determined under United States v.
18 Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohappy v. Smith,
19 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those
20 courts;

21 (b) "Treaty Indian fishery" means a fishery open to only treaty
22 Indian fishers by tribal or federal regulation;

23 (c) "To participate" and its derivatives mean an effort to
24 operate a vessel or fishing equipment, provide immediate supervision
25 in the operation of a vessel or fishing equipment, or otherwise
26 assist in the fishing operation, to claim possession of a share of
27 the catch, or to represent that the catch was lawfully taken in an
28 Indian fishery.

29 (5) A violation of this section constitutes illegal fishing and
30 is subject to the suspensions provided for commercial fishing
31 violations.

32 **Sec. 1036.** RCW 77.15.590 and 1998 c 190 s 51 are each amended to
33 read as follows:

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

38 (a) Charter or recreational fishing; and

39 (b) Commercial fishing or shellfish harvesting.

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

3 **Sec. 1037.** RCW 77.15.620 and 2017 3rd sp.s. c 8 s 12 are each
4 amended to read as follows:

5 (1) A person is guilty of engaging in fish dealing activity
6 without a license in the second degree if the activity involves fish
7 or shellfish worth less than two hundred fifty dollars and the
8 person:

9 (a) Engages in any fish dealing activity requiring a fish dealer
10 license under RCW 77.65.280 (as recodified by this act) without first
11 obtaining the license;

12 (b) Engages in any fish buying or selling activity requiring a
13 wholesale fish buyer endorsement under RCW 77.65.340 (as recodified
14 by this act) without first obtaining the endorsement; or

15 (c) Engages in any fish selling activity as a fisher that
16 requires a limited fish seller endorsement under RCW 77.65.510 (as
17 recodified by this act) without first obtaining the endorsement.

18 (2) A person is guilty of engaging in fish dealing activity
19 without a license in the first degree if the person commits the act
20 described by subsection (1) of this section and the violation
21 involves fish or shellfish worth two hundred fifty dollars or more.

22 (3)(a) Engaging in fish dealing activity without a license in the
23 second degree is a gross misdemeanor.

24 (b) Engaging in fish dealing activity without a license in the
25 first degree is a class C felony.

26 **Sec. 1038.** RCW 77.15.640 and 2017 3rd sp.s. c 8 s 14 are each
27 amended to read as follows:

28 (1) A person who holds a fish dealer license required by RCW
29 77.65.280 (as recodified by this act), a wholesale fish buyer
30 endorsement required by RCW 77.65.340 (as recodified by this act), or
31 a limited fish seller endorsement under RCW 77.65.510 (as recodified
32 by this act) is guilty of unlawful wholesale fish buying and dealing
33 if the person:

34 (a) Fails to possess or display his or her license when engaged
35 in any act requiring the license; or

36 (b) Fails to display or uses the license in violation of any
37 department rule.

1 (2) Unlawful wholesale fish buying and dealing is a gross
2 misdemeanor.

3 **Sec. 1039.** RCW 77.15.803 and 2014 c 202 s 201 are each amended
4 to read as follows:

5 (1) Based upon reasonable suspicion that a person possesses an
6 aquatic conveyance that has not been cleaned and drained or carries
7 or contains aquatic invasive species in violation of this title,
8 ~~((fish and wildlife))~~ fisheries officers or ex officio fish and
9 wildlife officers may temporarily stop the person and inspect the
10 aquatic conveyance for compliance with the requirements of this
11 title.

12 (2) Unless the context clearly requires otherwise, the
13 definitions in ~~((both))~~ RCW 77.08.010 ~~((and))~~, 77.135.010 (as
14 recodified by this act), and section 1002 of this act apply
15 throughout this section.

16 **Sec. 1040.** RCW 77.15.813 and 2015 c 90 s 1 are each amended to
17 read as follows:

18 (1) A person is guilty of unlawfully engaging in fishing guide
19 activity if the person holds a game fish guide license issued under
20 RCW 77.65.480 (as recodified by this act) or has a license issued
21 under RCW 77.65.010 (as recodified by this act) to operate a charter
22 boat or act as a food fish guide, and the person:

23 (a) Fails to perform any duty of a charter boat or guide operator
24 established in ~~((RCW 77.32.430))~~ section 1093 of this act; or

25 (b) Violates any rule of the ~~((commission or director))~~
26 department regarding the sale, possession, issuance, or reporting of
27 temporary fishing licenses, temporary short-term charter stamps, or
28 catch record cards.

29 (2) Unlawfully engaging in fishing guide activity is a gross
30 misdemeanor.

31 NEW SECTION. **Sec. 1041.** A person is not guilty of a crime under
32 this chapter if the person is an officer, employee, or agent of the
33 department lawfully acting in the course of his or her authorized
34 duties.

35 NEW SECTION. **Sec. 1042.** (1) If the director has authority to
36 adopt a rule that is punishable as a crime under this chapter, then

1 the director may provide that violation of the rule shall be punished
2 with notice of infraction under RCW 7.84.030. The director does not
3 have the authority to adopt a rule providing that a violation
4 punishable as an infraction shall be a crime.

5 (2) The director may, under the provisions of RCW 7.84.140, enter
6 into an agreement allowing employees of the state parks and
7 recreation commission, the department of wildlife, and the department
8 of natural resources to enforce certain civil infractions created
9 under this title.

10 NEW SECTION. **Sec. 1043.** Except as provided in section
11 1065(2)(b) of this act, where it is unlawful to hunt, take, fish,
12 possess, or traffic in big game or protected or endangered fish or
13 wildlife, then each individual animal unlawfully taken or possessed
14 is a separate offense.

15 NEW SECTION. **Sec. 1044.** District courts have jurisdiction
16 concurrent with superior courts for misdemeanors and gross
17 misdemeanors committed in violation of this chapter and may impose
18 the punishment provided for these offenses. Superior courts have
19 jurisdiction over felonies committed in violation of this chapter.
20 Venue for offenses occurring in offshore waters shall be in a county
21 bordering on the Pacific Ocean, or the county where fish or aquatic
22 wildlife from the offense are landed.

23 NEW SECTION. **Sec. 1045.** (1) Unless the context clearly requires
24 otherwise, as used in this chapter, "conviction" means a final
25 conviction in a state or municipal court.

26 (2) A plea of guilty or a finding of guilt for a violation of
27 this title or department rule constitutes a conviction regardless of
28 whether the imposition of sentence is deferred or the penalty is
29 suspended.

30 NEW SECTION. **Sec. 1046.** Crimes defined by this chapter shall be
31 punished as infractions, misdemeanors, gross misdemeanors, or
32 felonies, based on the classification of crimes set out in chapters
33 7.84 and 9A.20 RCW.

34 NEW SECTION. **Sec. 1047.** If the prosecuting attorney of the
35 county in which a violation of this title or rule of the department

1 occurs fails to file an information against the alleged violator, the
2 attorney general upon request of the director may file an information
3 in the superior court of the county and prosecute the case in place
4 of the prosecuting attorney. The director may request prosecution by
5 the attorney general if thirty days have passed since the director
6 informed the county prosecuting attorney of the alleged violation.

7 NEW SECTION. **Sec. 1048.** (1) Fisheries officers and ex officio
8 fish and wildlife officers may seize without warrant boats,
9 airplanes, vehicles, motorized implements, conveyances, gear,
10 appliances, or other articles they have probable cause to believe
11 have been held with intent to violate or used in violation of this
12 title or rule of the director. However, fisheries officers or ex
13 officio fish and wildlife officers may not seize any item or article,
14 other than for evidence, if under the circumstances, it is reasonable
15 to conclude that the violation was inadvertent. The property seized
16 is subject to forfeiture to the state under this section regardless
17 of ownership. Property seized may be recovered by its owner by
18 depositing with the department or into court a cash bond or
19 equivalent security equal to the value of the seized property but not
20 more than one hundred thousand dollars. Such cash bond or security is
21 subject to forfeiture in lieu of the property. Forfeiture of property
22 seized under this section is a civil forfeiture against property and
23 is intended to be a remedial civil sanction.

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

34 (3) Persons claiming a right of ownership or right to possession
35 of property are entitled to a hearing to contest forfeiture. Such a
36 claim shall specify the claim of ownership or possession and shall be
37 made in writing and served on the director within forty-five days of
38 the seizure. If the seizing authority has complied with notice

1 requirements and there is no claim made within forty-five days, then
2 the property shall be forfeited to the state.

3 (4) If any person timely serves the director with a claim to
4 property, the person shall be afforded an opportunity to be heard as
5 to the person's claim or right. The hearing shall be before the
6 director or director's designee, or before an administrative law
7 judge appointed under chapter 34.12 RCW, except that a person
8 asserting a claim or right may remove the matter to a court of
9 competent jurisdiction if the aggregate value of the property seized
10 is more than five thousand dollars. The department may settle a
11 person's claim of ownership prior to the administrative hearing.

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

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

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

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

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

1 NEW SECTION. **Sec. 1049.** (1) Fisheries officers shall have and
2 exercise, throughout the state, such police powers and duties as are
3 vested in sheriffs and peace officers generally. Fisheries officers
4 are general authority Washington peace officers.

5 (2) An applicant for a fisheries officer position must be a
6 citizen of the United States of America who can read and write the
7 English language. Before a person may be appointed to act as a
8 fisheries officer, the person shall meet the minimum standards for
9 employment with the department, including successful completion of a
10 psychological examination and polygraph examination or similar
11 assessment procedure administered in accordance with the requirements
12 of RCW 43.101.095(2).

13 (3) Any liability or claim of liability under chapter 4.92 RCW
14 that arises out of the exercise or alleged exercise of authority by a
15 fisheries officer rests with the department unless the fisheries
16 officer acts under the direction and control of another agency or
17 unless the liability is otherwise assumed under an agreement between
18 the department and another agency.

19 (4) The department may utilize the services of a volunteer
20 chaplain as provided under chapter 41.22 RCW.

21 NEW SECTION. **Sec. 1050.** Based upon articulable facts that a
22 person is engaged in fishing or harvesting activities, fisheries
23 officers and ex officio fish and wildlife officers have the authority
24 to temporarily stop the person and check for valid licenses, tags,
25 permits, stamps, or catch record cards, and to inspect all fish,
26 shellfish, seaweed, and wildlife in possession as well as the
27 equipment being used to ensure compliance with the requirements of
28 this title. Fisheries officers and ex officio fish and wildlife
29 officers also may request that the person write his or her signature
30 for comparison with the signature on his or her fishing or harvesting
31 license. Failure to comply with the request is prima facie evidence
32 that the person is not the person named on the license. Fisheries
33 officers and ex officio fish and wildlife officers may require the
34 person, if age sixteen or older, to exhibit a driver's license or
35 other photo identification.

36 NEW SECTION. **Sec. 1051.** Fisheries officers and ex officio fish
37 and wildlife officers may seize without a warrant fish, shellfish,
38 and covered animal species parts and products they have probable

1 cause to believe have been taken, transported, or possessed in
2 violation of this title or rule of the department.

3 NEW SECTION. **Sec. 1052.** On a showing of probable cause that
4 there has been a violation of any fish, seaweed, shellfish, or
5 wildlife law of the state of Washington, or upon a showing of
6 probable cause to believe that evidence of such violation may be
7 found at a place, a court shall issue a search warrant or arrest
8 warrant. Fisheries officers may execute any such arrest or search
9 warrant reasonably necessary to their duties under this title and may
10 seize fish, seaweed, shellfish, and wildlife or any evidence of a
11 crime and the fruits or instrumentalities of a crime as provided by
12 warrant. The court may have a building, enclosure, vehicle, vessel,
13 container, or receptacle opened or entered and the contents examined.

14 NEW SECTION. **Sec. 1053.** Fisheries officers and ex officio fish
15 and wildlife officers may arrest without warrant persons found
16 violating the law or rules adopted pursuant to this title.

17 NEW SECTION. **Sec. 1054.** Fisheries officers and ex officio fish
18 and wildlife officers may make a reasonable search without warrant of
19 a vessel, conveyances, vehicles, containers, packages, or other
20 receptacles for fish, seaweed, shellfish, and wildlife which they
21 have reason to believe contain evidence of a violation of law or
22 rules adopted pursuant to this title and seize evidence as needed for
23 law enforcement. This authority does not extend to quarters in a
24 boat, building, or other property used exclusively as a private
25 domicile, does not extend to transitory residences in which a person
26 has a reasonable expectation of privacy, and does not allow search
27 and seizure without a warrant if the thing or place is protected from
28 search without warrant within the meaning of Article I, section 7 of
29 the state Constitution. Seizure of property as evidence of a crime
30 does not preclude seizure of the property for forfeiture as
31 authorized by law.

32 NEW SECTION. **Sec. 1055.** (1) An authorized state, county, or
33 municipal officer may be subject to civil liability under section
34 1048 of this act for willful misconduct or gross negligence in the
35 performance of his or her duties.

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

5 NEW SECTION. **Sec. 1056.** (1) Fish, shellfish, and wildlife are
6 property of the state under RCW 77.04.012. Fisheries officers may
7 sell seized, commercially taken or possessed fish and shellfish to a
8 wholesale buyer and deposit the proceeds into the fish and wildlife
9 enforcement reward account under RCW 77.15.425. Seized,
10 recreationally taken or possessed fish, shellfish, and wildlife may
11 be donated to nonprofit charitable organizations. The charitable
12 organization must qualify for tax-exempt status under 26 U.S.C. Sec.
13 501(c)(3) of the federal internal revenue code.

14 (2) Fisheries officers may dispose of any covered animal species
15 part or product seized through the enforcement of RCW 77.15.135
16 through a donation to a bona fide educational or scientific
17 institution, solely for the purposes of raising awareness of the
18 trafficking and threatened nature of endangered animals, as allowed
19 under state, federal, and international law.

20 (3) Unless otherwise provided in this title, fish, shellfish,
21 wildlife, or any covered animal species part or product taken or
22 possessed in violation of this title or department rule shall be
23 forfeited to the state upon conviction or any outcome in criminal
24 court whereby a person voluntarily enters into a disposition that
25 continues or defers the case for dismissal upon the successful
26 completion of specific terms or conditions. For criminal cases
27 resulting in other types of dispositions, the fish, shellfish,
28 wildlife, or covered animal species part or product may be returned,
29 or its equivalent value paid, if the fish, shellfish, wildlife, or
30 covered animal species part or product have already been donated or
31 sold.

32 NEW SECTION. **Sec. 1057.** (1) A person is guilty of unlawful
33 taking of endangered fish in the second degree if:

34 (a) The person hunts for, fishes for, possesses, maliciously
35 harasses, or kills fish, or possesses or intentionally destroys the
36 eggs of fish;

37 (b) The fish is designated by the department as endangered; and

1 (c) The taking of the fish or the destruction of the eggs has not
2 been authorized by rule of the department, a permit issued by the
3 department, or a permit issued pursuant to the federal endangered
4 species act.

5 (2) A person is guilty of unlawful taking of endangered fish in
6 the first degree if:

7 (a) The person has been convicted under subsection (1) of this
8 section or convicted of any crime under this title involving the
9 taking, possessing, or malicious harassment of endangered fish or
10 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 in the second degree is
14 a gross misdemeanor.

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

20 NEW SECTION. **Sec. 1058.** (1) A person is guilty of unlawful
21 taking of protected fish or aquatic wildlife if:

22 (a) The person hunts for, fishes for, maliciously takes,
23 harasses, or possesses fish or aquatic wildlife, or the person
24 possesses or maliciously destroys the eggs of fish or aquatic
25 wildlife designated by the department as protected, other than
26 species designated as threatened or sensitive, and the taking has not
27 been authorized by a permit issued by the department;

28 (b) The person violates any rule of the department regarding the
29 taking, harassing, possession, or transport of protected fish or
30 aquatic wildlife; or

31 (c)(i) The person hunts for, fishes for, intentionally takes,
32 harasses, or possesses fish or aquatic wildlife, or the person
33 possesses or intentionally destroys the eggs of fish or aquatic
34 wildlife designated by the department as threatened or sensitive; and

35 (ii) The taking of the fish or aquatic wildlife, or the
36 destruction of the eggs, has not been authorized by a permit issued
37 by the department, or a permit issued pursuant to the federal
38 endangered species act.

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

3 NEW SECTION. **Sec. 1059.** (1) A person is guilty of unlawful use
4 of poison or explosives if:

5 (a) The person lays out, sets out, or uses a drug, poison, or
6 other deleterious substance that kills, injures, harms, or endangers
7 fish, shellfish, or aquatic wildlife, except if the person is using
8 the substance in compliance with federal and state laws and label
9 instructions; or

10 (b) The person lays out, sets out, or uses an explosive that
11 kills, injures, harms, or endangers fish, shellfish, or aquatic
12 wildlife, except if authorized by law or permit of the director.

13 (2) Unlawful use of poison or explosives is a gross misdemeanor.

14 NEW SECTION. **Sec. 1060.** The following acts are infractions and
15 must be cited and punished as provided under chapter 7.84 RCW:

16 (1) Fishing and shellfishing infractions:

17 (a) Barbed hooks: Fishing for personal use with barbed hooks in
18 violation of any department rule.

19 (b) Catch recording: Failing to immediately record a catch of
20 fish or shellfish on a catch record card as required by section 1093
21 of this act or department rule.

22 (c) Catch reporting: Failing to return a catch record card to the
23 department for other than Puget Sound Dungeness crab, as required by
24 department rule.

25 (d) Recreational fishing: Fishing for fish or shellfish and,
26 without yet possessing fish or shellfish, the person:

27 (i) Owns, but fails to have in the person's possession the
28 license or the catch record card required by chapter 77.32 RCW for
29 such an activity; or

30 (ii) Violates any department rule regarding seasons, closed
31 areas, closed times, or any other rule addressing the manner or
32 method of fishing for fish or shellfish. This subsection does not
33 apply to use of a net to take fish under RCW 77.15.580 (as recodified
34 by this act) or the unlawful use of shellfish gear for personal use
35 under RCW 77.15.382 (as recodified by this act).

36 (e) Seaweed: Taking, possessing, or harvesting less than two
37 times the daily possession limit of seaweed:

1 (i) While owning, but not having in the person's possession, the
2 license required by chapter 77.32 RCW; or

3 (ii) In violation of any rule of the department or the department
4 of natural resources regarding seasons, closed areas, closed times,
5 or any other rule addressing the manner or method of taking,
6 possessing, or harvesting of seaweed.

7 (f) Unclassified fish or shellfish: Taking unclassified fish or
8 shellfish in violation of any department rule by killing, fishing,
9 taking, holding, possessing, or maliciously injuring or harming fish
10 or shellfish that is not classified as game fish, food fish,
11 shellfish, protected fish, or endangered fish.

12 (g) Wasting fish or shellfish: Killing, taking, or possessing
13 fish or shellfish having a value of less than two hundred fifty
14 dollars and allowing the fish or shellfish to be wasted.

15 (2) Limited fish seller infraction: Failure of a holder of a
16 limited fish seller endorsement to satisfy the food safety
17 requirements to consumers under RCW 77.65.510(2) (as recodified by
18 this act).

19 (3)(a) Invasive species management infractions:

20 (i) Out-of-state certification: Entering Washington in possession
21 of an aquatic conveyance that does not meet certificate of inspection
22 requirements as provided under RCW 77.135.100 (as recodified by this
23 act);

24 (ii) Clean and drain requirements: Possessing an aquatic
25 conveyance that does not meet clean and drain requirements under RCW
26 77.135.110 (as recodified by this act);

27 (iii) Clean and drain orders: Possessing an aquatic conveyance
28 and failing to obey a clean and drain order under RCW 77.135.110 or
29 77.135.120 (as recodified by this act); and

30 (iv) Transporting aquatic plants: Transporting aquatic plants on
31 any state or public road, including forest roads. However, this
32 subsection does not apply to plants that are:

33 (A) Being transported to the department or to another designation
34 designated by the director, in a manner designated by the department,
35 for purposes of identifying a species or reporting the presence of a
36 species;

37 (B) Legally obtained for aquarium use, wetland or lakeshore
38 restoration, or ornamental purposes;

1 (C) Located within or on a commercial aquatic plant harvester
2 that is being transported to a suitable location to remove aquatic
3 plants;

4 (D) Being transported in a manner that prevents their
5 unintentional dispersal, to a suitable location for disposal,
6 research, or educational purposes; or

7 (E) Being transported in such a way as the department may
8 otherwise prescribe.

9 (b) Unless the context clearly requires otherwise, the
10 definitions in section 1002 of this act and RCW 77.135.010 (as
11 recodified by this act) apply throughout this subsection (3).

12 (4) Other infractions:

13 (a) Contests: Conducting, holding, or sponsoring a hunting
14 contest, a fishing contest involving game fish, or a competitive
15 field trial using live wildlife.

16 (b) Other rules: Violating any other department rule that is
17 designated by rule as an infraction.

18 (c) Posting signs: Posting signs preventing hunting or fishing on
19 any land not owned or leased by the person doing the posting, or
20 without the permission of the person who owns, leases, or controls
21 the land posted.

22 (d) Scientific permits: Using a scientific permit issued by the
23 director for fish, shellfish, or wildlife, but not including big game
24 or big game parts, and the person:

25 (i) Violates any terms or conditions of the scientific permit; or

26 (ii) Violates any department rule applicable to the issuance or
27 use of scientific permits.

28 NEW SECTION. **Sec. 1061.** (1) A person is guilty of obstructing
29 the taking of fish, shellfish, or wildlife if the person:

30 (a) Harasses, drives, or disturbs fish, shellfish, or aquatic
31 wildlife with the intent of disrupting lawful pursuit or taking
32 thereof; or

33 (b) Harasses, intimidates, or interferes with an individual
34 engaged in the lawful taking of fish, shellfish, or aquatic wildlife
35 or lawful predator control with the intent of disrupting lawful
36 pursuit or taking thereof.

37 (2) Obstructing the taking of fish, shellfish, or aquatic
38 wildlife is a gross misdemeanor.

1 (3) It is an affirmative defense to a prosecution for obstructing
2 the taking of fish, shellfish, or aquatic wildlife that the person
3 charged was:

4 (a) Interfering with a person engaged in hunting outside the
5 legally established hunting season; or

6 (b) Preventing or attempting to prevent unauthorized trespass on
7 private property.

8 (4) The person raising a defense under subsection (3) of this
9 section has the burden of proof by a preponderance of the evidence.

10 NEW SECTION. **Sec. 1062.** Any person who is damaged by any act
11 prohibited in section 1061 of this act may bring a civil action to
12 enjoin further violations, and recover damages sustained, including a
13 reasonable attorneys' fee. The trial court may increase the award of
14 damages to an amount not to exceed three times the damages sustained.
15 A party seeking civil damages under this section may recover upon
16 proof of a violation by a preponderance of the evidence. The state of
17 Washington may bring a civil action to enjoin violations of this
18 section.

19 NEW SECTION. **Sec. 1063.** (1) A person is guilty of unlawful use
20 of department lands or facilities if the person enters upon, uses, or
21 remains upon department-owned or department-controlled lands or
22 facilities in violation of any rule of the department.

23 (2) Unlawful use of department lands or facilities is a
24 misdemeanor.

25 NEW SECTION. **Sec. 1064.** (1)(a) A person is guilty of unlawfully
26 releasing, planting, possessing, or placing fish, shellfish, or
27 aquatic wildlife if the person knowingly releases, plants, possesses,
28 or places live fish, shellfish, aquatic wildlife, or aquatic plants
29 within the state in violation of this title or rule of the
30 department, and the fish, shellfish, or aquatic wildlife have not
31 been classified as deleterious wildlife. This subsection does not
32 apply to a release of game fish into private waters for which a game
33 fish stocking permit has been obtained, or the planting of fish or
34 shellfish by permit of the department.

35 (b) A violation of this subsection is a gross misdemeanor. In
36 addition, the department shall order the person to pay all costs the
37 department incurred in capturing, killing, or controlling the fish,

1 shellfish, aquatic plants, aquatic wildlife, or progeny unlawfully
2 released, planted, possessed, or placed. This does not affect the
3 existing authority of the department to bring a separate civil action
4 to recover costs of capturing, killing, or controlling the fish,
5 shellfish, aquatic plants, aquatic wildlife, or progeny unlawfully
6 released, planted, possessed, or placed, or the costs of habitat
7 restoration necessitated by the unlawful release, planting,
8 possession, or placing.

9 (2)(a) A person is guilty of unlawfully releasing, planting,
10 possessing, or placing deleterious exotic wildlife if the person
11 knowingly releases, plants, possesses, or places live fish,
12 shellfish, or aquatic wildlife within the state in violation of this
13 title or rule of the department, and the fish, shellfish, or aquatic
14 wildlife have been classified as deleterious exotic wildlife by rule
15 of the department.

16 (b) A violation of this subsection is a class C felony. In
17 addition, the department shall order the person to pay all costs the
18 department incurred in capturing, killing, or controlling the fish,
19 shellfish, aquatic wildlife, or progeny unlawfully released, planted,
20 possessed, or placed. This does not affect the existing authority of
21 the department to bring a separate civil action to recover costs of
22 capturing, killing, or controlling the fish, shellfish, aquatic
23 wildlife, or progeny unlawfully released, planted, possessed, or
24 placed, or the costs of habitat restoration necessitated by the
25 unlawful release, planting, possession, or placing.

26 NEW SECTION. **Sec. 1065.** (1) A person is guilty of unlawful
27 trafficking in fish, shellfish, or aquatic wildlife in the second
28 degree if the person traffics in fish, shellfish, or aquatic wildlife
29 with a wholesale value of less than two hundred fifty dollars and:

30 (a) The fish, shellfish, or aquatic wildlife is classified as
31 game, food fish, shellfish, game fish, or protected wildlife and the
32 trafficking is not authorized by statute or department rule; or

33 (b) The fish, shellfish, or aquatic wildlife is unclassified and
34 the trafficking violates any department rule.

35 (2)(a) A person is guilty of unlawful trafficking in fish,
36 shellfish, or aquatic wildlife in the first degree if the person
37 commits the act described by subsection (1) of this section and:

38 (i) The fish, shellfish, or aquatic wildlife has a value of two
39 hundred fifty dollars or more; or

1 (ii) The fish, shellfish, or aquatic wildlife is designated as an
2 endangered species or deleterious exotic wildlife and such
3 trafficking is not authorized by any statute or department rule.

4 (b) For purposes of this subsection (2), whenever any series of
5 transactions that constitute unlawful trafficking would, when
6 considered separately, constitute unlawful trafficking in the second
7 degree due to the value of the fish, shellfish, or aquatic wildlife,
8 and the series of transactions are part of a common scheme or plan,
9 then the transactions may be aggregated in one count and the sum of
10 the value of all the transactions considered when determining the
11 degree of unlawful trafficking involved.

12 (3)(a) Unlawful trafficking in fish, shellfish, or aquatic
13 wildlife in the second degree is a class C felony.

14 (b) Unlawful trafficking in fish, shellfish, or aquatic wildlife
15 in the first degree is a class B felony.

16 NEW SECTION. Sec. 1066. (1) It is unlawful for any person to
17 possess in Washington any fish, shellfish, or aquatic wildlife that
18 the person knows was taken in another state or country in violation
19 of that state's or country's laws or regulations relating to licenses
20 or tags, seasons, areas, methods, or bag or possession limits.

21 (2) As used in this section, the terms "fish," "shellfish," and
22 "wildlife" have the meaning ascribed to those terms in the applicable
23 law or regulation of the state or country of the fish's, shellfish's,
24 or wildlife's origin.

25 (3) Unlawful possession of fish, shellfish, or aquatic wildlife
26 taken or possessed in violation of another state's or country's laws
27 or regulations is a gross misdemeanor.

28 NEW SECTION. Sec. 1067. (1) A person is guilty of providing
29 false information regarding fish, shellfish, or aquatic wildlife if
30 the person knowingly provides false or misleading information
31 required by any statute or rule to be provided to the department
32 regarding the taking, delivery, possession, transportation, sale,
33 transfer, or any other use of fish, shellfish, or aquatic wildlife.

34 (2) Providing false information regarding fish, shellfish, or
35 aquatic wildlife is a gross misdemeanor.

36 NEW SECTION. Sec. 1068. (1) A person is guilty of violating
37 rules requiring reporting of fish or wildlife harvest if the person

1 fails to make a harvest log report of a commercial fish or shellfish
2 catch in violation of any department rule.

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

5 NEW SECTION. **Sec. 1069.** (1) A person is guilty of unlawful
6 transportation of fish or aquatic wildlife in the second degree if
7 the person knowingly imports, moves within the state, or exports
8 fish, shellfish, or aquatic wildlife in violation of any department
9 rule governing the transportation or movement of fish, shellfish, or
10 aquatic wildlife and the transportation does not involve big game,
11 endangered fish or wildlife, deleterious exotic wildlife, or fish,
12 shellfish, or aquatic wildlife having a value greater than two
13 hundred fifty dollars.

14 (2) A person is guilty of unlawful transportation of fish or
15 aquatic wildlife in the first degree if the person:

16 (a) Knowingly imports, moves within the state, or exports fish,
17 shellfish, or aquatic wildlife in violation of any department rule
18 governing the transportation or movement of fish, shellfish, or
19 aquatic wildlife and the transportation involves big game, endangered
20 fish or aquatic wildlife, deleterious exotic wildlife, or fish,
21 shellfish, or aquatic wildlife with a value of two hundred fifty
22 dollars or more; or

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

26 (3)(a) Unlawful transportation of fish or aquatic wildlife in the
27 second degree is a misdemeanor.

28 (b) Unlawful transportation of fish or aquatic wildlife in the
29 first degree is a gross misdemeanor.

30 (4) This section does not apply to invasive species.

31 NEW SECTION. **Sec. 1070.** (1) A person is guilty of unlawful
32 interfering in department operations if the person prevents
33 department employees from carrying out duties authorized by this
34 title, including but not limited to interfering:

35 (a) In the operation of department vehicles, vessels, or
36 aircraft;

37 (b) With the collection of samples of tissue, fluids, or other
38 bodily parts of fish, wildlife, and shellfish under RCW 77.12.071; or

1 (c) With actions authorized by a warrant issued under RCW
2 77.135.170 or 77.15.807 (as recodified by this act).

3 (2) Unlawful interfering in department operations is a gross
4 misdemeanor.

5 NEW SECTION. **Sec. 1071.** Articles or devices unlawfully used,
6 possessed, or maintained for taking, harassing, attracting, or
7 decoying aquatic wildlife, fish, and shellfish are public nuisances.
8 If necessary, fisheries officers and ex officio fish and wildlife
9 officers may seize, abate, or destroy these public nuisances without
10 warrant or process.

11 NEW SECTION. **Sec. 1072.** (1) If any crime in this chapter is
12 punishable by a suspension of privileges, then the department shall
13 issue an order that specifies the privileges suspended and period
14 when such suspension shall begin and end. The department has no
15 authority to issue licenses, permits, tags, or stamps for the
16 suspended activity until the suspension ends and any license, tag,
17 stamp, or other permission obtained in violation of an order of
18 suspension is void and ineffective.

19 (2) A court sentence may include a suspension of privileges only
20 if grounds are provided by statute. There is no right to seek
21 reinstatement of privileges from the department during a period of
22 court-ordered suspension.

23 (3) If this chapter makes revocation or suspension of privileges
24 mandatory, then the department shall impose the punishment in
25 addition to any other punishments authorized by law.

26 NEW SECTION. **Sec. 1073.** (1) Upon any conviction of any
27 violation of this chapter, the department may revoke any license,
28 tag, or stamp, or other permit involved in the violation or held by
29 the person convicted, in addition to other penalties provided by law.

30 (2) If the department orders that a license, tag, stamp, or other
31 permit be revoked, that order is effective upon entry of the order
32 and any such revoked license, tag, stamp, or other permit is void as
33 a result of such order of revocation. The department shall order such
34 license, tag, stamp, or other permit turned over to the department,
35 and shall order the person not to acquire a replacement or duplicate
36 for the remainder of the period for which the revoked license, tag,
37 stamp, or other permit would have been valid. During this period when

1 a license is revoked, the person is subject to punishment under this
2 chapter. If the person appeals the sentence by the court, the
3 revocation shall be effective during the appeal.

4 (3) If an existing license, tag, stamp, or other permit is voided
5 and revoked under this chapter, the department and its agents shall
6 not be required to refund or restore any fees, costs, or money paid
7 for the license, nor shall any person have any right to bring a
8 collateral appeal under chapter 34.05 RCW to attack the department
9 order.

10 NEW SECTION. **Sec. 1074.** (1) The department shall revoke a
11 person's recreational license or licenses and suspend a person's
12 recreational license privileges in the following circumstances:

13 (a) Upon conviction, if directed by statute for an offense.

14 (b) Upon conviction, failure to appear at a hearing to contest an
15 infraction or criminal charge, or an unvacated payment of a fine or a
16 finding of committed as a final disposition for any infraction, if
17 the department finds that actions of the defendant demonstrated a
18 willful or wanton disregard for conservation of fish or wildlife.
19 Suspension of privileges under this subsection may be permanent.

20 (c) If a person is convicted, fails to appear at a hearing to
21 contest an infraction or criminal citation, or has an unvacated
22 payment of a fine or a finding of committed as a final disposition
23 for any infraction, twice within ten years for a violation involving
24 unlawful hunting, killing, or possessing big game. Revocation and
25 suspension under this subsection must be ordered for all hunting
26 privileges for two years.

27 (d) If a person violates, three times or more in a ten-year
28 period, recreational hunting or fishing laws or rules for which the
29 person: (i) Is convicted of an offense; (ii) has an unvacated payment
30 of a fine or a finding of committed as a final disposition for any
31 infraction; or (iii) fails to appear at a hearing to contest an
32 infraction or a criminal citation. Revocation and suspension under
33 this subsection must be ordered of all recreational hunting and
34 fishing privileges for two years.

35 (2)(a) A violation punishable as an infraction counts towards the
36 revocation and suspension of recreational hunting and fishing
37 privileges under this section if that violation is:

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

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

4 (b) The department may, by rule, designate infractions that do
5 not count towards the revocation and suspension of recreational
6 hunting and fishing privileges.

7 (3) If either the deferred education licensee or the required
8 nondeferred accompanying person, hunting under the authority of RCW
9 77.32.155(2), is convicted of a violation of this title, fails to
10 appear at a hearing to contest a fish and wildlife infraction or a
11 criminal citation, or has an unvacated payment of a fine or a finding
12 of committed as a final disposition for any fish and wildlife
13 infraction, except for a violation of RCW 77.15.400 (1) through (4),
14 the department may revoke all hunting licenses and tags and may order
15 a suspension of either or both the deferred education licensee's and
16 the nondeferred accompanying person's hunting privileges for one
17 year.

18 (4) A person who has a recreational license revoked and
19 privileges suspended under this section may file an appeal with the
20 department pursuant to chapter 34.05 RCW. An appeal must be filed
21 within twenty days of notice of license revocation and privilege
22 suspension. If an appeal is filed, the revocation and suspension
23 issued by the department do not take effect until twenty-one days
24 after the department has delivered an opinion. If no appeal is filed
25 within twenty days of notice of license revocation and suspension,
26 the right to an appeal is waived, and the revocation and suspension
27 take effect twenty-one days following the notice of revocation and
28 suspension.

29 (5) A recreational license revoked and privilege suspended under
30 this section is in addition to the statutory penalties assigned to
31 the underlying violation.

32 NEW SECTION. **Sec. 1075.** (1) The department shall revoke all
33 licenses issued under this title and order a ten-year suspension of
34 all privileges extended under the authority of the department of a
35 person convicted of assault on a fisheries officer, ex officio
36 officer, employee, agent, or personnel acting for the department, if
37 the employee assaulted was on duty at the time of the assault and
38 carrying out the provisions of this title. The suspension shall be

1 continued beyond this period if any damages to the victim have not
2 been paid by the suspended person.

3 (2) For the purposes of this section, the definition of assault
4 includes:

- 5 (a) RCW 9A.32.030; murder in the first degree;
- 6 (b) RCW 9A.32.050; murder in the second degree;
- 7 (c) RCW 9A.32.060; manslaughter in the first degree;
- 8 (d) RCW 9A.32.070; manslaughter in the second degree;
- 9 (e) RCW 9A.36.011; assault in the first degree;
- 10 (f) RCW 9A.36.021; assault in the second degree; and
- 11 (g) RCW 9A.36.031; assault in the third degree.

12 NEW SECTION. **Sec. 1076.** When seized property, other than fish,
13 shellfish, and wildlife, is judicially forfeited to the department,
14 the department may: (1) Retain it for official use unless the
15 property is required to be destroyed; (2) upon application by any law
16 enforcement agency of the state, release the property to the agency
17 for use in enforcing this title; (3) donate the property as provided
18 under RCW 77.130.060; or (4) sell the property and deposit the
19 proceeds into the fish and wildlife enforcement reward account
20 created in RCW 77.15.425. Any sale of the property must be done in
21 accordance with RCW 77.130.010(1) and 77.130.020. However, the
22 requirement in those sections for notice to owners does not apply.

23 **Sec. 1077.** RCW 77.15.805 and 2014 c 202 s 202 are each amended
24 to read as follows:

25 (1) Upon a showing of probable cause that there has been a
26 violation of an invasive species law of the state of Washington, or
27 upon a showing of probable cause to believe that evidence of such a
28 violation may be found at a place, a court must issue a search
29 warrant or arrest warrant. (~~Fish and wildlife~~) Fisheries officers
30 or ex officio fish and wildlife officers may execute any such search
31 or arrest warrant reasonably necessary to carry out their duties
32 under this title with regard to an invasive species law and may seize
33 invasive species or any evidence of a crime and the fruits or
34 instrumentalities of a crime as provided by warrant. The court may
35 have property opened or entered and the contents examined.

36 (2) Seizure of property as evidence of a crime does not preclude
37 seizure of the property for forfeiture as authorized by law.

1 **Sec. 1078.** RCW 77.15.809 and 2014 c 202 s 205 are each amended
2 to read as follows:

3 (1) A person is guilty of unlawful use of invasive species in the
4 second degree if the person:

5 (a) Fails to stop at a mandatory check station or to return to
6 the mandatory check station for inspection if directed to do so by a
7 (~~fish and wildlife~~) fisheries officer or ex officio fish and
8 wildlife officer;

9 (b) Fails to allow an aquatic conveyance stopped at a mandatory
10 check station to be inspected for clean and drain requirements or
11 aquatic invasive species;

12 (c) Fails to comply with a decontamination order;

13 (d) Possesses, except in the case of trafficking, a prohibited
14 level 1 or level 2 species without department authorization, a
15 permit, or as otherwise provided by rule;

16 (e) Possesses, introduces on or into a water body or property, or
17 traffics in a prohibited level 3 species without department
18 authorization, a permit, or as otherwise provided by rule;

19 (f) Introduces on or into a water body or property a regulated
20 type A, type B, or type C species without department authorization, a
21 permit, or as otherwise provided by rule;

22 (g) Fails to readily and clearly identify in writing by taxonomic
23 species name or subspecies name a regulated type B species used for
24 commercial purposes; or

25 (h) Knowingly violates a quarantine declaration under RCW
26 77.135.050 (as recodified by this act).

27 (2) A violation of subsection (1) of this section is a gross
28 misdemeanor. In addition to criminal penalties, a court may order the
29 person to pay all costs in capturing, killing, or controlling the
30 invasive species, including its progeny. This subsection does not
31 affect the authority of the department to bring a separate civil
32 action to recover habitat restoration costs necessitated by the
33 person's unlawful use of invasive species.

34 (3) This section does not apply to:

35 (a) A person who complies with the department directives pursuant
36 to RCW 77.135.120 (as recodified by this act) for mandatory check
37 stations. Such a person is exempt from criminal penalties under this
38 section or RCW 77.15.811 (as recodified by this act), and forfeiture
39 under this chapter, unless the person has a prior conviction under
40 those sections within the past five years;

1 (b) A person who possesses an aquatic invasive species, if the
2 person is in the process of:

3 (i) Removing it from the aquatic conveyance in a manner specified
4 by the department; or

5 (ii) Releasing it if caught while fishing and immediately
6 returning it to the water body from which it came;

7 (c) Possessing or introducing nonnative aquatic animal species by
8 ballast water held or discharged by vessels regulated under chapter
9 77.120 RCW (as recodified by this act); or

10 (d) Possessing or introducing nonnative aquatic animal species
11 through private sector shellfish aquaculture operations, transfers,
12 or conveyances regulated under chapter ((77.115)) 75A.--- RCW (the
13 new chapter created in section 1215 of this act).

14 (4) Unless the context clearly requires otherwise, the
15 definitions in both ((~~RCW 77.08.010~~)) section 1002 of this act and
16 RCW 77.135.010 (as recodified by this act) apply throughout this
17 section.

18 **Sec. 1079.** RCW 77.15.811 and 2014 c 202 s 206 are each amended
19 to read as follows:

20 (1) A person is guilty of unlawful use of invasive species in the
21 first degree if the person:

22 (a) Traffics or introduces on or into a water body or property a
23 prohibited level 1 or level 2 species without department
24 authorization, a permit, or as otherwise provided by rule; or

25 (b) Commits a subsequent violation of unlawful use of invasive
26 species in the second degree within five years of the date of a prior
27 conviction under RCW 77.15.809 (as recodified by this act).

28 (2) A violation of this section is a class C felony. In addition
29 to criminal penalties, a court may order the person to pay all costs
30 in managing the invasive species, including the species' progeny.
31 This subsection does not affect the authority of the department to
32 bring a separate civil action to recover habitat restoration costs
33 necessitated by the person's unlawful use of invasive species.

34 (3) This section does not apply to:

35 (a) A person who complies with department directives pursuant to
36 RCW 77.135.120 for mandatory check stations, and who is exempt from
37 criminal penalties under this section and forfeiture under this
38 chapter, unless the person has a prior conviction under this section

1 or RCW 77.15.809 (as recodified by this act) within the past five
2 years; or

3 (b) A person who possesses an aquatic invasive species, if the
4 person is in the process of:

5 (i) Removing it from the aquatic conveyance in a manner specified
6 by the department; or

7 (ii) Releasing it if caught while fishing and is immediately
8 returning it to the water body from which it came.

9 (4) Unless the context clearly requires otherwise, the
10 definitions in both RCW (~~((77.08.010 and))~~) 77.135.010 (as recodified
11 by this act) and section 1002 of this act apply throughout this
12 section.

13 NEW SECTION. **Sec. 1080.** This chapter may be known and cited as
14 the fisheries enforcement code.

15 **Sec. 1081.** RCW 77.18.050 and 1999 c 363 s 1 are each amended to
16 read as follows:

17 (1) The legislature finds that it is beneficial to improve
18 opportunities for trout fishing in order to satisfy the public's
19 demand for recreational fishing during a time of declining
20 opportunities to catch anadromous salmon and steelhead trout.

21 (2) Fish farmers can produce trout in a triploid genetic
22 configuration for the purpose of certifying that the fish are sterile
23 and that they cannot interbreed with wild trout. These fish are
24 ideally suited to planting into public lakes and ponds to provide
25 immediate recreational fishing at a reasonable cost. The fish
26 continue to grow throughout their life cycle and have the potential
27 to grow to trophy size.

28 (3) Planting of these catchable trout can provide increased
29 angler participation, increased fishing license sales, increased
30 tourism activities, and a boost to local economies.

31 (4) The department (~~((of fish and wildlife is authorized to))~~) may
32 purchase these privately produced fish to supplement existing
33 department trout hatchery production. The planting of these catchable
34 trout in water bodies with water quality sufficient to support fish
35 life must not have an adverse impact on the wild trout population.

36 **Sec. 1082.** RCW 77.18.060 and 2005 c 87 s 1 are each amended to
37 read as follows:

1 (1) The (~~fish and wildlife commission~~) director in consultation
2 with the department (~~is authorized to~~) may determine which waters
3 of the state are appropriate for this use. In making this
4 determination, the (~~commission~~) director shall seek geographic
5 distribution to assure opportunity to fishers statewide.

6 (2) The (~~commission~~) director in consultation with the
7 department will determine the maximum number of fish that may be
8 planted into state waters so as not to compete with the wild
9 populations of fish species in the water body.

10 NEW SECTION. Sec. 1083. (1) Except as otherwise provided in
11 this chapter or department rule, a recreational license issued by the
12 director is required to fish or take wildlife or seaweed. A
13 recreational fishing or shellfish license is not required for carp,
14 smelt, and crawfish.

15 (2) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
16 79A.80.040 is required to park or operate a motor vehicle on a
17 recreation site or lands, as defined in RCW 79A.80.010.

18 (3) The department may, by rule, indicate that a fishing permit
19 issued to a nontribal member by the Colville Tribes shall satisfy the
20 license requirements in subsection (1) of this section on the waters
21 of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and
22 that a Colville Tribes tribal member identification card shall
23 satisfy the license requirements in subsection (1) of this section on
24 all waters of Lake Rufus Woods.

25 NEW SECTION. Sec. 1084. Licenses, tags, and stamps issued
26 pursuant to this chapter shall be revoked and the privileges
27 suspended for any period in which a person is certified by the
28 department of social and health services or a court of competent
29 jurisdiction as a person in noncompliance with a support order.
30 Fisheries officers and ex officio fish and wildlife officers shall
31 enforce this section through checks of the department of licensing's
32 computer database. A listing on the department of licensing's
33 database that an individual's license is currently suspended pursuant
34 to RCW 46.20.291(8) shall be prima facie evidence that the individual
35 is in noncompliance with a support order. Presentation of a written
36 release issued by the department of social and health services
37 stating that the person is in compliance with an order shall serve as
38 prima facie proof of compliance with a support order.

1 NEW SECTION. **Sec. 1085.** Notwithstanding section 1083 of this
2 act, the director may adopt rules designating times and places for
3 the purposes of family fishing days when licenses and catch record
4 cards are not required to fish or to harvest shellfish.

5 NEW SECTION. **Sec. 1086.** (1) All recreational and commercial
6 licenses, permits, tags, stamps, and raffle tickets shall be issued
7 under the authority of the director. The department shall adopt rules
8 for the issuance of licenses, permits, tags, stamps, and raffle
9 tickets, and for the collection, payment, and handling of license
10 fees, including terms and conditions to govern dealers, and dealer
11 fees. A transaction fee on commercial and recreational documents
12 issued through an automated licensing system may be set by the
13 director and collected from licensees. The department may authorize
14 all or part of such fee to be paid directly to a contractor providing
15 automated licensing system services. The department and dealers shall
16 collect and retain dealer fees of at least two dollars for purchase
17 of a standard hunting or fishing recreational license document or
18 commercial license document, except that the department may set a
19 lower dealer fee for issuance of tags or when a licensee buys a
20 license that involves a stamp or display card format rather than a
21 standard department licensing document form. Dealer fees must be
22 uniform throughout the state.

23 (2) The application fee is waived for all commercial license
24 documents that are issued through the automated licensing system.

25 NEW SECTION. **Sec. 1087.** (1) Applicants for a license, permit,
26 tag, or stamp shall furnish the information required by the director.
27 However, the director may not require the purchaser of a razor clam
28 license under RCW 77.32.520 (as recodified by this act) to provide
29 any personal information except for proof of residency. The
30 department may adopt rules requiring licensees or permittees to keep
31 records and make reports concerning the taking of or effort to
32 harvest fish and shellfish. The reporting requirement may be waived
33 where, for any reason, the department is not able to receive the
34 report. The department must provide reasonable options for a licensee
35 to submit information to a live operator prior to the reporting
36 deadline.

37 (2) The department may, by rule, set an administrative penalty
38 for failure to comply with rules requiring the reporting of data from

1 catch record cards officially endorsed for Puget Sound Dungeness
2 crab. The department may also adopt rules requiring fishers who
3 possessed a catch record card officially endorsed for Puget Sound
4 Dungeness crab and who have not reported for the previous license
5 year to complete a report and pay the assessed administrative penalty
6 before a new catch record card officially endorsed for Puget Sound
7 Dungeness crab is issued.

8 (a) The total administrative penalty per fisher set by the
9 department must not exceed ten dollars.

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

16 NEW SECTION. **Sec. 1088.** The department may adopt rules
17 pertaining to the form, period of validity, use, possession, and
18 display of licenses, permits, tags, stamps, and raffle tickets
19 required by this chapter.

20 NEW SECTION. **Sec. 1089.** (1) A scientific permit allows the
21 holder to collect for research or display food fish, game fish, and
22 shellfish as required in section 1083 of this act, under conditions
23 prescribed by the director. Before a permit is issued, the applicant
24 shall demonstrate to the director their qualifications and establish
25 the need for the permit. The director may require a bond of up to one
26 thousand dollars to ensure compliance with the permit. Permits are
27 valid for the time specified, unless sooner revoked.

28 (2) Holders of permits may exchange specimens with the approval
29 of the director.

30 (3) A permit holder who violates this section shall forfeit the
31 permit and bond and shall not receive a similar permit for one year.
32 The fee for a scientific permit is twelve dollars. The application
33 fee is one hundred five dollars.

34 NEW SECTION. **Sec. 1090.** Except as authorized in section 1102 of
35 this act, licenses, permits, tags, and stamps required by this
36 chapter and raffle tickets authorized under this chapter shall not be
37 transferred.

1 NEW SECTION. **Sec. 1091.** The director shall by rule establish
2 the conditions and fees for issuance of duplicate licenses, rebates,
3 permits, tags, and stamps required by this chapter. The fee for
4 duplicate licenses, rebates, permits, tags, and stamps, except catch
5 record cards, may not exceed the actual cost to the department for
6 issuing the duplicate.

7 NEW SECTION. **Sec. 1092.** (1) The director may issue designated
8 harvester cards to persons with a disability. The department shall
9 adopt rules defining who is a person with a disability and rules
10 governing the conduct of persons with a disability who fish and
11 harvest shellfish and their designated harvesters.

12 (2) It is lawful for a designated harvester to fish for, take, or
13 possess the personal-use daily bag limit of fish or shellfish for a
14 person with a disability if the harvester is licensed and has a
15 designated harvester card, and if the person with a disability is
16 present on site and in possession of the appropriate fishing license
17 issued under this chapter. Except as provided in subsection (4) of
18 this section, the person with a disability must be present and
19 participating in the fishing activity.

20 (3) A designated harvester card will be issued to such a person
21 with a disability upon written application to the director. The
22 application must be submitted on a department official form and must
23 be accompanied by a licensed medical doctor's certification of
24 disability.

25 (4) A person with a disability utilizing the services of a
26 designated harvester is not required to be present at the location
27 where the designated harvester is harvesting shellfish for the person
28 with a disability. The person with a disability is required to be in
29 the direct line of sight of the designated harvester who is
30 harvesting shellfish for him or her, unless it is not possible to be
31 in a direct line of sight because of a physical obstruction or other
32 barrier. If such a barrier or obstruction exists, the person with a
33 disability is required to be within one-quarter mile of the
34 designated harvester who is harvesting shellfish for him or her.

35 NEW SECTION. **Sec. 1093.** (1) Catch record card information is
36 necessary for proper management of the state's food fish and game
37 fish species and shellfish resources. Catch record card
38 administration shall be under rules adopted by the department. There

1 is no charge for an initial catch record card. Each subsequent or
2 duplicate catch record card costs eleven dollars.

3 (2) A license to take and possess Dungeness crab is only valid in
4 Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has
5 in possession a valid catch record card officially endorsed for
6 Dungeness crab. The endorsement shall cost no more than seven dollars
7 and fifty cents when purchased for a personal use saltwater,
8 combination, or shellfish and seaweed license. The endorsement shall
9 cost no more than three dollars when purchased for a temporary
10 combination fishing license authorized under section 1095(3)(a) of
11 this act.

12 (3) Catch record cards issued with affixed temporary short-term
13 charter stamp licenses are neither subject to the ten-dollar charge
14 nor to the Dungeness crab endorsement fee provided for in this
15 section. Charter boat or guide operators issuing temporary short-term
16 charter stamp licenses shall affix the stamp to each catch record
17 card issued before fishing commences. Catch record cards issued with
18 a temporary short-term charter stamp are valid for one day.

19 (4) The department shall include provisions for recording marked
20 and unmarked salmon in catch record cards issued after March 31,
21 2004.

22 (5)(a) The funds received from the sale of catch record cards,
23 catch card penalty fees, and the Dungeness crab endorsement must be
24 deposited into the state wildlife account created in RCW 77.12.170.
25 One dollar of the funds received from the sale of each Dungeness crab
26 endorsement must be used for the removal and disposal of derelict
27 shellfish gear either directly by the department or under contract
28 with a third party. The department is required to maintain a separate
29 accounting of these funds and provide an annual report to the
30 legislature by January 1st of every year. The remaining portion of
31 the funds received from the sale of each Dungeness crab endorsement
32 must be used for education, sampling, monitoring, and management of
33 catch associated with the Dungeness crab recreational fisheries.

34 (b) Moneys allocated under this section shall supplement and not
35 supplant other federal, state, and local funds used for Dungeness
36 crab recreational fisheries management.

37 NEW SECTION. **Sec. 1094.** (1) The department shall adopt rules to
38 continue funding current enhancement programs at levels equal to the
39 participation of licensees in each of the individual enhancement

1 programs. All enhancement funding will continue to be deposited
2 directly into the individual accounts created for each enhancement.

3 (2) In implementing subsection (1) of this section with regard to
4 warm water game fish, the department shall deposit in the warm water
5 game fish account the sum of one million two hundred fifty thousand
6 dollars each fiscal year during the fiscal years 1999 and 2000, based
7 on two hundred fifty thousand warm water anglers. Beginning in fiscal
8 year 2001, and each year thereafter, the deposit to the warm water
9 game fish account established in this subsection shall be adjusted
10 annually to reflect the actual numbers of license holders fishing for
11 warm water game fish based on an annual survey of licensed anglers
12 from the previous year conducted by the department beginning with the
13 April 1, 1999, to March 31, 2000, license year survey.

14 NEW SECTION. **Sec. 1095.** (1) A personal use saltwater,
15 freshwater, combination, temporary, or family fishing weekend license
16 is required for all persons fifteen years of age or older to fish for
17 or possess fish taken for personal use from state waters or offshore
18 waters.

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

21 (a) A combination license allows the holder to fish for or
22 possess fish, shellfish, and seaweed from state waters or offshore
23 waters. The fee for this license is forty-five dollars for residents,
24 one hundred eight dollars for nonresidents, and five dollars for
25 youth. There is an additional fifty-cent surcharge for this license,
26 to be deposited in the rockfish research account created in RCW
27 77.12.702 (as recodified by this act).

28 (b) A saltwater license allows the holder to fish for or possess
29 fish taken from saltwater areas. The fee for this license is twenty-
30 five dollars for residents, fifty-two dollars for nonresidents, and
31 five dollars for resident seniors. There is an additional fifty-cent
32 surcharge for this license, to be deposited in the rockfish research
33 account created in RCW 77.12.702 (as recodified by this act).

34 (c) A freshwater license allows the holder to fish for, take, or
35 possess food fish or game fish species in all freshwater areas. The
36 fee for this license is twenty-five dollars for residents, seventy-
37 five dollars for nonresidents, and five dollars for resident seniors.

38 (3)(a) A temporary combination fishing license is valid for one
39 to three consecutive days and allows the holder to fish for or

1 possess fish, shellfish, and seaweed taken from state waters or
2 offshore waters. The fee for this temporary fishing license is:

3 (i) One day - Eight dollars for residents and sixteen dollars for
4 nonresidents;

5 (ii) Two days - Twelve dollars for residents and twenty-four
6 dollars for nonresidents; and

7 (iii) Three days - Fifteen dollars for residents and thirty
8 dollars for nonresidents.

9 (b) The fee for a charter stamp is eight dollars for a one-day
10 temporary combination fishing license for residents and nonresidents
11 for use on a charter boat as defined in RCW 77.65.150 (as recodified
12 by this act).

13 (c) Except for active duty military personnel serving in any
14 branch of the United States armed forces, the temporary combination
15 fishing license is not valid on game fish species for an eight-
16 consecutive-day period beginning on the opening day of the lowland
17 lake fishing season as defined by rule of the department.

18 (d) The temporary combination fishing license fee for active duty
19 military personnel serving in any branch of the United States armed
20 forces is the resident rate as set forth in (a) of this subsection.
21 Active duty military personnel must provide a valid military
22 identification card at the time of purchase of the temporary license
23 to qualify for the resident rate.

24 (e) There is an additional fifty-cent surcharge on the temporary
25 combination fishing license and the associated charter stamp, to be
26 deposited in the rockfish research account created in RCW 77.12.702
27 (as recodified by this act).

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

35 (5) The department may adopt rules to create and sell combination
36 licenses for all hunting and fishing activities at or below a fee
37 equal to the total cost of the individual license contained within
38 any combination.

39 (6) The department may adopt rules to allow the use of two
40 fishing poles per fishing license holder for use on selected state

1 waters. If authorized by the department, license holders must
2 purchase a two-pole stamp to use a second pole. The proceeds from the
3 sale of the two-pole stamp must be deposited into the state wildlife
4 account created in RCW 77.12.170 and used for the operation and
5 maintenance of state-owned fish hatcheries. The fee for a two-pole
6 stamp is thirteen dollars for residents and nonresidents, and five
7 dollars for seniors.

8 NEW SECTION. **Sec. 1096.** (1) Upon written application, a
9 combination fishing license shall be issued at the reduced rate of
10 five dollars for the following individuals:

11 (a) A resident sixty-five years old or older who is an honorably
12 discharged veteran of the United States armed forces having a
13 service-connected disability;

14 (b) A resident who is an honorably discharged veteran of the
15 United States armed forces with a thirty percent or more service-
16 connected disability;

17 (c) A resident with a disability who permanently uses a
18 wheelchair;

19 (d) A resident who is blind or visually impaired; and

20 (e) A resident with a developmental disability as defined in RCW
21 71A.10.020 with documentation of the disability certified by a
22 physician licensed to practice in this state.

23 (2) Upon department verification of eligibility, a nonstate
24 resident veteran with a disability who otherwise satisfies the
25 criteria of subsection (1)(a) and (b) of this section must be issued
26 a combination fishing license at the same cost charged to a
27 nondisabled Washington resident for the same license.

28 NEW SECTION. **Sec. 1097.** In order to simplify fishing license
29 requirements in transition areas between saltwater and freshwater,
30 the department may adopt rules designating specific waters where
31 either a freshwater or a saltwater license is valid.

32 NEW SECTION. **Sec. 1098.** The director shall administer rules
33 governing the time, place, and manner of holding fishing contests.
34 The department shall prohibit fishing contests that are not in the
35 best interests of wildlife.

1 NEW SECTION. **Sec. 1099.** A person shall not promote, conduct,
2 hold, or sponsor a fishing contest without first obtaining a fishing
3 contest permit. Contests shall be held in accordance with established
4 rules.

5 NEW SECTION. **Sec. 1100.** (1) A group fishing permit allows a
6 group of individuals to fish, and harvest shellfish, without
7 individual licenses or the payment of individual license fees. The
8 department must also provide, without charge, any applicable catch
9 record cards.

10 (2) The director must issue a group fishing permit on a seasonal
11 basis to: A state-operated facility or state-licensed nonprofit
12 facility or program for persons with physical or mental disabilities,
13 hospital patients, seriously or terminally ill persons, persons who
14 are dependent on the state because of emotional or physical
15 developmental disabilities, or senior citizens who are in the care of
16 the facility; or a state or local agency or nonprofit organization
17 operating a program for at-risk youth. The permit is valid only for
18 use during open season.

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

23 (4) The department may adopt rules that provide the conditions
24 under which a group fishing permit is issued.

25 NEW SECTION. **Sec. 1101.** (1) In addition to the fees authorized
26 in this chapter, the department shall include a surcharge to fund
27 biotoxin testing and monitoring by the department of health of
28 beaches used for recreational shellfishing, and to fund monitoring by
29 the Olympic region harmful algal bloom program of the Olympic natural
30 resources center at the University of Washington. The surcharge on
31 recreational shellfish licenses cannot be increased more than one
32 dollar and can only be increased when the surcharge for commercial
33 shellfish licenses is increased. A surcharge of four dollars applies
34 to resident and nonresident shellfish and seaweed licenses as
35 authorized by RCW 77.32.520(3) (a) and (b) (as recodified by this
36 act); a surcharge of three dollars applies to resident and
37 nonresident adult combination licenses as authorized by section
38 1095(2)(a) of this act; a surcharge of three dollars applies to

1 annual resident and nonresident razor clam licenses as authorized by
2 RCW 77.32.520(4) (as recodified by this act); and a surcharge of two
3 dollars applies to the three-day razor clam license authorized by RCW
4 77.32.520(5) (as recodified by this act). Amounts collected from
5 these surcharges must be deposited in the biotoxin account created in
6 subsection (3) of this section. The department may not use any
7 amounts collected from these surcharges to pay for its administrative
8 costs.

9 (2) Any moneys from surcharges remaining in the general fund—
10 local account after the 2007-2009 biennium must be transferred to the
11 biotoxin account created in subsection (3) of this section and be
12 credited to the appropriate institution. The department of health and
13 the University of Washington shall, by December 1st of each year,
14 provide a letter to the relevant legislative policy and fiscal
15 committees on the status of expenditures. This letter shall include,
16 but is not limited to, the annual appropriation amount, the amount
17 not expended, account fund balance, and reasons for not spending the
18 full annual appropriation.

19 (3) The biotoxin account is created in the state treasury to be
20 administered by the department of health. All moneys received under
21 subsection (1) of this section must be deposited in the account and
22 used by the department of health and the University of Washington as
23 required by subsection (1) of this section. Of the moneys deposited
24 into the account, one hundred fifty thousand dollars per year must be
25 made available to the University of Washington to implement
26 subsection (1) of this section. Moneys in the account may be spent
27 only after appropriation.

28 NEW SECTION. **Sec. 1102.** (1) In order to facilitate fishing
29 opportunities for a terminally ill person, the director may provide
30 any licenses, tags, permits, stamps, and other fees without charge
31 including transaction and dealer fees.

32 (2) The director may take other actions consistent with
33 facilitating fishing opportunities for a terminally ill person. These
34 actions may include, but are not limited to, entering into agreements
35 with willing landowners pursuant to RCW 77.12.320.

36 (3) The department may adopt rules as necessary to effectuate the
37 purpose and policies of this section.

1 NEW SECTION. **Sec. 1103.** (1) In addition to a recreational
2 license required under this chapter, a Columbia river salmon and
3 steelhead endorsement is required in order for any person fifteen
4 years of age or older to fish recreationally for salmon or steelhead
5 in the Columbia river and its tributaries where these fisheries have
6 been authorized by the department. The cost for each endorsement is
7 seven dollars and fifty cents for residents and nonresidents and six
8 dollars for youth and seniors. The department shall deposit all
9 receipts from endorsement purchases into the Columbia river
10 recreational salmon and steelhead endorsement program account created
11 in RCW 77.12.714 (as recodified by this act).

12 (2) For the purposes of this section and RCW 77.12.712 and
13 77.12.714 through 77.12.718 (as recodified by this act), the term
14 "Columbia river" means the Columbia river from a line across the
15 Columbia river between Rocky Point in Washington and Tongue Point in
16 Oregon to the Chief Joseph dam.

17 (3) This section expires June 30, 2019.

18 **Sec. 1104.** RCW 77.50.010 and 2002 c 311 s 2 are each amended to
19 read as follows:

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

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

1 Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound,
2 Admiralty Inlet, Hood Canal, Puget Sound, and their inlets, passages,
3 waters, waterways, and tributaries.

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

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

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

28 **Sec. 1105.** RCW 77.50.020 and 1998 c 190 s 76 are each amended to
29 read as follows:

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

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

36 **Sec. 1106.** RCW 77.50.040 and 1998 c 190 s 78 are each amended to
37 read as follows:

1 (1) The (~~commission~~) director shall adopt rules defining
2 geographical boundaries of the following Columbia river tributaries
3 and sloughs:

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

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

22 **Sec. 1107.** RCW 77.50.050 and 1998 c 190 s 79 are each amended to
23 read as follows:

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

26 (1) Point Roberts reef net fishing area includes those waters
27 within 250 feet on each side of a line projected 129° true from a
28 point at longitude 123° 01' 15" W. latitude 48° 58' 38" N. to a point
29 one mile distant, as such description is shown upon the United States
30 Coast and Geodetic Survey map numbered 6300, published September,
31 1941, in Washington, D.C., eleventh edition.

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

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

23 (4) Sinclair Island reef net fishing area includes those waters
24 inland and inside a line projected from the northern point of
25 Sinclair Island to Boulder reef, thence 200° true to the
26 northwesterly point of Sinclair Island, as such descriptions are
27 shown upon the United States Coast and Geodetic Survey map numbered
28 6380, published March, 1947, in Washington, D.C., eighth edition.

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

34 (6) Lopez Island reef net fishing area includes those waters
35 within 400 yards of shore between lines projected true west from
36 points on the shore of Lopez Island at longitude 122° 55' 04"
37 latitude 48° 31' 59" and longitude 122° 55' 54" latitude 48° 30' 55",
38 as such descriptions are shown upon the United States Coast and
39 Geodetic Survey map numbered 6380, published March, 1947, in
40 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
3 to the west point of Long Island, thence to the southern point of
4 Hall Island, thence to the eastern point at the entrance to Jones
5 Bay, and thence to the southern point at the entrance to Mackaye
6 Harbor on Lopez Island; and those waters inland and inside a line
7 projected 320° from Iceberg Point light on Lopez Island, a distance
8 of 400 feet, thence easterly to the point on Lopez Island at
9 longitude 122° 53' 00" latitude 48° 25' 39", as such descriptions are
10 shown upon the United States Coast and Geodetic Survey map numbered
11 6380, published March, 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
14 entrance to Aleck Bay on Lopez Island at longitude 122° 51' 11"
15 latitude 48° 25' 14" southeasterly 800 yards to the submerged rock
16 shown on U.S.G.S. map number 6380, thence northerly to the cove on
17 Lopez Island at longitude 122° 50' 49" latitude 48° 25' 42", as such
18 descriptions are shown upon the United States Coast and Geodetic
19 Survey map numbered 6380, published March, 1947, in Washington, D.C.,
20 eighth edition.

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

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

34 (11) Stuart Island reef net fishing area number 1 includes those
35 waters within 600 feet of the shore of Stuart Island between lines
36 projected true east from points at longitude 123° 10' 47" latitude
37 48° 39' 47" and longitude 123° 10' 47" latitude 48° 39' 33", as such
38 descriptions are shown upon the United States Coast and Geodetic
39 Survey map numbered 6380, published March, 1947, in Washington, D.C.,
40 eighth edition.

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

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

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

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

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

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

39 (18) Andrews Bay reef net fishing area includes those waters
40 lying within 300 feet of the shore of San Juan Island between a line

1 projected true south from a point at the northern entrance of Andrews
2 Bay at longitude 123° 09' 53 1/2" latitude 48° 33' 00" and the cable
3 crossing sign in Andrews Bay, at longitude 123° 09' 45" latitude 48°
4 33' 04", as such descriptions are shown upon the United States Coast
5 and Geodetic Survey map numbered 6380, published March, 1947, in
6 Washington, D.C., eighth edition.

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

15 **Sec. 1108.** RCW 77.50.070 and 1998 c 190 s 80 are each amended to
16 read as follows:

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

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

1 **Sec. 1109.** RCW 77.50.080 and 2000 c 107 s 13 are each amended to
2 read as follows:

3 Within the waters described in RCW 77.50.070 (as recodified by
4 this act), a person shall not transport or possess salmon on board a
5 vessel carrying fishing gear of a type other than troll lines or
6 angling gear, unless accompanied by a certificate issued by a state
7 or country showing that the salmon have been lawfully taken within
8 the territorial waters of the state or country.

9 **Sec. 1110.** RCW 77.50.090 and 1998 c 190 s 82 are each amended to
10 read as follows:

11 The (~~commission~~) director shall not authorize commercial bottom
12 trawling for food fish and shellfish in all areas of Hood Canal south
13 of a line projected from Tala Point to Foulweather Bluff and in Puget
14 Sound south of a line projected from Foulweather Bluff to Double
15 Bluff and including all marine waters east of Whidbey Island and
16 Camano Island.

17 **Sec. 1111.** RCW 77.50.100 and 1998 c 190 s 83 are each amended to
18 read as follows:

19 The (~~commission~~) director shall not authorize any commercial
20 fisher to use more than fifty shrimp pots while commercially fishing
21 for shrimp in that portion of Hood Canal lying south of the Hood
22 Canal floating bridge.

23 **Sec. 1112.** RCW 77.50.110 and 1998 c 190 s 84 are each amended to
24 read as follows:

25 The (~~commission~~) director shall not authorize angling gear or
26 other personal use gear for commercial salmon fishing.

27 **Sec. 1113.** RCW 77.50.120 and 2001 c 163 s 1 are each amended to
28 read as follows:

29 It is the intent of the legislature to ensure that a sustainable
30 level of salmon is made available for harvest for commercial fishers
31 in the state. Maintaining consistent harvest levels has become
32 increasingly difficult with the listing of salmonid species under the
33 federal endangered species act. Without a stable level of harvest,
34 fishers cannot develop niche markets that maximize the economic value
35 of the harvest. New tools and approaches are needed by fish managers
36 to bring increased stability to the fishing industry.

1 In the short term, it is the legislature's intent to provide
2 managers with tools to assure that commercial harvest of targeted
3 stocks can continue and expand under the constraints of the federal
4 endangered species act. There are experimental types of commercial
5 fishing gear that could allow fishers to stabilize harvest levels by
6 selectively targeting healthy salmon stocks.

7 For the longer term, the department (~~(of fish and wildlife)~~)
8 shall proceed with changes to the operation of certain hatcheries in
9 order to stabilize harvest levels by allowing naturally spawning and
10 hatchery origin fish to be managed as a single run. Scientific
11 information from such hatcheries would guide the department's
12 approach to reducing the need to mass mark hatchery origin salmon
13 where appropriate.

14 **Sec. 1114.** RCW 77.55.011 and 2012 1st sp.s. c 1 s 101 are each
15 reenacted and amended to read as follows:

16 The definitions in this section apply throughout this chapter
17 unless the context clearly requires otherwise.

18 (1) "Bed" means the land below the ordinary high water lines of
19 state waters. This definition does not include irrigation ditches,
20 canals, stormwater runoff devices, or other artificial watercourses
21 except where they exist in a natural watercourse that has been
22 altered artificially.

23 (2) "Board" means the pollution control hearings board created in
24 chapter 43.21B RCW.

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

27 (4) "Date of receipt" has the same meaning as defined in RCW
28 43.21B.001.

29 (5) "Department" means the department of (~~(fish and wildlife)~~)
30 fisheries.

31 (6) "Director" means the director of the department of (~~(fish and~~
32 ~~wildlife)~~) fisheries.

33 (7) "Emergency" means an immediate threat to life, the public,
34 property, or of environmental degradation.

35 (8) "Emergency permit" means a verbal hydraulic project approval
36 or the written follow-up to the verbal approval issued to a person
37 under RCW 77.55.021(~~(+12+)~~) (10) (as recodified by this act).

1 (9) "Expedited permit" means a hydraulic project approval issued
2 to a person under RCW 77.55.021 (~~((14) and (16))~~) (12) and (14) (as
3 recodified by this act).

4 (10) "Forest practices hydraulic project" means a hydraulic
5 project that requires a forest practices application or notification
6 under chapter 76.09 RCW.

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

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

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

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

21 (15) "Multiple site permit" means a hydraulic project approval
22 issued to a person under RCW 77.55.021 (as recodified by this act)
23 for hydraulic projects occurring at more than one specific location
24 and which includes site-specific requirements.

25 (16) "Ordinary high water line" means the mark on the shores of
26 all water that will be found by examining the bed and banks and
27 ascertaining where the presence and action of waters are so common
28 and usual, and so long continued in ordinary years as to mark upon
29 the soil or vegetation a character distinct from the abutting upland.
30 Provided, that in any area where the ordinary high water line cannot
31 be found, the ordinary high water line adjoining saltwater is the
32 line of mean higher high water and the ordinary high water line
33 adjoining freshwater is the elevation of the mean annual flood.

34 (17) "Pamphlet hydraulic project" means a hydraulic project for
35 the removal or control of aquatic noxious weeds conducted under the
36 aquatic plants and fish pamphlet authorized by RCW 77.55.081 (as
37 recodified by this act), or for mineral prospecting and mining
38 conducted under the gold and fish pamphlet authorized by RCW
39 77.55.091 (as recodified by this act).

1 (18) "Permit" means a hydraulic project approval permit issued
2 under this chapter.

3 (19) "Permit modification" means a hydraulic project approval
4 issued to a person under RCW 77.55.021 (as recodified by this act)
5 that extends, renews, or changes the conditions of a previously
6 issued hydraulic project approval.

7 (20) "Sandbars" includes, but is not limited to, sand, gravel,
8 rock, silt, and sediments.

9 (21) "Small scale prospecting and mining" means the use of only
10 the following methods: Pans; nonmotorized sluice boxes;
11 concentrators; and minirocker boxes for the discovery and recovery of
12 minerals.

13 (22) "Spartina," "purple loosestrife," and "aquatic noxious
14 weeds" have the same meanings as defined in RCW 17.26.020.

15 (23) "Stream bank stabilization" means those projects that
16 prevent or limit erosion, slippage, and mass wasting. These projects
17 include, but are not limited to, bank resloping, log and debris
18 relocation or removal, planting of woody vegetation, bank protection
19 using rock or woody material or placement of jetties or groins,
20 gravel removal, or erosion control.

21 (24) "Tide gate" means a one-way check valve that prevents the
22 backflow of tidal water.

23 (25) "Waters of the state" and "state waters" means all salt and
24 freshwaters waterward of the ordinary high water line and within the
25 territorial boundary of the state.

26 **Sec. 1115.** RCW 77.55.021 and 2012 1st sp.s. c 1 s 102 are each
27 amended to read as follows:

28 (1) Except as provided in RCW 77.55.031, 77.55.051, 77.55.041,
29 and 77.55.361 (as recodified by this act), in the event that any
30 person or government agency desires to undertake a hydraulic project,
31 the person or government agency shall, before commencing work
32 thereon, secure the approval of the department in the form of a
33 permit as to the adequacy of the means proposed for the protection of
34 fish life.

35 (2) A complete written application for a permit may be submitted
36 in person or by registered mail and must contain the following:

37 (a) General plans for the overall project;

1 (b) Complete plans and specifications of the proposed
2 construction or work within the mean higher high water line in
3 saltwater or within the ordinary high water line in freshwater;

4 (c) Complete plans and specifications for the proper protection
5 of fish life; and

6 (d) Notice of compliance with any applicable requirements of the
7 state environmental policy act, unless otherwise provided for in this
8 chapter(~~(; and~~

9 ~~(e) Payment of all applicable application fees charged by the
10 department under RCW 77.55.321)).~~

11 ~~(3) ((The department may establish direct billing accounts or
12 other funds transfer methods with permit applicants to satisfy the
13 fee payment requirements of RCW 77.55.321.~~

14 ~~(4))~~ The department may accept complete, written applications as
15 provided in this section for multiple site permits and may issue
16 these permits. For multiple site permits, each specific location must
17 be identified.

18 ~~((5))~~ (4) With the exception of emergency permits as provided
19 in subsection ~~((12))~~ (10) of this section, applications for permits
20 must be submitted to the department's headquarters office in Olympia.
21 Requests for emergency permits as provided in subsection ~~((12))~~
22 (10) of this section may be made to the permitting biologist assigned
23 to the location in which the emergency occurs, to the department's
24 regional office in which the emergency occurs, or to the department's
25 headquarters office.

26 ~~((6) Except as provided for emergency permits in subsection (12)
27 of this section, the department may not proceed with permit review
28 until all fees are paid in full as required in RCW 77.55.321.~~

29 ~~(7))~~ (5)(a) Protection of fish life is the only ground upon
30 which approval of a permit may be denied or conditioned. Approval of
31 a permit may not be unreasonably withheld or unreasonably
32 conditioned.

33 (b) Except as provided in this subsection and subsections
34 ~~((12))~~ (10) through ~~((14))~~ (12) and ~~((16))~~ (14) of this
35 section, the department has forty-five calendar days upon receipt of
36 a complete application to grant or deny approval of a permit. The
37 forty-five day requirement is suspended if:

38 (i) After ten working days of receipt of the application, the
39 applicant remains unavailable or unable to arrange for a timely field
40 evaluation of the proposed project;

1 (ii) The site is physically inaccessible for inspection;
2 (iii) The applicant requests a delay; or
3 (iv) The department is issuing a permit for a stormwater
4 discharge and is complying with the requirements of RCW
5 77.55.161(3)(b) (as recodified by this act).

6 (c) Immediately upon determination that the forty-five day period
7 is suspended under (b) of this subsection, the department shall
8 notify the applicant in writing of the reasons for the delay.

9 (d) The period of forty-five calendar days may be extended if the
10 permit is part of a multiagency permit streamlining effort and all
11 participating permitting agencies and the permit applicant agree to
12 an extended timeline longer than forty-five calendar days.

13 ~~((+8))~~ (6) If the department denies approval of a permit, the
14 department shall provide the applicant a written statement of the
15 specific reasons why and how the proposed project would adversely
16 affect fish life.

17 (a) Except as provided in (b) of this subsection, issuance,
18 denial, conditioning, or modification of a permit shall be appealable
19 to the board within thirty days from the date of receipt of the
20 decision as provided in RCW 43.21B.230.

21 (b) Issuance, denial, conditioning, or modification of a permit
22 may be informally appealed to the department within thirty days from
23 the date of receipt of the decision. Requests for informal appeals
24 must be filed in the form and manner prescribed by the department by
25 rule. A permit decision that has been informally appealed to the
26 department is appealable to the board within thirty days from the
27 date of receipt of the department's decision on the informal appeal.

28 ~~((+9))~~ (7)(a) The permittee must demonstrate substantial
29 progress on construction of that portion of the project relating to
30 the permit within two years of the date of issuance.

31 (b) Approval of a permit is valid for up to five years from the
32 date of issuance, except as provided in (c) of this subsection and in
33 RCW 77.55.151 (as recodified by this act).

34 (c) A permit remains in effect without need for periodic renewal
35 for hydraulic projects that divert water for agricultural irrigation
36 or stock watering purposes and that involve seasonal construction or
37 other work. A permit for stream bank stabilization projects to
38 protect farm and agricultural land as defined in RCW 84.34.020
39 remains in effect without need for periodic renewal if the problem
40 causing the need for the stream bank stabilization occurs on an

1 annual or more frequent basis. The permittee must notify the
2 appropriate agency before commencing the construction or other work
3 within the area covered by the permit.

4 ~~((+10))~~ (8) The department may, after consultation with the
5 permittee, modify a permit due to changed conditions. ~~((A
6 modification under this subsection is not subject to the fees
7 provided under RCW 77.55.321.))~~ The modification is appealable as
8 provided in subsection ~~((+8))~~ (6) of this section. For a hydraulic
9 project that diverts water for agricultural irrigation or stock
10 watering purposes, when the hydraulic project or other work is
11 associated with stream bank stabilization to protect farm and
12 agricultural land as defined in RCW 84.34.020, the burden is on the
13 department to show that changed conditions warrant the modification
14 in order to protect fish life.

15 ~~((+11))~~ (9) A permittee may request modification of a permit due
16 to changed conditions. The request must be processed within forty-
17 five calendar days of receipt of the written request ~~((and payment of
18 applicable fees under RCW 77.55.321)).~~ A decision by the department
19 is appealable as provided in subsection ~~((+8))~~ (6) of this section.
20 For a hydraulic project that diverts water for agricultural
21 irrigation or stock watering purposes, when the hydraulic project or
22 other work is associated with stream bank stabilization to protect
23 farm and agricultural land as defined in RCW 84.34.020, the burden is
24 on the permittee to show that changed conditions warrant the
25 requested modification and that such a modification will not impair
26 fish life.

27 ~~((+12))~~ (10)(a) The department, the county legislative
28 authority, or the governor may declare and continue an emergency. If
29 the county legislative authority declares an emergency under this
30 subsection, it shall immediately notify the department. A declared
31 state of emergency by the governor under RCW 43.06.010 shall
32 constitute a declaration under this subsection.

33 (b) The department, through its authorized representatives, shall
34 issue immediately, upon request, verbal approval for a stream
35 crossing, or work to remove any obstructions, repair existing
36 structures, restore stream banks, protect fish life, or protect
37 property threatened by the stream or a change in the streamflow
38 without the necessity of obtaining a written permit prior to
39 commencing work. Conditions of the emergency verbal permit must be

1 reduced to writing within thirty days and complied with as provided
2 for in this chapter.

3 (c) The department may not require the provisions of the state
4 environmental policy act, chapter 43.21C RCW, to be met as a
5 condition of issuing a permit under this subsection.

6 ~~((d) The department may not charge a person requesting an
7 emergency permit any of the fees authorized by RCW 77.55.321 until
8 after the emergency permit is issued and reduced to writing.~~

9 ~~(13))~~ (11) All state and local agencies with authority under
10 this chapter to issue permits or other authorizations in connection
11 with emergency water withdrawals and facilities authorized under RCW
12 43.83B.410 shall expedite the processing of such permits or
13 authorizations in keeping with the emergency nature of such requests
14 and shall provide a decision to the applicant within fifteen calendar
15 days of the date of application.

16 ~~((14))~~ (12) The department or the county legislative authority
17 may determine an imminent danger exists. The county legislative
18 authority shall notify the department, in writing, if it determines
19 that an imminent danger exists. In cases of imminent danger, the
20 department shall issue an expedited written permit, upon request, for
21 work to remove any obstructions, repair existing structures, restore
22 banks, protect fish resources, or protect property. Expedited permit
23 requests require a complete written application as provided in
24 subsection (2) of this section and must be issued within fifteen
25 calendar days of the receipt of a complete written application.
26 Approval of an expedited permit is valid for up to sixty days from
27 the date of issuance. The department may not require the provisions
28 of the state environmental policy act, chapter 43.21C RCW, to be met
29 as a condition of issuing a permit under this subsection.

30 ~~((15))~~ (13)(a) For any property, except for property located on
31 a marine shoreline, that has experienced at least two consecutive
32 years of flooding or erosion that has damaged or has threatened to
33 damage a major structure, water supply system, septic system, or
34 access to any road or highway, the county legislative authority may
35 determine that a chronic danger exists. The county legislative
36 authority shall notify the department, in writing, when it determines
37 that a chronic danger exists. In cases of chronic danger, the
38 department shall issue a permit, upon request, for work necessary to
39 abate the chronic danger by removing any obstructions, repairing
40 existing structures, restoring banks, restoring road or highway

1 access, protecting fish resources, or protecting property. Permit
2 requests must be made and processed in accordance with subsections
3 (2) and (~~(7)~~) (5) of this section.

4 (b) Any projects proposed to address a chronic danger identified
5 under (a) of this subsection that satisfies the project description
6 identified in RCW 77.55.181(1)(a)(ii) (as recodified by this act) are
7 not subject to the provisions of the state environmental policy act,
8 chapter 43.21C RCW. However, the project is subject to the review
9 process established in RCW 77.55.181(3) (as recodified by this act)
10 as if it were a fish habitat improvement project.

11 (~~(16)~~) (14) The department may issue an expedited written
12 permit in those instances where normal permit processing would result
13 in significant hardship for the applicant or unacceptable damage to
14 the environment. Expedited permit requests require a complete written
15 application as provided in subsection (2) of this section and must be
16 issued within fifteen calendar days of the receipt of a complete
17 written application. Approval of an expedited permit is valid for up
18 to sixty days from the date of issuance. The department may not
19 require the provisions of the state environmental policy act, chapter
20 43.21C RCW, to be met as a condition of issuing a permit under this
21 subsection.

22 **Sec. 1116.** RCW 77.55.041 and 2010 c 193 s 10 are each amended to
23 read as follows:

24 (1) The removal of derelict fishing gear does not require a
25 permit under this chapter if the gear is removed according to the
26 guidelines described in RCW 77.12.865 (as recodified by this act).

27 (2) The removal of crab and other shellfish gear does not require
28 a permit under this chapter if the gear is removed under a permit
29 issued pursuant to RCW 77.70.500 (as recodified by this act).

30 **Sec. 1117.** RCW 77.55.081 and 2005 c 146 s 401 are each amended
31 to read as follows:

32 (1) By June 30, 1997, the department shall develop rules for
33 projects conducted solely for the removal or control of various
34 aquatic noxious weeds other than spartina and purple loosestrife and
35 for activities or hydraulic projects for controlling purple
36 loosestrife not covered by RCW 77.55.051(2) (as recodified by this
37 act). Following the adoption of the rules, the department shall
38 produce and distribute a pamphlet describing the methods of removing

1 or controlling the aquatic noxious weeds that are approved under the
2 rules. The pamphlet serves as the permit for any project that is
3 conducted solely for the removal or control of such aquatic noxious
4 weeds and that is conducted as described in the pamphlet. No further
5 permit is required for such a project.

6 (2) From time to time as information becomes available, the
7 department shall adopt similar rules for additional aquatic noxious
8 weeds or additional activities for removing or controlling aquatic
9 noxious weeds not governed by RCW 77.55.051 (1) and (2) (as
10 recodified by this act) and shall produce and distribute one or more
11 pamphlets describing these methods of removal or control. Such a
12 pamphlet serves as the permit for any project that is conducted
13 solely for the removal or control of such aquatic noxious weeds and
14 that is conducted as described in the pamphlet. No further permit is
15 required for such a project.

16 (3) Nothing in this section shall prohibit the department from
17 requiring a permit for those parts of hydraulic projects that are not
18 specifically for the control or removal of spartina, purple
19 loosestrife, or other aquatic noxious weeds.

20 **Sec. 1118.** RCW 77.55.111 and 2005 c 146 s 403 are each amended
21 to read as follows:

22 When a private landowner is applying for a permit under this
23 chapter and that landowner has entered into a habitat incentives
24 agreement with the department and the department of natural resources
25 as provided in RCW 77.55.121 (as recodified by this act), the
26 department shall comply with the terms of that agreement when
27 evaluating the request for a permit.

28 **Sec. 1119.** RCW 77.55.121 and 2005 c 146 s 404 are each amended
29 to read as follows:

30 (1) Beginning in January 1998, the department, the department of
31 wildlife, and the department of natural resources shall implement a
32 habitat incentives program based on the recommendations of federally
33 recognized Indian tribes, landowners, the regional fisheries
34 enhancement groups, the timber, fish, and wildlife cooperators, and
35 other interested parties. The program shall allow a private landowner
36 to enter into an agreement with the departments to enhance habitat on
37 the landowner's property for food fish, game fish, or other wildlife
38 species. In exchange, the landowner shall receive state regulatory

1 certainty with regard to future applications for a permit or a forest
2 practices permit on the property covered by the agreement. The
3 overall goal of the program is to provide a mechanism that
4 facilitates habitat development on private property while avoiding an
5 adverse state regulatory impact to the landowner at some future date.
6 A single agreement between the departments and a landowner may
7 encompass up to one thousand acres. A landowner may enter into
8 multiple agreements with the departments, provided that the total
9 acreage covered by such agreements with a single landowner does not
10 exceed ten thousand acres. The departments are not obligated to enter
11 into an agreement unless the departments find that the agreement is
12 in the best interest of protecting fish or wildlife species or their
13 habitat.

14 (2) A habitat incentives agreement shall be in writing and shall
15 contain at least the following: (a) A description of the property
16 covered by the agreement; (b) an expiration date; (c) a description
17 of the condition of the property prior to the implementation of the
18 agreement; and (d) other information needed by the landowner and the
19 departments for future reference and decisions.

20 (3) As part of the agreement, the department may stipulate the
21 factors that will be considered when the department evaluates a
22 landowner's application for a permit on property covered by the
23 agreement. The department's identification of these evaluation
24 factors shall be in concurrence with the department of natural
25 resources and affected federally recognized Indian tribes. In
26 general, future decisions related to the issuance, conditioning, or
27 denial of a permit must be based on the conditions present on the
28 landowner's property at the time of the agreement, unless all parties
29 agree otherwise.

30 (4) As part of the agreement, the department of natural resources
31 may stipulate the factors that will be considered when the department
32 of natural resources evaluates a landowner's application for a forest
33 practices permit under chapter 76.09 RCW on property covered by the
34 agreement. The department of natural resources' identification of
35 these evaluation factors shall be in concurrence with the department
36 and affected federally recognized Indian tribes. In general, future
37 decisions related to the issuance, conditioning, or denial of forest
38 practices permits shall be based on the conditions present on the
39 landowner's property at the time of the agreement, unless all parties
40 agree otherwise.

1 (5) The agreement is binding on and may be used by only the
2 landowner who entered into the agreement with the department. The
3 agreement shall not be appurtenant with the land. However, if a new
4 landowner chooses to maintain the habitat enhancement efforts on the
5 property, the new landowner and the department and the department of
6 natural resources may jointly choose to retain the agreement on the
7 property.

8 (6) If the department and the department of natural resources
9 receive multiple requests for agreements with private landowners
10 under the habitat incentives program, the departments shall
11 prioritize these requests and shall enter into as many agreements as
12 possible within available budgetary resources.

13 **Sec. 1120.** RCW 77.55.131 and 2005 c 146 s 405 are each amended
14 to read as follows:

15 The department and the department of ecology will work
16 cooperatively with the United States army corps of engineers to
17 develop a memorandum of agreement outlining dike vegetation
18 management guidelines so that dike owners are eligible for coverage
19 under P.L. 84-99, and state requirements established pursuant to RCW
20 77.55.021 (as recodified by this act) are met.

21 **Sec. 1121.** RCW 77.55.141 and 2010 c 210 s 28 are each amended to
22 read as follows:

23 (1) In order to protect the property of marine waterfront
24 shoreline owners it is necessary to facilitate issuance of permits
25 for bulkheads or rockwalls under certain conditions.

26 (2) The department shall issue a permit with or without
27 conditions within forty-five days of receipt of a complete and
28 accurate application which authorizes commencement of construction,
29 replacement, or repair of a marine beach front protective bulkhead or
30 rockwall for single-family type residences or property under the
31 following conditions:

32 (a) The waterward face of a new bulkhead or rockwall shall be
33 located only as far waterward as is necessary to excavate for
34 footings or place base rock for the structure and under no conditions
35 shall be located more than six feet waterward of the ordinary high
36 water line;

37 (b) Any bulkhead or rockwall to replace or repair an existing
38 bulkhead or rockwall shall be placed along the same alignment as the

1 bulkhead or rockwall it is replacing. However, the replaced or
2 repaired bulkhead or rockwall may be placed waterward of and directly
3 abutting the existing structure only in cases where removal of the
4 existing bulkhead or rockwall would result in environmental
5 degradation or removal problems related to geological, engineering,
6 or safety considerations; and

7 (c) Construction of a new bulkhead or rockwall, or replacement or
8 repair of an existing bulkhead or rockwall waterward of the existing
9 structure shall not result in the permanent loss of critical food
10 fish or shellfish habitats; and

11 (d) Timing constraints shall be applied on a case-by-case basis
12 for the protection of critical habitats, including but not limited to
13 migration corridors, rearing and feeding areas, and spawning
14 habitats, for the proper protection of fish life.

15 (3) Any bulkhead or rockwall construction, replacement, or repair
16 not meeting the conditions in this section shall be processed under
17 this chapter in the same manner as any other application.

18 (4) Any person aggrieved by the approval, denial, conditioning,
19 or modification of a permit under this section may appeal the
20 decision as provided in RCW 77.55.021(~~(+4)~~) (6) (as recodified by
21 this act).

22 **Sec. 1122.** RCW 77.55.151 and 2012 1st sp.s. c 1 s 105 are each
23 amended to read as follows:

24 (1) Upon application under RCW 77.55.021 (as recodified by this
25 act), the department shall issue a renewable, five-year permit to a
26 marina or marine terminal for its regular maintenance activities
27 identified in the application.

28 (2) For the purposes of this section, regular maintenance
29 activities may include, but are not limited to:

30 (a) Maintenance or repair of a boat ramp, launch, or float within
31 the existing footprint;

32 (b) Maintenance or repair of an existing overwater structure
33 within the existing footprint;

34 (c) Maintenance or repair of boat lifts or railway launches;

35 (d) Maintenance or repair of pilings, including the replacement
36 of bumper pilings;

37 (e) Dredging of less than fifty cubic yards;

38 (f) Maintenance or repair of shoreline armoring or bank
39 protection;

1 (g) Maintenance or repair of wetland, riparian, or estuarine
2 habitat; and

3 (h) Maintenance or repair of an existing outfall.

4 (3) The five-year permit must include a requirement that a
5 fourteen-day notice be given to the department before regular
6 maintenance activities begin.

7 ~~((4) A permit under this section is subject to the application
8 fee provided in RCW 77.55.321.))~~

9 **Sec. 1123.** RCW 77.55.161 and 2005 c 146 s 503 are each amended
10 to read as follows:

11 (1) Notwithstanding any other provision of this chapter, all
12 permits related to stormwater discharges must follow the provisions
13 established in this section.

14 (2) Permits issued in locations covered by a national pollution
15 discharge elimination system municipal stormwater general permit may
16 not be conditioned or denied for water quality or quantity impacts
17 arising from stormwater discharges. A permit is required only for the
18 actual construction of any stormwater outfall or associated
19 structures pursuant to this chapter.

20 (3)(a) In locations not covered by a national pollution discharge
21 elimination system municipal stormwater general permit, the
22 department may issue permits that contain provisions that protect
23 fish life from adverse effects, such as scouring or erosion of the
24 bed of the water body, resulting from the direct hydraulic impacts of
25 the discharge.

26 (b) Prior to the issuance of a permit issued under this
27 subsection (3), the department must:

28 (i) Make a finding that the discharge from the outfall will cause
29 harmful effects to fish life;

30 (ii) Transmit the findings to the applicant and to the city or
31 county where the project is being proposed; and

32 (iii) Allow the applicant an opportunity to use local ordinances
33 or other mechanisms to avoid the adverse effects resulting from the
34 direct hydraulic discharge. The forty-five day requirement for permit
35 issuance under RCW 77.55.021 (as recodified by this act) is suspended
36 during the time period the department is meeting the requirements of
37 this subsection (3)(b).

38 (c) After following the procedures set forth in (b) of this
39 subsection, the department may issue a permit that prescribes the

1 discharge rates from an outfall structure that will prevent adverse
2 effects to the bed or flow of the waterway. The department may
3 recommend, but not specify, the measures required to meet these
4 discharge rates. The department may not require changes to the
5 project design above the mean higher high water mark of marine
6 waters, or the ordinary high water mark of freshwaters of the state.
7 Nothing in this section alters any authority the department may have
8 to regulate other types of projects under this chapter.

9 **Sec. 1124.** RCW 77.55.181 and 2017 c 241 s 1 are each amended to
10 read as follows:

11 (1)(a) In order to receive the permit review and approval process
12 created in this section, a fish habitat enhancement project must meet
13 the criteria under this section and must be a project to accomplish
14 one or more of the following tasks:

15 (i) Elimination of human-made or caused fish passage barriers,
16 including:

17 (A) Culvert repair and replacement; and

18 (B) Fish passage barrier removal projects that comply with the
19 forest practices rules, as the term "forest practices rules" is
20 defined in RCW 76.09.020;

21 (ii) Restoration of an eroded or unstable stream bank employing
22 the principle of bioengineering, including limited use of rock as a
23 stabilization only at the toe of the bank, and with primary emphasis
24 on using native vegetation to control the erosive forces of flowing
25 water; or

26 (iii) Placement of woody debris or other instream structures that
27 benefit naturally reproducing fish stocks.

28 (b) The department shall develop size or scale threshold tests to
29 determine if projects accomplishing any of these tasks should be
30 evaluated under the process created in this section or under other
31 project review and approval processes. A project proposal shall not
32 be reviewed under the process created in this section if the
33 department determines that the scale of the project raises concerns
34 regarding public health and safety.

35 (c) A fish habitat enhancement project must be approved in one of
36 the following ways in order to receive the permit review and approval
37 process created in this section:

1 (i) By the department pursuant to chapter 77.95 (as recodified by
2 this act) or by the department or the department of wildlife pursuant
3 to chapter 77.100 RCW;

4 (ii) By the sponsor of a watershed restoration plan as provided
5 in chapter 89.08 RCW;

6 (iii) By the department as a department-sponsored fish habitat
7 enhancement or restoration project;

8 (iv) Through the review and approval process for the jobs for the
9 environment program;

10 (v) Through the review and approval process for conservation
11 district-sponsored projects, where the project complies with design
12 standards established by the conservation commission through
13 interagency agreement with the United States fish and wildlife
14 service and the natural resource conservation service;

15 (vi) Through a formal grant program established by the
16 legislature or the department for fish habitat enhancement or
17 restoration;

18 (vii) Through the department of transportation's environmental
19 retrofit program as a stand-alone fish passage barrier correction
20 project;

21 (viii) Through a local, state, or federally approved fish barrier
22 removal grant program designed to assist local governments in
23 implementing stand-alone fish passage barrier corrections;

24 (ix) By a city or county for a stand-alone fish passage barrier
25 correction project funded by the city or county;

26 (x) Through the approval process established for forest practices
27 hydraulic projects in chapter 76.09 RCW; or

28 (xi) Through other formal review and approval processes
29 established by the legislature.

30 (2) Fish habitat enhancement projects meeting the criteria of
31 subsection (1) of this section are expected to result in beneficial
32 impacts to the environment. Decisions pertaining to fish habitat
33 enhancement projects meeting the criteria of subsection (1) of this
34 section and being reviewed and approved according to the provisions
35 of this section are not subject to the requirements of RCW
36 43.21C.030(2)(c).

37 (3)(a) A permit is required for projects that meet the criteria
38 of subsection (1) of this section and are being reviewed and approved
39 under this section. An applicant shall use a joint aquatic resource
40 permit application form developed by the office of regulatory

1 assistance to apply for approval under this chapter. On the same day,
2 the applicant shall provide copies of the completed application form
3 to the department and to each appropriate local government.
4 Applicants for a forest practices hydraulic project that are not
5 otherwise required to submit a joint aquatic resource permit
6 application must submit a copy of their forest practices application
7 to the appropriate local government on the same day that they submit
8 the forest practices application to the department of natural
9 resources.

10 (b) Local governments shall accept the application identified in
11 this section as notice of the proposed project. A local government
12 shall be provided with a fifteen-day comment period during which it
13 may transmit comments regarding environmental impacts to the
14 department or, for forest practices hydraulic projects, to the
15 department of natural resources.

16 (c) Except for forest practices hydraulic projects, the
17 department shall either issue a permit, with or without conditions,
18 deny approval, or make a determination that the review and approval
19 process created by this section is not appropriate for the proposed
20 project within forty-five days. The department shall base this
21 determination on identification during the comment period of adverse
22 impacts that cannot be mitigated by the conditioning of a permit.
23 Permitting decisions over forest practices hydraulic approvals must
24 be made consistent with chapter 76.09 RCW.

25 (d) If the department determines that the review and approval
26 process created by this section is not appropriate for the proposed
27 project, the department shall notify the applicant and the
28 appropriate local governments of its determination. The applicant may
29 reapply for approval of the project under other review and approval
30 processes.

31 (e) Any person aggrieved by the approval, denial, conditioning,
32 or modification of a permit other than a forest practices hydraulic
33 project under this section may appeal the decision as provided in RCW
34 77.55.021(~~(+8)~~) (6) (as recodified by this act). Appeals of a forest
35 practices hydraulic project may be made as provided in chapter 76.09
36 RCW.

37 (4) No local government may require permits or charge fees for
38 fish habitat enhancement projects that meet the criteria of
39 subsection (1) of this section and that are reviewed and approved
40 according to the provisions of this section.

1 (5) No civil liability may be imposed by any court on the state
2 or its officers and employees for any adverse impacts resulting from
3 a fish enhancement project permitted by the department or the
4 department of natural resources under the criteria of this section
5 except upon proof of gross negligence or willful or wanton
6 misconduct.

7 **Sec. 1125.** RCW 77.55.191 and 2005 c 146 s 506 are each amended
8 to read as follows:

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

15 (2) Within the sanctuary area:

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

19 (b) A person shall not divert water from rivers and streams in
20 quantities that will reduce the respective streamflow below the
21 annual average low flow, based upon data published in United States
22 geological survey reports.

23 (3) The (~~commission~~) director may acquire and abate a dam or
24 other obstruction, or acquire any water right vested on a sanctuary
25 stream or river, which is in conflict with the provisions of
26 subsection (2) of this section.

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

30 **Sec. 1126.** RCW 77.55.241 and 2010 c 210 s 30 are each amended to
31 read as follows:

32 (1) The legislature finds that the construction of hydraulic
33 projects may require mitigation for the protection of fish life, and
34 that the mitigation may be most cost-effective and provide the most
35 benefit to the fish resource if the mitigation is allowed to be
36 applied in locations that are off-site of the hydraulic project
37 location. The department may approve off-site mitigation plans that
38 are submitted by permit applicants.

1 (2) If a permit applicant proposes off-site mitigation and the
2 department does not approve the permit or conditions the permit in
3 such a manner as to render off-site mitigation unpracticable, the
4 project proponent may appeal the decision as provided in RCW
5 77.55.021(~~(4)~~) (6) (as recodified by this act).

6 **Sec. 1127.** RCW 77.55.251 and 2005 c 146 s 603 are each amended
7 to read as follows:

8 When reviewing a mitigation plan under RCW 77.55.021 (as
9 recodified by this act), the department shall, at the request of the
10 project proponent, follow the guidance contained in RCW 90.74.005
11 through 90.74.030.

12 **Sec. 1128.** RCW 77.55.261 and 2005 c 146 s 604 are each amended
13 to read as follows:

14 Whenever the placement of woody debris is required as a condition
15 of a permit issued under RCW 77.55.021 (as recodified by this act),
16 the department, upon request, shall invite comment regarding that
17 placement from the local governmental authority, affected tribes,
18 affected federal and state agencies, and the project applicant.

19 **Sec. 1129.** RCW 77.55.291 and 2010 c 210 s 31 are each amended to
20 read as follows:

21 (1) The department may levy civil penalties of up to one hundred
22 dollars per day for violation of any provisions of RCW 77.55.021 (as
23 recodified by this act). The penalty provided shall be imposed by
24 notice in writing, either by certified mail or personal service to
25 the person incurring the penalty, from the director or the director's
26 designee describing the violation.

27 (2)(a) Except as provided in (b) of this subsection, any person
28 incurring any penalty under this chapter may appeal the same under
29 chapter 34.05 RCW to the board. Appeals shall be filed within thirty
30 days from the date of receipt of the penalty in accordance with RCW
31 43.21B.230.

32 (b) Issuance of a civil penalty may be informally appealed to the
33 department within thirty days from the date of receipt of the
34 penalty. Requests for informal appeal must be filed in the form and
35 manner prescribed by the department by rule. A civil penalty that has
36 been informally appealed to the department is appealable to the board

1 within thirty days from the date of receipt of the department's
2 decision on the informal appeal.

3 (3) The penalty imposed shall become due and payable thirty days
4 after receipt of a notice imposing the penalty unless an appeal is
5 filed. Whenever an appeal of any penalty incurred under this chapter
6 is filed, the penalty shall become due and payable only upon
7 completion of all review proceedings and the issuance of a final
8 order confirming the penalty in whole or in part.

9 (4) If the amount of any penalty is not paid within thirty days
10 after it becomes due and payable, the attorney general, upon the
11 request of the director, shall bring an action in the name of the
12 state of Washington in the superior court of Thurston county or of
13 any county in which such violator may do business, to recover such
14 penalty. In all such actions the procedure and rules of evidence
15 shall be the same as an ordinary civil action. All penalties
16 recovered under this section shall be paid into the state's general
17 fund.

18 **Sec. 1130.** RCW 77.55.331 and 2012 1st sp.s. c 1 s 104 are each
19 amended to read as follows:

20 (1) The hydraulic project approval account is created in the
21 state treasury. (~~All receipts from application fees for hydraulic
22 project approval applications collected under RCW 77.55.321 must be
23 deposited into the account.~~)

24 (2) Except for unanticipated receipts under RCW 43.79.260 through
25 43.79.282, moneys in the hydraulic project approval account may be
26 spent only after appropriation.

27 (3) Expenditures from the hydraulic project approval account may
28 be used only to fund department activities relating to implementing
29 and operating the hydraulic project approval program.

30 **Sec. 1131.** RCW 77.57.040 and 2000 c 107 s 14 are each amended to
31 read as follows:

32 If the director determines that a fishway or fish guard described
33 in RCW (~~77.55.040 and 77.55.060~~) 77.57.010 and 77.57.030 (as
34 recodified by this act) and in existence on September 1, 1963, is
35 inadequate, in addition to other authority granted in this chapter,
36 the director may remove, relocate, reconstruct, or modify the device,
37 without cost to the owner. The director shall not materially modify
38 the amount of flow of water through the device. After the department

1 has completed the improvements, the fishways and fish guards shall be
2 operated and maintained at the expense of the owner in accordance
3 with RCW ((~~77.55.040 and 77.55.060~~)) 77.57.010 and 77.57.030 (as
4 recodified by this act).

5 **Sec. 1132.** RCW 77.57.060 and 2001 c 253 s 21 are each amended to
6 read as follows:

7 The director may authorize removal, relocation, reconstruction,
8 or other modification of an inadequate fishway or fish protective
9 device required by RCW ((~~77.55.320~~)) 77.57.070 (as recodified by this
10 act) which device was in existence on September 1, 1963, without cost
11 to the owner for materials and labor. The modification may not
12 materially alter the amount of water flowing through the fishway or
13 fish protective device. Following modification, the fishway or fish
14 protective device shall be maintained at the expense of the person or
15 governmental agency owning the obstruction or water diversion device.

16 **Sec. 1133.** RCW 77.60.020 and 1995 1st sp.s. c 2 s 28 are each
17 amended to read as follows:

18 Only upon recommendation of the ((~~commission~~)) director may the
19 state oyster reserves be sold, leased, or otherwise disposed of by
20 the department of natural resources.

21 **Sec. 1134.** RCW 77.60.030 and 2000 c 107 s 22 are each amended to
22 read as follows:

23 It is the policy of the state to improve state oyster reserves so
24 that they are productive and yield a revenue sufficient for their
25 maintenance. In fixing the price of oysters and other shellfish sold
26 from the reserves, the director shall take into consideration this
27 policy. It is also the policy of the state to maintain the oyster
28 reserves to furnish shellfish to growers and processors and to stock
29 public beaches.

30 Shellfish may be harvested from state oyster reserves for
31 personal use as prescribed by rule of the director.

32 The director shall periodically inventory the state oyster
33 reserves and assign the reserve lands into management categories:

- 34 (1) Native Olympia oyster broodstock reserves;
35 (2) Commercial shellfish harvesting zones;
36 (3) Commercial shellfish propagation zones designated for long-
37 term leasing to private aquaculturists;

1 (4) Public recreational shellfish harvesting zones;

2 (5) Unproductive land.

3 The director shall manage each category of oyster reserve land to
4 maximize the sustained yield production of shellfish consistent with
5 the purpose for establishment of each management category.

6 The (~~commission~~) director shall develop an oyster reserve
7 management plan, to include recommendations for leasing reserve
8 lands, in coordination with the shellfish industry, by January 1,
9 1986.

10 The director shall protect, reseed, improve the habitat of, and
11 replant state oyster reserves. The director shall also issue cultch
12 permits and oyster reserve fishery licenses.

13 **Sec. 1135.** RCW 77.60.050 and 2000 c 107 s 24 are each amended to
14 read as follows:

15 The director shall determine the time, place, and method of sale
16 of oysters and other shellfish from state oyster reserves. Any person
17 who commercially takes shellfish from state oyster reserves must
18 possess an oyster reserve fishery license issued by the director
19 pursuant to RCW 77.65.260 (as recodified by this act). Any person
20 engaged in the commercial cultching of oysters on state oyster
21 reserves must possess an oyster cultch permit issued by the director
22 pursuant to RCW 77.65.270 (as recodified by this act).

23 To maintain local communities and industries and to restrain the
24 formation of monopolies in the industry, the director shall determine
25 the number of bushels which shall be sold to a person. When the
26 shellfish are sold at public auction, the director may reject any and
27 all bids.

28 **Sec. 1136.** RCW 77.60.100 and 2000 c 107 s 26 are each amended to
29 read as follows:

30 The (~~commission~~) director may examine the clam, mussel, and
31 oyster beds located on aquatic lands belonging to the state and
32 request the commissioner of public lands to withdraw these lands from
33 sale and lease for the purpose of establishing reserves or public
34 beaches. The director shall conserve, protect, and develop these
35 reserves and the oyster, shrimp, clam, and mussel beds on state
36 lands.

1 **Sec. 1137.** RCW 77.60.150 and 2009 c 333 s 23 are each amended to
2 read as follows:

3 (1) The department shall initiate a pilot project to evaluate the
4 feasibility and potential of intensively culturing shellfish on
5 currently nonproductive oyster reserve land in Puget Sound. The pilot
6 program shall include no fewer than three long-term lease agreements
7 with commercial shellfish growers. Except as provided in subsection
8 (3) of this section, revenues from the lease of such lands shall be
9 deposited in the oyster reserve land account created in RCW 77.60.160
10 (as recodified by this act).

11 (2) The department shall form one advisory committee each for the
12 Willapa Bay oyster reserve lands and the Puget Sound oyster reserve
13 lands. The advisory committees shall make recommendations on
14 management practices to conserve, protect, and develop oyster reserve
15 lands. The advisory committees may make recommendations regarding the
16 management practices on oyster reserve lands, in particular to ensure
17 that they are managed in a manner that will: (a) Increase revenue
18 through production of high-value shellfish; (b) not be detrimental to
19 the market for shellfish grown on nonreserve lands; and (c) avoid
20 negative impacts to existing shellfish populations. The advisory
21 committees may also make recommendations on the distribution of funds
22 in RCW 77.60.160(2)(a) (as recodified by this act). The department
23 shall attempt to structure each advisory committee to include equal
24 representation between shellfish growers that participate in reserve
25 sales and shellfish growers that do not.

26 (3) The department of natural resources, in consultation with the
27 department (~~(of fish and wildlife)~~), shall administer the leases for
28 oyster reserves entered into under this chapter. In administering the
29 leases, the department of natural resources shall exercise its
30 authority under RCW 79.135.300. Vacation of state oyster reserves by
31 the department shall not be a requirement for the department of
32 natural resources to lease any oyster reserves under this section.
33 The department of natural resources may recover reasonable costs
34 directly associated with the administration of the leases for oyster
35 reserves entered into under this chapter. All administrative fees
36 collected by the department of natural resources pursuant to this
37 section shall be deposited into the resource management cost account
38 established in RCW 79.64.020. The department may not assess charges
39 to recover the costs of consulting with the department of natural
40 resources under this subsection.

1 (4) The Puget Sound pilot program shall not include the culture
2 of geoduck.

3 **Sec. 1138.** RCW 77.60.160 and 2008 c 202 s 2 are each amended to
4 read as follows:

5 (1) The oyster reserve land account is created in the state
6 treasury. All receipts from revenues from the lease of land or sale
7 of shellfish from oyster reserve lands must be deposited into the
8 account. Moneys in the account may be spent only after appropriation.
9 Expenditures from the account may be used only as provided in this
10 section.

11 (2) Funds in the account shall be used for the purposes provided
12 for in this subsection:

13 (a) Up to forty percent for:

14 (i) The management expenses incurred by the department that are
15 directly attributable to the management of the oyster reserve lands;
16 and

17 (ii) The expenses associated with new bivalve shellfish research
18 and development activities at the Pt. Whitney and Nahcotta shellfish
19 laboratories managed by the department. As used in this subsection,
20 "new research and development activities" includes an emphasis on the
21 control of aquatic nuisance species and burrowing shrimp. New
22 research and development activities must be identified by the
23 department and the appropriate oyster reserve advisory committee;

24 (b) Up to ten percent may be deposited into the state general
25 fund; and

26 (c) Except as provided in subsection (3) of this section, all
27 remaining funds in the account shall be used for the shellfish—on-
28 site sewage grant program established in RCW 77.60.170 (as recodified
29 by this act).

30 (3)(a) No later than January 1st of each year, the department
31 shall transfer up to fifty percent of the annual revenues generated
32 in the preceding year from the Willapa harbor oyster reserve to the
33 on-site sewage grant program established under RCW 77.60.170 (as
34 recodified by this act) as necessary to achieve a fund balance of one
35 hundred thousand dollars.

36 (b) All remaining revenues received from the Willapa harbor
37 oyster reserve shall be used to fund research activities as specified
38 in subsection (2)(a) of this section.

1 **Sec. 1139.** RCW 77.60.170 and 2008 c 202 s 1 are each amended to
2 read as follows:

3 (1)(a) The department shall transfer the funds required by RCW
4 77.60.160 (as recodified by this act) to the appropriate local
5 governments. Pacific and Grays Harbor counties and Puget Sound shall
6 manage their established shellfish—on-site sewage grant program. The
7 local governments, in consultation with the department of health,
8 shall use the provided funds as grants or loans to individuals for
9 repairing or improving their on-site sewage systems. The grants or
10 loans may be provided only in areas that have the potential to
11 adversely affect water quality in commercial and recreational
12 shellfish growing areas.

13 (b) A recipient of a grant or loan shall enter into an agreement
14 with the appropriate local government to maintain the improved on-
15 site sewage system according to specifications required by the local
16 government.

17 (c) The department shall work closely with local governments and
18 it shall be the goal of the department to attain geographic equity
19 between Grays Harbor, Willapa Bay, and Puget Sound when making funds
20 available under this program.

21 (d) For the purposes of this subsection, "geographic equity"
22 means issuing on-site sewage grants or loans at a level that matches
23 the funds generated from the oyster reserve lands in that area.

24 (2) In Puget Sound, the local governments shall give first
25 priority to areas that are:

26 (a) Identified as "areas of special concern" under WAC
27 (~~(246-272-01001)~~) 246-272B-01001;

28 (b) Included within a shellfish protection district under chapter
29 90.72 RCW; or

30 (c) Identified as a marine recovery area under chapter 70.118A
31 RCW.

32 (3) In Grays Harbor and Pacific counties, the local governments
33 shall give first priority to preventing the deterioration of water
34 quality in areas where commercial or recreational shellfish are
35 grown.

36 (4) The department and each participating local government shall
37 enter into a memorandum of understanding that will establish an
38 applicant income eligibility requirement for individual grant
39 applicants from within the jurisdiction and other mutually agreeable
40 terms and conditions of the grant program.

1 (5) For the 2007-2009 biennium, from the funds received under
2 this section, Pacific county shall transfer up to two hundred
3 thousand dollars to the department. Upon receiving the funds from
4 Pacific county, the department and the appropriate oyster reserve
5 advisory committee under RCW 77.60.160 (as recodified by this act)
6 shall identify and execute specific research projects with those
7 funds.

8 **Sec. 1140.** RCW 77.80.030 and 2000 c 107 s 89 are each amended to
9 read as follows:

10 The purchase price of a vessel and appurtenant gear shall be
11 based on a survey conducted by a qualified marine surveyor. A license
12 or delivery permit shall be valued separately.

13 The director may specify a maximum price to be paid for a vessel,
14 gear, license, or delivery permit purchased under RCW 77.80.020 (as
15 recodified by this act). A license or delivery permit purchased under
16 RCW 77.80.020 (as recodified by this act) shall be permanently
17 retired by the department.

18 **Sec. 1141.** RCW 77.80.040 and 2000 c 107 s 90 are each amended to
19 read as follows:

20 The department may arrange for the insurance, storage, and resale
21 or other disposition of vessels and gear purchased under RCW
22 77.80.020 (as recodified by this act). Vessels shall not be resold by
23 the department to the seller or the seller's immediate family. The
24 vessels shall not be used by any owner or operator: (1) As a
25 commercial fishing or charter vessel in state waters; or (2) to
26 deliver fish to a place or port in the state. The department shall
27 require that the purchasers and other users of vessels sold by the
28 department execute suitable instruments to insure compliance with the
29 requirements of this section. The director may commence suit or be
30 sued on such an instrument in a state court of record or United
31 States district court having jurisdiction.

32 **Sec. 1142.** RCW 77.80.060 and 2008 c 252 s 4 are each amended to
33 read as follows:

34 (1) The director is responsible for the administration and
35 disbursement of all funds, goods, commodities, and services received
36 by the state under this chapter.

1 (2) There is created within the state treasury a fund to be known
2 as the "vessel, gear, license, and permit reduction fund". This fund
3 shall be used for purchases under RCW 77.80.020 (as recodified by
4 this act) and for the administration of this chapter. This fund shall
5 be credited with federal or other funds received to carry out the
6 purposes of this chapter and the proceeds from the sale or other
7 disposition of property purchased under RCW 77.80.020 (as recodified
8 by this act).

9 **Sec. 1143.** RCW 77.85.010 and 2007 c 444 s 1 are each amended to
10 read as follows:

11 The definitions in this section apply throughout this chapter
12 unless the context clearly requires otherwise.

13 (1) "Adaptive management" means reliance on scientific methods to
14 test the results of actions taken so that the management and related
15 policy can be changed promptly and appropriately.

16 (2) "Critical pathways methodology" means a project scheduling
17 and management process for examining interactions between habitat
18 projects and salmonid species, prioritizing habitat projects, and
19 assuring positive benefits from habitat projects.

20 (3) "Habitat project list" is the list of projects resulting from
21 the critical pathways methodology under RCW 77.85.060(2) (as
22 recodified by this act). Each project on the list must have a written
23 agreement from the landowner on whose land the project will be
24 implemented. Projects include habitat restoration projects, habitat
25 protection projects, habitat projects that improve water quality,
26 habitat projects that protect water quality, habitat-related
27 mitigation projects, and habitat project maintenance and monitoring
28 activities.

29 (4) "Habitat work schedule" means those projects from the habitat
30 project list that will be implemented during the current funding
31 cycle. The schedule shall also include a list of the entities and
32 individuals implementing projects, the start date, duration,
33 estimated date of completion, estimated cost, and funding sources for
34 the projects.

35 (5) "Limiting factors" means conditions that limit the ability of
36 habitat to fully sustain populations of salmon. These factors are
37 primarily fish passage barriers and degraded estuarine areas,
38 riparian corridors, stream channels, and wetlands.

1 (6) "Project sponsor" is a county, city, special district, tribal
2 government, state agency, a combination of such governments through
3 interlocal or interagency agreements, a nonprofit organization,
4 regional fisheries enhancement group, or one or more private
5 citizens. A project sponsored by a state agency may be funded by the
6 board only if it is included on the habitat project list submitted by
7 the lead entity for that area and the state agency has a local
8 partner that would otherwise qualify as a project sponsor.

9 (7) "Regional recovery organization" or "regional salmon recovery
10 organization" means an entity formed under RCW 77.85.090 (as
11 recodified by this act) for the purpose of recovering salmon, which
12 is recognized in statute or by the governor's salmon recovery office
13 created in RCW 77.85.030 (as recodified by this act).

14 (8) "Salmon" includes all species of the family Salmonidae which
15 are capable of self-sustaining, natural production.

16 (9) "Salmon recovery plan" means a state or regional plan
17 developed in response to a proposed or actual listing under the
18 federal endangered species act that addresses limiting factors
19 including, but not limited to harvest, hatchery, hydropower, habitat,
20 and other factors of decline.

21 (10) "Salmon recovery region" means geographic areas of the state
22 identified or formed under RCW 77.85.090 (as recodified by this act)
23 that encompass groups of watersheds in the state with common stocks
24 of salmon identified for recovery activities, and that generally are
25 consistent with the geographic areas within the state identified by
26 the national oceanic and atmospheric administration or the United
27 States fish and wildlife service for activities under the federal
28 endangered species act.

29 (11) "Salmon recovery strategy" means the strategy adopted under
30 RCW 77.85.150 (as recodified by this act) and includes the
31 compilation of all subbasin and regional salmon recovery plans
32 developed in response to a proposed or actual listing under the
33 federal endangered species act with state hatchery, harvest, and
34 hydropower plans compiled in accordance with RCW 77.85.150 (as
35 recodified by this act).

36 (12) "Tribe" or "tribes" means federally recognized Indian
37 tribes.

38 (13) "WRIA" means a water resource inventory area established in
39 chapter 173-500 WAC as it existed on January 1, 1997.

1 (14) "Owner" means the person holding title to the land or the
2 person under contract with the owner to lease or manage the legal
3 owner's property.

4 **Sec. 1144.** RCW 77.85.020 and 2009 c 345 s 4 are each amended to
5 read as follows:

6 (1) Beginning December 2010, the recreation and conservation
7 office shall produce a biennial report on the statewide status of
8 salmon recovery and watershed health, summarize projects and programs
9 funded by the salmon recovery funding board, and summarize progress
10 as measured by high-level indicators and state agency compliance with
11 applicable protocols established by the forum for monitoring salmon
12 recovery and watershed health. The report must be a consolidation of
13 the current reporting activities, including the salmon recovery
14 funding board and the forum on monitoring salmon recovery and
15 watershed health, on the status of salmon recovery and watershed
16 health in Washington state(~~(, in accordance with RCW 77.85.250(8))~~).
17 The report shall also include a high-level status report on watershed
18 planning efforts under chapter 90.82 RCW as summarized by the
19 department of ecology and on salmon recovery and watershed planning
20 as summarized by the Puget Sound partnership. The report's
21 introduction must include a list of high-level questions related to
22 the status of watershed health and salmon recovery to help decision
23 makers and the public respond to salmon recovery and watershed health
24 management needs.

25 (2) The department, the department of ecology, the department of
26 natural resources, and the state conservation commission shall
27 provide to the recreation and conservation office information
28 requested by the office necessary to prepare the consolidated report
29 on salmon recovery and watershed health.

30 **Sec. 1145.** RCW 77.85.030 and 2009 c 345 s 2 are each amended to
31 read as follows:

32 (1) The governor's salmon recovery office shall coordinate state
33 strategy to allow for salmon recovery to healthy sustainable
34 population levels with productive commercial and recreational
35 fisheries. A primary purpose of the office is to coordinate and
36 assist in the development, implementation, and revision of regional
37 salmon recovery plans as an integral part of a statewide strategy

1 developed consistent with the guiding principles and procedures under
2 RCW 77.85.150 (as recodified by this act).

3 (2) The governor's salmon recovery office is also responsible for
4 maintaining the statewide salmon recovery strategy to reflect
5 applicable provisions of regional recovery plans, habitat protection
6 and restoration plans, water quality plans, and other private, local,
7 regional, state agency and federal plans, projects, and activities
8 that contribute to salmon recovery.

9 (3) The governor's salmon recovery office shall also work with
10 regional salmon recovery organizations on salmon recovery issues in
11 order to ensure a coordinated and consistent statewide approach to
12 salmon recovery and shall work with federal agencies to accomplish
13 implementation of federal commitments in the recovery plans.

14 (4) The governor's salmon recovery office may also:

15 (a) Assist state agencies, local governments, landowners, and
16 other interested parties in obtaining federal assurances that plans,
17 programs, or activities are consistent with fish recovery under the
18 federal endangered species act;

19 (b) Act as liaison to local governments, the state congressional
20 delegation, the United States congress, federally recognized tribes,
21 and the federal executive branch agencies for issues related to the
22 state's salmon recovery plans;

23 (c) Provide periodic reports pursuant to RCW 77.85.020 (as
24 recodified by this act);

25 (d) Provide, as appropriate, technical and administrative support
26 to science panels on issues pertaining to salmon recovery;

27 (e) In cooperation with the regional recovery organizations,
28 prepare a timeline and implementation plan that, together with a
29 schedule and recommended budget, identifies specific actions in
30 regional recovery plans for state agency actions and assistance
31 necessary to implement local and regional recovery plans; and

32 (f) As necessary, provide recommendations to the legislature that
33 would further the success of salmon recovery, including
34 recommendations for state agency actions in the succeeding biennium
35 and state financial and technical assistance for projects and
36 activities to be undertaken in local and regional salmon recovery
37 plans. The recommendations may include:

38 (i) The need to expand or improve nonregulatory programs and
39 activities; and

1 (ii) The need for state funding assistance to recovery activities
2 and projects.

3 (5) For administrative purposes, the governor's salmon recovery
4 office is located within the recreation and conservation office.

5 **Sec. 1146.** RCW 77.85.040 and 2007 c 444 s 4 are each amended to
6 read as follows:

7 (1)(a) The governor may request the Washington academy of
8 sciences, when organized pursuant to chapter 305, Laws of 2005, to
9 impanel an independent science panel on salmon recovery to respond to
10 requests for review pursuant to subsection (2) of this section. The
11 panel shall reflect expertise in habitat requirements of salmon,
12 protection and restoration of salmon populations, artificial
13 propagation of salmon, hydrology, or geomorphology.

14 (b) Based upon available funding, the governor's salmon recovery
15 office may contract for services of the independent science panel for
16 compensation under chapter 39.29 RCW.

17 (2) The independent science panel shall be governed by guidelines
18 and practices governing the activities of the Washington academy of
19 sciences. The purpose of the independent science panel is to help
20 ensure that sound science is used in salmon recovery efforts. The
21 governor's salmon recovery office may, during the time it is
22 constituted, request that the panel review, investigate, and provide
23 its findings on scientific questions relating to the state's salmon
24 recovery efforts. The science panel does not have the authority to
25 review individual projects or habitat project lists developed under
26 RCW 77.85.050 or 77.85.060 (as recodified by this act) or to make
27 policy decisions. The panel shall submit its findings and
28 recommendations under this subsection to the legislature and the
29 governor.

30 **Sec. 1147.** RCW 77.85.060 and 2000 c 107 s 95 are each amended to
31 read as follows:

32 (1) Critical pathways methodology (~~shall~~) must be used to
33 develop a habitat project list and a habitat work schedule that
34 ensures salmon habitat projects will be prioritized and implemented
35 in a logical sequential manner that produces habitat capable of
36 sustaining healthy populations of salmon.

37 (2) The critical pathways methodology (~~shall~~) must:

1 (a) Include a limiting factors analysis for salmon in streams,
2 rivers, tributaries, estuaries, and subbasins in the region. The
3 technical advisory group shall have responsibility for the limiting
4 factors analysis;

5 (b) Identify local habitat projects that sponsors are willing to
6 undertake. The projects identified must have a written agreement from
7 the landowner on which the project is to be implemented. Project
8 sponsors shall have the lead responsibility for this task;

9 (c) Identify how projects will be monitored and evaluated. The
10 project sponsor, in consultation with the technical advisory group
11 and the appropriate landowner, (~~shall have responsibility~~) is
12 responsible for this task;

13 (d) Include a review of monitoring data, evaluate project
14 performance, and make recommendations to the committee established
15 under RCW 77.85.050 (as recodified by this act) and to the technical
16 review team. The technical advisory group has responsibility for this
17 task; and

18 (e) Describe the adaptive management strategy that will be used.
19 The committee established under RCW 77.85.050 (~~shall have~~
20 ~~responsibility~~) (as recodified by this act) is responsible for this
21 task. If a committee has not been formed, the technical advisory
22 group (~~shall have the responsibility~~) is responsible for this task.

23 (3) The habitat work schedule shall include all projects
24 developed pursuant to subsection (2) of this section, and shall
25 identify and coordinate with any other salmon habitat project
26 implemented in the region, including habitat preservation projects
27 funded through the Washington wildlife and recreation program, the
28 conservation reserve enhancement program, and other conservancy
29 programs. The habitat work schedule (~~shall~~) also includes the start
30 date, duration, estimated date of completion, estimated cost, and, if
31 appropriate, the affected salmonid species of each project. Each
32 schedule shall be updated on an annual basis to depict new
33 activities.

34 **Sec. 1148.** RCW 77.85.080 and 2000 c 107 s 98 are each amended to
35 read as follows:

36 The sea grant program at the University of Washington (~~is~~
37 ~~authorized to~~) may provide technical assistance to volunteer groups
38 and other project sponsors in designing and implementing habitat
39 projects that address the limiting factors analysis required under

1 RCW 77.85.060 (as recodified by this act). The cost for such
2 assistance may be covered on a fee-for-service basis.

3 **Sec. 1149.** RCW 77.85.090 and 2009 c 345 s 10 are each amended to
4 read as follows:

5 (1) The southwest Washington salmon recovery region, whose
6 boundaries are provided in chapter 60, Laws of 1998, is created.

7 (2) Lead entities within a salmon recovery region that agree to
8 form a regional salmon recovery organization may be recognized by the
9 governor's salmon recovery office created in RCW 77.85.030 (as
10 recodified by this act) as a regional recovery organization. The
11 regional recovery organization may plan, coordinate, and monitor the
12 implementation of a regional recovery plan in accordance with RCW
13 77.85.150 (as recodified by this act). Regional recovery
14 organizations existing as of July 24, 2005, that have developed draft
15 recovery plans approved by the governor's salmon recovery office by
16 July 1, 2005, may continue to plan, coordinate, and monitor the
17 implementation of regional recovery plans.

18 (3) Beginning January 1, 2008, the leadership council, created
19 under chapter 90.71 RCW, shall serve as the regional salmon recovery
20 organization for Puget Sound salmon species, except for the program
21 known as the Hood Canal summer chum evolutionarily significant unit
22 area, which the Hood Canal coordinating council shall continue to
23 administer under chapter 90.88 RCW.

24 **Sec. 1150.** RCW 77.85.110 and 2007 c 241 s 20 are each amended to
25 read as follows:

26 (1) The salmon recovery funding board is created consisting of
27 ten members.

28 (2) Five members of the board shall be voting members who are
29 appointed by the governor, subject to confirmation by the senate. One
30 of these voting members shall be a cabinet-level appointment as the
31 governor's representative to the board. Board members who represent
32 the general public shall not have a financial or regulatory interest
33 in salmon recovery. The governor shall appoint one of the general
34 public members of the board as the chair. The voting members of the
35 board shall be appointed for terms of four years, except that two
36 members initially shall be appointed for terms of two years and three
37 members shall initially be appointed for terms of three years. In
38 making the appointments, the governor shall seek a board membership

1 that collectively provide the expertise necessary to provide strong
2 fiscal oversight of salmon recovery expenditures, and that provide
3 extensive knowledge of local government processes and functions and
4 an understanding of issues relevant to salmon recovery in Washington
5 state. The governor shall appoint at least three of the voting
6 members of the board no later than ninety days after July 1, 1999.
7 Vacant positions on the board shall be filled in the same manner as
8 the original appointments. The governor may remove members of the
9 board for good cause.

10 In addition to the five voting members of the board, the
11 following five state officials shall serve as ex officio nonvoting
12 members of the board: The director of the department of (~~fish and~~
13 ~~wildlife~~) fisheries, the executive director of the conservation
14 commission, the secretary of transportation, the director of the
15 department of ecology, and the commissioner of public lands. The
16 state officials serving in an ex officio capacity may designate a
17 representative of their respective agencies to serve on the board in
18 their behalf. Such designations shall be made in writing and in such
19 manner as is specified by the board.

20 (3) Staff support to the board shall be provided by the
21 recreation and conservation office. For administrative purposes, the
22 board shall be located with the recreation and conservation office.

23 (4) Members of the board who do not represent state agencies
24 shall be compensated as provided by RCW 43.03.250. Members of the
25 board shall be reimbursed for travel expenses as provided by RCW
26 43.03.050 and 43.03.060.

27 **Sec. 1151.** RCW 77.85.120 and 2007 c 241 s 21 are each amended to
28 read as follows:

29 (1) The salmon recovery funding board is responsible for making
30 grants and loans for salmon habitat projects and salmon recovery
31 activities from the amounts appropriated to the board for this
32 purpose. To accomplish this purpose the board may:

33 (a) Provide assistance to grant applicants regarding the
34 procedures and criteria for grant and loan awards;

35 (b) Make and execute all manner of contracts and agreements with
36 public and private parties as the board deems necessary, consistent
37 with the purposes of this chapter;

1 (c) Accept any gifts, grants, or loans of funds, property, or
2 financial or other aid in any form from any other source on any terms
3 that are not in conflict with this chapter;

4 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out
5 the purposes of this chapter; and

6 (e) Do all acts and things necessary or convenient to carry out
7 the powers expressly granted or implied under this chapter.

8 (2) The recreation and conservation office shall provide all
9 necessary grants and loans administration assistance to the board,
10 and shall distribute funds as provided by the board in RCW 77.85.130
11 (as recodified by this act).

12 **Sec. 1152.** RCW 77.85.130 and 2011 c 20 s 16 are each amended to
13 read as follows:

14 (1) The salmon recovery funding board shall develop procedures
15 and criteria for allocation of funds for salmon habitat projects and
16 salmon recovery activities on a statewide basis to address the
17 highest priorities for salmon habitat protection and restoration. To
18 the extent practicable the board shall adopt an annual allocation of
19 funding. The allocation should address both protection and
20 restoration of habitat, and should recognize the varying needs in
21 each area of the state on an equitable basis. The board has the
22 discretion to partially fund, or to fund in phases, salmon habitat
23 projects. The board may annually establish a maximum amount of
24 funding available for any individual project, subject to available
25 funding. No projects required solely as a mitigation or a condition
26 of permitting are eligible for funding.

27 (2)(a) In evaluating, ranking, and awarding funds for projects
28 and activities the board shall give preference to projects that:

29 (i) Are based upon the limiting factors analysis identified under
30 RCW 77.85.060 (as recodified by this act);

31 (ii) Provide a greater benefit to salmon recovery based upon the
32 stock status information contained in the department (~~of fish and~~
33 ~~wildlife~~) salmonid stock inventory (SASSI), the salmon and steelhead
34 habitat inventory and assessment project (SSHIAP), and any comparable
35 science-based assessment when available;

36 (iii) Will benefit listed species and other fish species;

37 (iv) Will preserve high quality salmonid habitat;

1 (v) Are included in a regional or watershed-based salmon recovery
2 plan that accords the project, action, or area a high priority for
3 funding;

4 (vi) Are, except as provided in RCW 77.85.240 (as recodified by
5 this act), sponsored by an entity that is a Puget Sound partner, as
6 defined in RCW 90.71.010; and

7 (vii) Are projects referenced in the action agenda developed by
8 the Puget Sound partnership under RCW 90.71.310.

9 (b) In evaluating, ranking, and awarding funds for projects and
10 activities the board shall also give consideration to projects that:

11 (i) Are the most cost-effective;

12 (ii) Have the greatest matched or in-kind funding;

13 (iii) Will be implemented by a sponsor with a successful record
14 of project implementation;

15 (iv) Involve members of the Washington conservation corps
16 established in chapter 43.220 RCW or the veterans conservation corps
17 established in RCW 43.60A.150; and

18 (v) Are part of a regionwide list developed by lead entities.

19 (3) The board may reject, but not add, projects from a habitat
20 project list submitted by a lead entity for funding.

21 (4) The board shall establish criteria for determining when block
22 grants may be made to a lead entity. The board may provide block
23 grants to the lead entity to implement habitat project lists
24 developed under RCW 77.85.050 (as recodified by this act), subject to
25 available funding. The board shall determine an equitable minimum
26 amount of project funds for each recovery region, and shall
27 distribute the remainder of funds on a competitive basis. The board
28 may also provide block grants to the lead entity or regional recovery
29 organization to assist in carrying out functions described under this
30 chapter. Block grants must be expended consistent with the priorities
31 established for the board in subsection (2) of this section. Lead
32 entities or regional recovery organizations receiving block grants
33 under this subsection shall provide an annual report to the board
34 summarizing how funds were expended for activities consistent with
35 this chapter, including the types of projects funded, project
36 outcomes, monitoring results, and administrative costs.

37 (5) The board may waive or modify portions of the allocation
38 procedures and standards adopted under this section in the award of
39 grants or loans to conform to legislative appropriations directing an
40 alternative award procedure or when the funds to be awarded are from

1 federal or other sources requiring other allocation procedures or
2 standards as a condition of the board's receipt of the funds. The
3 board shall develop an integrated process to manage the allocation of
4 funding from federal and state sources to minimize delays in the
5 award of funding while recognizing the differences in state and
6 legislative appropriation timing.

7 (6) The board may award a grant or loan for a salmon recovery
8 project on private or public land when the landowner has a legal
9 obligation under local, state, or federal law to perform the project,
10 when expedited action provides a clear benefit to salmon recovery,
11 and there will be harm to salmon recovery if the project is delayed.
12 For purposes of this subsection, a legal obligation does not include
13 a project required solely as a mitigation or a condition of
14 permitting.

15 (7) Property acquired or improved by a project sponsor may be
16 conveyed to a federal agency if: (a) The agency agrees to comply with
17 all terms of the grant or loan to which the project sponsor was
18 obligated; or (b) the board approves: (i) Changes in the terms of the
19 grant or loan, and the revision or removal of binding deed of right
20 instruments; and (ii) a memorandum of understanding or similar
21 document ensuring that the facility or property will retain, to the
22 extent feasible, adequate habitat protections; and (c) the
23 appropriate legislative authority of the county or city with
24 jurisdiction over the project area approves the transfer and provides
25 notification to the board.

26 (8) Any project sponsor receiving funding from the salmon
27 recovery funding board that is not subject to disclosure under
28 chapter 42.56 RCW must, as a mandatory contractual prerequisite to
29 receiving the funding, agree to disclose any information in regards
30 to the expenditure of that funding as if the project sponsor was
31 subject to the requirements of chapter 42.56 RCW.

32 (9) After January 1, 2010, any project designed to address the
33 restoration of Puget Sound may be funded under this chapter only if
34 the project is not in conflict with the action agenda developed by
35 the Puget Sound partnership under RCW 90.71.310.

36 **Sec. 1153.** RCW 77.85.140 and 2016 c 197 s 10 are each amended to
37 read as follows:

38 (1) Habitat project lists (~~shall~~) must be submitted to the
39 salmon recovery funding board for funding at least once a year on a

1 schedule established by the board. The board shall provide the
2 legislature with a list of the proposed projects and a list of the
3 projects funded as part of the biennial report required in RCW
4 77.85.020 (as recodified by this act). Project sponsors who complete
5 salmon habitat projects approved for funding from habitat project
6 lists and have met grant application deadlines will be paid by the
7 salmon recovery funding board within thirty days of project
8 completion.

9 (2) The recreation and conservation office shall track all funds
10 allocated for salmon habitat projects and salmon recovery activities
11 on behalf of the board, including both funds allocated by the board
12 and funds allocated by other state or federal agencies for salmon
13 recovery or water quality improvement.

14 **Sec. 1154.** RCW 77.85.200 and 2009 c 199 s 1 are each amended to
15 read as follows:

16 (1) A program for salmon and steelhead recovery is established in
17 Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties within the
18 habitat areas classified as the lower Columbia evolutionarily
19 significant units by the federal national marine fisheries service.
20 The management board created under subsection (2) of this section is
21 responsible for developing and overseeing the implementation of the
22 habitat portion of the salmon and steelhead recovery plan and is
23 empowered to receive and disburse funds for the salmon and steelhead
24 recovery initiatives. The management board created pursuant to this
25 section shall constitute the lead entity and the committee
26 established under RCW 77.85.050 (as recodified by this act)
27 responsible for fulfilling the requirements and exercising powers
28 under this chapter.

29 (2) A management board consisting of fifteen voting members is
30 created within the lower Columbia evolutionarily significant units.
31 The members shall consist of one county commissioner or designee from
32 each of the five participating counties selected by each county
33 legislative authority; one member representing the cities contained
34 within the lower Columbia evolutionarily significant units as a
35 voting member selected by the cities in the lower Columbia
36 evolutionarily significant units; a representative of the Cowlitz
37 Tribe appointed by the tribe; one state legislator elected from one
38 of the legislative districts contained within the lower Columbia
39 evolutionarily significant units selected by that group of state

1 legislators representing the area; five representatives to include at
2 least one member who represents private property interests appointed
3 by the five county commissioners or designees; one hydro utility
4 representative nominated by hydro utilities and appointed by the five
5 county commissioners or designees; and one representative nominated
6 from the environmental community who resides in the lower Columbia
7 evolutionarily significant units appointed by the five county
8 commissioners or designees. The board shall appoint and consult a
9 technical advisory committee, which shall include four
10 representatives of state agencies one each appointed by the directors
11 of the departments of ecology, (~~fish and wildlife~~) fisheries, and
12 transportation, and the commissioner of public lands. The board may
13 also appoint additional persons to the technical advisory committee
14 as needed. The chair of the board shall be selected from among the
15 members of the management board by the five county commissioners or
16 designees and the legislator on the board. In making appointments
17 under this subsection, the county commissioners shall consider
18 recommendations of interested parties. Vacancies shall be filled in
19 the same manner as the original appointments were selected. No action
20 may be brought or maintained against any management board member, the
21 management board, or any of its agents, officers, or employees for
22 any noncontractual acts or omissions in carrying out the purposes of
23 this section.

24 (3)(a) The management board shall participate in the development
25 of a habitat recovery plan to implement its responsibilities under
26 (b) of this subsection. The management board shall consider local
27 watershed efforts and activities as well as habitat conservation
28 plans in the development and implementation of the recovery plan. Any
29 of the participating counties may continue its own efforts for
30 restoring steelhead habitat. Nothing in this section limits the
31 authority of units of local government to enter into interlocal
32 agreements under chapter 39.34 RCW or any other provision of law.

33 (b) The management board is responsible for the development of a
34 lower Columbia salmon and steelhead habitat recovery plan and for
35 coordinating and monitoring the implementation of the plan. The
36 management board will submit all future plans and amendments to plans
37 to the governor's salmon recovery office for the incorporation of
38 hatchery, harvest, and hydropower components of the statewide salmon
39 recovery strategy for all submissions to the national marine
40 fisheries service. In developing and implementing the habitat

1 recovery plan, the management board will work with appropriate
2 federal and state agencies, tribal governments, local governments,
3 and the public to make sure hatchery, harvest, and hydropower
4 components receive consideration in context with the habitat
5 component. The management board may work in cooperation with the
6 state and the national marine fisheries service to modify the plan,
7 or to address habitat for other aquatic species that may be
8 subsequently listed under the federal endangered species act. The
9 management board may not exercise authority over land or water within
10 the individual counties or otherwise preempt the authority of any
11 units of local government.

12 (c) The management board shall prioritize as appropriate and
13 approve projects and programs related to the recovery of lower
14 Columbia river salmon and steelhead runs, including the funding of
15 those projects and programs, and coordinate local government efforts
16 as prescribed in the recovery plan. The management board shall
17 establish criteria for funding projects and programs based upon their
18 likely value in salmon and steelhead recovery. The management board
19 may consider local economic impact among the criteria, but
20 jurisdictional boundaries and factors related to jurisdictional
21 population may not be considered as part of the criteria.

22 (d) The management board shall assess the factors for decline
23 along each tributary basin in the lower Columbia. The management
24 board is encouraged to take a stream-by-stream approach in conducting
25 the assessment which utilizes state and local expertise, including
26 volunteer groups, interest groups, and affected units of local
27 government.

28 (4) The management board has the authority to hire and fire
29 staff, including an executive director, enter into contracts, accept
30 grants and other moneys, disburse funds, make recommendations to
31 cities and counties about potential code changes and the development
32 of programs and incentives upon request, pay all necessary expenses,
33 and may choose a fiduciary agent. The management board shall report
34 on its progress on a biennial basis to the legislative bodies of the
35 five participating counties and the state natural resource-related
36 agencies. The management board shall prepare a final report at the
37 conclusion of the program describing its efforts and successes in
38 developing and implementing the lower Columbia salmon and steelhead
39 recovery plan. The final report shall be transmitted to the
40 appropriate committees of the legislature, the legislative bodies of

1 the participating counties, and the state natural resource-related
2 agencies.

3 (5) For purposes of this section, "evolutionarily significant
4 unit" means the habitat area identified for an evolutionarily
5 significant unit of an aquatic species listed or proposed for listing
6 as a threatened or endangered species under the federal endangered
7 species act (16 U.S.C. Sec. 1531 et seq.).

8 **Sec. 1155.** RCW 77.85.220 and 2003 c 391 s 4 are each amended to
9 read as follows:

10 (1) If a limiting factors analysis has been conducted under this
11 chapter for a specific geographic area and that analysis shows
12 insufficient intertidal salmon habitat, the department of (~~fish and~~
13 ~~wildlife~~) fisheries and the county legislative authorities of the
14 affected counties may jointly initiate a salmon intertidal habitat
15 restoration planning process to develop a plan that addresses the
16 intertidal habitat goals contained in the limiting factors analysis.
17 The (~~fish and wildlife commission~~) director and the county
18 legislative authorities of the geographic area shall jointly appoint
19 a task force composed of the following members:

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

22 (b) Two representatives of the agricultural industry familiar
23 with agricultural issues in the geographic area, one appointed by an
24 organization active in the geographic area and one appointed by a
25 statewide organization representing the industry;

26 (c) Two representatives of environmental interest organizations
27 with familiarity and expertise of salmon habitat, one appointed by an
28 organization in the geographic area and one appointed by a statewide
29 organization representing environmental interests;

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

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

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

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

38 (2) Representatives of the United States environmental protection
39 agency, the United States natural resources conservation service,

1 federal fishery agencies, as appointed by their regional director,
2 and tribes with interests in the geographic area shall be invited and
3 encouraged to participate as members of the task force.

4 (3) The task force shall elect a chair and adopt rules for
5 conducting the business of the task force. Staff support for the task
6 force shall be provided by the Washington state conservation
7 commission.

8 (4) The task force shall:

9 (a) Review and analyze the limiting factors analysis for the
10 geographic area;

11 (b) Initiate and oversee intertidal salmon habitat studies for
12 enhancement of the intertidal area as provided in RCW 77.85.230 (as
13 recodified by this act);

14 (c) Review and analyze the completed assessments listed in RCW
15 77.85.230 (as recodified by this act);

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

18 (e) Identify appropriate demonstration projects and early
19 implementation projects that are of high priority and should commence
20 immediately within the geographic area.

21 (5) The task force may request briefings as needed on legal
22 issues that may need to be considered when developing or implementing
23 various plan options.

24 (6) Members of the task force shall be reimbursed by the
25 conservation commission for travel expenses as provided in RCW
26 43.03.050 and 43.03.060.

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

31 **Sec. 1156.** RCW 77.85.230 and 2009 c 333 s 24 are each amended to
32 read as follows:

33 (1) In consultation with the appropriate task force formed under
34 RCW 77.85.220 (as recodified by this act), the conservation
35 commission may contract with universities, private consultants,
36 nonprofit groups, or other entities to assist it in developing a plan
37 incorporating the following elements:

38 (a) An inventory of existing tide gates located on streams in the
39 county. The inventory shall include location, age, type, and

1 maintenance history of the tide gates and other factors as determined
2 by the appropriate task force in consultation with the county and
3 diking and drainage districts;

4 (b) An assessment of the role of tide gates located on streams in
5 the county; the role of intertidal fish habitat for various life
6 stages of salmon; the quantity and characterization of intertidal
7 fish habitat currently accessible to fish; the quantity and
8 characterization of the present intertidal fish habitat created at
9 the time the dikes and outlets were constructed; the quantity of
10 potential intertidal fish habitat on public lands and alternatives to
11 enhance this habitat; the effects of saltwater intrusion on
12 agricultural land, including the effects of backfeeding of saltwater
13 through the underground drainage system; the role of tide gates in
14 drainage systems, including relieving excess water from saturated
15 soil and providing reservoir functions between tides; the effect of
16 saturated soils on production of crops; the characteristics of
17 properly functioning intertidal fish habitat; a map of agricultural
18 lands designated by the county as having long-term commercial
19 significance and the effect of that designation; and the economic
20 impacts to existing land uses for various alternatives for tide gate
21 alteration; and

22 (c) A long-term plan for intertidal salmon habitat enhancement to
23 meet the goals of salmon recovery and protection of agricultural
24 lands. The proposal shall consider all other means to achieve salmon
25 recovery without converting farmland. The proposal shall include
26 methods to increase fish passage and otherwise enhance intertidal
27 habitat on public lands pursuant to subsection (2) of this section,
28 voluntary methods to increase fish passage on private lands, a
29 priority list of intertidal salmon enhancement projects, and
30 recommendations for funding of high priority projects. The task force
31 also may propose pilot projects that will be designed to test and
32 measure the success of various proposed strategies.

33 (2) In conjunction with other public landowners and the
34 appropriate task force formed under RCW 77.85.220 (as recodified by
35 this act), the department shall develop an initial salmon intertidal
36 habitat enhancement plan for public lands in the county. The initial
37 plan shall include a list of public properties in the intertidal zone
38 that could be enhanced for salmon, a description of how those
39 properties could be altered to support salmon, a description of costs
40 and sources of funds to enhance the property, and a strategy and

1 schedule for prioritizing the enhancement of public lands for
2 intertidal salmon habitat. This initial plan shall be submitted to
3 the appropriate task force at least six months before the deadline
4 established in subsection (3) of this section.

5 (3) The final intertidal salmon enhancement plan shall be
6 completed within two years from the date the task force is formed
7 under RCW 77.85.220 (as recodified by this act) and funding has been
8 secured. A final plan shall be submitted by the appropriate task
9 force to the lead entity for the geographic area established under
10 this chapter.

11 **Sec. 1157.** RCW 77.95.020 and 1995 1st sp.s. c 2 s 34 are each
12 amended to read as follows:

13 (1) The (~~commission~~) department shall develop long-term
14 regional policy statements regarding the salmon fishery resources
15 before December 1, 1985. The (~~commission~~) department shall consider
16 the following in formulating and updating regional policy statements:

- 17 (a) Existing resource needs;
- 18 (b) Potential for creation of new resources;
- 19 (c) Successful existing programs, both within and outside the
20 state;
- 21 (d) Balanced utilization of natural and hatchery production;
- 22 (e) Desires of the fishing interest;
- 23 (f) Need for additional data or research;
- 24 (g) Federal court orders; and
- 25 (h) Salmon advisory council recommendations.

26 (2) The (~~commission~~) director shall review and update each
27 policy statement at least once each year.

28 **Sec. 1158.** RCW 77.95.030 and 2013 c 23 s 246 are each amended to
29 read as follows:

30 (1) The (~~commission~~) director shall develop a detailed salmon
31 enhancement plan with proposed enhancement projects. The plan and the
32 regional policy statements shall be submitted to the secretary of the
33 senate and chief clerk of the house of representatives for
34 legislative distribution by June 30, 1986. The enhancement plan and
35 regional policy statements shall be provided by June 30, 1986, to the
36 natural resources committees of the house of representatives and the
37 senate. The (~~commission~~) director shall provide a maximum
38 opportunity for the public to participate in the development of the

1 salmon enhancement plan. To insure full participation by all
2 interested parties, the (~~commission~~) director shall solicit and
3 consider enhancement project proposals from Indian tribes, sports
4 fishers, commercial fishers, private aquaculturists, and other
5 interested groups or individuals for potential inclusion in the
6 salmon enhancement plan. Joint or cooperative enhancement projects
7 shall be considered for funding.

8 (2) The following criteria shall be used by the (~~commission~~)
9 director in formulating the project proposals:

- 10 (a) Compatibility with the long-term policy statement;
- 11 (b) Benefit/cost analysis;
- 12 (c) Needs of all fishing interests;
- 13 (d) Compatibility with regional plans, including harvest
14 management plans;
- 15 (e) Likely increase in resource productivity;
- 16 (f) Direct applicability of any research;
- 17 (g) Salmon advisory council recommendations;
- 18 (h) Compatibility with federal court orders;
- 19 (i) Coordination with the salmon and steelhead advisory
20 commission program;
- 21 (j) Economic impact to the state;
- 22 (k) Technical feasibility; and
- 23 (l) Preservation of native salmon runs.

24 (3) The (~~commission~~) director shall not approve projects that
25 serve as replacement funding for projects that exist prior to May 21,
26 1985, unless no other sources of funds are available.

27 (4) The (~~commission~~) director shall prioritize various projects
28 and establish a recommended implementation time schedule.

29 **Sec. 1159.** RCW 77.95.040 and 1995 1st sp.s. c 2 s 36 are each
30 amended to read as follows:

31 Upon approval by the legislature of funds for its implementation,
32 the (~~commission~~) director shall monitor the progress of projects
33 detailed in the salmon enhancement plan.

34 The (~~commission~~) director shall be responsible for establishing
35 criteria which shall be used to measure the success of each project
36 in the salmon enhancement plan.

37 **Sec. 1160.** RCW 77.95.060 and 1995 1st sp.s. c 2 s 38 are each
38 amended to read as follows:

1 The legislature finds that it is in the best interest of the
2 salmon resource of the state to encourage the development of regional
3 fisheries enhancement groups. The accomplishments of one existing
4 group, the Grays Harbor fisheries enhancement task force, have been
5 widely recognized as being exemplary. The legislature recognizes the
6 potential benefits to the state that would occur if each region of
7 the state had a similar group of dedicated citizens working to
8 enhance the salmon resource.

9 The legislature authorizes the formation of regional fisheries
10 enhancement groups. These groups shall be eligible for state
11 financial support and shall be actively supported by the (~~commission~~
12 ~~and the~~) department. The regional groups (~~shall~~) must be operated
13 on a strictly nonprofit basis, and shall seek to maximize the efforts
14 of volunteer and private donations to improve the salmon resource for
15 all citizens of the state.

16 **Sec. 1161.** RCW 77.95.070 and 2000 c 107 s 105 are each amended
17 to read as follows:

18 Regional fisheries enhancement groups, consistent with the long-
19 term regional policy statements developed under RCW 77.95.020 (as
20 recodified by this act), shall seek to:

- 21 (1) Enhance the salmon and steelhead resources of the state;
- 22 (2) Maximize volunteer efforts and private donations to improve
23 the salmon and steelhead resources for all citizens;
- 24 (3) Assist the department in achieving the goal to double the
25 statewide salmon and steelhead catch by the year 2000; and
- 26 (4) Develop projects designed to supplement the fishery
27 enhancement capability of the department.

28 **Sec. 1162.** RCW 77.95.090 and 2009 c 340 s 4 are each amended to
29 read as follows:

30 The dedicated regional fisheries enhancement group account is
31 created in the custody of the state treasurer. Only the
32 (~~commission~~) director or the (~~commission's~~) director's designee
33 may authorize expenditures from the account. The account is subject
34 to allotment procedures under chapter 43.88 RCW, but no appropriation
35 is required for expenditures.

36 A portion of each recreational fishing license fee (~~shall~~) must
37 be used as provided in (~~RCW 77.32.440~~) section 1094 of this act. A
38 surcharge of one hundred dollars (~~shall~~) must be collected on each

1 commercial salmon fishery license, each salmon delivery license, and
2 each salmon charter license sold in the state. All receipts shall be
3 placed in the regional fisheries enhancement group account and shall
4 be used exclusively for regional fisheries enhancement group projects
5 for the purposes of RCW 77.95.110. Except as provided in RCW
6 77.95.320 (as recodified by this act), funds from the regional
7 fisheries enhancement group account shall not serve as replacement
8 funding for department operated salmon projects that exist on January
9 1, 1991.

10 All revenue from the department's sale of salmon carcasses and
11 eggs that return to group facilities shall be deposited in the
12 regional fisheries enhancement group account for use by the regional
13 fisheries enhancement group that produced the surplus. The
14 ~~((commission))~~ department shall adopt rules to implement this section
15 pursuant to chapter 34.05 RCW.

16 **Sec. 1163.** RCW 77.95.100 and 2010 1st sp.s. c 7 s 82 are each
17 amended to read as follows:

18 The department may provide start-up funds to regional fisheries
19 enhancement groups for costs associated with any enhancement project.
20 The ~~((commission))~~ director shall develop guidelines for providing
21 funds to the regional fisheries enhancement groups.

22 **Sec. 1164.** RCW 77.95.140 and 1995 1st sp.s. c 2 s 41 are each
23 amended to read as follows:

24 The ~~((commission))~~ department shall prepare a salmon recovery
25 plan for the Skagit river. The plan shall include strategies for
26 employing displaced timber workers to conduct salmon restoration and
27 other tasks identified in the plan. The plan shall incorporate the
28 best available technology in order to achieve maximum restoration of
29 depressed salmon stocks. The plan must encourage the restoration of
30 natural spawning areas and natural rearing of salmon but must not
31 preclude the development of an active hatchery program.

32 **Sec. 1165.** RCW 77.95.160 and 2014 c 120 s 4 are each amended to
33 read as follows:

34 (1) The department shall maintain a fish passage barrier removal
35 board. The board must be composed of a representative from the
36 department, the department of transportation, cities, counties, the
37 governor's salmon recovery office, tribal governments, and the

1 department of natural resources. The representative of the department
2 must serve as chair of the board and may expand the membership of the
3 board to representatives of other governments, stakeholders, and
4 interested entities.

5 (2)(a) The duty of the board is to identify and expedite the
6 removal of human-made or caused impediments to anadromous fish
7 passage in the most efficient manner practical through the
8 development of a coordinated approach and schedule that identifies
9 and prioritizes the projects necessary to eliminate fish passage
10 barriers caused by state and local roads and highways and barriers
11 owned by private parties.

12 (b) The coordinated approach must address fish passage barrier
13 removals in all areas of the state in a manner that is consistent
14 with a recognition that scheduling and prioritization is necessary.

15 (c) The board must coordinate and mutually share information,
16 when appropriate, with:

17 (i) Other fish passage correction programs, including local
18 salmon recovery plan implementation efforts through the governor's
19 salmon recovery office;

20 (ii) The applicable conservation districts when developing
21 schedules and priorities within set geographic areas or counties; and

22 (iii) The recreation and conservation office to ensure that
23 barrier removal methodologies are consistent with, and maximizing the
24 value of, other salmon recovery efforts and habitat improvements that
25 are not primarily based on the removal of barriers.

26 (d) Recommendations must include proposed funding mechanisms and
27 other necessary mechanisms and methodologies to coordinate state,
28 tribal, local, and volunteer barrier removal efforts within each
29 water resource inventory area and satisfy the principles of RCW
30 77.95.180 (as recodified by this act). To the degree practicable, the
31 board must utilize the database created in RCW 77.95.170 (as
32 recodified by this act) and information on fish barriers developed by
33 conservation districts to guide methodology development. The board
34 may consider recommendations by interested entities from the private
35 sector and regional fisheries enhancement groups.

36 (e) When developing a prioritization methodology under this
37 section, the board shall consider:

38 (i) Projects benefiting depressed, threatened, and endangered
39 stocks;

1 (ii) Projects providing access to available and high quality
2 spawning and rearing habitat;
3 (iii) Correcting the lowest barriers within the stream first;
4 (iv) Whether an existing culvert is a full or partial barrier;
5 (v) Projects that are coordinated with other adjacent barrier
6 removal projects; and
7 (vi) Projects that address replacement of infrastructure
8 associated with flooding, erosion, or other environmental damage. (f)
9 The board may not make decisions on fish passage standards or
10 categorize as impassible culverts or other infrastructure
11 developments that have been deemed passable by the department.

12 **Sec. 1166.** RCW 77.95.170 and 2014 c 120 s 3 are each amended to
13 read as follows:

14 (1) The department may coordinate with the recreation and
15 conservation office in the administration of all state grant programs
16 specifically designed to assist state agencies, private landowners,
17 tribes, organizations, and volunteer groups in identifying and
18 removing impediments to salmonid fish passage. The transportation
19 improvement board may administer all grant programs specifically
20 designed to assist cities, counties, and other units of local
21 governments with fish passage barrier corrections associated with
22 transportation projects. All grant programs must be administered and
23 be consistent with the following:

24 (a) Salmonid-related corrective projects, inventory, assessment,
25 and prioritization efforts;

26 (b) Salmonid projects subject to a competitive application
27 process; and

28 (c) A minimum dollar match rate that is consistent with the
29 funding authority's criteria. If no funding match is specified, a
30 match amount of at least twenty-five percent per project is required.
31 For local, private, and volunteer projects, in-kind contributions may
32 be counted toward the match requirement.

33 (2) Priority shall be given to projects that match the principles
34 provided in RCW 77.95.180 (as recodified by this act).

35 (3) All projects subject to this section shall be reviewed and
36 approved by the fish passage barrier removal board created in RCW
37 77.95.160 (as recodified by this act) or an alternative oversight
38 committee designated by the state legislature.

1 (4) Other agencies that administer natural resource-based grant
2 programs shall use fish passage selection criteria that are
3 consistent with this section when those programs are addressing fish
4 passage barrier removal projects.

5 (5)(a) The department shall establish a centralized database
6 directory of all fish passage barrier information. The database
7 directory must include, but is not limited to, existing fish passage
8 inventories, fish passage projects, grant program applications, and
9 other databases. These data must be used to coordinate and assist in
10 habitat recovery and project mitigation projects.

11 (b) The department must develop a barrier inventory training
12 program that qualifies participants to perform barrier inventories
13 and develop data that enhance the centralized database. The
14 department may decide the qualifications for participation. However,
15 employees and volunteers of conservation districts and regional
16 salmon recovery groups must be given priority consideration.

17 **Sec. 1167.** RCW 77.95.180 and 2014 c 120 s 2 are each amended to
18 read as follows:

19 (1)(a) To maximize available state resources, the department and
20 the department of transportation must work in partnership to identify
21 and complete projects to eliminate fish passage barriers caused by
22 state roads and highways.

23 (b) The partnership between the department and the department of
24 transportation must be based on the principle of maximizing habitat
25 recovery through a coordinated investment strategy that, to the
26 maximum extent practical and allowable, prioritizes opportunities: To
27 correct multiple fish barriers in whole streams rather than through
28 individual, isolated projects; to coordinate with other entities
29 sponsoring barrier removals, such as regional fisheries enhancement
30 groups incorporated under this chapter, in a manner that achieves the
31 greatest cost savings to all parties; and to correct barriers located
32 furthest downstream in a stream system. Examples of this principle
33 include:

34 (i) Coordinating with all relevant state agencies and local
35 governments to maximize the habitat recovery value of the investments
36 made by the state to correct fish passage barriers;

37 (ii) Maximizing the habitat recovery value of investments made by
38 public and private forest landowners through the road maintenance and

1 abandonment planning process outlined in the forest practices rules,
2 as that term is defined in RCW 76.09.020;

3 (iii) Recognizing that many of the barriers owned by the state
4 are located in the same stream systems as barriers that are owned by
5 cities and counties with limited financial resources for correction
6 and that state-local partnership opportunities should be sought to
7 address these barriers; and

8 (iv) Recognizing the need to continue investments in the family
9 forest fish passage program created pursuant to RCW 76.13.150 and
10 other efforts to address fish passage barriers owned by private
11 parties that are in the same stream systems as barriers owned by
12 public entities.

13 (2) The department shall also provide engineering and other
14 technical services to assist nonstate barrier owners with fish
15 passage barrier removal projects, provided that the barrier removal
16 projects have been identified as a priority by the department and the
17 department has received an appropriation to continue that component
18 of a fish barrier removal program.

19 (3) Nothing in this section is intended to:

20 (a) Alter the process and prioritization methods used in the
21 implementation of the forest practices rules, as that term is defined
22 in RCW 76.09.020, or the family forest fish passage program, created
23 pursuant to RCW 76.13.150, that provides public cost assistance to
24 small forest landowners associated with the road maintenance and
25 abandonment processes; or

26 (b) Prohibit or delay fish barrier projects undertaken by the
27 department of transportation or another state agency that are a
28 component of an overall transportation improvement project or that
29 are being undertaken as a direct result of state law, federal law, or
30 a court order. However, the department of transportation or another
31 state agency is required to work in partnership with the fish passage
32 barrier removal board created in RCW 77.95.160 (as recodified by this
33 act) to ensure that the scheduling, staging, and implementation of
34 these projects are, to (~~the~~) the maximum extent practicable,
35 consistent with the coordinated and prioritized approach adopted by
36 the fish passage barrier removal board.

37 **Sec. 1168.** RCW 77.95.185 and 2015 3rd sp.s. c 17 s 10 are each
38 amended to read as follows:

1 (1) The department of transportation, the department of ecology,
2 ((and)) the department of ((fish)) fisheries, and the department of
3 wildlife must use their existing authorities and guidance to provide
4 a preference for the removal of existing fish passage barriers owned
5 by cities and counties as compensatory mitigation for environmental
6 impacts of transportation projects where appropriate.

7 (2)(a) The department of transportation, the department of
8 ecology, ((and)) the department of ((fish)) fisheries, and the
9 department of wildlife must consult with other relevant entities to
10 develop a framework for encouraging off-site and out-of-kind local
11 fish passage barrier mitigation that provides results that are
12 consistent with habitat protection priorities and are ecologically
13 preferable to on-site mitigation.

14 (b) The implementation of this framework must:

15 (i) Not delay transportation project delivery;

16 (ii) Not be additive to the amount or cost of mitigation required
17 under existing regulations;

18 (iii) Not preclude on-site or off-site and in-kind mitigation
19 when that is the most ecologically appropriate means to address
20 project impacts;

21 (iv) Not alter the mitigation sequencing principles of first
22 avoidance and then minimization of impacts before compensatory
23 mitigation;

24 (v) Provide for a mechanism that identifies whether environmental
25 impacts from projects are appropriate for local fish passage barrier
26 mitigation;

27 (vi) Provide a mechanism for affected parties, including tribes,
28 to determine when and how to use off-site and out-of-kind mitigation
29 to address fish passage barriers in particular watersheds;

30 (vii) Consult the statewide fish passage barrier removal strategy
31 developed by the fish passage barrier removal board created in RCW
32 77.95.160 (as recodified by this act) and information provided by
33 affected tribes, salmon recovery regional organizations, and local
34 entities to identify specific priority locations where removal of
35 local barriers would provide a net resource gain; and

36 (viii) Consistent with existing mitigation regulations and
37 guidelines, provide a preference, where appropriate, for investment
38 in local fish passage barrier removal where greater environmental
39 benefit can be achieved with off-site and out-of-kind mitigation.

1 (c) In addition to the framework developed in (b) of this
2 subsection, the department of transportation, the department of
3 ecology, ~~((and))~~ the department of ~~((fish))~~ fisheries, and the
4 department of wildlife must develop and implement an umbrella
5 statewide in lieu fee program or other formal means to provide a
6 streamlined mechanism to undertake priority local fish passage
7 barrier corrections throughout the watersheds of the state as a
8 preferred means of compensatory mitigation where appropriate for
9 state transportation that is consistent with the principles in (a)
10 and (b) of this subsection.

11 (3) Nothing in this section is intended to create or expand the
12 state's obligation for fish passage barrier correction according to
13 existing law or court ruling. Nothing in this section is intended to
14 decrease funding or otherwise impede the state's efforts to meet its
15 obligation for fish passage barrier correction according to existing
16 law or court ruling.

17 **Sec. 1169.** RCW 77.95.210 and 2001 c 337 s 1 are each amended to
18 read as follows:

19 (1) Except as provided in subsection (2) of this section, the
20 department may supply, at a reasonable charge, surplus salmon eggs to
21 a person for use in the cultivation of salmon. The department shall
22 not intentionally create a surplus of salmon to provide eggs for
23 sale. The department shall only sell salmon eggs from stocks that are
24 not suitable for salmon population rehabilitation or enhancement in
25 state waters in Washington after the salmon harvest on surplus salmon
26 has been first maximized by both commercial and recreational fishers.

27 (2) The department shall not destroy hatchery origin salmon for
28 the purposes of destroying viable eggs that would otherwise be useful
29 for propagation or salmon recovery purposes, as determined by the
30 department and Indian tribes with treaty fishing rights in a
31 collaborative manner, for replenishing fish runs. Eggs deemed surplus
32 by the state must be provided, in the following order of priority,
33 to:

34 (a) Voluntary cooperative salmon culture programs under the
35 supervision of the department under chapter 77.100 RCW;

36 (b) Regional fisheries enhancement group salmon culture programs
37 under the supervision of the department under this chapter;

1 (c) Salmon culture programs requested by lead entities and
2 approved by the salmon funding recovery board under chapter 77.85 RCW
3 (as recodified by this act);

4 (d) Hatcheries of federally approved tribes in Washington to whom
5 eggs are moved, not sold, under the interlocal cooperation act,
6 chapter 39.34 RCW; and

7 (e) Governmental hatcheries in Washington, Oregon, and Idaho.

8 The order of priority established in this subsection for
9 distributing surplus eggs does not apply when there is a shortfall in
10 the supply of eggs.

11 (3) All sales, provisions, distributions, or transfers shall be
12 consistent with the department's egg transfer and aquaculture disease
13 control regulations as now existing or hereafter amended. Prior to
14 department determination that eggs of a salmon stock are surplus and
15 available for sale, the department shall assess the productivity of
16 each watershed that is suitable for receiving eggs.

17 **Sec. 1170.** RCW 77.95.270 and 2001 c 337 s 2 are each amended to
18 read as follows:

19 Except as provided in RCW 77.95.210 (as recodified by this act),
20 the department may make available to private contractors salmon eggs
21 in excess of department hatchery needs for the purpose of contract
22 rearing to release the smolts into public waters. However, providing
23 salmon eggs as specified in RCW 77.95.210(2) (as recodified by this
24 act) has the highest priority. The priority of providing eggs surplus
25 after meeting the requirements of RCW 77.95.210(2) (as recodified by
26 this act) to contract rearing is a higher priority than providing
27 eggs to aquaculture purposes that are not destined for release into
28 Washington public waters.

29 **Sec. 1171.** RCW 77.95.320 and 2013 c 93 s 1 are each amended to
30 read as follows:

31 (1) The department shall establish a program that utilizes
32 department-partner agreements for the resumption or continued
33 operation and management of state-owned salmonid hatcheries that are
34 located in the Hood Canal basin. To implement the program, the
35 department shall accept and review applications to determine the
36 appropriateness of the partner to manage and operate selected
37 salmonid hatcheries. The department shall accelerate the application

1 process relating to any hatchery currently in operation to avoid
2 cessation of ongoing salmon production.

3 (2)(a) To select a partner, the department shall develop and
4 apply criteria identifying the appropriateness of a potential
5 partner. The criteria must seek to ensure that the partner has a
6 long-range business plan, which may include the sale of hatchery
7 surplus salmon, including eggs and carcasses, to ensure the long-
8 range future solvency of the partnership. The business plan may also
9 allow the partner to harvest hatchery chum salmon in a designated
10 area through persons under contract with the partner as provided
11 under a permit from the department or by rule of the ~~((commission))~~
12 department. All chum salmon harvested must be sold at prices
13 commensurate with the current market and all funds must be utilized
14 by the partner to operate the hatchery.

15 (b) Partners under this section must be:

16 (i) Qualified under section 501(c)(3) of the internal revenue
17 code;

18 (ii) A for-profit private entity; or

19 (iii) A federally recognized tribe.

20 (3) The department shall place a higher priority on applications
21 from partners that provide for the maximum resumption or continuation
22 of existing hatchery production in a manner consistent with the
23 mandate contained in ~~((RCW 77.04.012))~~ section 1003 of this act to
24 maintain the economic well-being and stability of the fishing
25 industry.

26 (4)(a) Agreements entered into with partners under this section
27 must be consistent with existing federally recognized tribal rights,
28 state laws, agency rules, collective bargaining agreements, hatchery
29 management policy involving species listed under the federal
30 endangered species act, or, in the case of a tribal partner, any
31 applicable tribal hatchery management policy or recreational and
32 commercial harvest policy.

33 (b) Agreements under this section must also require that partners
34 give preference to retaining classified employees whenever possible.
35 In circumstances where it is not possible, partners conducting
36 hatchery operations must maintain staff with comparable
37 qualifications to those identified in the class specifications for
38 the department's fish hatchery personnel.

39 (5) All partnership agreements entered into under this section
40 must contain a provision that requires the partner to hold harmless

1 the department and the state for any civil liability arising from the
2 partner's participation in the agreement or activities at the subject
3 hatchery or hatcheries.

4 (6) All partnership agreements entered into under this section
5 must identify any maintenance or improvements to be made to the
6 hatchery facility, and the source of funding for such maintenance or
7 improvements. If funding for the maintenance or improvements is to
8 come from state funds or revenue sources previously received by the
9 department, the work must be performed either by employees in the
10 classified service or in compliance with the contracting procedures
11 set forth in RCW 41.06.142.

12 **Sec. 1172.** RCW 77.105.010 and 2003 c 173 s 1 are each amended to
13 read as follows:

14 There is created within the department (~~(of fish and wildlife)~~)
15 the Puget Sound recreational salmon and marine fish enhancement
16 program. The department (~~(of fish and wildlife)~~) shall identify a
17 coordinator for the program who shall act as spokesperson for the
18 program and shall:

19 (1) Coordinate the activities of the Puget Sound recreational
20 salmon and marine fish enhancement program, including the Lake
21 Washington salmon fishery; and

22 (2) Work within and outside of the department to achieve the
23 goals stated in this chapter, including coordinating with the Puget
24 Sound recreational fisheries enhancement oversight committee
25 established in RCW 77.105.160 (as recodified by this act).

26 **Sec. 1173.** RCW 77.105.020 and 2011 c 266 s 2 are each amended to
27 read as follows:

28 (1) Consistent with available revenue, (~~(commission)~~) department
29 policies, tribal comanager agreements, and limitations of the
30 endangered species act, the department, in consultation with the
31 oversight committee created in RCW 77.105.160 (as recodified by this
32 act), shall adaptively manage the Puget Sound recreational salmon and
33 marine fish enhancement program to maximize the benefits to the Puget
34 Sound recreational fishery.

35 (2) The department has the following duties:

36 (a) The department shall utilize a program of hatchery-based
37 salmon enhancement and solicit support from cooperative projects,

1 regional enhancement groups, and other supporting organizations to
2 improve recreational salmon fishing in Puget Sound.

3 (b) The department may conduct comprehensive research on resident
4 and migratory salmon production opportunities on marine bottomfish
5 production limitations, and on methods for artificial propagation of
6 depleted marine bottomfish.

7 (c) The program must facilitate continued and improved
8 recreational fishing opportunities in Puget Sound and Lake Washington
9 as measured by increased angler trips of participation. The
10 coordinator, as identified in RCW 77.105.010 (as recodified by this
11 act), shall assist the oversight committee with development of
12 recommendations for outcome-based goals and objectives to assess the
13 effectiveness of the program.

14 (d) The director shall meet with the oversight committee each
15 year to review and approve these goals and objectives.

16 ~~((The director and oversight committee shall report annually~~
17 ~~to the commission on the goals of the program and the effectiveness~~
18 ~~of the program in meeting those goals. Objectives include, but are~~
19 ~~not limited to, an increase in salmon and bottomfish angler trips.~~

20 ~~(f))~~) The department and the oversight committee shall seek to
21 reach consensus regarding program activities and expenditures. The
22 department shall provide the oversight committee with a written
23 explanation when the department expends funds from the recreational
24 fisheries enhancement account that differs substantially from
25 oversight committee recommendations.

26 ~~((g))~~ (f) Consistent with RCW 43.01.036, the department and
27 oversight committee shall make a joint report to the legislature on
28 the effectiveness of this program in biennial reports. Reports must
29 include the goals and objectives of the previous biennium and a
30 determination of whether the goals and objectives were met and an
31 explanation if the department did not meet these specific objectives.

32 **Sec. 1174.** RCW 77.105.140 and 2000 c 107 s 119 are each amended
33 to read as follows:

34 As provided in ~~((RCW 77.32.440))~~ section 1094 of this act, a
35 portion of each saltwater and combination fishing license fee shall
36 be deposited in the recreational fisheries enhancement account
37 created in RCW 77.105.150 (as recodified by this act).

1 **Sec. 1175.** RCW 77.105.150 and 2003 c 173 s 3 are each amended to
2 read as follows:

3 The recreational fisheries enhancement account is created in the
4 state treasury. All receipts from RCW 77.105.140 (as recodified by
5 this act) shall be deposited into the account. Moneys in the account
6 may be spent only after appropriation. Expenditures from the account
7 may be used only for recreational fisheries enhancement programs
8 identified in this chapter. Under no circumstances may moneys from
9 the account be used to backfill shortfalls in other state funding
10 sources.

11 **Sec. 1176.** RCW 77.105.160 and 2011 c 266 s 6 are each amended to
12 read as follows:

13 (1) The Puget Sound recreational fisheries enhancement oversight
14 committee is created. The director shall appoint at least seven
15 members representing sport fishing interests to the committee from a
16 list of applicants, ensuring broad representation from the sport
17 fishing community. Each member shall serve for a term of two years,
18 and may be reappointed for subsequent two-year terms at the
19 discretion of the director. Members of the committee serve without
20 compensation.

21 (2) The Puget Sound recreational fisheries enhancement oversight
22 committee has the following duties:

23 (a) Advise the department on all aspects of the Puget Sound
24 recreational fisheries enhancement program;

25 (b) Develop recommendations, with assistance from the
26 coordinator, for outcome-based goals and objectives to assess the
27 effectiveness of the program;

28 (c) Meet with the director each year to review these goals and
29 objectives;

30 (d) Report annually ((with)) to the director ((to—the
31 ~~commission~~)) on the goals of the program and the effectiveness of the
32 program in meeting those goals;

33 (e) Review and provide guidance on the annual budget for the
34 recreational fisheries enhancement account;

35 (f) Select a chair of the committee. It is the chair's duty to
36 coordinate with the department on all issues related to the Puget
37 Sound recreational fisheries enhancement program;

1 (g) Meet at least quarterly with the department's coordinator as
2 identified in RCW 77.105.010 (as recodified by this act) of the Puget
3 Sound recreational fisheries enhancement program;

4 (h) Review and comment on program documents and proposed
5 production of salmon and other species;

6 (i) Address other issues related to the purposes of the Puget
7 Sound recreational fisheries enhancement program that are of interest
8 to recreational fishers in Puget Sound; and

9 (j) Consistent with RCW 43.01.036, make a joint report with the
10 department to the legislature each biennium on the status of the
11 program.

12 **Sec. 1177.** RCW 77.115.010 and 2000 c 107 s 122 are each amended
13 to read as follows:

14 (1) The director of agriculture and the director shall jointly
15 develop a program of disease inspection and control for aquatic
16 farmers as defined in RCW 15.85.020. The program shall be
17 administered by the department under rules established under this
18 section. The purpose of the program is to protect the aquaculture
19 industry and wildstock fisheries from a loss of productivity due to
20 aquatic diseases or maladies. As used in this section "diseases"
21 means, in addition to its ordinary meaning, infestations of parasites
22 or pests. The disease program may include, but is not limited to, the
23 following elements:

24 (a) Disease diagnosis;

25 (b) Import and transfer requirements;

26 (c) Provision for certification of stocks;

27 (d) Classification of diseases by severity;

28 (e) Provision for treatment of selected high-risk diseases;

29 (f) Provision for containment and eradication of high-risk
30 diseases;

31 (g) Provision for destruction of diseased cultured aquatic
32 products;

33 (h) Provision for quarantine of diseased cultured aquatic
34 products;

35 (i) Provision for coordination with state and federal agencies;

36 (j) Provision for development of preventative or control
37 measures;

38 (k) Provision for cooperative consultation service to aquatic
39 farmers; and

1 (1) Provision for disease history records.

2 (2) The (~~commission~~) director shall adopt rules implementing
3 this section. However, such rules shall have the prior approval of
4 the director of agriculture and shall provide therein that the
5 director of agriculture has provided such approval. The director of
6 agriculture or the director's designee shall attend the rule-making
7 hearings conducted under chapter 34.05 RCW and shall assist in
8 conducting those hearings. The authorities granted the department by
9 these rules and by RCW 77.12.047(1)(g), 77.60.060 (as recodified by
10 this act), 77.60.080 (as recodified by this act), 77.65.210 (as
11 recodified by this act), (~~77.115.020,~~) 77.115.030 (as recodified by
12 this act), and 77.115.040 (as recodified by this act) constitute the
13 only authorities of the department to regulate private sector
14 cultured aquatic products and aquatic farmers as defined in RCW
15 15.85.020. Except as provided in subsection (3) of this section, no
16 action may be taken against any person to enforce these rules unless
17 the department has first provided the person an opportunity for a
18 hearing. In such a case, if the hearing is requested, no enforcement
19 action may be taken before the conclusion of that hearing.

20 (3) The rules adopted under this section shall specify the
21 emergency enforcement actions that may be taken by the department,
22 and the circumstances under which they may be taken, without first
23 providing the affected party with an opportunity for a hearing.
24 Neither the provisions of this subsection nor the provisions of
25 subsection (2) of this section shall preclude the department from
26 requesting the initiation of criminal proceedings for violations of
27 the disease inspection and control rules.

28 (4) A person shall not violate the rules adopted under subsection
29 (2) or (3) of this section or violate RCW 77.115.040 (as recodified
30 by this act).

31 (5) In administering the program established under this section,
32 the department shall use the services of a pathologist licensed to
33 practice veterinary medicine.

34 (6) The director in administering the program shall not place
35 constraints on or take enforcement actions in respect to the
36 aquaculture industry that are more rigorous than those placed on the
37 department or other fish-rearing entities.

38 **Sec. 1178.** RCW 77.115.030 and 2000 c 107 s 124 are each amended
39 to read as follows:

1 (1) The director shall consult regarding the disease inspection
2 and control program established under RCW 77.115.010 (as recodified
3 by this act) with federal agencies and Indian tribes to assure
4 protection of state, federal, and tribal aquatic resources and to
5 protect private sector cultured aquatic products from disease that
6 could originate from waters or facilities managed by those agencies.

7 (2) With regard to the program, the director may enter into
8 contracts or interagency agreements for diagnostic field services
9 with government agencies and institutions of higher education and
10 private industry.

11 (3) The director shall provide for the creation and distribution
12 of a roster of biologists having a specialty in the diagnosis or
13 treatment of diseases of fish or shellfish. The director shall adopt
14 rules specifying the qualifications which a person must have in order
15 to be placed on the roster.

16 **Sec. 1179.** RCW 77.120.010 and 2017 3rd sp.s. c 17 s 307 are each
17 reenacted and amended to read as follows:

18 The definitions in this section apply throughout this chapter
19 unless the context clearly requires otherwise.

20 (1) "Ballast tank" means any tank or hold on a vessel used for
21 carrying ballast water, whether or not the tank or hold was designed
22 for that purpose.

23 (2) "Ballast water" means any water and matter taken on board a
24 vessel to control or maintain trim, draft, stability, or stresses of
25 the vessel, without regard to the manner in which it is carried.

26 (3) "Biofouling" means the accumulation of aquatic organisms on a
27 vessel such as attached or associated mobile microorganisms, plants,
28 and animals on surfaces and structures immersed in or exposed to the
29 aquatic environment.

30 (4) "Empty/refill exchange" means to pump out, until the tank is
31 empty or as close to empty as the master or operator determines is
32 safe, the ballast water taken on in ports, estuarine, or territorial
33 waters, and then refilling the tank with open sea waters.

34 (5) "Exchange" means to replace the water in a ballast tank using
35 either flow through exchange, empty/refill exchange, or other
36 exchange methodology recommended or required by the United States
37 coast guard.

38 (6) "Flow through exchange" means to flush out ballast water by
39 pumping in midocean water at the bottom of the tank and continuously

1 overflowing the tank from the top until three full volumes of water
2 have been changed to minimize the number of original organisms
3 remaining in the tank.

4 (7) "Nonindigenous species" means any species or other viable
5 biological material that enters an ecosystem beyond its natural
6 range.

7 (8) "Open sea exchange" means an exchange that occurs fifty or
8 more nautical miles offshore. If the United States coast guard
9 requires a vessel to conduct an exchange further offshore, then that
10 distance is the required distance for purposes of compliance with
11 this chapter.

12 (9) "Recognized marine trade association" means those trade
13 associations in Washington state that promote improved ballast water
14 management practices by educating their members on the provisions of
15 this chapter, participating in regional ballast water coordination
16 through the Pacific ballast water group, assisting the department in
17 the collection of ballast water exchange forms, and the monitoring of
18 ballast water. This includes members of the Puget Sound marine
19 committee for Puget Sound and the Columbia river steamship operators
20 association for the Columbia river.

21 (10) "Sediments" means any matter settled out of ballast water
22 within a vessel.

23 (11) "Untreated ballast water" includes exchanged or unexchanged
24 ballast water that has not undergone treatment.

25 (12) "Vessel" means a ship, boat, barge, or other floating craft
26 of three hundred gross tons or more, United States and foreign,
27 carrying, or capable of carrying, ballast water into the coastal
28 waters of the state after operating outside of the coastal waters of
29 the state, except those vessels described in RCW 77.120.020 (as
30 recodified by this act).

31 (13) "Voyage" means any transit by a vessel destined for any
32 Washington port.

33 (14) "Waters of the state" means any surface waters, including
34 internal waters contiguous to state shorelines within the boundaries
35 of the state.

36 **Sec. 1180.** RCW 77.135.010 and 2017 3rd sp.s. c 17 s 305 are each
37 amended to read as follows:

38 The definitions in this section apply throughout this chapter
39 unless the context clearly requires otherwise.

1 (1) "Aquatic conveyance" means transportable personal property
2 having the potential to move an aquatic invasive species from one
3 aquatic environment to another. Aquatic conveyances include but are
4 not limited to vessels and associated equipment, float planes,
5 construction equipment, fish tanker trucks, hydroelectric and
6 irrigation equipment, personal fishing and hunting gear, and
7 materials used for aquatic habitat mitigation or restoration.

8 (2) "Aquatic invasive species" means an invasive species of the
9 animal kingdom with a life cycle that is at least partly dependent
10 upon fresh, brackish, or marine waters. Examples include nutria,
11 waterfowl, amphibians, fish, and shellfish.

12 (3) "Aquatic plant" means a native or nonnative emergent,
13 submersed, partially submersed, free-floating, or floating-leaved
14 plant species that is dependent upon fresh, brackish, or marine water
15 ecosystems and includes all stages of development and parts.

16 (4) "Certificate of inspection" means a department-approved
17 document that declares, to the extent technically or measurably
18 possible, that an aquatic conveyance does not carry or contain an
19 invasive species. Certification may be in the form of a decal, label,
20 rubber stamp imprint, tag, permit, locking seal, or written
21 statement.

22 (5) "Clean and drain" means to remove the following from areas on
23 or within an aquatic conveyance to the extent technically and
24 measurably possible:

25 (a) Visible native and nonnative aquatic animals, plants, or
26 other organisms; and

27 (b) Raw water.

28 (6) "Commercial vessel" means a management category of aquatic
29 conveyances:

30 (a) Required to have valid marine documentation as a vessel of
31 the United States or similar required documentation for a country
32 other than the United States; and

33 (b) Not subject to vessel registration requirements under chapter
34 88.02 RCW or ballast water requirements under chapter 77.120 RCW (as
35 recodified by this act).

36 (7) "Cryptogenic species" means a species that scientists cannot
37 commonly agree are native or nonnative or are part of the animal
38 kingdom.

39 (8) "Decontaminate" means, to the extent technically and
40 measurably possible, the application of a treatment to kill, destroy,

1 remove, or otherwise eliminate all known or suspected invasive
2 species carried on or contained within an aquatic conveyance or
3 structural property by use of physical, chemical, or other methods.
4 Decontamination treatments may include drying an aquatic conveyance
5 for a time sufficient to kill aquatic invasive species through
6 desiccation.

7 (9) "Detect" means the verification of invasive species' presence
8 as defined by the department.

9 (10) "Eradicate" means, to the extent technically and measurably
10 possible, to kill, destroy, remove, or otherwise eliminate an
11 invasive species from a water body or property using physical,
12 chemical, or other methods.

13 (11) "Infested site management" means management actions as
14 provided under RCW 77.135.070 (as recodified by this act) that may
15 include long-term actions to contain, control, or eradicate a
16 prohibited species.

17 (12) "Introduce" means to intentionally or unintentionally
18 release, place, or allow the escape, dissemination, or establishment
19 of an invasive species on or into a water body or property as a
20 result of human activity or a failure to act.

21 (13) "Invasive species" means nonnative species of the animal
22 kingdom that are not naturally occurring in Washington for purposes
23 of breeding, resting, or foraging, and that pose an invasive risk of
24 harming or threatening the state's environmental, economic, or human
25 resources. Invasive species include all stages of species development
26 and body parts. They may also include genetically modified or
27 cryptogenic species.

28 (14) "Invasive species council" means the Washington invasive
29 species council established in RCW 79A.25.310 or a similar
30 collaborative state agency forum. The term includes the council and
31 all of its officers, employees, agents, and contractors.

32 (15) "Mandatory check station" means a location where a person
33 transporting an aquatic conveyance must stop and allow the conveyance
34 to be inspected for aquatic invasive species.

35 (16) "Possess" means to have authority over the use of an
36 invasive species or use of an aquatic conveyance that may carry or
37 contain an invasive species. For the purposes of this subsection,
38 "authority over" includes the ability to intentionally or
39 unintentionally hold, import, export, transport, purchase, sell,
40 barter, distribute, or propagate an invasive species.

1 (17) "Prohibited species" means a classification category of
2 nonnative species as provided in RCW 77.135.030 (as recodified by
3 this act).

4 (18) "Property" means both real and personal property.

5 (19) "Quarantine declaration" means a management action as
6 provided under RCW 77.135.050 (as recodified by this act) involving
7 the prohibition or conditioning of the movement of aquatic
8 conveyances and waters from a place or an area that is likely to
9 contain a prohibited species.

10 (20) "Rapid response" means expedited management actions as
11 provided under RCW 77.135.060 (as recodified by this act) triggered
12 when invasive species are detected, for the time-sensitive purpose of
13 containing or eradicating the species before it spreads or becomes
14 further established.

15 (21) "Raw water" means water from a water body and held on or
16 within property. "Raw water" does not include water from
17 precipitation that is captured in a conveyance, structure, or
18 depression that is not otherwise intended to function as a water
19 body, or water from a potable water supply system, unless the water
20 contains visible aquatic organisms.

21 (22) "Registered vessel" means a management category of aquatic
22 conveyances required to register as vessels under RCW 88.02.550 or
23 similar requirements for a state other than Washington or a country
24 other than the United States.

25 (23) "Regulated species" means a classification category of
26 nonnative species as provided in RCW 77.135.030 (as recodified by
27 this act).

28 (24) "Seaplane" means a management category of aquatic
29 conveyances capable of landing on or taking off from water and
30 required to register as an aircraft under RCW 47.68.250 or similar
31 registration in a state other than Washington or a country other than
32 the United States.

33 (25) "Small vessel" means a management category of aquatic
34 conveyances including every description of vessel on the water used
35 or capable of being used as a means of transportation on the water,
36 except:

37 (a) Inner tubes, air mattresses, sailboards, and small rafts or
38 flotation devices or toys customarily used by swimmers;

39 (b) Vessels meeting registration requirements under chapter 88.02
40 RCW; and

1 (c) Seaplanes.

2 (26) "Water body" means an area that carries or contains a
3 collection of water, regardless of whether the feature carrying or
4 containing the water is natural or nonnatural. Examples include
5 basins, bays, coves, streams, rivers, springs, lakes, wetlands,
6 reservoirs, ponds, tanks, irrigation canals, and ditches.

7 **Sec. 1181.** RCW 77.135.020 and 2014 c 202 s 103 are each amended
8 to read as follows:

9 (1) The department is the lead agency for managing invasive
10 species of the animal kingdom statewide. This lead responsibility
11 excludes pests, domesticated animals, or livestock managed by the
12 department of agriculture under Titles 15, 16, and 17 RCW, forest
13 invasive insect and disease species managed by the department of
14 natural resources under Title 76 RCW, and mosquito and algae control
15 and shellfish sanitation managed by the department of health under
16 Titles 69, 70, and 90 RCW.

17 (2) Subject to the availability of funding for these specific
18 purposes, the department may:

19 (a) Develop and implement integrated invasive species management
20 actions and programs authorized by this chapter, including rapid
21 response, early detection and monitoring, prevention, containment,
22 control, eradication, and enforcement;

23 (b) Establish and maintain an invasive species outreach and
24 education program, in coordination with the Washington invasive
25 species council, that covers public, commercial, and professional
26 pathways and interests;

27 (c) Align management classifications, standards, and enforcement
28 provisions by rule with regional, national, and international
29 standards and enforcement provisions;

30 (d) Manage invasive species to support the preservation of native
31 species, salmon recovery, and the overall protection of threatened or
32 endangered species;

33 (e) Participate in local, state, regional, national, and
34 international efforts regarding invasive species to support the
35 intent of this chapter;

36 (f) Provide technical assistance or other support to tribes,
37 federal agencies, local governments, and private groups to promote an
38 informed public and assist the department in meeting the intent of
39 this chapter;

1 (g) Enter into partnerships, cooperative agreements, and state or
2 interstate compacts as necessary to accomplish the intent of this
3 chapter;

4 (h) Research and develop invasive species management tools,
5 including standard methods for decontaminating aquatic conveyances
6 and controlling or eradicating invasive species from water bodies and
7 properties;

8 (i) Post invasive species signs and information at port
9 districts, privately or publicly owned marinas, state parks, and all
10 boat launches owned or leased by state agencies or political
11 subdivisions; and

12 (j) Adopt rules as needed to implement the provisions of this
13 chapter.

14 (3) The department may delegate selected and clearly identified
15 elements of its authorities and duties to another agency of the state
16 with appropriate expertise or administrative capacity upon
17 cooperative agreement with that agency. This delegation may include
18 provisions of funding for implementation of the delegations. The
19 department retains primary authority and responsibility for all
20 requirements of this chapter unless otherwise directed in this
21 chapter.

22 (4) This chapter does not apply to the possession or introduction
23 of nonnative aquatic animal species by:

24 (a) Ballast water held or discharged by vessels regulated under
25 chapter 77.120 RCW (as recodified by this act); or

26 (b) Private sector aquaculture operations, transfers, or
27 conveyances regulated under chapter 77.115 RCW (as recodified by this
28 act).

29 (5) This chapter does not preempt or replace other department
30 species classification systems or other management requirements under
31 this title. However, the department must streamline invasive species
32 requirements under this chapter into existing permits and cooperative
33 agreements as possible.

34 **Sec. 1182.** RCW 77.135.050 and 2014 c 202 s 107 are each amended
35 to read as follows:

36 (1) If the department determines it is necessary to protect the
37 environmental, economic, or human health interests of the state from
38 the threat of a prohibited level 1 or level 2 species, the department
39 may declare a quarantine against a water body, property, or region

1 within the state. The department may prohibit or condition the
2 movement of aquatic conveyances and waters from such a quarantined
3 place or area that are likely to contain a prohibited species.

4 (2) A quarantine declaration under this section may be
5 implemented separately or in conjunction with rapid response
6 management actions under RCW 77.135.060 (as recodified by this act)
7 and infested site management actions under RCW 77.135.070 (as
8 recodified by this act) in a manner and for a duration necessary to
9 protect the interests of the state from the threat of a prohibited
10 level 1 or level 2 species. A quarantine declaration must include:

11 (a) The reasons for the action including the prohibited level 1
12 or level 2 species triggering the quarantine;

13 (b) The boundaries of the area affected;

14 (c) The action timeline;

15 (d) Types of aquatic conveyances and waters affected by the
16 quarantine and any prohibition or conditions on the movement of those
17 aquatic conveyances and waters from the quarantine area; and

18 (e) Inspection and decontamination requirements for aquatic
19 conveyances.

20 **Sec. 1183.** RCW 77.135.060 and 2014 c 202 s 108 are each amended
21 to read as follows:

22 (1) The department may implement rapid response management
23 actions where a prohibited level 1 species is detected in or on a
24 water body or property. Rapid response management actions may:
25 Include expedited actions to contain, control, or eradicate the
26 prohibited species; and, if applicable, be implemented in conjunction
27 with a quarantine declaration. Rapid response management actions must
28 be terminated by the department when it determines that the targeted
29 prohibited level 1 species are:

30 (a) Eradicated;

31 (b) Contained or controlled without need for further management
32 actions;

33 (c) Reclassified for that water body; or

34 (d) Being managed under infested site management actions pursuant
35 to RCW 77.135.070 (as recodified by this act).

36 (2) If a rapid response management action exceeds seven days, the
37 department may implement an incident command system for rapid
38 response management including scope, duration, and types of actions
39 and to support mutual assistance and cooperation between the

1 department and other affected state and federal agencies, tribes,
2 local governments, and private water body or property owners. The
3 purpose of this system is to coordinate a rapid, effective, and
4 efficient response to contain, control, and eradicate if feasible, a
5 prohibited level 1 species. Mutual assistance and coordination by
6 other state agencies is especially important to assist the department
7 in expediting necessary state and federal environmental permits.

8 (3) The department may enter into cooperative agreements with
9 national, regional, state, and local rapid response management action
10 partners to establish incident command system structures, secure or
11 prepare submission-ready environmental permits, and identify mutual
12 assistance commitments in preparation for potential future actions.

13 (4) The department may perform simulated rapid response
14 exercises, testing, or other training activities to prepare for
15 future rapid response management actions.

16 (5) In implementing rapid response management actions, the
17 department may enter upon property consistent with the process
18 established under RCW 77.135.170 (as recodified by this act).

19 **Sec. 1184.** RCW 77.135.070 and 2014 c 202 s 109 are each amended
20 to read as follows:

21 (1) The department may implement infested site management actions
22 where a prohibited level 2 species is detected in or on a water body
23 or property. Infested site management actions may: Include long-term
24 actions to contain, control, or eradicate the prohibited species;
25 and, if applicable, be implemented in conjunction with a quarantine
26 declaration. Infested site management actions must be terminated by
27 the department when it determines that the targeted prohibited level
28 2 species are:

29 (a) Eradicated;

30 (b) Contained or controlled without need for further management
31 actions; or

32 (c) Reclassified for that water body.

33 (2) The department must consult with affected state and federal
34 agencies, tribes, local governments, and private water body or
35 property owners prior to implementing infested site management
36 actions. The purpose of the consultation is to support mutual
37 assistance and cooperation in providing an effective and efficient
38 response to contain, control, and eradicate, if feasible, a
39 prohibited level 2 species.

1 (3) The department may enter into cooperative agreements with
2 national, regional, state, and local infested site management action
3 partners to establish management responsibilities, secure or prepare
4 submission-ready environmental permits, and identify mutual
5 assistance commitments.

6 (4) In implementing infested site management actions, the
7 department may enter upon property consistent with the process
8 established under (~~RCW 77.135.170~~) this section.

9 **Sec. 1185.** RCW 77.135.080 and 2014 c 202 s 110 are each amended
10 to read as follows:

11 (1) To the extent possible, the department's quarantine
12 declarations under RCW 77.135.050 (as recodified by this act), rapid
13 response management actions under RCW 77.135.060 (as recodified by
14 this act), and infested site management actions under RCW 77.135.070
15 (as recodified by this act) must be implemented in a manner best
16 suited to contain, control, and eradicate prohibited level 1 and
17 level 2 species while protecting human safety, minimizing adverse
18 environmental impacts to a water body or property, and minimizing
19 adverse economic impacts to owners of an affected water body or
20 property.

21 (2) The department is the lead agency for quarantine
22 declarations, rapid response, and infested site management actions.
23 Where the infested water body is subject to tribal, federal, or other
24 sovereign jurisdiction, the department:

25 (a) Must consult with appropriate federal agencies, tribal
26 governments, other states, and Canadian government entities to
27 develop and implement coordinated management actions on affected
28 water bodies under shared jurisdiction;

29 (b) May assist in infested site management actions where these
30 actions may prevent the spread of prohibited species into state water
31 bodies; and

32 (c) May assist other states and Canadian government entities, in
33 the Columbia river basin, in management actions on affected water
34 bodies outside of the state where these actions may prevent the
35 spread of the species into state water bodies.

36 (3)(a) The department must provide notice of quarantine
37 declarations, rapid response, and infested site management actions to
38 owners of an affected water body or property. Notice may be provided
39 by any reasonable means, such as in person, by United States postal

1 service, by publication in a local newspaper, by electronic
2 publication including social media or postings on the department's
3 public web site, or by posting signs at the water body.

4 (b) The department must provide updates to owners of an affected
5 water body or property based on management action type as follows:

6 (i) Every seven days for a rapid response management action and,
7 if applicable, a quarantine declaration implemented in conjunction
8 with a rapid response management action;

9 (ii) Every six months for a separate quarantine declaration;

10 (iii) Annually for the duration of an infested site management
11 action and, if applicable, a quarantine declaration implemented in
12 conjunction with an infested site management action; and

13 (iv) A final update at the conclusion of any management action.

14 (c) In addition to owners of an affected water body or property,
15 the department must provide notice of a quarantine declaration to
16 members of the public by any reasonable means for an area subject to
17 a quarantine declaration, such as by publication in a local
18 newspaper, by electronic publication including social media or
19 postings on the department's public web site, or by posting signs at
20 the water body. The department must provide updates at reasonable
21 intervals and a final update at the conclusion of the quarantine
22 declaration.

23 (4) The department must publicly list those water bodies or
24 portions of water bodies in which a prohibited level 1 or level 2
25 species has been detected. The department may list those areas in
26 which a prohibited level 3 species has been detected.

27 (5) When posting signs at a water body or property where a
28 prohibited species has been detected, the department must consult
29 with owners of the affected water body or property regarding
30 placement of those signs.

31 **Sec. 1186.** RCW 77.135.100 and 2014 c 202 s 112 are each amended
32 to read as follows:

33 (1) A person in possession of an aquatic conveyance who enters
34 Washington by road, air, or water is required to have a certificate
35 of inspection. A person must provide this certificate of inspection
36 upon request by a (~~fish and wildlife~~) fisheries officer or ex
37 officio fish and wildlife officer.

38 (2) The department must adopt rules to implement this section
39 including:

- 1 (a) Types of aquatic conveyances required to have a certificate
2 of inspection;
- 3 (b) Allowable certificate of inspection forms including passport
4 type systems and integration with existing similar permits;
- 5 (c) Situations when authorization can be obtained for
6 transporting an aquatic conveyance not meeting inspection
7 requirements to a specified location within the state where
8 certificate of inspection requirements can be provided; and
- 9 (d) Situations where aquatic conveyances are using shared
10 boundary waters of the state, such as portions of the Columbia river,
11 lake Osoyoos, and the Puget Sound.

12 **Sec. 1187.** RCW 77.135.110 and 2017 3rd sp.s. c 17 s 308 are each
13 amended to read as follows:

14 (1) A person in possession of an aquatic conveyance must meet
15 clean and drain requirements after the conveyance's use in or on a
16 water body or property. A certificate of inspection is not needed to
17 meet clean and drain requirements.

18 (2) A (~~fish and wildlife~~) fisheries officer or ex officio fish
19 and wildlife officer may order a person transporting an aquatic
20 conveyance not meeting clean and drain requirements to:

21 (a) Clean and drain the conveyance at the discovery site, if the
22 department determines there are sufficient resources available; or

23 (b) Transport the conveyance to a reasonably close location where
24 resources are sufficient to meet the clean and drain requirements.

25 (3) This section may be enforced immediately on the
26 transportation of aquatic plants by registered vessels, small
27 vessels, seaplanes, and commercial vessels. The department must adopt
28 rules to implement all other aspects of clean and drain requirements,
29 including:

30 (a) Other types of aquatic conveyances subject to this
31 requirement;

32 (b) When transport of an aquatic conveyance is authorized if
33 clean and drain services are not readily available at the last water
34 body used; and

35 (c) Exemptions to clean and drain requirements where the
36 department determines there is minimal risk of spreading invasive
37 species.

1 **Sec. 1188.** RCW 77.135.120 and 2017 3rd sp.s. c 17 s 309 are each
2 amended to read as follows:

3 (1) The department may establish mandatory check stations to
4 inspect aquatic conveyances for clean and drain requirements and
5 aquatic invasive species. The check stations must be operated by at
6 least one (~~(fish and wildlife)~~) fisheries officer, an ex officio fish
7 and wildlife officer in coordination with the department, or
8 department-authorized representative, and must be plainly marked by
9 signs and operated in a safe manner.

10 (2) Aquatic conveyances required to stop at mandatory check
11 stations include registered vessels, commercial vessels, and small
12 vessels. The department may establish rules governing other types of
13 aquatic conveyances that must stop at mandatory check stations. The
14 rules must provide sufficient guidance so that a person transporting
15 the aquatic conveyance readily understands that he or she is required
16 to stop.

17 (3) A person who encounters a mandatory check station while
18 transporting an aquatic conveyance must:

19 (a) Stop at the mandatory check station;

20 (b) Allow the aquatic conveyance to be inspected for clean and
21 drain requirements and aquatic invasive species;

22 (c) Follow clean and drain orders if clean and drain requirements
23 are not met pursuant to RCW 77.135.110 (as recodified by this act);
24 and

25 (d) Follow decontamination orders pursuant to RCW 77.135.130 (as
26 recodified by this act) if an aquatic invasive species is found.

27 (4) A person who complies with the department directives under
28 this section is exempt from criminal penalties under RCW 77.15.809
29 and 77.15.811 (as recodified by this act), civil penalties under RCW
30 77.15.160(~~(+4)~~), and civil forfeiture under RCW 77.15.070 (as
31 recodified by this act), unless the person has a prior conviction for
32 an invasive species violation within the past five years.

33 **Sec. 1189.** RCW 77.135.130 and 2014 c 202 s 115 are each amended
34 to read as follows:

35 (1) Upon discovery of an aquatic conveyance that carries or
36 contains an aquatic invasive species without department
37 authorization, a permit, or as otherwise provided by rule, a (~~(fish~~
38 ~~and wildlife)~~) fisheries officer or ex officio fish and wildlife
39 officer may issue a decontamination order:

1 (a) Requiring decontamination at the discovery site, if the
2 situation presents a low risk of aquatic invasive species
3 introduction, and sufficient department resources are available at
4 the discovery site;

5 (b) Prohibiting the launch of the aquatic conveyance in a water
6 body until decontamination is completed and certified, if the
7 situation presents a low risk of aquatic invasive species
8 introduction, and sufficient department resources are not available
9 at the discovery site;

10 (c) Requiring immediate transport of the conveyance to an
11 approved decontamination station, and prohibiting the launch of the
12 conveyance in a water body until decontamination is completed and
13 certified, if the situation presents a moderate risk of aquatic
14 invasive species introduction, and sufficient department resources
15 are not available at the discovery site; or

16 (d) Seizing and transporting the aquatic conveyance to an
17 approved decontamination station until decontamination is completed
18 and certified, if the situation presents a high risk of aquatic
19 invasive species introduction, and sufficient department resources
20 are not available at the discovery site.

21 (2) The person possessing the aquatic conveyance that is subject
22 to orders issued under subsection (1)(b) through (d) of this section
23 must bear any costs for seizure, transportation, or decontamination.

24 (3) Orders issued under subsection (1)(b) through (d) of this
25 section must be in writing and must include notice of the opportunity
26 for a hearing pursuant to RCW 77.135.140 (as recodified by this act)
27 to determine the validity of the orders.

28 (4) If a decontamination order is issued under subsection (1)(d)
29 of this section, the department may seize the aquatic conveyance for
30 two working days or a reasonable additional period of time thereafter
31 as needed to meet decontamination requirements. The decontamination
32 period must be based on factors including conveyance size and
33 complexity, type and number of aquatic invasive species present, and
34 decontamination station resource capacity.

35 (5) If an aquatic conveyance is subject to forfeiture under ((RCW
36 77.15.070)) section 1048 of this act, the timelines and other
37 provisions under that section apply to the seizure.

38 (6) Upon decontamination and issuing a certificate of inspection,
39 an aquatic conveyance must be released to the person in possession of

1 the aquatic conveyance at the time the decontamination order was
2 issued, or to the owner of the aquatic conveyance.

3 **Sec. 1190.** RCW 77.135.140 and 2014 c 202 s 116 are each amended
4 to read as follows:

5 (1) A person aggrieved or adversely affected by a quarantine
6 declaration under RCW 77.135.050 (as recodified by this act), a rapid
7 response management action under RCW 77.135.060 (as recodified by
8 this act), an infested site management action under RCW 77.135.070
9 (as recodified by this act), or a decontamination order under RCW
10 77.135.130 (as recodified by this act) may contest the validity of
11 the department's actions by requesting a hearing in writing within
12 twenty days of the department's actions.

13 (2) Hearings must be conducted pursuant to chapter 34.05 RCW and
14 the burden of demonstrating the invalidity of agency action is on the
15 party asserting invalidity. The hearing may be conducted by the
16 director or the director's designee and may occur telephonically.

17 (3) A hearing on a decontamination order is limited to the issues
18 of whether decontamination was necessary and the reasonableness of
19 costs assessed for any seizure, transportation, and decontamination.
20 If the person in possession of the aquatic conveyance that was
21 decontaminated prevails at the hearing, the person is entitled to
22 reimbursement by the department for any costs assessed by the
23 department or decontamination station operator for the seizure,
24 transportation, and decontamination. If the department prevails at
25 the hearing, the department is not responsible for and may not
26 reimburse any costs.

27 **Sec. 1191.** RCW 77.135.200 and 2017 3rd sp.s. c 17 s 101 are each
28 amended to read as follows:

29 The aquatic invasive species management account is created in the
30 state treasury. All receipts directed to the account from RCW
31 88.02.640 and 77.135.230 (as recodified by this act), as well as
32 legislative appropriations, gifts, donations, fees, and penalties
33 received by the department for aquatic invasive species management,
34 must be deposited into the account. Moneys in the account may be used
35 only after appropriation. Expenditures from the account may only be
36 used to implement aquatic invasive species-related provisions under
37 this title.

1 **Sec. 1192.** RCW 77.135.210 and 2017 3rd sp.s. c 17 s 201 are each
2 amended to read as follows:

3 (1) The department may issue aquatic invasive species prevention
4 permits to operators of vessels and aquatic conveyances.

5 (2) A person must obtain a Washington state aquatic invasive
6 species prevention permit for each seaplane or vessel registered in
7 another state, before placing or operating such a vessel or seaplane
8 on any water body in the state.

9 (3) The valid aquatic invasive species prevention permit must be
10 present and readily available for inspection by a (~~fish—and~~
11 ~~wildlife~~) fisheries officer or ex officio fish and wildlife officer
12 at the location where the vessel or seaplane is placed or operated.

13 (4) Aquatic invasive species prevention permits for conveyances
14 listed in subsection (2) of this section are not transferable.

15 **Sec. 1193.** RCW 77.135.220 and 2017 3rd sp.s. c 17 s 202 are each
16 amended to read as follows:

17 (1) The department may issue aquatic invasive species prevention
18 permits to commercial transporters of vessels and aquatic
19 conveyances.

20 (2) A person must obtain a Washington state aquatic invasive
21 species prevention permit before commercially transporting into or
22 through the state one or more of the following conveyances that have
23 previously been placed or operated in the waters of any state or
24 country: (a) A small vessel; (b) a registered vessel; (c) a seaplane;
25 or (d) a commercial vessel.

26 (3) The valid aquatic invasive species prevention permit must be
27 present and readily available for inspection upon request by a (~~fish~~
28 ~~and—wildlife~~) fisheries officer or ex officio fish and wildlife
29 officer at any location where the listed conveyance is associated
30 with the transport vehicle.

31 (4) The aquatic invasive species prevention permit is
32 transferable between vehicles and vehicle operators of the same
33 business used to commercially transport aquatic conveyances but a
34 separate permit is required for each vehicle operator commercially
35 transporting aquatic conveyances at any given time.

36 (5) An aquatic invasive species prevention permit is not required
37 to commercially transport new conveyances if the vehicle operator has
38 documentation present and readily available proving all conveyances

1 originated from the manufacturer or vendor and the conveyances have
2 never been placed or operated in waters of any state or country.

3 **Sec. 1194.** RCW 77.135.230 and 2017 3rd sp.s. c 17 s 203 are each
4 amended to read as follows:

5 (1) Washington state aquatic invasive species prevention permits
6 are valid for one year beginning from the date that the permit is
7 marked for activation unless otherwise directed by the department.
8 The permits must be made available for purchase throughout the year
9 through the department's automated licensing system consistent with
10 RCW 77.32.050.

11 (2) The aquatic invasive species prevention permit fee for a
12 nonresident registered vessel or seaplane as required under RCW
13 77.135.210 (as recodified by this act) is twenty dollars.

14 (3) The aquatic invasive species prevention permit fee for a
15 person commercially transporting a small vessel, registered vessel,
16 seaplane, or commercial vessel as required under RCW 77.135.220 (as
17 recodified by this act) is twenty dollars.

18 (4) The department may adopt rules addressing conditions and
19 costs of obtaining duplicate aquatic invasive species prevention
20 permits.

21 (5) Permit fees collected under this section must be deposited
22 into the aquatic invasive species management account created in RCW
23 77.135.200 (as recodified by this act).

24 (6) Exemptions for aquatic invasive species prevention permits
25 include:

26 (a) A military vessel or seaplane owned by the United States
27 government; and

28 (b) A vessel clearly identified as being owned by any federal,
29 tribal, state, or local government agency or other public
30 corporations, and used primarily for governmental purposes.

31 (7)(a) The following nonresident aquatic conveyances are exempt
32 from aquatic invasive species prevention permit requirements under
33 this section while placed or operated on shared boundary waters of
34 the state:

35 (i) Vessels having valid state of Idaho or Oregon registration or
36 numbering; and

37 (ii) Seaplanes or commercial vessels having a valid Idaho or
38 Oregon aquatic invasive species prevention or similar permit.

1 (b) The department may adopt by rule a regional reciprocity
2 process to further exempt aquatic conveyances from permit
3 requirements under this section in part or whole. A reciprocity
4 system may be implemented only where the participating state or
5 country does not require a Washington resident to purchase an
6 equivalent permit.

7 **Sec. 1195.** RCW 77.135.240 and 2017 3rd sp.s. c 17 s 302 are each
8 amended to read as follows:

9 (1) Money in the aquatic invasive species management account
10 created in RCW 77.135.200 (as recodified by this act) may be
11 appropriated to the department to establish an aquatic invasive
12 species local management grant program. The department shall enter
13 into agreement with the recreation and conservation office to
14 administer the grant funds or other financial assistance, assist the
15 department in developing grant program policies and funding criteria,
16 and consult with the department prior to awarding grants. State
17 agencies, cities, counties, tribes, special purpose districts,
18 academic institutions, and nonprofit groups are eligible for
19 competitive grants to:

20 (a) Manage prohibited level 1 or level 2 aquatic (~~(invasive)~~)
21 invasive species at a local level;

22 (b) Develop rapid response management cooperative agreements for
23 local water bodies;

24 (c) Develop or implement prohibited species management
25 cooperative agreements for local water bodies; and

26 (d) Conduct innovative applied research that directly supports
27 on-the-ground prevention, control, and eradication efforts.

28 (2) The department may give preference to projects that have
29 matching funds, provide in-kind services, or maintain or enhance
30 outdoor recreational opportunities.

31 NEW SECTION. **Sec. 1196.** A new title is added to the Revised
32 Code of Washington to be codified as Title 75A RCW.

33 NEW SECTION. **Sec. 1197.** The following sections are codified or
34 recodified as a new chapter in the new title created in section 1196
35 of this act:

36 Section 1003 of this act;

37 Section 1004 of this act;

1 RCW 77.04.120;
2 RCW 77.04.160; and
3 RCW 77.04.170.

4 NEW SECTION. **Sec. 1198.** The following sections are codified or
5 recodified as a new chapter in the new title created in section 1196
6 of this act:

7 Section 1002 of this act;
8 RCW 77.08.020;
9 RCW 77.08.022; and
10 RCW 77.08.024.

11 NEW SECTION. **Sec. 1199.** The following sections are recodified
12 as a new chapter in the new title created in section 1196 of this
13 act:

14 Section 1005 of this act;
15 RCW 77.12.043;
16 RCW 77.12.068;
17 RCW 77.12.275;
18 RCW 77.12.285;
19 RCW 77.12.330;
20 RCW 77.12.420;
21 RCW 77.12.451;
22 RCW 77.12.453;
23 RCW 77.12.455;
24 RCW 77.12.459;
25 RCW 77.12.465;
26 RCW 77.12.550;
27 RCW 77.12.702;
28 RCW 77.12.712;
29 RCW 77.12.714;
30 RCW 77.12.716;
31 RCW 77.12.718;
32 RCW 77.12.732;
33 RCW 77.12.734;
34 RCW 77.12.755;
35 RCW 77.12.760;
36 RCW 77.12.765;
37 RCW 77.12.850;
38 RCW 77.12.852;

1 RCW 77.12.854;
2 RCW 77.12.858;
3 RCW 77.12.860;
4 RCW 77.12.865; and
5 RCW 77.12.870.

6 NEW SECTION. **Sec. 1200.** The following sections are codified or
7 recodified as a new chapter in the new title created in section 1196
8 of this act:

9 Section 1018 of this act;
10 Section 1041 of this act;
11 Section 1042 of this act;
12 Section 1043 of this act;
13 Section 1044 of this act;
14 Section 1045 of this act;
15 Section 1046 of this act;
16 Section 1047 of this act;
17 Section 1048 of this act;
18 Section 1049 of this act;
19 Section 1050 of this act;
20 Section 1051 of this act;
21 Section 1052 of this act;
22 Section 1053 of this act;
23 Section 1054 of this act;
24 Section 1055 of this act;
25 Section 1056 of this act;
26 Section 1057 of this act;
27 Section 1058 of this act;
28 Section 1059 of this act;
29 Section 1060 of this act;
30 Section 1061 of this act;
31 Section 1062 of this act;
32 Section 1063 of this act;
33 Section 1064 of this act;
34 Section 1065 of this act;
35 Section 1066 of this act;
36 Section 1067 of this act;
37 Section 1068 of this act;
38 Section 1069 of this act;
39 RCW 77.15.300;

1 RCW 77.15.310;
2 RCW 77.15.320;
3 RCW 77.15.350;
4 Section 1070 of this act;
5 RCW 77.15.370;
6 RCW 77.15.380;
7 RCW 77.15.382;
8 RCW 77.15.390;
9 Section 1071 of this act;
10 RCW 77.15.500;
11 RCW 77.15.510;
12 RCW 77.15.520;
13 RCW 77.15.522;
14 RCW 77.15.530;
15 RCW 77.15.540;
16 RCW 77.15.550;
17 RCW 77.15.552;
18 RCW 77.15.554;
19 RCW 77.15.565;
20 RCW 77.15.568;
21 RCW 77.15.570;
22 RCW 77.15.580;
23 RCW 77.15.590;
24 RCW 77.15.620;
25 RCW 77.15.630;
26 RCW 77.15.640;
27 Section 1072 of this act;
28 Section 1073 of this act;
29 Section 1074 of this act;
30 Section 1075 of this act;
31 RCW 77.15.740;
32 RCW 77.15.770;
33 Section 1076 of this act;
34 RCW 77.15.805;
35 RCW 77.15.807;
36 RCW 77.15.809;
37 RCW 77.15.811;
38 RCW 77.15.813; and
39 Section 1080 of this act.

1 NEW SECTION. **Sec. 1201.** The following sections are recodified
2 as a new chapter in the new title created in section 1196 of this
3 act:

- 4 RCW 77.18.050; and
- 5 RCW 77.18.060.

6 NEW SECTION. **Sec. 1202.** The following sections are codified or
7 recodified as a new chapter in the new title created in section 1196
8 of this act:

- 9 Section 1083 of this act;
- 10 Section 1084 of this act;
- 11 Section 1085 of this act;
- 12 Section 1086 of this act;
- 13 Section 1087 of this act;
- 14 Section 1088 of this act;
- 15 Section 1089 of this act;
- 16 Section 1090 of this act;
- 17 Section 1091 of this act;
- 18 Section 1092 of this act;
- 19 RCW 77.32.410;
- 20 Section 1093 of this act;
- 21 Section 1094 of this act;
- 22 Section 1095 of this act;
- 23 Section 1096 of this act;
- 24 Section 1097 of this act;
- 25 RCW 77.32.520;
- 26 Section 1098 of this act;
- 27 Section 1099 of this act;
- 28 Section 1100 of this act;
- 29 Section 1101 of this act;
- 30 Section 1102 of this act; and
- 31 Section 1103 of this act.

32 NEW SECTION. **Sec. 1203.** The following sections are recodified
33 as a new chapter in the new title created in section 1196 of this
34 act:

- 35 RCW 77.44.005;
- 36 RCW 77.44.007;
- 37 RCW 77.44.010;
- 38 RCW 77.44.030;

1 RCW 77.44.040;
2 RCW 77.44.050;
3 RCW 77.44.060; and
4 RCW 77.44.070.

5 NEW SECTION. **Sec. 1204.** The following sections are recodified
6 as a new chapter in the new title created in section 1196 of this
7 act:

8 RCW 77.50.010;
9 RCW 77.50.020;
10 RCW 77.50.030;
11 RCW 77.50.040;
12 RCW 77.50.050;
13 RCW 77.50.060;
14 RCW 77.50.070;
15 RCW 77.50.080;
16 RCW 77.50.090;
17 RCW 77.50.100;
18 RCW 77.50.110; and
19 RCW 77.50.120.

20 NEW SECTION. **Sec. 1205.** The following sections are recodified
21 as a new chapter in the new title created in section 1196 of this
22 act:

23 RCW 77.55.011;
24 RCW 77.55.021;
25 RCW 77.55.031;
26 RCW 77.55.041;
27 RCW 77.55.051;
28 RCW 77.55.061;
29 RCW 77.55.081;
30 RCW 77.55.091;
31 RCW 77.55.101;
32 RCW 77.55.111;
33 RCW 77.55.121;
34 RCW 77.55.131;
35 RCW 77.55.141;
36 RCW 77.55.151;
37 RCW 77.55.161;
38 RCW 77.55.171;

1 RCW 77.55.181;
2 RCW 77.55.191;
3 RCW 77.55.201;
4 RCW 77.55.211;
5 RCW 77.55.221;
6 RCW 77.55.231;
7 RCW 77.55.241;
8 RCW 77.55.251;
9 RCW 77.55.261;
10 RCW 77.55.271;
11 RCW 77.55.281;
12 RCW 77.55.291;
13 RCW 77.55.331;
14 RCW 77.55.341;
15 RCW 77.55.351;
16 RCW 77.55.361; and
17 RCW 77.55.371.

18 NEW SECTION. **Sec. 1206.** The following sections are recodified
19 as a new chapter in the new title created in section 1196 of this
20 act:

21 RCW 77.57.010;
22 RCW 77.57.020;
23 RCW 77.57.030;
24 RCW 77.57.040;
25 RCW 77.57.050;
26 RCW 77.57.060;
27 RCW 77.57.070; and
28 RCW 77.57.080.

29 NEW SECTION. **Sec. 1207.** The following sections are recodified
30 as a new chapter in the new title created in section 1196 of this
31 act:

32 RCW 77.60.010;
33 RCW 77.60.020;
34 RCW 77.60.030;
35 RCW 77.60.040;
36 RCW 77.60.050;
37 RCW 77.60.060;
38 RCW 77.60.070;

1 RCW 77.60.080;
2 RCW 77.60.090;
3 RCW 77.60.100;
4 RCW 77.60.150;
5 RCW 77.60.160; and
6 RCW 77.60.170.

7 NEW SECTION. **Sec. 1208.** The following sections are recodified
8 as a new chapter in the new title created in section 1196 of this
9 act:

10 RCW 77.65.010;
11 RCW 77.65.020;
12 RCW 77.65.030;
13 RCW 77.65.040;
14 RCW 77.65.050;
15 RCW 77.65.060;
16 RCW 77.65.070;
17 RCW 77.65.080;
18 RCW 77.65.090;
19 RCW 77.65.100;
20 RCW 77.65.110;
21 RCW 77.65.120;
22 RCW 77.65.130;
23 RCW 77.65.140;
24 RCW 77.65.150;
25 RCW 77.65.160;
26 RCW 77.65.170;
27 RCW 77.65.180;
28 RCW 77.65.190;
29 RCW 77.65.200;
30 RCW 77.65.210;
31 RCW 77.65.220;
32 RCW 77.65.240;
33 RCW 77.65.250;
34 RCW 77.65.260;
35 RCW 77.65.270;
36 RCW 77.65.280;
37 RCW 77.65.310;
38 RCW 77.65.320;
39 RCW 77.65.330;

1 RCW 77.65.340;
2 RCW 77.65.350;
3 RCW 77.65.370;
4 RCW 77.65.380;
5 RCW 77.65.390;
6 RCW 77.65.400;
7 RCW 77.65.410;
8 RCW 77.65.420;
9 RCW 77.65.430;
10 RCW 77.65.440;
11 RCW 77.65.450;
12 RCW 77.65.460;
13 RCW 77.65.480;
14 RCW 77.65.490;
15 RCW 77.65.500;
16 RCW 77.65.510;
17 RCW 77.65.530;
18 RCW 77.65.550;
19 RCW 77.65.560;
20 RCW 77.65.570;
21 RCW 77.65.580;
22 RCW 77.65.590;
23 RCW 77.65.600; and
24 RCW 77.65.610.

25 NEW SECTION. **Sec. 1209.** The following sections are recodified
26 as a new chapter in the new title created in section 1196 of this
27 act:

28 RCW 77.70.005;
29 RCW 77.70.010;
30 RCW 77.70.020;
31 RCW 77.70.040;
32 RCW 77.70.050;
33 RCW 77.70.060;
34 RCW 77.70.070;
35 RCW 77.70.080;
36 RCW 77.70.090;
37 RCW 77.70.100;
38 RCW 77.70.110;
39 RCW 77.70.120;

1 RCW 77.70.130;
2 RCW 77.70.140;
3 RCW 77.70.150;
4 RCW 77.70.160;
5 RCW 77.70.170;
6 RCW 77.70.180;
7 RCW 77.70.190;
8 RCW 77.70.200;
9 RCW 77.70.210;
10 RCW 77.70.220;
11 RCW 77.70.230;
12 RCW 77.70.240;
13 RCW 77.70.250;
14 RCW 77.70.260;
15 RCW 77.70.280;
16 RCW 77.70.290;
17 RCW 77.70.300;
18 RCW 77.70.310;
19 RCW 77.70.320;
20 RCW 77.70.330;
21 RCW 77.70.340;
22 RCW 77.70.350;
23 RCW 77.70.360;
24 RCW 77.70.370;
25 RCW 77.70.390;
26 RCW 77.70.400;
27 RCW 77.70.410;
28 RCW 77.70.420;
29 RCW 77.70.430;
30 RCW 77.70.440;
31 RCW 77.70.442;
32 RCW 77.70.450;
33 RCW 77.70.460;
34 RCW 77.70.470;
35 RCW 77.70.480;
36 RCW 77.70.490;
37 RCW 77.70.500; and
38 RCW 77.70.510.

1 NEW SECTION. **Sec. 1210.** The following sections are recodified
2 as a new chapter in the new title created in section 1196 of this
3 act:

- 4 RCW 77.80.020;
- 5 RCW 77.80.030;
- 6 RCW 77.80.040;
- 7 RCW 77.80.050; and
- 8 RCW 77.80.060.

9 NEW SECTION. **Sec. 1211.** The following sections are recodified
10 as a new chapter in the new title created in section 1196 of this
11 act:

- 12 RCW 77.85.005;
- 13 RCW 77.85.010;
- 14 RCW 77.85.020;
- 15 RCW 77.85.030;
- 16 RCW 77.85.040;
- 17 RCW 77.85.050;
- 18 RCW 77.85.060;
- 19 RCW 77.85.080;
- 20 RCW 77.85.090;
- 21 RCW 77.85.110;
- 22 RCW 77.85.120;
- 23 RCW 77.85.130;
- 24 RCW 77.85.135;
- 25 RCW 77.85.140;
- 26 RCW 77.85.150;
- 27 RCW 77.85.160;
- 28 RCW 77.85.170;
- 29 RCW 77.85.180;
- 30 RCW 77.85.190;
- 31 RCW 77.85.200;
- 32 RCW 77.85.220;
- 33 RCW 77.85.230; and
- 34 RCW 77.85.240.

35 NEW SECTION. **Sec. 1212.** The following sections are recodified
36 as a new chapter in the new title created in section 1196 of this
37 act:

- 38 RCW 77.95.010;

1 RCW 77.95.020;
2 RCW 77.95.030;
3 RCW 77.95.040;
4 RCW 77.95.050;
5 RCW 77.95.060;
6 RCW 77.95.070;
7 RCW 77.95.080;
8 RCW 77.95.090;
9 RCW 77.95.100;
10 RCW 77.95.130;
11 RCW 77.95.140;
12 RCW 77.95.150;
13 RCW 77.95.160;
14 RCW 77.95.170;
15 RCW 77.95.180;
16 RCW 77.95.185;
17 RCW 77.95.190;
18 RCW 77.95.200;
19 RCW 77.95.210;
20 RCW 77.95.220;
21 RCW 77.95.230;
22 RCW 77.95.240;
23 RCW 77.95.250;
24 RCW 77.95.260;
25 RCW 77.95.270;
26 RCW 77.95.280;
27 RCW 77.95.290;
28 RCW 77.95.300;
29 RCW 77.95.310;
30 RCW 77.95.320;
31 RCW 77.95.330; and
32 RCW 77.95.340.

33 NEW SECTION. **Sec. 1213.** The following sections are recodified
34 as a new chapter in the new title created in section 1196 of this
35 act:

36 RCW 77.105.005;
37 RCW 77.105.010;
38 RCW 77.105.020;
39 RCW 77.105.030;

1 RCW 77.105.050;
2 RCW 77.105.140;
3 RCW 77.105.150;
4 RCW 77.105.160; and
5 RCW 77.105.170.

6 NEW SECTION. **Sec. 1214.** The following sections are recodified
7 as a new chapter in the new title created in section 1196 of this
8 act:

9 RCW 77.110.010;
10 RCW 77.110.020;
11 RCW 77.110.030;
12 RCW 77.110.040; and
13 RCW 77.110.900.

14 NEW SECTION. **Sec. 1215.** The following sections are recodified
15 as a new chapter in the new title created in section 1196 of this
16 act:

17 RCW 77.115.010;
18 RCW 77.115.030; and
19 RCW 77.115.040.

20 NEW SECTION. **Sec. 1216.** The following sections are recodified
21 as a new chapter in the new title created in section 1196 of this
22 act:

23 RCW 77.120.005;
24 RCW 77.120.010;
25 RCW 77.120.020;
26 RCW 77.120.030;
27 RCW 77.120.040;
28 RCW 77.120.050;
29 RCW 77.120.070;
30 RCW 77.120.100;
31 RCW 77.120.110;
32 RCW 77.120.120;
33 RCW 77.120.130; and
34 RCW 77.120.140.

1 Wildlife, fish, and shellfish are the property of the state. The
2 commission, director, and the department shall preserve, protect,
3 perpetuate, and manage the wildlife (~~(and food fish, game fish, and~~
4 ~~shellfish in state waters and offshore waters)~~) resources of the
5 state.

6 The department shall conserve the wildlife (~~(and food fish, game~~
7 ~~fish, and shellfish)~~) resources in a manner that does not impair the
8 resource. (~~(In a manner consistent with this goal, the department~~
9 ~~shall seek to maintain the economic well-being and stability of the~~
10 ~~fishing industry in the state. The department shall promote orderly~~
11 ~~fisheries and shall enhance and improve recreational and commercial~~
12 ~~fishing in this state.)~~)

13 The commission may authorize the taking of wildlife(~~(, food fish,~~
14 ~~game fish, and shellfish)~~) only at times or places, or in manners or
15 quantities, as in the judgment of the commission does not impair the
16 supply of these resources.

17 The commission shall attempt to maximize the public recreational
18 (~~(game fishing and)~~) hunting opportunities of all citizens, including
19 juvenile, (~~(disabled)~~) individuals with disabilities, and senior
20 citizens.

21 Recognizing that the management of our state wildlife(~~(, food~~
22 ~~fish, game fish, and shellfish)~~) resources depends heavily on the
23 assistance of volunteers, the department shall work cooperatively
24 with volunteer groups and individuals to achieve the goals of this
25 title to the greatest extent possible.

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

28 **Sec. 2002.** RCW 77.04.020 and 2000 c 107 s 202 are each amended
29 to read as follows:

30 The department consists of the state (~~(fish and)~~) wildlife
31 commission and the director. The commission may delegate to the
32 director any of the powers and duties vested in the commission.

33 **Sec. 2003.** RCW 77.04.030 and 2001 c 155 s 1 are each amended to
34 read as follows:

35 The (~~(fish and)~~) wildlife commission consists of nine registered
36 voters of the state. In January of each odd-numbered year, the
37 governor shall appoint with the advice and consent of the senate
38 three registered voters to the commission to serve for terms of six

1 years from that January or until their successors are appointed and
2 qualified. If a vacancy occurs on the commission prior to the
3 expiration of a term, the governor shall appoint a registered voter
4 within sixty days to complete the term. Three members shall be
5 residents of that portion of the state lying east of the summit of
6 the Cascade mountains, and three shall be residents of that portion
7 of the state lying west of the summit of the Cascade mountains. Three
8 additional members shall be appointed at large. No two members may be
9 residents of the same county. The legal office of the commission is
10 at the administrative office of the department in Olympia.

11 **Sec. 2004.** RCW 77.04.040 and 1995 1st sp.s. c 2 s 3 are each
12 amended to read as follows:

13 Persons eligible for appointment as members of the commission
14 shall have general knowledge of the habits and distribution of ((fish
15 and)) wildlife and shall not hold another state, county, or municipal
16 elective or appointive office. In making these appointments, the
17 governor shall seek to maintain a balance reflecting all aspects of
18 ((fish—and)) wildlife, including representation recommended by
19 organized groups representing ((sportfishers,—commercial—fishers,))
20 hunters, private landowners, and environmentalists. Persons eligible
21 for appointment as ((fish—and)) wildlife commissioners shall comply
22 with the provisions of chapters 42.52 and ((42.17)) 42.56 RCW.

23 **Sec. 2005.** RCW 77.04.055 and 2000 c 107 s 204 are each amended
24 to read as follows:

25 (1) In establishing policies to preserve, protect, and perpetuate
26 wildlife((,—fish,—)) and wildlife ((and—fish)) habitat, the commission
27 shall meet annually with the governor to:

28 (a) Review and prescribe basic goals and objectives related to
29 those policies; and

30 (b) Review the performance of the department in implementing
31 ((fish—and)) wildlife policies.

32 The commission shall maximize ((fishing,—)) hunting((,—)) and
33 outdoor recreational opportunities compatible with healthy and
34 diverse ((fish—and)) wildlife populations.

35 (2) The commission shall establish hunting((,—)) and trapping((,—
36 and—fishing)) seasons and prescribe the time, place, manner, and
37 methods that may be used to harvest or enjoy ((game—fish—and))
38 wildlife.

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

3 ~~(4))~~) The commission shall have final approval authority for
4 tribal, interstate, international, and any other department
5 agreements relating to ~~((fish and))~~ wildlife.

6 ~~((5))~~) (4) The commission shall adopt rules to implement the
7 state's ~~((fish and))~~ wildlife laws.

8 ~~((6))~~) (5) The commission shall have final approval authority
9 for the department's budget proposals.

10 ~~((7))~~) (6) The commission shall select its own staff and shall
11 appoint the director of the department. The director and commission
12 staff shall serve at the pleasure of the commission.

13 **Sec. 2006.** RCW 77.04.080 and 2000 c 107 s 205 are each amended
14 to read as follows:

15 Persons eligible for appointment as director shall have practical
16 knowledge of the habits and distribution of ~~((fish and))~~ wildlife.
17 The director shall supervise the administration and operation of the
18 department and perform the duties prescribed by law and delegated by
19 the commission. The director shall carry out the basic goals and
20 objectives prescribed under RCW 77.04.055. The director may appoint
21 and employ necessary personnel. The director may delegate, in
22 writing, to department personnel the duties and powers necessary for
23 efficient operation and administration of the department.

24 Only persons having general knowledge of the ~~((fisheries and))~~
25 wildlife resources ~~((and of the commercial and recreational fishing~~
26 ~~industry))~~ in this state are eligible for appointment as director.
27 ~~((The director shall not have a financial interest in the fishing~~
28 ~~industry or a directly related industry.))~~ The director shall receive
29 the salary fixed by the governor under RCW 43.03.040.

30 The director is the ex officio secretary of the commission and
31 shall attend its meetings and keep a record of its business.

32 **Sec. 2007.** RCW 77.04.150 and 2008 c 294 s 1 are each amended to
33 read as follows:

34 (1) The commission and the director of fisheries must appoint an
35 advisory committee to generally represent the interests of hunters
36 and fishers with disabilities on matters including, but not limited
37 to, special hunts, modified sporting equipment, access to public
38 land, and hunting and fishing opportunities. The advisory committee

1 is composed of seven members, each being an individual with a
2 disability. The advisory committee members must represent the entire
3 state. The members must be appointed so that each of the six
4 department administrative regions, as they existed on January 1,
5 2007, are represented with one resident on the advisory committee.
6 One additional member must be appointed at large. The chair of the
7 advisory committee must be a member of the advisory committee and
8 shall be selected by the members of the advisory committee.

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

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

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

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

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

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

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

25 (3) The members of the advisory committee are appointed for a
26 four-year term. If a vacancy occurs on the advisory committee prior
27 to the expiration of a term, the commission and the director of
28 fisheries must appoint a replacement within sixty days to complete
29 the term.

30 (4) The advisory committee must meet at least semiannually, and
31 may meet at other times as requested by a majority of the advisory
32 committee members for any express purpose that directly relates to
33 the duties set forth in subsection (1) of this section. A majority of
34 members currently serving on the advisory committee constitutes a
35 quorum. The department and the department of fisheries must provide
36 staff support for all official advisory committee meetings.

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

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

4 (7) Beginning December 1, 2011, and again at least once every
5 four years, the commission and the director of fisheries shall
6 present a joint report to the appropriate legislative committees
7 detailing the effectiveness of the advisory committee including, but
8 not limited to, the participation levels, general interest, quality
9 of advice, and recommendations as to the advisory committee's
10 continuance or modification.

11 **Sec. 2008.** RCW 77.08.010 and 2017 3rd sp.s. c 8 s 2 are each
12 amended to read as follows:

13 The definitions in this section apply throughout this title or
14 rules adopted under this title unless the context clearly requires
15 otherwise.

16 ~~(1) ("Angling gear" means a line attached to a rod and reel
17 capable of being held in hand while landing the fish or a handheld
18 line operated without rod or reel.~~

19 ~~(2))~~ "Bag limit" means the maximum number of game animals~~((7))~~
20 or game birds~~((7, or game fish))~~ which may be taken, caught, killed,
21 or possessed by a person, as specified by rule of the commission for
22 a particular period of time, or as to size, sex, or species.

23 ~~((3))~~ (2) "Building" means a private domicile, garage, barn, or
24 public or commercial building.

25 ~~((4))~~ (3) "Closed area" means a place where the hunting of some
26 or all species of wild animals or wild birds is prohibited.

27 ~~((5))~~ (4) "Closed season" means all times, manners of taking,
28 and places or waters other than those established by rule of the
29 commission as an open season. "Closed season" also means all hunting,
30 fishing, taking, or possession of game animals, or game birds~~((7, game
31 fish, food fish, or shellfish))~~ that do not conform to the special
32 restrictions or physical descriptions established by rule of the
33 commission as an open season or that have not otherwise been deemed
34 legal to hunt, ~~((fish,))~~ take, harvest, or possess by rule of the
35 commission as an open season.

36 ~~((6) "Closed waters" means all or part of a lake, river, stream,
37 or other body of water, where fishing or harvesting is prohibited.~~

38 ~~(7))~~ (5) "Commercial" means related to or connected with buying,
39 selling, or bartering.

1 ~~((8))~~ (6) "Commission" means the state ~~((fish-and))~~ wildlife
2 commission.

3 ~~((9))~~ (7) "Concurrent waters of the Columbia river" means those
4 waters of the Columbia river that coincide with the Washington-Oregon
5 state boundary.

6 ~~((10))~~ (8) "Contraband" means any property that is unlawful to
7 produce or possess.

8 ~~((11))~~ (9) "Covered animal species" means any species of
9 elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine
10 turtle, shark, or ray either: (a) Listed in appendix I or appendix II
11 of the convention on international trade in endangered species of
12 wild flora and fauna; or (b) listed as critically endangered,
13 endangered, or vulnerable on the international union for conservation
14 of nature and natural resources red list of threatened species.

15 ~~((12))~~ (10) "Covered animal species part or product" means any
16 item that contains, or is wholly or partially made from, any covered
17 animal species.

18 ~~((13))~~ (11) "Deleterious exotic wildlife" means species of the
19 animal kingdom not native to Washington and designated as dangerous
20 to the environment or wildlife of the state.

21 ~~((14))~~ (12) "Department" means the department of ~~((fish-and))~~
22 wildlife.

23 ~~((15))~~ (13) "Director" means the director of ~~((fish-and))~~
24 wildlife.

25 ~~((16))~~ (14) "Distribute" or "distribution" means either a
26 change in possession for consideration or a change in legal
27 ownership.

28 ~~((17))~~ (15) "Endangered species" means wildlife designated by
29 the commission as seriously threatened with extinction.

30 ~~((18))~~ (16) "Ex officio fish and wildlife officer" means:
31 (a) A commissioned officer of a municipal, county, or state
32 agency having as its primary function the enforcement of criminal
33 laws in general, while the officer is acting in the respective
34 jurisdiction of that agency;

35 (b) An officer or special agent commissioned by one of the
36 following: The national marine fisheries service; the Washington
37 state parks and recreation commission; the United States fish and
38 wildlife service; the Washington state department of natural
39 resources; the United States forest service; or the United States
40 parks service, if the agent or officer is in the respective

1 jurisdiction of the primary commissioning agency and is acting under
2 a mutual law enforcement assistance agreement between the department
3 and the primary commissioning agency;

4 (c) A commissioned fish and wildlife peace officer from another
5 state who meets the training standards set by the Washington state
6 criminal justice training commission pursuant to RCW 10.93.090,
7 43.101.080, and 43.101.200, and who is acting under a mutual law
8 enforcement assistance agreement between the department and the
9 primary commissioning agency; or

10 (d) A Washington state tribal police officer who successfully
11 completes the requirements set forth under RCW 43.101.157, is
12 employed by a tribal nation that has complied with RCW 10.92.020(2)
13 (a) and (b), and is acting under a mutual law enforcement assistance
14 agreement between the department and the tribal government.

15 ~~((19))~~ (17) "Fish" includes all species classified as game fish
16 or food fish by statute or rule, as well as all fin fish not
17 currently classified as food fish or game fish if such species exist
18 in state waters. The term "fish" includes all stages of development
19 and the bodily parts of fish species.

20 ~~((20) "To fish" and its derivatives means an effort to kill,
21 injure, harass, harvest, or capture a fish or shellfish.~~

22 ~~(21) "Fish and))~~ (18) Wildlife officer" means a person appointed
23 and commissioned by the director, with authority to enforce this
24 title and rules adopted pursuant to this title, and other statutes as
25 prescribed by the legislature. ~~((Fish and))~~ Wildlife officer includes
26 a person commissioned before June 11, 1998, as a wildlife agent or a
27 fisheries patrol officer.

28 ~~((22) "Fish broker" means a person who facilitates the sale or
29 purchase of raw or frozen fish or shellfish on a fee or commission
30 basis, without assuming title to the fish or shellfish.~~

31 ~~(23) "Fish dealer" means a person who engages in any activity
32 that triggers the need to obtain a fish dealer license under RCW
33 77.65.280.~~

34 ~~(24) "Fishery" means the taking of one or more particular species
35 of fish or shellfish with particular gear in a particular
36 geographical area.~~

37 ~~(25))~~ (19) "Food, food waste, or other substance" includes human
38 and pet food or other waste or garbage that could attract large wild
39 carnivores.

1 ~~((26)) "Freshwater" means all waters not defined as saltwater~~
2 ~~including, but not limited to, rivers upstream of the river mouth,~~
3 ~~lakes, ponds, and reservoirs.~~

4 ~~(27))~~ (20) "Fur-bearing animals" means game animals that shall
5 not be trapped except as authorized by the commission.

6 ~~((28))~~ (21) "Fur dealer" means a person who purchases,
7 receives, or resells raw furs for commercial purposes.

8 ~~((29))~~ (22) "Game animals" means wild animals that shall not be
9 hunted except as authorized by the commission.

10 ~~((30))~~ (23) "Game birds" means wild birds that shall not be
11 hunted except as authorized by the commission.

12 ~~((31))~~ (24) "Game farm" means property on which wildlife is
13 held, confined, propagated, hatched, fed, or otherwise raised for
14 commercial purposes, trade, or gift. The term "game farm" does not
15 include publicly owned facilities.

16 ~~((32))~~ (25) "Game reserve" means a closed area where hunting
17 for all wild animals and wild birds is prohibited.

18 ~~((33))~~ (26) "To hunt" and its derivatives means an effort to
19 kill, injure, harass, harvest, or capture a wild animal or wild bird.

20 ~~((34))~~ (27) "Illegal items" means those items unlawful to be
21 possessed.

22 ~~((35))~~ (28)(a) "Intentionally feed, attempt to feed, or
23 attract" means to purposefully or knowingly provide, leave, or place
24 in, on, or about any land or building any food, food waste, or other
25 substance that attracts or could attract large wild carnivores to
26 that land or building.

27 (b) "Intentionally feed, attempt to feed, or attract" does not
28 include keeping food, food waste, or other substance in an enclosed
29 garbage receptacle or other enclosed container unless specifically
30 directed by a fish and wildlife officer or animal control authority
31 to secure the receptacle or container in another manner.

32 ~~((36))~~ (29) "Large wild carnivore" includes wild bear, cougar,
33 and wolf.

34 ~~((37))~~ (30) "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 ~~((38)) "Limited entry license" means a license subject to a~~
38 ~~license limitation program established in chapter 77.70 RCW.~~

39 ~~(39) "Limited fish seller" means a licensed commercial fisher who~~
40 ~~sells his or her fish or shellfish to anyone other than a wholesale~~

1 ~~fish buyer thereby triggering the need to obtain a limited fish~~
2 ~~seller endorsement under RCW 77.65.510.~~

3 ~~(+40+))~~ (31) "Money" means all currency, script, personal checks,
4 money orders, or other negotiable instruments.

5 ~~((+41+))~~ (32) "Natural person" means a human being.

6 ~~((+42+))~~ (33)(a) "Negligently feed, attempt to feed, or attract"
7 means to provide, leave, or place in, on, or about any land or
8 building any food, food waste, or other substance that attracts or
9 could attract large wild carnivores to that land or building, without
10 the awareness that a reasonable person in the same situation would
11 have with regard to the likelihood that the food, food waste, or
12 other substance could attract large wild carnivores to the land or
13 building.

14 (b) "Negligently feed, attempt to feed, or attract" does not
15 include keeping food, food waste, or other substance in an enclosed
16 garbage receptacle or other enclosed container unless specifically
17 directed by a fish and wildlife officer or animal control authority
18 to secure the receptacle or container in another manner.

19 ~~((+43+))~~ (34) "Nonresident" means a person who has not fulfilled
20 the qualifications of a resident.

21 ~~((+44+))~~ (35) "Offshore waters" means marine waters of the
22 Pacific Ocean outside the territorial boundaries of the state,
23 including the marine waters of other states and countries.

24 ~~((+45+))~~ (36) "Open season" means those times, manners of taking,
25 and places or waters established by rule of the commission for the
26 lawful hunting, ~~((fishing₇))~~ taking, or possession of game
27 animals~~((₇))~~ or game birds~~((₇, game fish, food fish, or shellfish))~~
28 that conform to the special restrictions or physical descriptions
29 established by rule of the commission or that have otherwise been
30 deemed legal to hunt, ~~((fish₇))~~ take, or possess by rule of the
31 commission. "Open season" includes the first and last days of the
32 established time.

33 ~~((+46+))~~ (37) "Owner" means the person in whom is vested the
34 ownership dominion, or title of the property.

35 ~~((+47+))~~ (38) "Person" means and includes an individual; a
36 corporation; a public or private entity or organization; a local,
37 state, or federal agency; all business organizations, including
38 corporations and partnerships; or a group of two or more individuals
39 acting with a common purpose whether acting in an individual,
40 representative, or official capacity.

1 ~~((48))~~ (39) "Personal property" or "property" includes both
2 corporeal and incorporeal personal property and includes, among other
3 property, contraband and money.

4 ~~((49) "Personal use" means for the private use of the individual
5 taking the fish or shellfish and not for sale or barter.~~

6 ~~(50))~~ (40) "Predatory birds" means wild birds that may be hunted
7 throughout the year as authorized by the commission.

8 ~~((51))~~ (41) "To process" and its derivatives mean preparing or
9 preserving fish, wildlife, or shellfish.

10 ~~((52))~~ (42) "Protected wildlife" means wildlife designated by
11 the commission that shall not be hunted or fished.

12 ~~((53))~~ (43) "Raffle" means an activity in which tickets bearing
13 an individual number are sold for not more than twenty-five dollars
14 each and in which a permit or permits are awarded to hunt or for
15 access to hunt big game animals or wild turkeys on the basis of a
16 drawing from the tickets by the person or persons conducting the
17 raffle.

18 ~~((54))~~ (44) "Resident" has the same meaning as defined in RCW
19 77.08.075.

20 ~~((55))~~ (45) "Saltwater" means those marine waters seaward of
21 river mouths.

22 ~~((56) "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 ~~(57))~~ (46) "Senior" means a person seventy years old or older.

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

30 ~~(59)(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
34 approved by the United States food and drug administration and
35 available by prescription only or medical device or vaccine approved
36 by the United States food and drug administration.~~

37 ~~(60) "Shellfish" means those species of marine and freshwater
38 invertebrates that have been classified and that shall not be taken
39 or possessed except as authorized by rule of the commission. The term~~

1 ~~"shellfish" includes all stages of development and the bodily parts~~
2 ~~of shellfish species.~~

3 ~~(+61+))~~ (47) "State waters" means all marine waters and fresh
4 waters within ordinary high water lines and within the territorial
5 boundaries of the state.

6 ~~((+62+))~~ (48) "To take" and its derivatives means to kill,
7 injure, harvest, or capture a fish, shellfish, wild animal, bird, or
8 seaweed.

9 ~~((+63+))~~ (49) "Taxidermist" means a person who, for commercial
10 purposes, creates lifelike representations of fish and wildlife using
11 fish and wildlife parts and various supporting structures.

12 ~~((+64+))~~ (50) "Trafficking" means offering, attempting to engage,
13 or engaging in sale, barter, or purchase of fish, shellfish,
14 wildlife, or deleterious exotic wildlife.

15 ~~((+65+))~~ (51) "To trap" and its derivatives means a method of
16 hunting using devices to capture wild animals or wild birds.

17 ~~((+66+))~~ (52) "Unclaimed" means that no owner of the property has
18 been identified or has requested, in writing, the release of the
19 property to themselves nor has the owner of the property designated
20 an individual to receive the property or paid the required postage to
21 effect delivery of the property.

22 ~~((+67+))~~ (53) "Unclassified wildlife" means wildlife existing in
23 Washington in a wild state that have not been classified as big game,
24 game animals, game birds, predatory birds, protected wildlife,
25 endangered wildlife, or deleterious exotic wildlife.

26 ~~((+68+))~~ (54) "To waste" or "to be wasted" means to allow any
27 edible portion of any game bird, food fish, game fish, shellfish, or
28 big game animal other than cougar to be rendered unfit for human
29 consumption, or to fail to retrieve edible portions of such a game
30 bird, food fish, game fish, shellfish, or big game animal other than
31 cougar from the field. For purposes of this chapter, edible portions
32 of game birds must include, at a minimum, the breast meat of those
33 birds. Entrails, including the heart and liver, of any wildlife
34 species are not considered edible.

35 ~~((+69) "Wholesale fish buyer" means a person who engages in any~~
36 ~~fish buying or selling activity that triggers the need to obtain a~~
37 ~~wholesale fish buyer endorsement under RCW 77.65.340.~~

38 ~~(+70+))~~ (55) "Wild animals" means those species of the class
39 Mammalia whose members exist in Washington in a wild state. The term

1 "wild animal" does not include feral domestic mammals or old world
2 rats and mice of the family Muridae of the order Rodentia.

3 ~~((+71))~~ (56) "Wild birds" means those species of the class Aves
4 whose members exist in Washington in a wild state.

5 ~~((+72))~~ (57) "Wildlife" means all species of the animal kingdom
6 whose members exist in Washington in a wild state. This includes but
7 is not limited to mammals, birds, reptiles, amphibians, fish, and
8 invertebrates. The term "wildlife" does not include feral domestic
9 mammals, old world rats and mice of the family Muridae of the order
10 Rodentia, or those fish, shellfish, and marine invertebrates
11 classified as food fish or shellfish by the director. The term
12 "wildlife" includes all stages of development and the bodily parts of
13 wildlife members.

14 ~~((+73))~~ (58) "Wildlife meat cutter" means a person who packs,
15 cuts, processes, or stores wildlife for consumption for another for
16 commercial purposes.

17 ~~((+74))~~ (59) "Youth" means a person fifteen years old for
18 fishing and under sixteen years old for hunting.

19 **Sec. 2009.** RCW 77.12.020 and 2014 c 202 s 302 are each amended
20 to read as follows:

21 (1) The director shall investigate the habits and distribution of
22 the various species of wildlife native to or adaptable to the
23 habitats of the state. The commission shall determine whether a
24 species should be managed by the department and, if so, classify it
25 under this section.

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

28 (3) The commission may classify by rule wild birds as game birds
29 or predatory birds. All wild birds not otherwise classified are
30 protected wildlife.

31 ~~((4) ((In addition to those species listed in RCW 77.08.020, the
32 commission may classify by rule as game fish other species of the
33 class Osteichthyes that are commonly found in freshwater except those
34 classified as food fish by the director.~~

35 ~~(+5))~~ The director may recommend to the commission that a species
36 of wildlife should not be hunted ~~((or fished))~~. The commission may
37 designate species of wildlife as protected.

38 ~~((+6))~~ (5) If the director determines that a species of wildlife
39 is seriously threatened with extinction in the state of Washington,

1 the director may request its designation as an endangered species.
2 The commission may designate an endangered species.

3 ~~((7))~~ (6) If the director 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 may request its
6 designation as deleterious exotic wildlife. The commission may
7 designate deleterious exotic wildlife.

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

13 **Sec. 2010.** RCW 77.12.039 and 2001 c 253 s 11 are each amended to
14 read as follows:

15 (1) The director may accept money or real property from persons
16 under conditions requiring the use of the property or money for the
17 protection, rehabilitation, preservation, or conservation of the
18 state wildlife(~~(, fish, and shellfish resources,)~~) or in settlement
19 of claims for damages to wildlife(~~(, fish, and shellfish)~~) resources.
20 The director shall only accept real property useful for the
21 protection, rehabilitation, preservation, or conservation of (~~(fish,
22 shellfish, and)~~) wildlife resources.

23 (2) The director of fisheries may accept money or real property
24 from persons under conditions requiring the use of the property or
25 money for the protection, rehabilitation, preservation, or
26 conservation of the state fish and shellfish resources, or in
27 settlement of claims for damages to fish and shellfish resources. The
28 director shall only accept real property useful for the protection,
29 rehabilitation, preservation, or conservation of fish and shellfish
30 resources.

31 **Sec. 2011.** RCW 77.12.045 and 2001 c 253 s 13 are each amended to
32 read as follows:

33 Consistent with federal law, the commission's and department of
34 fisheries' authority extends to all areas and waters within the
35 territorial boundaries of the state, to the offshore waters, and to
36 the concurrent waters of the Columbia river.

1 Consistent with federal law, the (~~commission's~~) department of
2 fisheries' authority extends to fishing in offshore waters by
3 residents of this state.

4 The (~~commission~~) department of fisheries may adopt rules
5 consistent with the regulations adopted by the United States
6 department of commerce for the offshore waters. The (~~commission~~)
7 department of fisheries may adopt rules consistent with the
8 recommendations or regulations of the Pacific marine fisheries
9 commission, Columbia river compact, the Pacific salmon commission as
10 provided in chapter 77.75 RCW, or the international Pacific halibut
11 commission.

12 **Sec. 2012.** RCW 77.12.047 and 2017 c 159 s 2 are each amended to
13 read as follows:

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

15 (a) Specifying the times when the taking of wildlife(~~(, fish, or~~
16 ~~shellfish))~~) is lawful or unlawful.

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

19 (c) Specifying and defining the gear, appliances, or other
20 equipment and methods that may be used to take wildlife(~~(, fish, or~~
21 ~~shellfish,))~~) and specifying the times, places, and manner in which
22 the equipment may be used or possessed.

23 (d) Regulating the importation, transportation, possession,
24 disposal, landing, and sale of wildlife(~~(, fish, shellfish, or~~
25 ~~seaweed))~~) within the state, whether acquired within or without the
26 state. However, the rules of the department must prohibit any person,
27 including department staff, from translocating a live elk from an
28 area with elk affected by hoof disease to any other location except:

29 (i) Consistent with a process developed by the department with
30 input from the affected federally recognized tribes for translocation
31 for monitoring or hoof disease management purposes; or

32 (ii) Within an elk herd management plan area affected by hoof
33 disease.

34 (e) Regulating the prevention and suppression of diseases and
35 pests affecting wildlife(~~(, fish, or shellfish))~~).

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

1 (g) Specifying the statistical and biological reports required
2 from ~~((fishers,))~~ dealers~~((, —boathouses,))~~ or processors of
3 wildlife~~((, —fish, —or shellfish))~~.

4 ~~((Classifying species of marine and freshwater life as food
5 fish or shellfish.~~

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

9 ~~((j))~~ (i) Regulating the taking, sale, possession, and
10 distribution of wildlife~~((, —fish, —shellfish,))~~ or deleterious exotic
11 wildlife.

12 ~~((k))~~ (j) Establishing game reserves and closed areas where
13 hunting for wild animals or wild birds may be prohibited.

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

17 ~~(m) Authorizing issuance of permits to release, plant, or place
18 fish or shellfish in state waters.~~

19 ~~(n))~~ (k) Governing the possession of ~~((fish, —shellfish, —or))~~
20 wildlife so that the size, species, or sex can be determined visually
21 in the field or while being transported.

22 ~~((o))~~ (l) Other rules necessary to carry out this title and the
23 purposes and duties of the department.

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

30 ~~(b) "Immediate family member")~~ For the purposes of this section,
31 "immediate family member" means a spouse, brother, sister,
32 grandparent, parent, child, or grandchild.

33 (3) Except for subsection (1)(g) of this section, this section
34 does not apply to private sector cultured aquatic products as defined
35 in RCW 15.85.020. Subsection (1)(g) of this section does apply to
36 such products.

37 **Sec. 2013.** RCW 77.12.150 and 2003 c 385 s 2 are each amended to
38 read as follows:

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

11 (b) By emergency rule only, the director of fisheries may close
12 or shorten a season for game fish, and after a season has been closed
13 or shortened, may reopen it and reestablish bag limits on game fish
14 during that season. A copy of an emergency rule, certified as a true
15 copy by the director or by a person authorized in writing by the
16 director to make the certification, is admissible in court as prima
17 facie evidence of the adoption and validity of the rule.

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

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

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

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

10 **Sec. 2014.** RCW 77.12.154 and 1998 c 190 s 71 are each amended to
11 read as follows:

12 The ((~~director, fish and~~)) directors of the departments of
13 wildlife and fisheries, fisheries officers, wildlife officers, ex
14 officio fish and wildlife officers, and ((~~department~~)) employees of
15 the departments of wildlife and fisheries may enter upon any land or
16 waters and remain there while performing their duties without
17 liability for trespass.

18 It is lawful for aircraft operated by the department to land and
19 take off from the beaches or waters of the state.

20 **Sec. 2015.** RCW 77.12.184 and 2009 c 333 s 31 are each amended to
21 read as follows:

22 (1) The departments of wildlife and fisheries shall deposit all
23 moneys received from the following activities into the state wildlife
24 account created in RCW 77.12.170:

25 (a) The sale of interpretive, recreational, historical,
26 educational, and informational literature and materials;

27 (b) The sale of advertisements in regulation pamphlets and other
28 appropriate mediums; and

29 (c) Enrollment fees in department-sponsored educational training
30 events.

31 (2) Moneys collected under subsection (1) of this section shall
32 be spent primarily for producing regulation booklets for users and
33 for the development, production, reprinting, and distribution of
34 informational and educational materials. The department may also
35 spend these moneys for necessary expenses associated with training
36 activities, and other activities as determined by the director.

37 (3) Regulation pamphlets may be subsidized through appropriate
38 advertising, but must be made available free of charge to the users.

1 (4) The director may enter into joint ventures with other
2 agencies and organizations to generate revenue for providing public
3 information and education on wildlife and hunting (~~and fishing~~)
4 rules.

5 (5) The director of fisheries may enter into joint ventures with
6 other agencies and organizations to generate revenue for providing
7 public information and education on fishing rules.

8 **Sec. 2016.** RCW 77.12.204 and 2001 c 253 s 17 are each amended to
9 read as follows:

10 The department (~~of fish and wildlife~~) shall implement practices
11 necessary to meet the standards developed under RCW (~~79.01.295~~)
12 79.13.610 on agency-owned and managed agricultural and grazing lands.
13 The standards may be modified on a site-specific basis as necessary
14 and as determined by the department (~~of fish and wildlife~~) to
15 achieve the goals established under RCW (~~79.01.295~~) 79.13.610(1).
16 Existing lessees shall be provided an opportunity to participate in
17 any site-specific field review. Department agricultural and grazing
18 leases issued after December 31, 1994, shall be subject to practices
19 to achieve the standards that meet those developed pursuant to RCW
20 (~~79.01.295~~) 79.13.610.

21 This section shall in no way prevent the department (~~of fish and~~
22 ~~wildlife~~) from managing its lands according to the provisions of RCW
23 77.04.012, 77.12.210, or rules adopted pursuant to this chapter.

24 **Sec. 2017.** RCW 77.12.262 and 2000 c 107 s 8 are each amended to
25 read as follows:

26 (1) The director shall provide compensation insurance for (fish
27 and) wildlife officers, insuring these employees against injury or
28 death in the performance of enforcement duties not covered under the
29 workers' compensation act of the state. The beneficiaries and the
30 compensation and benefits under the compensation insurance shall be
31 the same as provided in chapter 51.32 RCW, and the compensation
32 insurance also shall provide for medical aid and hospitalization to
33 the extent and amount as provided in RCW 51.36.010 and 51.36.020.

34 (2) The director of the department of fisheries shall provide
35 compensation insurance for fisheries officers insuring these
36 employees against injury or death in the performance of enforcement
37 duties not covered under the workers' compensation act of the state.
38 The beneficiaries and the compensation and benefits under the

1 compensation insurance shall be the same as provided in chapter 51.32
2 RCW, and the compensation insurance also shall provide for medical
3 aid and hospitalization to the extent and amount as provided in RCW
4 51.36.010 and 51.36.020.

5 **Sec. 2018.** RCW 77.12.264 and 2006 c 39 s 2 are each amended to
6 read as follows:

7 (1) The director shall relieve from active duty ((fish—and))
8 wildlife officers who are injured in the performance of their
9 official duties to such an extent as to be incapable of active
10 service. While relieved from active duty, the employees shall receive
11 one-half of their salary less any compensation received through the
12 provisions of RCW 41.26.470, 41.40.200, 41.40.220, and 77.12.262.

13 (2) The director of fisheries shall relieve from active duty
14 fisheries officers who are injured in the performance of their
15 official duties to such an extent as to be incapable of active
16 service. While relieved from active duty, the employees shall receive
17 one-half of their salary less any compensation received through the
18 provisions of RCW 41.26.470, 41.40.200, 41.40.220, and 77.12.262.

19 **Sec. 2019.** RCW 77.12.320 and 2001 c 253 s 19 are each amended to
20 read as follows:

21 (1) The commission and the department of fisheries may make
22 agreements with persons, political subdivisions of this state, or the
23 United States or its agencies or instrumentalities, regarding fish,
24 shellfish, and wildlife-oriented recreation and the propagation,
25 protection, conservation, and control of fish, shellfish, and
26 wildlife.

27 (2) The director and the director of the department of fisheries
28 may make written agreements with the owners or lessees of real or
29 personal property to provide for the use of the property for fish,
30 shellfish, and wildlife-oriented recreation. The director may adopt
31 rules governing the conduct of persons in or on the real property.

32 (3) The director and the director of the department of fisheries
33 may accept compensation for fish, shellfish, and wildlife losses or
34 gifts or grants of personal property for use by the department.

35 **Sec. 2020.** RCW 77.12.325 and 2001 c 253 s 20 are each amended to
36 read as follows:

1 The commission and the director of the department of fisheries
2 may cooperate with the Oregon fish and wildlife commission in the
3 adoption of rules to ensure an annual yield of fish, shellfish, and
4 wildlife on the Columbia river and to prevent the taking of fish,
5 shellfish, and wildlife at places or times that might endanger fish,
6 shellfish, and wildlife.

7 **Sec. 2021.** RCW 77.12.475 and 2009 c 368 s 1 are each amended to
8 read as follows:

9 (1) The fish and wildlife equipment revolving account is created
10 in the custody of the state treasurer. The department and the
11 director of the department of fisheries must reimburse the account
12 for all moneys expended from the account. Reimbursements may be made
13 with moneys appropriated to the department, the department of
14 fisheries, or from other moneys otherwise available to the department
15 or the department of fisheries. All moneys generated by the use or
16 repair of vehicles, water vessels, and heavy equipment or generated
17 by the sale or surplusing of vehicles, water vessels, and heavy
18 equipment must be deposited in the account. ~~((The department's))~~
19 Reimbursements to the department or the department of fisheries may
20 be prorated over the useful life of the vehicle, water vessel, or
21 heavy equipment acquired with moneys from the account.

22 (2) Expenditures from the account may be used only for the
23 purchase or lease of vehicles, water vessels, and heavy equipment, to
24 include the payment of costs for the operation, repair, and
25 maintenance of the vehicles, water vessels, and heavy equipment.

26 (3) Only the director ~~((of fish and wildlife or the director's))~~,
27 the director of fisheries, or a designee may authorize expenditures
28 from the account. The account is subject to allotment procedures
29 under chapter 43.88 RCW, but an appropriation is not required for
30 expenditures.

31 (4) For the purposes of this section, the terms and charges for
32 the intra-agency use of vehicles, water vessels, or heavy equipment
33 or for the disposal through sale of vehicles, water vessels, or heavy
34 equipment is solely within the discretion of the department and the
35 director of the department of fisheries and the ~~((department's))~~
36 determination by the department or the department of fisheries of the
37 terms, charges, or sale price is considered a reasonable term,
38 charge, or sale price.

1 **Sec. 2022.** RCW 77.12.610 and 2000 c 107 s 225 are each amended
2 to read as follows:

3 The purposes of RCW 77.12.610 through 77.12.630 are to facilitate
4 the (~~department's~~) gathering of biological data by the department
5 and the department of fisheries for managing wildlife, fish, and
6 shellfish resources of this state and to protect these resources by
7 assuring compliance with this title ((77)) and Title 75A RCW (the new
8 title created in section 1196 of this act), and rules adopted
9 thereunder, in a manner designed to minimize inconvenience to the
10 public.

11 **Sec. 2023.** RCW 77.12.620 and 2013 c 23 s 240 are each amended to
12 read as follows:

13 The department (~~is~~) and the department of fisheries are
14 authorized to require hunters and fishers occupying a motor vehicle
15 approaching or entering a check station to stop and produce for
16 inspection: (1) Any wildlife, fish, shellfish, or seaweed in their
17 possession; (2) licenses, permits, tags, stamps, or catch record
18 cards, required under this title ((77)) and Title 75A RCW (the new
19 title created in section 1196 of this act), or rules adopted
20 thereunder. For these purposes, the department (~~is~~) and the
21 department of fisheries are authorized to operate check stations
22 which shall be plainly marked by signs, operated by at least one
23 uniformed fish and wildlife officer, and operated in a safe manner.

24 **Sec. 2024.** RCW 77.12.630 and 2000 c 107 s 227 are each amended
25 to read as follows:

26 The powers conferred by RCW 77.12.610 through 77.12.630 are in
27 addition to all other powers conferred by law upon the department and
28 the department of fisheries. Nothing in RCW 77.12.610 through
29 77.12.630 shall be construed to prohibit the department from
30 operating wildlife information stations at which persons shall not be
31 required to stop and report, or from executing arrests, searches, or
32 seizures otherwise authorized by law.

33 **Sec. 2025.** RCW 77.15.040 and 1998 c 190 s 5 are each amended to
34 read as follows:

35 District courts have jurisdiction concurrent with superior courts
36 for misdemeanors and gross misdemeanors committed in violation of
37 this chapter and may impose the punishment provided for these

1 offenses. Superior courts have jurisdiction over felonies committed
2 in violation of this chapter. Venue for offenses occurring in
3 offshore waters shall be in a county bordering on the Pacific Ocean,
4 or the county where ((fish-or)) wildlife from the offense are landed.

5 **Sec. 2026.** RCW 77.15.070 and 2005 c 406 s 2 are each amended to
6 read as follows:

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

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

34 (3) Persons claiming a right of ownership or right to possession
35 of property are entitled to a hearing to contest forfeiture. Such a
36 claim shall specify the claim of ownership or possession and shall be
37 made in writing and served on the director within forty-five days of
38 the seizure. If the seizing authority has complied with notice

1 requirements and there is no claim made within forty-five days, then
2 the property shall be forfeited to the state.

3 (4) If any person timely serves the director with a claim to
4 property, the person shall be afforded an opportunity to be heard as
5 to the person's claim or right. The hearing shall be before the
6 director or director's designee, or before an administrative law
7 judge appointed under chapter 34.12 RCW, except that a person
8 asserting a claim or right may remove the matter to a court of
9 competent jurisdiction if the aggregate value of the property seized
10 is more than five thousand dollars. The department may settle a
11 person's claim of ownership prior to the administrative hearing.

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

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

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

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

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

1 **Sec. 2027.** RCW 77.15.075 and 2012 c 176 s 8 are each amended to
2 read as follows:

3 (1) (~~(Fish and)~~) Wildlife officers shall have and exercise,
4 throughout the state, such police powers and duties as are vested in
5 sheriffs and peace officers generally. (~~(Fish and)~~) Wildlife officers
6 are general authority Washington peace officers.

7 (2) An applicant for a (~~(fish and)~~) wildlife officer position
8 must be a citizen of the United States of America who can read and
9 write the English language. Before a person may be appointed to act
10 as a (~~(fish and)~~) wildlife officer, the person shall meet the minimum
11 standards for employment with the department, including successful
12 completion of a psychological examination and polygraph examination
13 or similar assessment procedure administered in accordance with the
14 requirements of RCW 43.101.095(2).

15 (3) Any liability or claim of liability under chapter 4.92 RCW
16 that arises out of the exercise or alleged exercise of authority by a
17 (~~(fish and)~~) wildlife officer rests with the department unless the
18 (~~(fish and)~~) wildlife officer acts under the direction and control of
19 another agency or unless the liability is otherwise assumed under an
20 agreement between the department and another agency.

21 (4) The department may utilize the services of a volunteer
22 chaplain as provided under chapter 41.22 RCW.

23 **Sec. 2028.** RCW 77.15.080 and 2014 c 202 s 303 and 2014 c 48 s 3
24 are each reenacted and amended to read as follows:

25 Based upon articulable facts that a person is engaged in
26 (~~(fishing,)~~) harvesting(~~(,)~~) or hunting activities, (~~(fish and)~~)
27 wildlife officers and ex officio fish and wildlife officers have the
28 authority to temporarily stop the person and check for valid
29 licenses, tags, permits, stamps, or catch record cards, and to
30 inspect all (~~(fish, shellfish, seaweed, and)~~) wildlife in possession
31 as well as the equipment being used to ensure compliance with the
32 requirements of this title. (~~(Fish and)~~) Wildlife officers and ex
33 officio fish and wildlife officers also may request that the person
34 write his or her signature for comparison with the signature on his
35 or her (~~(fishing,)~~) harvesting(~~(,)~~) or hunting license. Failure to
36 comply with the request is prima facie evidence that the person is
37 not the person named on the license. (~~(Fish and)~~) Wildlife officers
38 and ex officio fish and wildlife officers may require the person, if

1 age sixteen or older, to exhibit a driver's license or other photo
2 identification.

3 **Sec. 2029.** RCW 77.15.085 and 2016 c 2 s 4 are each amended to
4 read as follows:

5 ((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife
6 officers may seize without a warrant wildlife(~~(, fish, shellfish,)~~)
7 and covered animal species parts and products they have probable
8 cause to believe have been taken, transported, or possessed in
9 violation of this title or rule of the commission or director.

10 **Sec. 2030.** RCW 77.15.090 and 2001 c 253 s 24 are each amended to
11 read as follows:

12 On a showing of probable cause that there has been a violation of
13 any ((~~fish, seaweed, shellfish, or~~)) wildlife law of the state of
14 Washington, or upon a showing of probable cause to believe that
15 evidence of such violation may be found at a place, a court shall
16 issue a search warrant or arrest warrant. ((~~Fish and~~)) Wildlife
17 officers may execute any such arrest or search warrant reasonably
18 necessary to their duties under this title and may seize ((~~fish,~~
19 ~~seaweed, shellfish, and~~)) wildlife or any evidence of a crime and the
20 fruits or instrumentalities of a crime as provided by warrant. The
21 court may have a building, enclosure, vehicle, vessel, container, or
22 receptacle opened or entered and the contents examined.

23 **Sec. 2031.** RCW 77.15.092 and 2000 c 107 s 213 are each amended
24 to read as follows:

25 ((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife
26 officers may arrest without warrant persons found violating the law
27 or rules adopted pursuant to this title.

28 **Sec. 2032.** RCW 77.15.094 and 2001 c 253 s 25 are each amended to
29 read as follows:

30 ((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife
31 officers may make a reasonable search without warrant of a vessel,
32 conveyances, vehicles, containers, packages, or other receptacles for
33 ((~~fish, seaweed, shellfish, and~~)) wildlife which they have reason to
34 believe contain evidence of a violation of law or rules adopted
35 pursuant to this title and seize evidence as needed for law
36 enforcement. This authority does not extend to quarters in a boat,

1 building, or other property used exclusively as a private domicile,
2 does not extend to transitory residences in which a person has a
3 reasonable expectation of privacy, and does not allow search and
4 seizure without a warrant if the thing or place is protected from
5 search without warrant within the meaning of Article I, section 7 of
6 the state Constitution. Seizure of property as evidence of a crime
7 does not preclude seizure of the property for forfeiture as
8 authorized by law.

9 **Sec. 2033.** RCW 77.15.096 and 2017 3rd sp.s. c 8 s 5 are each
10 amended to read as follows:

11 ~~(1) ((Fish and wildlife officers may inspect without warrant at~~
12 ~~reasonable times and in a reasonable manner:~~

13 ~~(a) The premises, containers, fishing equipment, fish, seaweed,~~
14 ~~shellfish, and wildlife of any commercial fisher or wholesale dealer~~
15 ~~or fish dealer; and~~

16 ~~(b) Records required by the department of any commercial fisher~~
17 ~~or wholesale fish buyer or fish dealer.~~

18 ~~(2) Fish and))~~ Wildlife officers and ex officio fish and wildlife
19 officers may inspect without warrant at reasonable times and in a
20 reasonable manner:

21 (a) The premises, containers, ~~((fishing equipment, fish,~~
22 ~~shellfish,))~~ wildlife, or covered animal species of any person
23 trafficking or otherwise distributing or receiving ~~((fish,~~
24 ~~shellfish,))~~ wildlife~~((,))~~ or covered animal species;

25 (b) Records required by the department of any person trafficking
26 or otherwise distributing or receiving ~~((fish, shellfish,))~~
27 wildlife~~((,))~~ or covered animal species;

28 (c) Any cold storage plant that a ~~((fish and))~~ wildlife officer
29 has probable cause to believe contains ~~((fish, shellfish, or))~~
30 wildlife;

31 (d) The premises, containers, ~~((fish, shellfish,))~~ wildlife, or
32 covered animal species of any taxidermist or fur buyer; or

33 (e) The records required by the department of any taxidermist or
34 fur buyer.

35 ~~((3) Fish and))~~ (2) Wildlife officers may inspect without
36 warrant, at reasonable times and in a reasonable manner, the records
37 required by the department of any retail outlet selling ~~((fish,~~
38 ~~shellfish, or))~~ wildlife, and, if the officers have probable cause to
39 believe a violation of this title or rules of the commission has

1 occurred, they may inspect without warrant the premises, containers,
2 and ~~((fish, shellfish, and))~~ wildlife of any retail outlet selling
3 ~~((fish, shellfish, or))~~ wildlife.

4 ~~((4))~~ (3) Authority granted under this section does not extend
5 to quarters in a boat, building, or other property used exclusively
6 as a private domicile, does not extend to transitory residences in
7 which a person has a reasonable expectation of privacy, and does not
8 allow search and seizure without a warrant if the thing or place is
9 protected from search without warrant within the meaning of Article
10 I, section 7 of the state Constitution.

11 **Sec. 2034.** RCW 77.15.098 and 2000 c 107 s 215 are each amended
12 to read as follows:

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

16 (2) The director, the ~~((fish and wildlife))~~ commission, or the
17 department may be subject to civil liability for their willful or
18 reckless misconduct in matters involving the seizure and forfeiture
19 of personal property involved with ~~((fish or))~~ wildlife offenses.

20 **Sec. 2035.** RCW 77.15.100 and 2016 c 2 s 5 are each amended to
21 read as follows:

22 (1) ~~((Fish, shellfish, and))~~ Wildlife ~~((are))~~ is property of the
23 state under RCW 77.04.012. ~~((Fish and wildlife officers may sell
24 seized, commercially taken or possessed fish and shellfish to a
25 wholesale buyer and deposit the proceeds into the fish and wildlife
26 enforcement reward account under RCW 77.15.425.))~~ Seized,
27 recreationally taken or possessed ~~((fish, shellfish, and))~~ wildlife
28 may be donated to nonprofit charitable organizations. The charitable
29 organization must qualify for tax-exempt status under 26 U.S.C. Sec.
30 501(c)(3) of the federal internal revenue code.

31 (2) ~~((Fish and))~~ Wildlife officers may dispose of any covered
32 animal species part or product seized through the enforcement of RCW
33 77.15.135 through a donation to a bona fide educational or scientific
34 institution, solely for the purposes of raising awareness of the
35 trafficking and threatened nature of endangered animals, as allowed
36 under state, federal, and international law.

37 (3) Unless otherwise provided in this title, ~~((fish, shellfish,))~~
38 wildlife~~((r))~~ or any covered animal species part or product taken or

1 possessed in violation of this title or department rule shall be
2 forfeited to the state upon conviction or any outcome in criminal
3 court whereby a person voluntarily enters into a disposition that
4 continues or defers the case for dismissal upon the successful
5 completion of specific terms or conditions. For criminal cases
6 resulting in other types of dispositions, the ~~((fish, shellfish,))~~
7 wildlife~~((,))~~ or covered animal species part or product may be
8 returned, or its equivalent value paid, if the ~~((fish, shellfish,))~~
9 wildlife~~((,))~~ or covered animal species part or product have already
10 been donated or sold.

11 **Sec. 2036.** RCW 77.15.110 and 2017 3rd sp.s. c 8 s 8 are each
12 amended to read as follows:

13 (1) For purposes of this chapter, a person acts for commercial
14 purposes if the person engages in conduct that relates to commerce in
15 ~~((fish, seaweed, shellfish, or))~~ wildlife or any parts thereof.
16 Commercial conduct may include taking, delivering, selling, buying,
17 brokering, or trading ~~((fish, seaweed, shellfish, or))~~ wildlife where
18 there is present or future exchange of money, goods, or any valuable
19 consideration. Evidence that a person acts for commercial purposes
20 includes, but is not limited to, the following conduct:

21 ~~((Using gear typical of that used in commercial fisheries;~~
22 ~~(b))~~ Exceeding the bag or possession limits for personal use by
23 taking or possessing more than three times the amount of ~~((fish,~~
24 ~~seaweed, shellfish, or))~~ wildlife allowed;

25 ~~((c))~~ (b) Delivering or attempting to deliver ~~((fish, seaweed,~~
26 ~~shellfish, or))~~ wildlife to a person who sells or resells it;

27 ~~((d) Taking fish or shellfish using a vessel designated on a~~
28 ~~commercial fishery license or using gear not authorized in a personal~~
29 ~~use fishery;~~

30 ~~(e) Using a commercial fishery license;~~

31 ~~(f))~~ (c) Selling or dealing in raw furs for a fee or in exchange
32 for goods or services;

33 ~~((g))~~ (d) Performing taxidermy service on ~~((fish, shellfish,~~
34 ~~or))~~ wildlife belonging to another person for a fee or receipt of
35 goods or services; or

36 ~~((h))~~ (e) Packs, cuts, processes, or stores the meat of
37 wildlife for consumption, for a fee or in exchange for goods or
38 services.

1 (2) For purposes of this chapter, the value of any ((fish,
2 seaweed, shellfish, or)) wildlife may be proved based on evidence of
3 legal or illegal sales involving the person charged or any other
4 person, of offers to sell or solicitation of offers to sell by the
5 person charged or by any other person, or of any market price for the
6 ((fish, seaweed, shellfish, or)) wildlife including market price for
7 farm-raised game animals. The value assigned to specific ((fish,
8 seaweed, shellfish, or)) wildlife by RCW 77.15.420 may be presumed to
9 be the value of such ((fish, seaweed, shellfish, or)) wildlife. It is
10 not relevant to proof of value that the person charged misrepresented
11 that the ((fish, seaweed, shellfish, or)) wildlife was taken in
12 compliance with law if the ((fish, seaweed, shellfish, or)) wildlife
13 was unlawfully taken and had no lawful market value.

14 **Sec. 2037.** RCW 77.15.120 and 2014 c 48 s 5 are each amended to
15 read as follows:

16 (1) A person is guilty of unlawful taking of endangered ((fish
17 or)) wildlife in the second degree if:

18 (a) The person hunts for, ((fishes for,)) possesses, maliciously
19 harasses, or kills ((fish or)) wildlife, or possesses or
20 intentionally destroys the nests or eggs of ((fish or)) wildlife;

21 (b) The ((fish or)) wildlife is designated by the commission as
22 endangered; and

23 (c) The taking of the ((fish or)) wildlife or the destruction of
24 the nests or eggs has not been authorized by rule of the commission,
25 a permit issued by the department, or a permit issued pursuant to the
26 federal endangered species act.

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

29 (a) The person has been convicted under subsection (1) of this
30 section or convicted of any crime under this title involving the
31 taking, possessing, or malicious harassment of endangered ((fish or))
32 wildlife; and

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

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

37 (b) Unlawful taking of endangered ((fish or)) wildlife in the
38 first degree is a class C felony. The department shall revoke any
39 licenses or tags used in connection with the crime and order the

1 person's privileges to hunt, (~~fish~~) trap, or obtain licenses under
2 this title to be suspended for two years.

3 **Sec. 2038.** RCW 77.15.130 and 2014 c 48 s 6 are each amended to
4 read as follows:

5 (1) A person is guilty of unlawful taking of protected (~~fish~~
6 ~~or~~) wildlife if:

7 (a) The person hunts for, (~~fishes for~~) maliciously takes,
8 harasses, or possesses (~~fish or~~) wildlife, or the person possesses
9 or maliciously destroys the eggs or nests of (~~fish or~~) wildlife
10 designated by the commission as protected, other than species
11 designated as threatened or sensitive, and the taking has not been
12 authorized by rule of the commission or by a permit issued by the
13 department;

14 (b) The person violates any rule of the commission regarding the
15 taking, harassing, possession, or transport of protected (~~fish or~~)
16 wildlife; or

17 (c)(i) The person hunts for, (~~fishes for~~) intentionally takes,
18 harasses, or possesses (~~fish or~~) wildlife, or the person possesses
19 or intentionally destroys the nests or eggs of (~~fish or~~) wildlife
20 designated by the commission as threatened or sensitive; and

21 (ii) The taking of the (~~fish or~~) wildlife, or the destruction
22 of the nests or eggs, has not been authorized by rule of the
23 commission, a permit issued by the department, or a permit issued
24 pursuant to the federal endangered species act.

25 (2) Unlawful taking of protected (~~fish or~~) wildlife is a
26 misdemeanor.

27 (3) In addition to the penalties set forth in subsection (2) of
28 this section, if a person is convicted of violating this section and
29 the violation results in the death of protected wildlife listed in
30 this subsection, the court shall require payment of the following
31 amounts for each animal taken or possessed. This is a criminal
32 wildlife penalty assessment that must be paid to the clerk of the
33 court and distributed each month to the state treasurer for deposit
34 in the fish and wildlife enforcement reward account created in RCW
35 77.15.425:

- 36 (a) Ferruginous hawk, two thousand dollars;
- 37 (b) Common loon, two thousand dollars;
- 38 (c) Bald eagle, two thousand dollars;
- 39 (d) Golden eagle, two thousand dollars; and

1 (e) Peregrine falcon, two thousand dollars.

2 (4) If two or more persons are convicted under subsection (1) of
3 this section, and subsection (3) of this section is applicable, the
4 criminal wildlife penalty assessment must be imposed against the
5 persons jointly and severally.

6 (5)(a) The criminal wildlife penalty assessment under subsection
7 (3) of this section must be imposed regardless of and in addition to
8 any sentence, fines, or costs otherwise provided for violating any
9 provision of this section. The criminal wildlife penalty assessment
10 must be included by the court in any pronouncement of sentence and
11 may not be suspended, waived, modified, or deferred in any respect.

12 (b) This subsection may not be construed to abridge or alter
13 alternative rights of action or remedies in equity or under common
14 law or statutory law, criminal or civil.

15 (6) A defaulted criminal wildlife penalty assessment authorized
16 under subsection (3) of this section may be collected by any means
17 authorized by law for the enforcement of orders of the court or
18 collection of a fine or costs, including but not limited to vacation
19 of a deferral of sentencing or vacation of a suspension of sentence.

20 (7) The department shall revoke the hunting license and suspend
21 the hunting privileges of a person assessed a criminal wildlife
22 penalty assessment under this section until the penalty assessment is
23 paid through the registry of the court in which the penalty
24 assessment was assessed.

25 (8) The criminal wildlife penalty assessments provided in
26 subsection (3) of this section must be doubled in the following
27 instances:

28 (a) When a person commits a violation that requires payment of a
29 criminal wildlife penalty assessment within five years of a prior
30 gross misdemeanor or felony conviction under this title; or

31 (b) When the trier of fact determines that the person took or
32 possessed the protected wildlife in question with the intent of
33 bartering, selling, or otherwise deriving economic profit from the
34 wildlife or wildlife parts.

35 **Sec. 2039.** RCW 77.15.150 and 2001 c 253 s 28 are each amended to
36 read as follows:

37 (1) A person is guilty of unlawful use of poison or explosives
38 if:

1 (a) The person lays out, sets out, or uses a drug, poison, or
2 other deleterious substance that kills, injures, harms, or endangers
3 (~~fish, shellfish, or~~) wildlife, except if the person is using the
4 substance in compliance with federal and state laws and label
5 instructions; or

6 (b) The person lays out, sets out, or uses an explosive that
7 kills, injures, harms, or endangers (~~fish, shellfish, or~~) wildlife,
8 except if authorized by law or permit of the director.

9 (2) Unlawful use of poison or explosives is a gross misdemeanor.

10 **Sec. 2040.** RCW 77.15.160 and 2017 3rd sp.s. c 17 s 303 and 2017
11 3rd sp.s. c 8 s 42 are each reenacted and amended to read as follows:

12 The following acts are infractions and must be cited and punished
13 as provided under chapter 7.84 RCW:

14 (1) (~~Fishing and shellfishing infractions:~~

15 ~~(a) Barbed hooks: Fishing for personal use with barbed hooks in~~
16 ~~violation of any department rule.~~

17 ~~(b) Catch recording: Failing to immediately record a catch of~~
18 ~~fish or shellfish on a catch record card as required by RCW 77.32.430~~
19 ~~or department rule.~~

20 ~~(c) Catch reporting: Failing to return a catch record card to the~~
21 ~~department for other than Puget Sound Dungeness crab, as required by~~
22 ~~department rule.~~

23 ~~(d) Recreational fishing: Fishing for fish or shellfish and,~~
24 ~~without yet possessing fish or shellfish, the person:~~

25 ~~(i) Owns, but fails to have in the person's possession the~~
26 ~~license or the catch record card required by chapter 77.32 RCW for~~
27 ~~such an activity; or~~

28 ~~(ii) Violates any department rule regarding seasons, closed~~
29 ~~areas, closed times, or any other rule addressing the manner or~~
30 ~~method of fishing for fish or shellfish. This subsection does not~~
31 ~~apply to use of a net to take fish under RCW 77.15.580 or the~~
32 ~~unlawful use of shellfish gear for personal use under RCW 77.15.382.~~

33 ~~(e) Seaweed: Taking, possessing, or harvesting less than two~~
34 ~~times the daily possession limit of seaweed:~~

35 ~~(i) While owning, but not having in the person's possession, the~~
36 ~~license required by chapter 77.32 RCW; or~~

37 ~~(ii) In violation of any rule of the department or the department~~
38 ~~of natural resources regarding seasons, closed areas, closed times,~~

1 ~~or any other rule addressing the manner or method of taking,~~
2 ~~possessing, or harvesting of seaweed.~~

3 ~~(f) Unclassified fish or shellfish: Taking unclassified fish or~~
4 ~~shellfish in violation of any department rule by killing, fishing,~~
5 ~~taking, holding, possessing, or maliciously injuring or harming fish~~
6 ~~or shellfish that is not classified as game fish, food fish,~~
7 ~~shellfish, protected fish, or endangered fish.~~

8 ~~(g) Wasting fish or shellfish: Killing, taking, or possessing~~
9 ~~fish or shellfish having a value of less than two hundred fifty~~
10 ~~dollars and allowing the fish or shellfish to be wasted.~~

11 ~~(2))~~ Hunting infractions:

12 (a) Eggs or nests: Maliciously, and without permit authorization,
13 destroying, taking, or harming the eggs or active nests of a wild
14 bird not classified as endangered or protected. For purposes of this
15 subsection, "active nests" means nests that contain eggs or
16 fledglings.

17 (b) Unclassified wildlife: Taking unclassified wildlife in
18 violation of any department rule by killing, hunting, taking,
19 holding, possessing, or maliciously injuring or harming wildlife that
20 is not classified as big game, game animals, game birds, protected
21 wildlife, or endangered wildlife.

22 (c) Wasting wildlife: Killing, taking, or possessing wildlife
23 that is not classified as big game and has a value of less than two
24 hundred fifty dollars, and allowing the wildlife to be wasted.

25 (d) Wild animals: Hunting for wild animals not classified as big
26 game and, without yet possessing the wild animals, the person owns,
27 but fails to have in the person's possession, all licenses, tags, or
28 permits required by this title.

29 (e) Wild birds: Hunting for and, without yet possessing a wild
30 bird or birds, the person:

31 (i) Owns, but fails to have in the person's possession, all
32 licenses, tags, stamps, and permits required under this title; or

33 (ii) Violates any department rule regarding seasons, closed
34 areas, closed times, or any other rule addressing the manner or
35 method of hunting wild birds.

36 ~~((3))~~ (2) Trapping, taxidermy, fur dealing, and wildlife meat
37 cutting infractions:

38 (a) Recordkeeping and reporting: If a person is a taxidermist,
39 fur dealer, or wildlife meat cutter who is processing, holding, or
40 storing wildlife for commercial purposes, failing to:

1 (i) Maintain records as required by department rule; or
2 (ii) Report information from these records as required by
3 department rule.

4 (b) Trapper's report: Failing to report trapping activity as
5 required by department rule.

6 ~~((4) Limited fish seller infraction: Failure of a holder of a~~
7 ~~limited fish seller endorsement to satisfy the food safety~~
8 ~~requirements to consumers under RCW 77.65.510(2).~~

9 ~~(5)(a) Invasive species management infractions:~~

10 ~~(i) Out-of-state certification: Entering Washington in possession~~
11 ~~of an aquatic conveyance that does not meet certificate of inspection~~
12 ~~requirements as provided under RCW 77.135.100;~~

13 ~~(ii) Clean and drain requirements: Possessing an aquatic~~
14 ~~conveyance that does not meet clean and drain requirements under RCW~~
15 ~~77.135.110;~~

16 ~~(iii) Clean and drain orders: Possessing an aquatic conveyance~~
17 ~~and failing to obey a clean and drain order under RCW 77.135.110 or~~
18 ~~77.135.120; and~~

19 ~~(iv) Aquatic invasive species prevention permit requirements:~~
20 ~~Failing to possess a valid aquatic invasive species prevention permit~~
21 ~~as required under RCW 77.135.210, 77.135.220, or 77.135.230.~~

22 ~~(b) Unless the context clearly requires otherwise, the~~
23 ~~definitions in both RCW 77.08.010 and 77.135.010 apply throughout~~
24 ~~this subsection (5).~~

25 ~~(6)) (3) Other infractions:~~

26 (a) Contests: Conducting, holding, or sponsoring a hunting
27 contest(~~(, a fishing contest involving game fish,)~~) or a competitive
28 field trial using live wildlife.

29 (b) Other rules: Violating any other department rule that is
30 designated by rule as an infraction.

31 (c) Posting signs: Posting signs preventing hunting (~~(or~~
32 ~~fishing)~~) on any land not owned or leased by the person doing the
33 posting, or without the permission of the person who owns, leases, or
34 controls the land posted.

35 (d) Scientific permits: Using a scientific permit issued by the
36 director for (~~(fish, shellfish, or)~~) wildlife, but not including big
37 game or big game parts, and the person:

38 (i) Violates any terms or conditions of the scientific permit; or
39 (ii) Violates any department rule applicable to the issuance or
40 use of scientific permits.

1 **Sec. 2041.** RCW 77.15.180 and 2014 c 48 s 9 are each amended to
2 read as follows:

3 (1) A person is guilty of unlawful interference with (~~(fishing~~
4 ~~or~~)) hunting gear in the second degree if the person:

5 (a) Removes or releases a wild animal from another person's trap
6 without permission;

7 (b) Springs, pulls up, damages, possesses, or destroys another
8 person's trap without the owner's permission; or

9 (c) Interferes with recreational gear used to take (~~(fish~~
10 ~~or~~)) shellfish.

11 (2) Unlawful interference with (~~(fishing~~
12 ~~or~~)) hunting gear in the second degree is a misdemeanor.

13 ~~(3) ((A person is guilty of unlawful interference with fishing or~~
14 ~~hunting gear in the first degree if the person:~~

15 ~~(a) Removes or releases fish or shellfish from commercial fishing~~
16 ~~gear without the owner's permission; or~~

17 ~~(b) Intentionally destroys or interferes with commercial fishing~~
18 ~~gear.~~

19 ~~(4))~~ Unlawful interference with (~~(fishing~~
20 ~~or~~)) hunting gear in the first degree is a gross misdemeanor.

21 ~~((5))~~ (4) A person is not in violation of unlawful interference
22 with (~~(fishing~~
23 ~~or~~)) hunting gear if the person removes a trap placed
on property owned, leased, or rented by the person.

24 **Sec. 2042.** RCW 77.15.210 and 2001 c 253 s 30 are each amended to
25 read as follows:

26 (1) A person is guilty of obstructing the taking of (~~(fish~~
27 ~~, shellfish,~~ ~~or~~)) wildlife if the person:

28 (a) Harasses, drives, or disturbs (~~(fish,~~ ~~shellfish,~~ ~~or~~))
29 wildlife with the intent of disrupting lawful pursuit or taking
30 thereof; or

31 (b) Harasses, intimidates, or interferes with an individual
32 engaged in the lawful taking of (~~(fish,~~ ~~shellfish,~~ ~~or~~)) wildlife or
33 lawful predator control with the intent of disrupting lawful pursuit
34 or taking thereof.

35 (2) Obstructing the taking of (~~(fish,~~ ~~shellfish,~~ ~~or~~)) wildlife is
36 a gross misdemeanor.

37 (3) It is an affirmative defense to a prosecution for obstructing
38 the taking of (~~(fish,~~ ~~shellfish,~~ ~~or~~)) wildlife that the person
39 charged was:

- 1 (a) Interfering with a person engaged in hunting outside the
2 legally established hunting season; or
3 (b) Preventing or attempting to prevent unauthorized trespass on
4 private property.
5 (4) The person raising a defense under subsection (3) of this
6 section has the burden of proof by a preponderance of the evidence.

7 **Sec. 2043.** RCW 77.15.240 and 2014 c 48 s 11 are each amended to
8 read as follows:

- 9 (1)(a) A person is guilty of unlawful use of dogs if the person:
10 (i) Negligently fails to prevent a dog under the person's control
11 from pursuing, harassing, attacking, or killing deer, elk, moose,
12 caribou, mountain sheep, or animals classified as endangered under
13 this title; or
14 (ii) Uses the dog to hunt deer or elk.
15 (b) For the purposes of this subsection, a dog is "under a
16 person's control" if the dog is owned or possessed by, or in the
17 custody of, a person.
18 (2) Unlawful use of dogs is a misdemeanor.
19 (3)(a) Based on a reasonable belief that a dog is pursuing,
20 harassing, attacking, or killing a deer, elk, moose, caribou,
21 mountain sheep, or animals classified as protected or endangered
22 under this title, (~~fish and~~) wildlife officers and ex officio fish
23 and wildlife officers may:
24 (i) Lawfully take a dog into custody; or
25 (ii) If necessary to avoid repeated harassment, injury, or death
26 of wildlife under this section, destroy the dog.
27 (b) (~~Fish and~~) Wildlife officers and ex officio fish and
28 wildlife officers who destroy a dog pursuant to this section are
29 immune from civil or criminal liability arising from their actions.
30 (4)(a) This section does not apply to a person using a dog to
31 conduct a department-approved and controlled hazing activity, as long
32 as the person prevents or minimizes physical contact between the dog
33 and the wildlife, and the hazing is being done only for the purposes
34 of wildlife control and the prevention of damage to commercial crops.
35 (b) For the purposes of this subsection, "hazing" means the act
36 of chasing or herding wildlife in an effort to move them from one
37 location to another.

1 **Sec. 2044.** RCW 77.15.245 and 2005 c 107 s 1 are each amended to
2 read as follows:

3 (1) Notwithstanding the provisions of RCW 77.12.240,
4 (~~77.36.020,~~) 77.36.030, or any other provisions of law, it is
5 unlawful to take, hunt, or attract black bear with the aid of bait.

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

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

14 (c) Nothing in this subsection shall be construed to prohibit the
15 director from issuing a permit or memorandum of understanding to a
16 public agency, university, or scientific or educational institution
17 for the use of bait to attract black bear for scientific purposes.

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

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

25 (a) Nothing in this subsection shall be construed to prohibit the
26 killing of black bear, cougar, bobcat, or lynx with the aid of a dog
27 or dogs by employees or agents of county, state, or federal agencies
28 while acting in their official capacities for the purpose of
29 protecting livestock, domestic animals, private property, or the
30 public safety. A dog or dogs may be used by the owner or tenant of
31 real property consistent with a permit issued and conditioned by the
32 director.

33 (b) Nothing in this subsection shall be construed to prohibit the
34 director from issuing a permit or memorandum of understanding to a
35 public agency, university, or scientific or educational institution
36 for the use of a dog or dogs for the pursuit, capture and relocation,
37 of black bear, cougar, bobcat, or lynx for scientific purposes.

38 (c) Nothing in this subsection shall be construed to prohibit the
39 director from issuing a permit or memorandum of understanding to a
40 public agency, university, or scientific or educational institution

1 for the use of a dog or dogs for the killing of black bear, cougar,
2 or bobcat, for the protection of a state and/or federally listed
3 threatened or endangered species.

4 (3)(a) Notwithstanding subsection (2) of this section, the
5 commission shall authorize the use of dogs only in selected areas
6 within a game management unit to address a public safety need
7 presented by one or more cougar. This authority may only be exercised
8 after the commission has determined that no other practical
9 alternative to the use of dogs exists, and after the commission has
10 adopted rules describing the conditions in which dogs may be used.
11 Conditions that may warrant the use of dogs within a game management
12 unit include, but are not limited to, confirmed cougar/human safety
13 incidents, confirmed cougar/livestock and cougar/pet depredations,
14 and the number of cougar capture attempts and relocations.

15 (b) The department shall post on their internet web site the
16 known details of all reported cougar/human, cougar/pet, or cougar/
17 livestock interactions within ten days of receiving the report. The
18 posted material must include, but is not limited to, the location and
19 time of all reported sightings, and the known details of any cougar/
20 livestock incidents.

21 (4) A person who violates subsection (1) or (2) of this section
22 is guilty of a gross misdemeanor. In addition to appropriate criminal
23 penalties, the department shall revoke the hunting license of a
24 person who violates subsection (1) or (2) of this section and order
25 the suspension of wildlife hunting privileges for a period of five
26 years following the revocation. Following a subsequent violation of
27 subsection (1) or (2) of this section by the same person, a hunting
28 license shall not be issued to the person at any time.

29 **Sec. 2045.** RCW 77.15.250 and 2014 c 48 s 12 are each amended to
30 read as follows:

31 (1)(a) A person is guilty of unlawfully releasing, planting,
32 possessing, or placing (~~(fish, shellfish, or)~~) wildlife if the person
33 knowingly releases, plants, possesses, or places live (~~(fish,~~
34 ~~shellfish,)~~) wildlife(~~(, or aquatic plants)~~) within the state in
35 violation of this title or rule of the department, and the (~~(fish,~~
36 ~~shellfish, or)~~) wildlife (~~(have)~~) has not been classified as
37 deleterious wildlife. (~~(This subsection does not apply to a release~~
38 ~~of game fish into private waters for which a game fish stocking~~

1 ~~permit has been obtained, or the planting of fish or shellfish by~~
2 ~~permit of the commission.))~~

3 (b) A violation of this subsection is a gross misdemeanor. In
4 addition, the department shall order the person to pay all costs the
5 department incurred in capturing, killing, or controlling the ((~~fish,~~
6 ~~shellfish, aquatic plants,~~)) wildlife((~~τ~~)) or progeny unlawfully
7 released, planted, possessed, or placed. This does not affect the
8 existing authority of the department to bring a separate civil action
9 to recover costs of capturing, killing, or controlling the ((~~fish,~~
10 ~~shellfish, aquatic plants,~~)) wildlife((~~τ~~)) or progeny unlawfully
11 released, planted, possessed, or placed, or the costs of habitat
12 restoration necessitated by the unlawful release, planting,
13 possession, or placing.

14 (2)(a) A person is guilty of unlawfully releasing, planting,
15 possessing, or placing deleterious exotic wildlife if the person
16 knowingly releases, plants, possesses, or places live ((~~fish,~~
17 ~~shellfish, or~~)) wildlife within the state in violation of this title
18 or rule of the department, and the ((~~fish, shellfish, or~~)) wildlife
19 ((~~have~~)) has been classified as deleterious exotic wildlife by rule
20 of the commission.

21 (b) A violation of this subsection is a class C felony. In
22 addition, the department shall order the person to pay all costs the
23 department incurred in capturing, killing, or controlling the ((~~fish,~~
24 ~~shellfish,~~)) wildlife((~~τ~~)) or progeny unlawfully released, planted,
25 possessed, or placed. This does not affect the existing authority of
26 the department to bring a separate civil action to recover costs of
27 capturing, killing, or controlling the ((~~fish, shellfish,~~))
28 wildlife((~~τ~~)) or progeny unlawfully released, planted, possessed, or
29 placed, or the costs of habitat restoration necessitated by the
30 unlawful release, planting, possession, or placing.

31 **Sec. 2046.** RCW 77.15.260 and 2015 c 141 s 1 are each amended to
32 read as follows:

33 (1) A person is guilty of unlawful trafficking in ((~~fish,~~
34 ~~shellfish, or~~)) wildlife in the second degree if the person traffics
35 in ((~~fish, shellfish, or~~)) wildlife with a wholesale value of less
36 than two hundred fifty dollars and:

37 (a) The ((~~fish, shellfish, or~~)) wildlife is classified as game((~~τ~~
38 ~~food fish, shellfish, game fish,~~)) or protected wildlife and the
39 trafficking is not authorized by statute or department rule; or

1 (b) The (~~fish, shellfish, or~~) wildlife is unclassified and the
2 trafficking violates any department rule.

3 (2)(a) A person is guilty of unlawful trafficking in (~~fish,~~
4 ~~shellfish, or~~) wildlife in the first degree if the person commits
5 the act described by subsection (1) of this section and:

6 (i) The (~~fish, shellfish, or~~) wildlife has a value of two
7 hundred fifty dollars or more; or

8 (ii) The (~~fish, shellfish, or~~) wildlife is designated as an
9 endangered species or deleterious exotic wildlife and such
10 trafficking is not authorized by any statute or department rule.

11 (b) For purposes of this subsection (2), whenever any series of
12 transactions that constitute unlawful trafficking would, when
13 considered separately, constitute unlawful trafficking in the second
14 degree due to the value of the (~~fish, shellfish, or~~) wildlife, and
15 the series of transactions are part of a common scheme or plan, then
16 the transactions may be aggregated in one count and the sum of the
17 value of all the transactions considered when determining the degree
18 of unlawful trafficking involved.

19 (3)(a) Unlawful trafficking in (~~fish, shellfish, or~~) wildlife
20 in the second degree is a class C felony.

21 (b) Unlawful trafficking in (~~fish, shellfish, or~~) wildlife in
22 the first degree is a class B felony.

23 **Sec. 2047.** RCW 77.15.265 and 2014 c 48 s 24 are each amended to
24 read as follows:

25 (1) It is unlawful for any person to possess in Washington any
26 (~~fish, shellfish, or~~) wildlife that the person knows was taken in
27 another state or country in violation of that state's or country's
28 laws or regulations relating to licenses or tags, seasons, areas,
29 methods, or bag or possession limits.

30 (2) As used in this section, the (~~terms "fish," "shellfish,"~~
31 ~~and~~) term "wildlife" (~~have~~) has the meaning ascribed (~~to those~~
32 ~~terms~~) in the applicable law or regulation of the state or country
33 of the (~~fish's, shellfish's, or~~) wildlife's origin.

34 (3) Unlawful possession of (~~fish, shellfish, or~~) wildlife taken
35 or possessed in violation of another state's or country's laws or
36 regulations is a gross misdemeanor.

37 **Sec. 2048.** RCW 77.15.270 and 2001 c 253 s 34 are each amended to
38 read as follows:

1 (1) A person is guilty of providing false information regarding
2 (~~fish, shellfish, or~~) wildlife if the person knowingly provides
3 false or misleading information required by any statute or rule to be
4 provided to the department regarding the taking, delivery,
5 possession, transportation, sale, transfer, or any other use of
6 (~~fish, shellfish, or~~) wildlife.

7 (2) Providing false information regarding (~~fish, shellfish, or~~)
8 wildlife is a gross misdemeanor.

9 **Sec. 2049.** RCW 77.15.280 and 2012 c 176 s 20 are each amended to
10 read as follows:

11 (1) A person is guilty of violating rules requiring reporting of
12 (~~fish or~~) wildlife harvest if the person(~~+~~

13 ~~(a) Fails to make a harvest log report of a commercial fish or~~
14 ~~shellfish catch in violation of any department rule; or~~

15 ~~(b))~~ fails to submit any portion of a big game animal for an
16 inspection as required by department rule.

17 (2) Violating rules requiring reporting of (~~fish or~~) wildlife
18 harvest is a misdemeanor.

19 **Sec. 2050.** RCW 77.15.290 and 2014 c 202 s 304 are each amended
20 to read as follows:

21 (1) A person is guilty of unlawful transportation of (~~fish or~~)
22 wildlife in the second degree if the person:

23 (a) Knowingly imports, moves within the state, or exports (~~fish,~~
24 ~~shellfish, or~~) wildlife in violation of any department rule
25 governing the transportation or movement of (~~fish, shellfish, or~~)
26 wildlife and the transportation does not involve big game, endangered
27 (~~fish or~~) wildlife, deleterious exotic wildlife, (~~or fish,~~
28 ~~shellfish,~~) or wildlife having a value greater than two hundred
29 fifty dollars; or

30 (b) Possesses but fails to affix or notch a big game transport
31 tag as required by department rule.

32 (2) A person is guilty of unlawful transportation of (~~fish or~~)
33 wildlife in the first degree if the person(~~+~~

34 ~~(a))~~ knowingly imports, moves within the state, or exports
35 (~~fish, shellfish, or~~) wildlife in violation of any department rule
36 governing the transportation or movement of (~~fish, shellfish, or~~)
37 wildlife and the transportation involves big game, endangered (~~fish~~

1 ~~or~~) wildlife, deleterious exotic wildlife, (~~or fish, shellfish,~~)
2 or wildlife with a value of two hundred fifty dollars or more(~~;~~ ~~or~~
3 ~~(b) Knowingly transports shellfish, shellstock, or equipment used~~
4 ~~in commercial culturing, taking, handling, or processing shellfish~~
5 ~~without a permit required by authority of this title)).~~
6 (3)(a) Unlawful transportation of (~~fish or~~) wildlife in the
7 second degree is a misdemeanor.
8 (b) Unlawful transportation of (~~fish or~~) wildlife in the first
9 degree is a gross misdemeanor.
10 (4) This section does not apply to invasive species.

11 **Sec. 2051.** RCW 77.15.470 and 2014 c 48 s 19 are each amended to
12 read as follows:

13 (1) A person is guilty of unlawfully avoiding wildlife check
14 stations or field inspections if the person fails to:

15 (a) Obey check station signs;

16 (b) Stop and report at a check station if directed to do so by a
17 uniformed (~~fish and~~) fisheries or wildlife officer or if directed
18 by an ex officio fish and wildlife officer participating in a
19 department-authorized check station; or

20 (c) Produce for inspection upon request by a (~~fish and~~)
21 fisheries or wildlife officer or ex officio fish and wildlife
22 officer: (i) Hunting or fishing equipment; (ii) seaweed, fish,
23 shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or
24 catch record cards required by this title.

25 (2) Unlawfully avoiding wildlife check stations or field
26 inspections is a gross misdemeanor.

27 (3) Wildlife check stations may not be established upon
28 interstate highways or state routes.

29 **Sec. 2052.** RCW 77.15.480 and 2014 c 48 s 20 are each amended to
30 read as follows:

31 Articles or devices unlawfully used, possessed, or maintained for
32 taking, harassing, attracting, or decoying wildlife(~~, fish, and~~
33 ~~shellfish~~) are public nuisances. If necessary, (~~fish and~~) wildlife
34 officers and ex officio fish and wildlife officers may seize, abate,
35 or destroy these public nuisances without warrant or process.

36 **Sec. 2053.** RCW 77.15.670 and 2013 c 102 s 1 are each amended to
37 read as follows:

1 (1) A person is guilty of violating a suspension of department
2 privileges in the second degree if the person engages in any activity
3 that is licensed by the department and the person's privileges to
4 engage in that activity were revoked or suspended by any court or the
5 department.

6 (2) A person is guilty of violating a suspension of department
7 privileges in the first degree if the person commits the act
8 described by subsection (1) of this section and:

9 (a) The suspension of privileges that was violated was a
10 permanent suspension;

11 (b) The person takes or possesses more than two hundred fifty
12 dollars' worth of unlawfully taken (~~(food fish,~~) wildlife(~~(, game~~
13 ~~fish, seaweed, or shellfish)~~); or

14 (c) The violation involves the hunting, taking, or possession of
15 (~~(fish or)~~) wildlife classified as endangered or threatened or big
16 game.

17 (3)(a) Violating a suspension of department privileges in the
18 second degree is a gross misdemeanor. Except for violations of child
19 support-based suspensions, which are covered in (c) of this
20 subsection, a conviction under this subsection requires the
21 department to order a permanent suspension of the person's privileges
22 to engage in the hunting or fishing activities that he or she was
23 engaged in when he or she violated a suspension of department
24 privileges in the second degree.

25 (b) Violating a suspension of department privileges in the first
26 degree is a class C felony. Except for violations of child support-
27 based suspensions, which are covered in (c) of this subsection, a
28 conviction under this subsection requires the department to order a
29 permanent suspension of all of the person's privileges to hunt,
30 (~~(fish,~~) trap, or take wildlife(~~(, food fish, game fish, or~~
31 ~~shellfish)~~).

32 (c) Suspension periods for violations of child support-based
33 suspensions are as follows:

34 (i) If the suspension that the person violated in the second
35 degree was based on noncompliance with child support and was ordered
36 under RCW 74.20A.322 or 77.32.014, then the department must order a
37 suspension of all of the person's privileges to hunt, (~~(fish,~~) trap,
38 or take wildlife(~~(, food fish, game fish, or shellfish)~~) for a period
39 of two years. This suspension is in addition to any suspension

1 required by the statute for the underlying fish or wildlife
2 violation.

3 (ii) If the suspension that the person violated in the first
4 degree was based on noncompliance with child support and was ordered
5 under RCW 74.20A.322 or 77.32.014, then the department must order a
6 suspension of all of the person's privileges to hunt, (~~(fish)~~) trap,
7 or take wildlife(~~(, food fish, game fish, or shellfish)~~) for a period
8 of four years. This suspension is in addition to any suspension
9 required by the statute for the underlying fish or wildlife
10 violation.

11 (iii) Suspensions pursuant to (c)(i) and (ii) of this subsection
12 do not affect any underlying hunting (~~(and fishing)~~) privilege
13 suspensions based on noncompliance with child support and ordered
14 under RCW 74.20A.322 or 77.32.014. If a person who is suspended
15 pursuant to (c)(i) and (ii) of this subsection completes the period
16 of suspension ordered under this section but is still suspended for
17 child support noncompliance, the person is prohibited from hunting(~~(~~
18 ~~fishing,~~) or engaging in any activity regulated by the department
19 until he or she obtains a release from the department of social and
20 health services and provides a copy of the release to the department.

21 (4) As used in this section, hunting includes trapping with a
22 trapping license.

23 **Sec. 2054.** RCW 77.15.710 and 2000 c 107 s 257 are each amended
24 to read as follows:

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

34 (2) For the purposes of this section, the definition of assault
35 includes:

- 36 (a) RCW 9A.32.030; murder in the first degree;
37 (b) RCW 9A.32.050; murder in the second degree;
38 (c) RCW 9A.32.060; manslaughter in the first degree;
39 (d) RCW 9A.32.070; manslaughter in the second degree;

- 1 (e) RCW 9A.36.011; assault in the first degree;
2 (f) RCW 9A.36.021; assault in the second degree; and
3 (g) RCW 9A.36.031; assault in the third degree.

4 **Sec. 2055.** RCW 77.15.750 and 2011 c 320 s 20 are each amended to
5 read as follows:

6 (1) A person is guilty of unlawful use of a department permit if
7 the person:

8 (a) Violates any terms or conditions of the permit issued by the
9 department or the director; or

10 (b) Violates any rule of the commission or the director
11 applicable to the requirement for, issuance of, or use of the permit.

12 (2)(a) Permits covered under subsection (1) of this section
13 include, but are not limited to, master hunter permits, (~~crab pot~~
14 ~~removal permits and shellfish pot removal permits under RCW~~
15 ~~77.70.500,~~) depredation permits, landowner hunting permits,
16 (~~commercial carp license permits,~~) permits to possess or dispense
17 beer or malt liquor pursuant to RCW 66.28.210, and permits to hold,
18 sponsor, or attend an event requiring a banquet permit from the
19 liquor (~~control~~) and cannabis board.

20 (b) Permits excluded from subsection (1) of this section include
21 the discover pass created in RCW 79A.80.020, the vehicle access pass
22 created in RCW 79A.80.040, the day-use permit created in RCW
23 79A.80.030, commercial use or activity permits, noncommercial use or
24 activity permits, parking permits, (~~experimental fishery permits,~~
25 ~~trial commercial fishery permits,~~) and scientific collection
26 permits.

27 (3) Unlawful use of a department permit is a misdemeanor.

28 (~~(4) A person is guilty of unlawful use of an experimental~~
29 ~~fishery permit or a trial commercial fishery permit if the person:~~

30 ~~(a) Violates any terms or conditions of the permit issued by the~~
31 ~~department or the director; or~~

32 ~~(b) Violates any rule of the commission or the director~~
33 ~~applicable to the issuance or use of the permit.~~

34 ~~(5) Unlawful use of an experimental fishery permit or a trial~~
35 ~~commercial fishery permit is a gross misdemeanor.~~

36 ~~(6) The definitions in this subsection apply throughout this~~
37 ~~section unless the context clearly requires otherwise.~~

38 ~~(a) "Experimental fishery permit" means a permit issued by the~~
39 ~~director for either:~~

1 ~~(i) An "emerging commercial fishery," defined as a fishery for a~~
2 ~~newly classified species for which the department has determined that~~
3 ~~there is a need to limit participation; or~~

4 ~~(ii) An "expanding commercial fishery," defined as a fishery for~~
5 ~~a previously classified species in a new area, by a new method, or at~~
6 ~~a new effort level, for which the department has determined that~~
7 ~~there is a need to limit participation.~~

8 ~~(b) "Trial commercial fishery permit" means a permit issued by~~
9 ~~the department for trial harvest of a newly classified species or~~
10 ~~harvest of a previously classified species in a new area or by a new~~
11 ~~means.)~~

12 **Sec. 2056.** RCW 77.15.780 and 2012 c 176 s 12 are each amended to
13 read as follows:

14 When seized property, other than ~~((fish, shellfish, and))~~
15 wildlife, is judicially forfeited to the department, the department
16 may: (1) Retain it for official use unless the property is required
17 to be destroyed; (2) upon application by any law enforcement agency
18 of the state, release the property to the agency for use in enforcing
19 this title; (3) donate the property as provided under RCW 77.130.060;
20 or (4) sell the property and deposit the proceeds into the fish and
21 wildlife enforcement reward account created in RCW 77.15.425. Any
22 sale of the property must be done in accordance with RCW
23 77.130.010(1) and 77.130.020. However, the requirement in those
24 sections for notice to owners does not apply.

25 **Sec. 2057.** RCW 77.15.790 and 2012 c 176 s 38 are each amended to
26 read as follows:

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

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

1 wild carnivores to the land or building, that person commits an
2 infraction under chapter 7.84 RCW.

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

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

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

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

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

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

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

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

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

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

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

1 **Sec. 2058.** RCW 77.15.900 and 1998 c 190 s 126 are each amended
2 to read as follows:

3 This chapter may be known and cited as the ~~((fish and))~~ wildlife
4 enforcement code.

5 **Sec. 2059.** RCW 77.32.010 and 2014 c 48 s 26 are each amended to
6 read as follows:

7 (1) Except as otherwise provided in this chapter or department
8 rule, a recreational license issued by the director is required to
9 hunt(~~(, fish,)~~) or take wildlife (~~(or seaweed)~~). A ~~((recreational
10 fishing or shellfish license is not required for carp, smelt, and
11 erawfish, and a))~~ hunting license is not required for bullfrogs.

12 (2) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or
13 79A.80.040 is required to park or operate a motor vehicle on a
14 recreation site or lands, as defined in RCW 79A.80.010.

15 ~~((3) The commission may, by rule, indicate that a fishing permit
16 issued to a nontribal member by the Colville Tribes shall satisfy the
17 license requirements in subsection (1) of this section on the waters
18 of Lake Rufus Woods and on the north shore of Lake Rufus Woods, and
19 that a Colville Tribes tribal member identification card shall
20 satisfy the license requirements in subsection (1) of this section on
21 all waters of Lake Rufus Woods.))~~

22 **Sec. 2060.** RCW 77.32.014 and 2001 c 253 s 50 are each amended to
23 read as follows:

24 Licenses, tags, and stamps issued pursuant to this chapter shall
25 be revoked and the privileges suspended for any period in which a
26 person is certified by the department of social and health services
27 or a court of competent jurisdiction as a person in noncompliance
28 with a support order. ~~((Fish and))~~ Wildlife officers and ex officio
29 fish and wildlife officers shall enforce this section through checks
30 of the department of licensing's computer database. A listing on the
31 department of licensing's database that an individual's license is
32 currently suspended pursuant to RCW 46.20.291(8) shall be prima facie
33 evidence that the individual is in noncompliance with a support
34 order. Presentation of a written release issued by the department of
35 social and health services stating that the person is in compliance
36 with an order shall serve as prima facie proof of compliance with a
37 support order.

1 **Sec. 2061.** RCW 77.32.050 and 2011 c 339 s 5 are each amended to
2 read as follows:

3 (1) All recreational and commercial licenses, permits, tags,
4 stamps, and raffle tickets shall be issued under the authority of the
5 commission. The commission shall adopt rules for the issuance of
6 licenses, permits, tags, stamps, and raffle tickets, and for the
7 collection, payment, and handling of license fees, including terms
8 and conditions to govern dealers, and dealer fees. A transaction fee
9 on commercial and recreational documents issued through an automated
10 licensing system may be set by the commission and collected from
11 licensees. The department may authorize all or part of such fee to be
12 paid directly to a contractor providing automated licensing system
13 services. The department and dealers shall collect and retain dealer
14 fees of at least two dollars for purchase of a standard hunting (~~(or~~
15 ~~fishing)~~) recreational license document or commercial license
16 document, except that the commission may set a lower dealer fee for
17 issuance of tags or when a licensee buys a license that involves a
18 stamp or display card format rather than a standard department
19 licensing document form. Dealer fees must be uniform throughout the
20 state.

21 (2) Until September 1, 2011, the department shall charge an
22 additional transaction fee of ten percent on all recreational
23 licenses, permits, tags, stamps, or raffle tickets. These transaction
24 fees must be deposited into the state wildlife account, created in
25 RCW 77.12.170, for funding (~~(fishing and)~~) hunting opportunities for
26 recreational license holders.

27 (3) The application fee is waived for all commercial license
28 documents that are issued through the automated licensing system.

29 **Sec. 2062.** RCW 77.32.070 and 2008 c 244 s 1 are each amended to
30 read as follows:

31 (1) Applicants for a license, permit, tag, or stamp shall furnish
32 the information required by the director. (~~(However, the director may~~
33 ~~not require the purchaser of a razor clam license under RCW 77.32.520~~
34 ~~to provide any personal information except for proof of residency.)~~)
35 The commission may adopt rules requiring licensees or permittees to
36 keep records and make reports concerning the taking of or effort to
37 harvest (~~(fish, shellfish, and)~~) wildlife. The reporting requirement
38 may be waived where, for any reason, the department is not able to
39 receive the report. The department must provide reasonable options

1 for a licensee to submit information to a live operator prior to the
2 reporting deadline.

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

9 (a) The total administrative penalty per hunter set by the
10 commission must not exceed ten dollars.

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

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

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

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

34 **Sec. 2063.** RCW 77.32.240 and 2011 c 339 s 6 are each amended to
35 read as follows:

36 (1) A scientific permit allows the holder to collect for research
37 or display ~~((food fish, game fish, shellfish, and))~~ wildlife,
38 including avian nests and eggs as required in RCW 77.32.010, under
39 conditions prescribed by the director. Before a permit is issued, the

1 applicant shall demonstrate to the director their qualifications and
2 establish the need for the permit. The director may require a bond of
3 up to one thousand dollars to ensure compliance with the permit.
4 Permits are valid for the time specified, unless sooner revoked.

5 (2) Holders of permits may exchange specimens with the approval
6 of the director.

7 (3) A permit holder who violates this section shall forfeit the
8 permit and bond and shall not receive a similar permit for one year.
9 The fee for a scientific permit is twelve dollars. The application
10 fee is one hundred five dollars.

11 **Sec. 2064.** RCW 77.32.256 and 2003 c 318 s 2 are each amended to
12 read as follows:

13 The director shall by rule establish the conditions and fees for
14 issuance of duplicate licenses, rebates, permits, tags, and stamps
15 required by this chapter. The fee for duplicate licenses, rebates,
16 permits, tags, and stamps, (~~except catch record cards,~~) may not
17 exceed the actual cost to the department for issuing the duplicate.

18 **Sec. 2065.** RCW 77.32.440 and 1999 c 235 s 2 are each amended to
19 read as follows:

20 ~~((1))~~ The commission shall adopt rules to continue funding
21 current enhancement programs at levels equal to the participation of
22 licensees in each of the individual enhancement programs. All
23 enhancement funding will continue to be deposited directly into the
24 individual accounts created for each enhancement.

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

1 **Sec. 2066.** RCW 77.32.480 and 2016 c 78 s 1 are each amended to
2 read as follows:

3 (1) Upon written application, (~~(a combination fishing license~~
4 ~~shall be issued at the reduced rate of five dollars and~~)) all hunting
5 licenses shall be issued at the reduced rate of a youth hunting
6 license fee for the following individuals:

7 (a) A resident sixty-five years old or older who is an honorably
8 discharged veteran of the United States armed forces having a
9 service-connected disability;

10 (b) A resident who is an honorably discharged veteran of the
11 United States armed forces with a thirty percent or more service-
12 connected disability;

13 (c) A resident with a disability who permanently uses a
14 wheelchair;

15 (d) A resident who is blind or visually impaired; and

16 (e) A resident with a developmental disability as defined in RCW
17 71A.10.020 with documentation of the disability certified by a
18 physician licensed to practice in this state.

19 (2) Upon department verification of eligibility, a nonstate
20 resident veteran with a disability who otherwise satisfies the
21 criteria of subsection (1)(a) and (b) of this section must be issued
22 (~~(a combination fishing license or~~)) any hunting license at the same
23 cost charged to a nondisabled Washington resident for the same
24 license.

25 (3) Upon written application and department verification, the
26 following recreational hunting licenses must be issued at no cost to
27 a resident member of the state guard or national guard, as defined in
28 RCW 38.04.010, as long as the state guard or national guard member
29 is: An active full-time state guard or national guard employee; or a
30 state guard or national guard member whose status requires the state
31 guard or national guard member to participate in drill training on a
32 part-time basis:

33 (a) A small game hunting license under RCW 77.32.460(1);

34 (b) A supplemental migratory bird permit under RCW 77.32.350; and

35 (c) A big game hunting license under RCW 77.32.450 (1) and (2).

36 **Sec. 2067.** RCW 77.32.525 and 1987 c 506 s 48 are each amended to
37 read as follows:

38 The director shall administer rules adopted by the commission
39 governing the time, place, and manner of holding hunting (~~and~~

1 ~~fish~~ing)) contests and competitive field trials involving live
2 wildlife for hunting dogs. The department shall prohibit contests and
3 field trials that are not in the best interests of wildlife.

4 **Sec. 2068.** RCW 77.32.540 and 1998 c 190 s 118 are each amended
5 to read as follows:

6 A person shall not promote, conduct, hold, or sponsor a contest
7 for the hunting ((~~or fish~~ing)) of wildlife or a competitive field
8 trial involving live wildlife for hunting dogs without first
9 obtaining a hunting ((~~or fish~~ing)) contest permit. Contests and field
10 trials shall be held in accordance with established rules.

11 **Sec. 2069.** RCW 77.32.565 and 2008 c 10 s 1 are each amended to
12 read as follows:

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

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

23 (3) The director may take other actions consistent with
24 facilitating hunting ((~~and fish~~ing)) opportunities for a terminally
25 ill person. These actions may include, but are not limited to,
26 entering into agreements with willing landowners pursuant to RCW
27 77.12.320.

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

31 **Sec. 2070.** RCW 77.75.070 and 1994 c 264 s 55 are each amended to
32 read as follows:

33 The wildlife violator compact is hereby established in the form
34 substantially as follows, and the Washington state department of
35 ((~~fish and~~)) wildlife is authorized to enter into such compact on
36 behalf of the state with all other jurisdictions legally joining
37 therein:

1 ARTICLE I
2 FINDINGS, DECLARATION OF
3 POLICY, AND PURPOSE

4 (a) The party states find that:

5 (1) Wildlife resources are managed in trust by the respective
6 states for the benefit of all residents and visitors.

7 (2) The protection of their respective wildlife resources can be
8 materially affected by the degree of compliance with state statute,
9 law, regulation, ordinance, or administrative rule relating to the
10 management of those resources.

11 (3) The preservation, protection, management, and restoration of
12 wildlife contributes immeasurably to the aesthetic, recreational, and
13 economic aspects of these natural resources.

14 (4) Wildlife resources are valuable without regard to political
15 boundaries, therefore, all persons should be required to comply with
16 wildlife preservation, protection, management, and restoration laws,
17 ordinances, and administrative rules and regulations of all party
18 states as a condition precedent to the continuance or issuance of any
19 license to hunt, fish, trap, or possess wildlife.

20 (5) Violation of wildlife laws interferes with the management of
21 wildlife resources and may endanger the safety of persons and
22 property.

23 (6) The mobility of many wildlife law violators necessitates the
24 maintenance of channels of communications among the various states.

25 (7) In most instances, a person who is cited for a wildlife
26 violation in a state other than the person's home state:

27 (i) Must post collateral or bond to secure appearance for a trial
28 at a later date; or

29 (ii) If unable to post collateral or bond, is taken into custody
30 until the collateral or bond is posted; or

31 (iii) Is taken directly to court for an immediate appearance.

32 (8) The purpose of the enforcement practices described in
33 paragraph (7) of this subdivision is to ensure compliance with the
34 terms of a wildlife citation by the person who, if permitted to
35 continue on the person's way after receiving the citation, could
36 return to the person's home state and disregard the person's duty
37 under the terms of the citation.

38 (9) In most instances, a person receiving a wildlife citation in
39 the person's home state is permitted to accept the citation from the

1 officer at the scene of the violation and to immediately continue on
2 the person's way after agreeing or being instructed to comply with
3 the terms of the citation.

4 (10) The practice described in paragraph (7) of this subdivision
5 causes unnecessary inconvenience and, at times, a hardship for the
6 person who is unable at the time to post collateral, furnish a bond,
7 stand trial, or pay the fine, and thus is compelled to remain in
8 custody until some alternative arrangement can be made.

9 (11) The enforcement practices described in paragraph (7) of this
10 subdivision consume an undue amount of law enforcement time.

11 (b) It is the policy of the party states to:

12 (1) Promote compliance with the statutes, laws, ordinances,
13 regulations, and administrative rules relating to management of
14 wildlife resources in their respective states.

15 (2) Recognize the suspension of wildlife license privileges of
16 any person whose license privileges have been suspended by a party
17 state and treat this suspension as if it had occurred in their state.

18 (3) Allow violators to accept a wildlife citation, except as
19 provided in subdivision (b) of Article III, and proceed on the
20 violator's way without delay whether or not the person is a resident
21 in the state in which the citation was issued, provided that the
22 violator's home state is party to this compact.

23 (4) Report to the appropriate party state, as provided in the
24 compact manual, any conviction recorded against any person whose home
25 state was not the issuing state.

26 (5) Allow the home state to recognize and treat convictions
27 recorded for their residents which occurred in another party state as
28 if they had occurred in the home state.

29 (6) Extend cooperation to its fullest extent among the party
30 states for obtaining compliance with the terms of a wildlife citation
31 issued in one party state to a resident of another party state.

32 (7) Maximize effective use of law enforcement personnel and
33 information.

34 (8) Assist court systems in the efficient disposition of wildlife
35 violations.

36 (c) The purpose of this compact is to:

37 (1) Provide a means through which the party states may
38 participate in a reciprocal program to effectuate policies enumerated
39 in subdivision (b) of this article in a uniform and orderly manner.

1 (2) Provide for the fair and impartial treatment of wildlife
2 violators operating within party states in recognition of the
3 person's right of due process and the sovereign status of a party
4 state.

5 ARTICLE II
6 DEFINITIONS

7 Unless the context requires otherwise, the definitions in this
8 article apply through this compact and are intended only for the
9 implementation of this compact:

10 (a) "Citation" means any summons, complaint, ticket, penalty
11 assessment, or other official document issued by a wildlife officer
12 or other peace officer for a wildlife violation containing an order
13 which requires the person to respond.

14 (b) "Collateral" means any cash or other security deposited to
15 secure an appearance for trial, in connection with the issuance by a
16 wildlife officer or other peace officer of a citation for a wildlife
17 violation.

18 (c) "Compliance" with respect to a citation means the act of
19 answering the citation through appearance at a court, a tribunal, or
20 payment of fines, costs, and surcharges, if any, or both such
21 appearance and payment.

22 (d) "Conviction" means a conviction, including any court
23 conviction, of any offense related to the preservation, protection,
24 management, or restoration of wildlife which is prohibited by state
25 statute, law, regulation, ordinance, or administrative rule, or a
26 forfeiture of bail, bond, or other security deposited to secure
27 appearance by a person charged with having committed any such
28 offense, or payment of a penalty assessment, or a plea of nolo
29 contendere, or the imposition of a deferred or suspended sentence by
30 the court.

31 (e) "Court" means a court of law, including Magistrate's Court
32 and the Justice of the Peace Court.

33 (f) "Home state" means the state of primary residence of a
34 person.

35 (g) "Issuing state" means the party state which issues a wildlife
36 citation to the violator.

37 (h) "License" means any license, permit, or other public document
38 which conveys to the person to whom it was issued the privilege of

1 pursuing, possessing, or taking any wildlife regulated by statute,
2 law, regulation, ordinance, or administrative rule of a party state.

3 (i) "Licensing authority" means the department or division within
4 each party state which is authorized by law to issue or approve
5 licenses or permits to hunt, fish, trap, or possess wildlife.

6 (j) "Party state" means any state which enacts legislation to
7 become a member of this wildlife compact.

8 (k) "Personal recognizance" means an agreement by a person made
9 at the time of issuance of the wildlife citation that the person will
10 comply with the terms of that citation.

11 (l) "State" means any state, territory, or possession of the
12 United States, the District of Columbia, Commonwealth of Puerto Rico,
13 Provinces of Canada, or other countries.

14 (m) "Suspension" means any revocation, denial, or withdrawal of
15 any or all license privileges, including the privilege to apply for,
16 purchase, or exercise the benefits conferred by any license.

17 (n) "Terms of the citation" means those conditions and options
18 expressly stated upon the citation.

19 (o) "Wildlife" means all species of animals, including but not
20 necessarily limited to mammals, birds, fish, reptiles, amphibians,
21 mollusks, and crustaceans, which are defined as "wildlife" and are
22 protected or otherwise regulated by statute, law, regulation,
23 ordinance, or administrative rule in a party state. "Wildlife" also
24 means food fish and shellfish as defined by statute, law, regulation,
25 ordinance, or administrative rule in a party state. Species included
26 in the definition of "wildlife" vary from state to state and
27 determination of whether a species is "wildlife" for the purposes of
28 this compact shall be based on local law.

29 (p) "Wildlife law" means any statute, law, regulation, ordinance,
30 or administrative rule developed and enacted to manage wildlife
31 resources and the use thereof.

32 (q) "Wildlife officer" means any individual authorized by a party
33 state to issue a citation for a wildlife violation.

34 (r) "Wildlife violation" means any cited violation of a statute,
35 law, regulation, ordinance, or administrative rule developed and
36 enacted to manage wildlife resources and the use thereof.

37 ARTICLE III

38 PROCEDURES FOR ISSUING STATE

1 (a) When issuing a citation for a wildlife violation, a wildlife
2 officer shall issue a citation to any person whose primary residence
3 is in a party state in the same manner as if the person were a
4 resident of the home state and shall not require the person to post
5 collateral to secure appearance, subject to the exceptions contained
6 in subdivision (b) of this article, if the officer receives the
7 person's personal recognizance that the person will comply with the
8 terms of the citation.

9 (b) Personal recognizance is acceptable:

10 (1) If not prohibited by local law or the compact manual; and

11 (2) If the violator provides adequate proof of the violator's
12 identification to the wildlife officer.

13 (c) Upon conviction or failure of a person to comply with the
14 terms of a wildlife citation, the appropriate official shall report
15 the conviction or failure to comply to the licensing authority of the
16 party state in which the wildlife citation was issued. The report
17 shall be made in accordance with procedures specified by the issuing
18 state and shall contain the information specified in the compact
19 manual as minimum requirements for effective processing by the home
20 state.

21 (d) Upon receipt of the report of conviction or noncompliance
22 required by subdivision (c) of this article, the licensing authority
23 of the issuing state shall transmit to the licensing authority in the
24 home state of the violator the information in a form and content as
25 contained in the compact manual.

26 ARTICLE IV

27 PROCEDURES FOR HOME STATE

28 (a) Upon receipt of a report of failure to comply with the terms
29 of a citation from the licensing authority of the issuing state, the
30 licensing authority of the home state shall notify the violator,
31 shall initiate a suspension action in accordance with the home
32 state's suspension procedures and shall suspend the violator's
33 license privileges until satisfactory evidence of compliance with the
34 terms of the wildlife citation has been furnished by the issuing
35 state to the home state licensing authority. Due process safeguards
36 will be accorded.

37 (b) Upon receipt of a report of conviction from the licensing
38 authority of the issuing state, the licensing authority of the home
39 state shall enter such conviction in its records and shall treat such

1 conviction as if it occurred in the home state for the purposes of
2 the suspension of license privileges.

3 (c) The licensing authority of the home state shall maintain a
4 record of actions taken and make reports to issuing states as
5 provided in the compact manual.

6 ARTICLE V

7 RECIPROCAL RECOGNITION OF SUSPENSION

8 All party states shall recognize the suspension of license
9 privileges of any person by any state as if the violation on which
10 the suspension is based had in fact occurred in their state and could
11 have been the basis for suspension of license privileges in their
12 state.

13 ARTICLE VI

14 APPLICABILITY OF OTHER LAWS

15 Except as expressly required by provisions of this compact,
16 nothing herein shall be construed to affect the right of any party
17 state to apply any of its laws relating to license privileges to any
18 person or circumstance, or to invalidate or prevent any agreement or
19 other cooperative arrangements between a party state and a nonparty
20 state concerning wildlife law enforcement.

21 ARTICLE VII

22 COMPACT ADMINISTRATOR PROCEDURES

23 (a) For the purpose of administering the provisions of this
24 compact and to serve as a governing body for the resolution of all
25 matters relating to the operation of this compact, a board of compact
26 administrators is established. The board shall be composed of one
27 representative from each of the party states to be known as the
28 compact administrator. The compact administrator shall be appointed
29 by the head of the licensing authority of each party state and will
30 serve and be subject to removal in accordance with the laws of the
31 state the administrator represents. A compact administrator may
32 provide for the discharge of the administrator's duties and the
33 performance of the administrator's functions as a board member by an
34 alternate. An alternate may not be entitled to serve unless written
35 notification of the alternate's identity has been given to the board.

36 (b) Each member of the board of compact administrators shall be
37 entitled to one vote. No action of the board shall be binding unless
38 taken at a meeting at which a majority of the total number of votes

1 on the board are cast in favor thereof. Action by the board shall be
2 only at a meeting at which a majority of the party states are
3 represented.

4 (c) The board shall elect annually, from its membership, a
5 chairperson and vice chairperson.

6 (d) The board shall adopt bylaws, not inconsistent with the
7 provisions of this compact or the laws of a party state, for the
8 conduct of its business and shall have the power to amend and rescind
9 its bylaws.

10 (e) The board may accept for any of its purposes and functions
11 under this compact all donations and grants of money, equipment,
12 supplies, materials, and services, conditional or otherwise, from any
13 state, the United States, or any governmental agency, and may
14 receive, utilize, and dispose of the same.

15 (f) The board may contract with or accept services or personnel
16 from any governmental or intergovernmental agency, individual, firm,
17 corporation, or any private nonprofit organization or institution.

18 (g) The board shall formulate all necessary procedures and
19 develop uniform forms and documents for administering the provisions
20 of this compact. All procedures and forms adopted pursuant to board
21 action shall be contained in the compact manual.

22 ARTICLE VIII

23 ENTRY INTO COMPACT AND WITHDRAWAL

24 (a) This compact shall become effective when it has been adopted
25 by at least two states.

26 (b)(1) Entry into the compact shall be made by resolution of
27 ratification executed by the authorized officials of the applying
28 state and submitted to the chairperson of the board.

29 (2) The resolution shall be in a form and content as provided in
30 the compact manual and shall include statements that in substance are
31 as follows:

32 (i) A citation of the authority by which the state is empowered
33 to become a party to this compact;

34 (ii) Agreement to comply with the terms and provisions of the
35 compact; and

36 (iii) That compact entry is with all states then party to the
37 compact and with any state that legally becomes a party to the
38 compact.

1 (3) The effective date of entry shall be specified by the
2 applying state, but shall not be less than sixty days after notice
3 has been given by the chairperson of the board of compact
4 administrators or by the secretariat of the board to each party state
5 that the resolution from the applying state has been received.

6 (c) A party state may withdraw from this compact by official
7 written notice to the other party states, but a withdrawal shall not
8 take effect until ninety days after notice of withdrawal is given.
9 The notice shall be directed to the compact administrator of each
10 member state. No withdrawal shall affect the validity of this compact
11 as to the remaining party states.

12 ARTICLE IX

13 AMENDMENTS TO THE COMPACT

14 (a) This compact may be amended from time to time. Amendments
15 shall be presented in resolution form to the chairperson of the board
16 of compact administrators and may be initiated by one or more party
17 states.

18 (b) Adoption of an amendment shall require endorsement by all
19 party states and shall become effective thirty days after the date of
20 the last endorsement.

21 (c) Failure of a party state to respond to the compact
22 chairperson within one hundred twenty days after receipt of the
23 proposed amendment shall constitute endorsement.

24 ARTICLE X

25 CONSTRUCTION AND SEVERABILITY

26 This compact shall be liberally construed so as to effectuate the
27 purposes stated herein. The provisions of this compact shall be
28 severable and if any phrase, clause, sentence, or provision of this
29 compact is declared to be contrary to the constitution of any party
30 state or of the United States or the applicability thereof to any
31 government, agency, individual, or circumstance is held invalid, the
32 compact shall not be affected thereby. If this compact shall be held
33 contrary to the constitution of any party state thereto, the compact
34 shall remain in full force and effect as to the remaining states and
35 in full force and effect as to the state affected as to all severable
36 matters.

37 ARTICLE XI

38 TITLE

1 This compact shall be known as the wildlife violator compact.

2 **Sec. 2071.** RCW 77.75.110 and 2000 c 107 s 222 are each amended
3 to read as follows:

4 To enforce RCW 77.75.120 and 77.75.130, courts in the counties
5 contiguous to the boundary waters, (~~fish and~~) fisheries officers,
6 wildlife officers, and ex officio fish and wildlife officers have
7 jurisdiction over the boundary waters to the furthest shoreline.
8 This jurisdiction is concurrent with the courts and law enforcement
9 officers of Idaho.

10 **Sec. 2072.** RCW 77.75.120 and 2000 c 107 s 223 are each amended
11 to read as follows:

12 The taking of wildlife from the boundary waters or islands of the
13 Snake river shall be in accordance with the wildlife laws of the
14 respective states. (~~Fish and~~) Fisheries officers, wildlife
15 officers, and ex officio fish and wildlife officers shall honor the
16 license of either state and the right of the holder to take wildlife
17 from the boundary waters and islands in accordance with the laws of
18 the state issuing the license.

19 **Sec. 2073.** RCW 77.130.010 and 2009 c 333 s 44 are each amended
20 to read as follows:

21 Whenever any personal property comes into the possession of the
22 officers of the department or the department of fisheries in
23 connection with the official performance of their duties and the
24 personal property remains unclaimed or not taken away for a period of
25 sixty days from the date of written notice to the owner thereof, if
26 known, which notice shall inform the owner of the disposition that
27 may be made of the property under this section and the time that the
28 owner has to claim the property and in all other cases for a period
29 of sixty days from the time the property came into the possession of
30 the department or the department of fisheries, unless the property
31 has been held as evidence in any court, then, in that event, after
32 sixty days from date when the case has been finally disposed of and
33 the property released as evidence by order of the court, the
34 department or the department of fisheries may:

1 (1) At any time thereafter sell the personal property at public
2 auction to the highest and best bidder for cash in the manner
3 hereinafter provided;

4 (2) Retain the property for the use of the department or the
5 department of fisheries subject to giving notice in the manner
6 prescribed in RCW 63.35.030 and the right of the owner, or the
7 owner's legal representative, to reclaim the property within one year
8 after receipt of notice, without compensation for ordinary wear and
9 tear if, in the opinion of the director or the director of fisheries,
10 the property consists of firearms or other items specifically usable
11 in law enforcement work. At the end of each calendar year during
12 which there has been such a retention, the department or the
13 department of fisheries shall provide the office of financial
14 management and retain for public inspection a list of such retained
15 items and an estimation of each item's replacement value;

16 (3) Destroy an item of personal property at the discretion of the
17 director or the director of fisheries if (~~the director~~) he or she
18 determines that the following circumstances have occurred:

19 (a) The property has no substantial commercial value or the
20 probable cost of sale exceeds the value of the property;

21 (b) The item has been unclaimed by any person after notice
22 procedures have been met, as prescribed in this section; and

23 (c) The director or the director of fisheries has determined that
24 the item is illegal to possess or sell or unsafe and unable to be
25 made safe for use by any member of the general public;

26 (4) If the item is not unsafe or illegal to possess or sell, such
27 item, after satisfying the notice requirements as prescribed in this
28 section may be offered by the director to bona fide dealers, in trade
29 for law enforcement equipment, which equipment must be treated as
30 retained property for the purpose of annual listing requirements of
31 subsection (2) of this section; or

32 (5) At the end of one year, any unclaimed firearm must be
33 disposed of pursuant to RCW 9.41.098(2). Any other item that is not
34 unsafe or illegal to possess or sell, but has been, or may be used,
35 in the judgment of the director or the director of fisheries, in a
36 manner that is illegal, may be destroyed.

37 **Sec. 2074.** RCW 77.130.020 and 2009 c 333 s 45 are each amended
38 to read as follows:

1 Before the personal property shall be sold, a notice of such a
2 sale fixing the time and place thereof which shall be at a suitable
3 place, which will be noted in the advertisement for sale, and
4 containing a description of the property to be sold must be published
5 at least once in a newspaper of general circulation in the county in
6 which the property is to be sold at least ten days prior to the date
7 fixed for the auction. The notice must be signed by the director of
8 the department holding the property. If the owner fails to reclaim
9 the property prior to the time fixed for the sale in such a notice,
10 the director of the department holding the property shall conduct the
11 sale and sell the property described in the notice at public auction
12 to the highest and best bidder for cash, and upon payment of the
13 amount of the bid shall deliver the property to the bidder.

14 **Sec. 2075.** RCW 77.130.050 and 2009 c 333 s 48 are each amended
15 to read as follows:

16 (1) Chapter 63.24 RCW, unclaimed property in hands of bailee,
17 does not apply to personal property in the possession of the
18 department or the department of fisheries.

19 (2) The uniform unclaimed property act, chapter 63.29 RCW, does
20 not apply to personal property in the possession of the department or
21 the department of fisheries.

22 **Sec. 2076.** RCW 77.130.060 and 2009 c 333 s 49 are each amended
23 to read as follows:

24 In addition to any other method of disposition of unclaimed
25 property provided under this chapter, the department or the
26 department of fisheries may donate unclaimed personal property to
27 nonprofit charitable organizations. A nonprofit charitable
28 organization receiving personal property donated under this section
29 must use the property, or its proceeds, to benefit needy persons. The
30 charitable organization must qualify for tax-exempt status under 26
31 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

32 NEW SECTION. **Sec. 2077.** RCW 77.15.005 (Finding—Intent) and 1998
33 c 190 s 1 are each repealed.

1 **Sec. 3001.** RCW 43.17.010 and 2017 3rd sp.s. c 6 s 109 are each
2 amended to read as follows:

3 There shall be departments of the state government which shall be
4 known as (1) the department of social and health services, (2) the
5 department of ecology, (3) the department of labor and industries,
6 (4) the department of agriculture, (5) the department of (~~fish and~~)
7 wildlife, (6) the department of transportation, (7) the department of
8 licensing, (8) the department of enterprise services, (9) the
9 department of commerce, (10) the department of veterans affairs, (11)
10 the department of revenue, (12) the department of retirement systems,
11 (13) the department of corrections, (14) the department of health,
12 (15) the department of financial institutions, (16) the department of
13 archaeology and historic preservation, (17) the department of
14 children, youth, and families, and (18) the Puget Sound partnership,
15 which shall be charged with the execution, enforcement, and
16 administration of such laws, and invested with such powers and
17 required to perform such duties, as the legislature may provide.

18 **Sec. 3002.** RCW 43.17.020 and 2017 3rd sp.s. c 6 s 110 are each
19 amended to read as follows:

20 There shall be a chief executive officer of each department to be
21 known as: (1) The secretary of social and health services, (2) the
22 director of ecology, (3) the director of labor and industries, (4)
23 the director of agriculture, (5) the director of (~~fish and~~)
24 wildlife, (6) the secretary of transportation, (7) the director of
25 licensing, (8) the director of enterprise services, (9) the director
26 of commerce, (10) the director of veterans affairs, (11) the director
27 of revenue, (12) the director of retirement systems, (13) the
28 secretary of corrections, (14) the secretary of health, (15) the
29 director of financial institutions, (16) the director of the
30 department of archaeology and historic preservation, (17) the
31 secretary of children, youth, and families, and (18) the executive
32 director of the Puget Sound partnership.

33 Such officers, except the director of (~~fish and~~) wildlife,
34 shall be appointed by the governor, with the consent of the senate,
35 and hold office at the pleasure of the governor. The director of
36 (~~fish and~~) wildlife shall be appointed by the (~~fish and~~) wildlife
37 commission as prescribed by RCW 77.04.055.

1 **Sec. 3003.** RCW 43.300.010 and 1993 sp.s. c 2 s 2 are each
2 amended to read as follows:

3 There is hereby created a department of state government to be
4 known as the department of ~~((fish and))~~ wildlife. The department
5 shall be vested with all powers and duties transferred to it under
6 this chapter and such other powers and duties as may be authorized by
7 law. ~~((All powers, duties, and functions of the department of
8 fisheries and the department of wildlife are transferred to the
9 department of fish and wildlife. All references in the Revised Code
10 of Washington to the director or the department of fisheries or the
11 director or department of wildlife shall be construed to mean the
12 director or department of fish and wildlife.))~~

13 **Sec. 3004.** RCW 43.300.020 and 1993 sp.s. c 2 s 3 are each
14 amended to read as follows:

15 ~~((As used in this chapter, unless the context indicates
16 otherwise:))~~ The definitions in this section apply throughout this
17 chapter unless the context clearly requires otherwise.

18 (1) "Department" means the department of ~~((fish and))~~ wildlife.

19 (2) "Director" means the director of ~~((fish and))~~ wildlife.

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

21 **Sec. 3005.** RCW 79A.80.090 and 2017 3rd sp.s. c 1 s 988 are each
22 amended to read as follows:

23 (1) The recreation access pass account is created in the state
24 treasury. All moneys received from the sale of discover passes and
25 day-use permits must be deposited into the account.

26 (2) Each fiscal biennium, the first seventy-one million dollars
27 in revenue must be distributed to the agencies in the following
28 manner:

29 (a) ~~((Eight))~~ Four percent to the department of wildlife and
30 deposited into the state wildlife account created in RCW 77.12.170;

31 **(b)** Four percent to the department of ~~((fish and wildlife))~~
32 fisheries and deposited into the state wildlife account created in
33 RCW 77.12.170;

34 ~~((b))~~ **(c)** Eight percent to the department of natural resources
35 and deposited into the parkland trust revolving fund created in RCW
36 43.30.385;

1 agreement has expired or until the bargaining unit has been modified
2 by action of the personnel board as provided by law.

3 NEW SECTION. **Sec. 4003.** The following acts or parts of acts are
4 each repealed:

- 5 (1) RCW 43.300.005 (Purpose) and 1993 sp.s. c 2 s 1; and
6 (2) RCW 77.04.013 (Findings and intent) and 1995 1st sp.s. c 2 s
7 1.

8 NEW SECTION. **Sec. 4004.** If any provision of this act or its
9 application to any person or circumstance is held invalid, the
10 remainder of the act or the application of the provision to other
11 persons or circumstances is not affected.

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