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**HOUSE BILL 1685**

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**State of Washington 69th Legislature 2025 Regular Session**

**By** Representatives Springer, Fitzgibbon, Parshley, and Bernbaum

AN ACT Relating to restructuring fish and wildlife governance; amending RCW 77.04.080, 77.04.012, 77.04.055, and 77.04.090; adding a new section to chapter 77.04 RCW; creating new sections; repealing RCW 43.300.040, 77.04.013, 77.04.130, and 77.04.140; providing an effective date; and providing an expiration date.

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

NEW SECTION. **Sec.**  The legislature intends to create a more accountable, transparent, and effective department of fish and wildlife by consolidating the executive and administrative power of the department into the hands of a director appointed by the governor with the consent of the senate. This structure will facilitate improved government-to-government communication with the tribes and allow for increased collaboration with other state agencies, while retaining the value of the fish and wildlife commission as an advisory body that will provide transparency and an avenue for public input and participation.

**Sec.**  RCW 77.04.080 and 2000 c 107 s 205 are each amended to read as follows:

((~~Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife. The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055.~~)) The director shall be the executive and administrative head of the department. The governor shall appoint the director with the consent of the senate. The director has complete charge of and supervisory powers over the department. The director will be paid a salary fixed by the governor in accordance with RCW 43.03.040. If a vacancy occurs in the position of director while the senate is not in session, the governor shall make a temporary appointment until the next meeting of the senate, at which time he or she shall present to that body his or her nomination for the position. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

((~~Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry. The director shall receive the salary fixed by the governor under RCW 43.03.040.~~

~~The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.~~))

NEW SECTION. **Sec.**  (1) The director of the department of fish and wildlife shall convene a work group comprised of representatives from state agencies and organizations whose work significantly impacts fish and wildlife, to improve interagency cooperation and collaboration on fish and wildlife issues. This work group must include, at a minimum, the following people or their designees: The commissioner of public lands, the director of the department of ecology, the director of the department of commerce, the director of the parks and recreation commission, the secretary of the department of transportation, the director of the Puget Sound partnership, and a representative of the governor's office of Indian affairs. The director shall keep the public regularly apprised of the activities of the work group.

(2) The director of the department of fish and wildlife shall deliver a report to the appropriate committees of the legislature by August 1, 2026, identifying the areas in which other state agencies impact fish and wildlife and suggesting ways to improve interagency collaboration, cooperation, efficiency, and effectiveness on fish and wildlife issues.

(3) This section expires August 31, 2026.

**Sec.**  RCW 77.04.012 and 2000 c 107 s 2 are each amended to read as follows:

Wildlife, fish, and shellfish are the property of the state. The ((~~commission, director, and the~~)) department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters.

The department shall conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

The ((~~commission~~)) department may authorize the taking of wildlife, food fish, game fish, and shellfish only at times or places, or in manners or quantities, as in the judgment of the ((~~commission~~)) department does not impair the supply of these resources.

The ((~~commission~~)) department shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including ((~~juvenile, disabled~~)) juveniles, persons with disabilities, and senior citizens.

Recognizing that the management of our state wildlife, food fish, game fish, and shellfish resources depends heavily on the assistance of volunteers, the department shall work cooperatively with volunteer groups and individuals to achieve the goals of this title to the greatest extent possible.

Nothing in this title shall be construed to infringe on the right of a private property owner to control the owner's private property.

**Sec.**  RCW 77.04.055 and 2000 c 107 s 204 are each amended to read as follows:

(1) In ((~~establishing~~)) advising the director on rules and policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall ((~~meet annually with the governor to:~~

~~(a) Review and prescribe basic goals and objectives related to those policies; and~~

~~(b) Review the performance of the department in implementing fish and wildlife policies.~~

~~The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.~~

~~(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.~~

~~(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 77.12.047.~~

~~(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.~~

~~(5) The commission shall adopt rules to implement the state's fish and wildlife laws.~~

~~(6) The commission shall have final approval authority for the department's budget proposals.~~

~~(7) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.~~)):

(a) Submit public written recommendations to the director on proposed rules, high-level department policies and plans, tribal, interstate, and international agreements relating to fish and wildlife, and other issues that the commission deems to be of significant public interest or importance. These written recommendations may be from the commission as a whole or from a subset of commissioners, and groups of commissioners or individual commissioners may submit concurring or dissenting recommendations. The recommendations must describe how they are consistent with the agency's mandate, strategic plan, and other applicable high-level policies and plans, and the department's responsibility as a public trustee of fish and wildlife;

(b) Hold regular public meetings to receive general public input on department rules, policies, and activities, and conduct hearings to consider fish and wildlife issues of significant public interest or importance, including rules proposed by the department and through citizen rule-making petitions, and high-level policies or plans. Public hearings on proposed rules shall be held in conformance with RCW 34.05.325. The director or the director's designee shall attend the public hearings and is responsible for digesting public input for consideration during decision making;

(c) Exercise authority to obtain information from the director on behalf of the public regarding the department's proposals, plans, policies, activities, and scientific findings, including by making reasonable requests for written summaries, copies of documents, or briefings from department staff during public commission meetings; and

(d) Exercise authority and discretion to convene panels of experts both within and from outside the department to discuss issues of significant public interest or importance including, but not limited to, issues implicated by proposed rules.

(2) Communications between commissioners to facilitate the development of written public recommendations do not constitute an action or meeting for purposes of chapter 42.30 RCW.

(3) The director shall consider public input and recommendations from commissioners when deliberating upon rules, high-level department policies and plans, and other matters of significant public interest or importance. The director shall respond to public input and commission recommendations in writing, explaining why those recommendations were or were not followed, and describing how the chosen course of action is consistent with the department's mandate, strategic plan, other applicable high-level policies and plans, any applicable laws, and the department's responsibility as a public trustee of fish and wildlife.

**Sec.**  RCW 77.04.090 and 1996 c 267 s 35 are each amended to read as follows:

The ((~~commission~~)) director shall adopt permanent rules and amendments to or repeals of existing rules ((~~by approval of a majority of the members by resolution, entered and recorded in the minutes of the commission: PROVIDED, That the commission may not adopt rules after July 23, 1995, that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule. The commission shall adopt emergency rules by approval of a majority of the members. The commission~~)) in conformance with chapter 34.05 RCW, and after taking into consideration written recommendations from the commission following public hearings. The department, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW.

Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

A copy of ((~~an~~)) a permanent or emergency rule, certified as a true copy by ((~~a member of the commission,~~)) the director, or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1) RCW 43.300.040 (Director's duties) and 1996 c 267 s 33 & 1993 sp.s. c 2 s 5;

(2) RCW 77.04.013 (Findings and intent) and 1995 1st sp.s. c 2 s 1;

(3) RCW 77.04.130 (Adoption and certification of rules) and 1995 1st sp.s. c 2 s 12, 1983 1st ex.s. c 46 s 16, 1973 c 93 s 1, & 1955 c 12 s 75.08.090; and

(4) RCW 77.04.140 (Unofficial printings of laws or rules—Approval required) and 1995 1st sp.s. c 2 s 13, 1983 1st ex.s. c 46 s 17, & 1955 c 12 s 75.08.110.

NEW SECTION. **Sec.**  The office of the code reviser is directed to correct all references to the state fish and wildlife commission in chapter 77.12 RCW to the department of fish and wildlife.

NEW SECTION. **Sec.**  A new section is added to chapter 77.04 RCW to read as follows:

(1) By January 15, 2026, members of the state fish and wildlife commission shall be given the opportunity to continue as commissioners following the effective date of this section until the end of their terms. The governor shall appoint replacements as soon as practicable, for commissioners who decline to continue.

(2) The governor shall consult with the commission in shaping the search for a director of fish and wildlife whenever that position is open. The commission shall interview final candidates for the position, and the commission shall provide written recommendations to the governor regarding the appointment.

NEW SECTION. **Sec.**  This act takes effect January 15, 2026.

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