

Chapter 77.08 RCW
GENERAL TERMS DEFINED

Sections

77.08.010	Definitions.
77.08.020	"Game fish" defined.
77.08.022	"Food fish" defined.
77.08.024	"Salmon" defined.
77.08.030	"Big game" defined.
77.08.045	Migratory waterfowl terms defined.
77.08.075	"Resident" defined.
77.08.900	Construction—Title applicable to state registered domestic partnerships—2009 c 521.

RCW 77.08.010 Definitions. The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

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

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

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

(4) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

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

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

(7) "Commercial" means related to or connected with buying, selling, or bartering.

(8) "Commission" means the state fish and wildlife commission.

(9) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

(10) "Contraband" means any property that is unlawful to produce or possess.

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

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

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

(14) "Department" means the department of fish and wildlife.

(15) "Director" means the director of fish and wildlife.

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

(17) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

(18) "Ex officio fish and wildlife officer" means:

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

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

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

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

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

(20) "To fish" and its derivatives means an effort to kill, injure, harass, harvest, or capture a fish or shellfish.

(21) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

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

(23) "Fish dealer" means a person who engages in any activity that triggers the need to obtain a fish dealer license under RCW 77.65.280.

(24) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

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

(26) "Fresh water" means all waters not defined as salt water including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

(27) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

(28) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

(29) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

(30) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

(31) "Game farm" means property on which wildlife is held, confined, propagated, hatched, fed, or otherwise raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

(32) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

(33) "To hunt" and its derivatives means an effort to kill, injure, harass, harvest, or capture a wild animal or wild bird.

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

(35)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

(b) "Intentionally feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

(36) "Large wild carnivore" includes wild bear, cougar, and wolf.

(37) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

(38) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

(39) "Limited fish seller" means a licensed commercial fisher who sells his or her fish or shellfish to anyone other than a wholesale fish buyer thereby triggering the need to obtain a limited fish seller endorsement under RCW 77.65.510.

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

(41) "Natural person" means a human being.

(42)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

(b) "Negligently feed, attempt to feed, or attract" does not include keeping food, food waste, or other substance in an enclosed garbage receptacle or other enclosed container unless specifically directed by a fish and wildlife officer or animal control authority to secure the receptacle or container in another manner.

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

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

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

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

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

(48) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

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

(50) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

(51) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

(52) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

(53) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

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

(55) "Salt water" means those marine waters seaward of river mouths.

(56) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

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

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

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

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

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

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

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

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

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

(65) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

(66) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

(67) "Unclassified wildlife" means wildlife existing in Washington in a wild state that have not been classified as big game, game animals, game birds, predatory birds, protected wildlife, endangered wildlife, or deleterious exotic wildlife.

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

(69) "Wholesale fish buyer" means a person who engages in any fish buying or selling activity that triggers the need to obtain a wholesale fish buyer endorsement under RCW 77.65.340.

(70) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state. The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

(71) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

(72) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term

"wildlife" includes all stages of development and the bodily parts of wildlife members.

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

(74) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting. [2017 3rd sp.s. c 8 s 2. Prior: 2016 c 2 s 2 (Initiative Measure No. 1401, approved November 3, 2015); prior: 2014 c 202 s 301; 2014 c 48 s 1; prior: 2012 c 176 s 4; prior: 2011 c 324 s 3; 2009 c 333 s 12; 2008 c 277 s 2; prior: 2007 c 350 s 2; 2007 c 254 s 1; 2005 c 104 s 1; 2003 c 387 s 1; 2002 c 281 s 2; 2001 c 253 s 10; 2000 c 107 s 207; 1998 c 190 s 111; 1996 c 207 s 2; 1993 sp.s. c 2 s 66; 1989 c 297 s 7; 1987 c 506 s 11; 1980 c 78 s 9; 1955 c 36 s 77.08.010; prior: 1947 c 275 s 9; Rem. Supp. 1947 s 5992-19.]

Alphabetization—2017 3rd sp.s. c 8 s 2: "The code reviser's office is directed to move the definitions of "to fish," "to hunt," "to process," "to take," "to trap," and "to waste" or "to be wasted," by reordering them within RCW 77.08.010 in alphabetical order by the spelling of the main verb word." [2017 3rd sp.s. c 8 s 57.]

Finding—Intent—2017 3rd sp.s. c 8: "(1) The legislature finds that the commercial fishing industry is a benefit to the state as a whole, but particularly to coastal communities where it creates and sustains opportunities for employment. Maintaining a stable and economically viable commercial fishing industry requires:

(a) Preserving fishing opportunities by providing a fee structure for all commercial fishing permits that is not overly burdensome on the fishing industry; and

(b) Avoiding a strain on fish resources beyond sustainable spawning needs.

(2) The legislature intends to balance those needs by making certain adjustments to commercial fishing fees." [2017 3rd sp.s. c 8 s 1.]

Effective date—2017 3rd sp.s. c 8: "This act takes effect January 1, 2018." [2017 3rd sp.s. c 8 s 59.]

Finding—2016 c 2 (Initiative Measure No. 1401): See note following RCW 77.15.135.

Findings—2014 c 202: See note following RCW 77.135.010.

Findings—2011 c 324: See note following RCW 77.15.770.

Alphabetization—2008 c 277: "The code reviser is directed to put the defined terms in RCW 77.08.010 in alphabetical order." [2008 c 277 s 1.]

Purpose—2002 c 281: "The legislature recognizes the potential economic and environmental damage that can occur from the introduction of invasive aquatic species. The purpose of this act is to increase public awareness of invasive aquatic species and enhance the department of fish and wildlife's regulatory capability to address threats posed by these species." [2002 c 281 s 1.]

Intent—1996 c 207: "It is the intent of the legislature to clarify hunting and fishing laws in light of the decision in *State v. Bailey*, 77 Wn. App. 732 (1995). The fish and wildlife commission has the authority to establish hunting and fishing seasons. These seasons are defined by limiting the times, manners of taking, and places or waters for lawful hunting, fishing, or possession of game animals, game birds, or game fish, as well as by limiting the physical characteristics of the game animals, game birds, or game fish which may be lawfully taken at those times, in those manners, and at those places or waters." [1996 c 207 s 1.]

Effective date—1993 sp.s. c 2 ss 1-6, 8-59, and 61-79: See RCW 43.300.900.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.08.020 "Game fish" defined. (1) As used in this title or rules of the commission, "game fish" means those species of the class Osteichthyes that shall not be fished for except as authorized by rule of the commission and includes:

Scientific Name	Common Name
Ambloplites rupestris	rock bass
Coregonus clupeaformis	lake white fish
Ictalurus furcatus	blue catfish
Ictalurus melas	black bullhead
Ictalurus natalis	yellow bullhead
Ictalurus nebulosus	brown bullhead
Ictalurus punctatus	channel catfish
Lepomis cyanellus	green sunfish
Lepomis gibbosus	pumpkinseed
Lepomis gulosus	warmouth
Lepomis macrochirus	bluegill
Lota lota	burbot or freshwater ling
Micropterus dolomieu	smallmouth bass
Micropterus salmoides	largemouth bass
Oncorhynchus nerka (in its landlocked form)	kokanee or silver trout
Perca flavescens	yellow perch
Pomixis annularis	white crappie
Pomixis nigromaculatus	black crappie
Prosopium williamsoni	mountain white fish
Oncorhynchus aquabonita	golden trout
Oncorhynchus clarkii	cutthroat trout
Oncorhynchus mykiss	rainbow or steelhead trout
Salmo salar (in its landlocked form)	Atlantic salmon
Salmo trutta	brown trout
Salvelinus fontinalis	eastern brook trout
Salvelinus malma	Dolly Varden trout
Salvelinus namaycush	lake trout
Stizostedion vitreum	Walleye
Thymallus arcticus	arctic grayling

(2) Private sector cultured aquatic products as defined in RCW 15.85.020 are not game fish. [1989 c 218 s 2; 1985 c 457 s 21; 1980 c

78 s 10; 1969 ex.s. c 19 s 1; 1955 c 36 s 77.08.020. Prior: 1947 c 275 s 10; Rem. Supp. 1947 s 5992-20.]

Effective date—Intent, construction—Savings—Severability—1980
c 78: See notes following RCW 77.04.010.

RCW 77.08.022 "Food fish" defined. "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the commission. The term "food fish" includes all stages of development and the bodily parts of food fish species. [2000 c 107 s 208.]

RCW 77.08.024 "Salmon" defined. "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in RCW 77.08.020, and includes:

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

[2000 c 107 s 209.]

RCW 77.08.030 "Big game" defined. As used in this title or rules of the commission, "big game" means the following species:

Scientific Name	Common Name
<i>Cervus canadensis</i>	elk or wapiti
<i>Odocoileus hemionus</i>	blacktail deer or mule deer
<i>Odocoileus virginianus</i>	whitetail deer
<i>Alces americana</i>	moose
<i>Oreamnos americanus</i>	mountain goat
<i>Rangifer caribou</i>	caribou
<i>Ovis canadensis</i>	mountain sheep
<i>Antilocapra americana</i>	pronghorn antelope
<i>Felis concolor</i>	cougar or mountain lion
<i>Euarctos americana</i>	black bear
<i>Ursus horribilis</i>	grizzly bear

[1980 c 78 s 11; 1971 ex.s. c 166 s 1.]

Effective date—Intent, construction—Savings—Severability—1980
c 78: See notes following RCW 77.04.010.

RCW 77.08.045 Migratory waterfowl terms defined. As used in this title or rules adopted pursuant to this title:

(1) "Migratory waterfowl" means members of the family Anatidae, including brants, ducks, geese, and swans;

(2) "Migratory bird" means migratory waterfowl and coots, snipe, doves, and band-tailed pigeon;

(3) "Migratory bird permit" means the permit that is required by RCW 77.32.350 to be in the possession of all persons to hunt migratory birds; and

(4) "Prints and artwork" means replicas of the original stamp design that are sold to the general public. Prints and artwork are not to be construed to be the migratory bird permit that is required by RCW 77.32.350. Artwork may be any facsimile of the original stamp design, including color renditions, metal duplications, or any other kind of design. [2011 1st sp.s. c 21 s 17; 2011 c 339 s 2; 1998 c 191 s 31; 1987 c 506 s 12; 1985 c 243 s 2.]

Reviser's note: This section was amended by 2011 c 339 s 2 and by 2011 1st sp.s. c 21 s 17, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Effective date—2011 c 339: See note following RCW 43.84.092.

Effective date—1998 c 191: See note following RCW 77.32.050.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

RCW 77.08.075 "Resident" defined. For the purposes of this title or rules adopted under this title, "resident" means:

(1) A natural person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, is not licensed to hunt or fish as a resident in another state or country, and is not receiving resident benefits of another state or country.

(a) For purposes of this section, "permanent place of abode" means a residence in this state that a person maintains for personal use.

(b) A natural person can demonstrate that the person has maintained a permanent place of abode in Washington by showing that the person:

(i) Uses a Washington state address for federal income tax or state tax purposes;

(ii) Designates this state as the person's residence for obtaining eligibility to hold a public office or for judicial actions;

(iii) Is a registered voter in the state of Washington; or

(iv) Is a custodial parent with a child attending prekindergarten, kindergarten, elementary school, middle school, or high school in this state.

(c) A natural person can demonstrate the intent to continue residing within the state by showing that he or she:

(i) Has a valid Washington state driver's license; or

(ii) Has a valid Washington state identification card, if the person is not eligible for a Washington state driver's license; and

(iii) Has registered the person's vehicle or vehicles in Washington state;

(2) The spouse of a member of the United States armed forces if the member qualifies as a resident under subsection (1), (3), or (4) of this section, or a natural person age eighteen or younger who does not qualify as a resident under subsection (1) of this section, but

who has a parent or legal guardian who qualifies as a resident under subsection (1), (3), or (4) of this section;

(3) A member of the United States armed forces temporarily stationed in Washington state on predeployment orders. A copy of the person's military orders is required to meet this condition;

(4) An active duty, nonretired member of the United States armed forces who is permanently stationed in Washington or who designates Washington on his or her military "state of legal residence certificate" or enlistment or reenlistment documents. A copy of the person's "state of legal residence certificate" or enlistment or reenlistment documents is required to meet the conditions of this subsection. [2014 c 48 s 2; 2012 c 176 s 5.]

RCW 77.08.900 Construction—Title applicable to state registered domestic partnerships—2009 c 521. For the purposes of this title, the terms spouse, marriage, marital, husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 s 183.]