

2 **SHB 2055 - H AMD 000731 ADOPTED 4-28-93**

3 By Representatives Anderson, Reams, King

4

5 Strike everything after the enacting clause and insert the  
6 following:

7 NEW SECTION. **Sec. 1.** Perpetuation of fish and wildlife in  
8 Washington requires clear, efficient, streamlined, scientific,  
9 management from a single state fish and wildlife agency. Such a  
10 consolidation will focus existing funds for the greatest protection of  
11 species and stocks. It will bring combined resources to bear on  
12 securing, managing, and enhancing habitats. It will simplify  
13 licensing, amplify research, increase field staff, avoid duplication,  
14 and magnify enforcement of laws and rules. It will provide all  
15 fishers, hunters, and observers of fish and wildlife with a single  
16 source of consistent policies, procedures, and access.

17 NEW SECTION. **Sec. 2.** There is hereby created a department of  
18 state government to be known as the department of fish and wildlife.  
19 The department shall be vested with all powers and duties transferred  
20 to it under this chapter and such other powers and duties as may be  
21 authorized by law. All powers, duties, and functions of the department  
22 of fisheries and the department of wildlife are transferred to the  
23 department of fish and wildlife. All references in the Revised Code of  
24 Washington to the director or the department of fisheries or the  
25 director or department of wildlife shall be construed to mean the  
26 director or department of fish and wildlife.

27 NEW SECTION. **Sec. 3.** As used in this chapter, unless the context  
28 indicates otherwise:

- 29 (1) "Department" means the department of fish and wildlife.  
30 (2) "Director" means the director of fish and wildlife.  
31 (3) "Commission" means the fish and wildlife commission.

32 NEW SECTION. **Sec. 4.** The executive head and appointing authority  
33 of the department shall be the director. The director shall be

1 appointed by the governor, with the consent of the senate, and shall  
2 serve at the pleasure of the governor. The director shall be paid a  
3 salary to be fixed by the governor in accordance with RCW 43.03.040.

4 NEW SECTION. **Sec. 5.** In addition to other powers and duties  
5 granted or transferred to the director, the director shall have the  
6 following powers and duties:

7 (1) Supervise and administer the department in accordance with law;

8 (2) Appoint personnel and prescribe their duties. Except as  
9 otherwise provided, personnel of the department are subject to chapter  
10 41.06 RCW, the state civil service law;

11 (3) Enter into contracts on behalf of the agency;

12 (4) Adopt rules in accordance with chapter 34.05 RCW, the  
13 administrative procedure act;

14 (5) Delegate powers, duties, and functions as the director deems  
15 necessary for efficient administration but the director shall be  
16 responsible for the official acts of the officers and employees of the  
17 department;

18 (6) Appoint advisory committees and undertake studies, research,  
19 and analysis necessary to support the activities of the department;

20 (7) Accept and expend grants, gifts, or other funds to further the  
21 purposes of the department;

22 (8) Carry out the policies of the governor and the basic goals and  
23 objectives as prescribed by the fish and wildlife commission pursuant  
24 to RCW 77.04.055; and

25 (9) Perform other duties as are necessary and consistent with law.

26 NEW SECTION. **Sec. 6.** The director shall appoint such deputy  
27 directors, assistant directors, and up to seven special assistants as  
28 may be needed to administer the department. These employees are exempt  
29 from the provisions of chapter 41.06 RCW.

30 NEW SECTION. **Sec. 7.** The director of fisheries and the director  
31 of wildlife shall, by November 15, 1993, jointly submit a plan to the  
32 governor for the consolidation and smooth transition of the department  
33 of fisheries and the department of wildlife into the department of fish  
34 and wildlife so that the department of fish and wildlife will operate  
35 as a single entity on July 1, 1994. The wildlife commission shall make  
36 recommendations for the consolidation of the agencies to the governor

1 and the two directors. The fish and wildlife commission shall review  
2 its area of responsibility in the consolidated agency and submit  
3 recommendations by December 1, 1994, to the governor and the  
4 appropriate standing committees of the legislature on any necessary  
5 changes in its statutory authority. The legislative budget committee  
6 shall study the role of the fish and wildlife commission and prepare a  
7 report on recommended changes to the governor and the appropriate  
8 standing committees of the legislature by December 1, 1994.

9 NEW SECTION. **Sec. 8.** The department of fisheries and the  
10 department of wildlife are abolished and their powers, duties, and  
11 functions are transferred to the department of fish and wildlife.

12 NEW SECTION. **Sec. 9.** All reports, documents, surveys, books,  
13 records, files, papers, or written material connected with the powers,  
14 duties, and functions transferred in this act shall be delivered to the  
15 custody of the department of fish and wildlife. All cabinets,  
16 furniture, office equipment, motor vehicles, and other tangible  
17 property employed in connection with the powers, duties, and functions  
18 transferred shall be made available to the department of fish and  
19 wildlife. All funds, credits, or other assets held in connection with  
20 the powers, duties, and functions transferred shall be assigned to the  
21 department of fish and wildlife.

22 Any appropriations made in connection with the powers, duties, and  
23 functions transferred shall, on the effective date of this section, be  
24 transferred and credited to the department of fish and wildlife.

25 Whenever any question arises as to the transfer of any personnel,  
26 funds, books, documents, records, papers, files, equipment, or other  
27 tangible property used or held in the exercise of the powers and the  
28 performance of the duties and functions transferred, or as to the  
29 powers, duties, and functions transferred, the director of financial  
30 management shall make a determination as to the proper allocation and  
31 certify the same to the state agencies concerned.

32 NEW SECTION. **Sec. 10.** All classified employees employed in  
33 connection with the powers, duties, and functions transferred are  
34 transferred to the jurisdiction of the department of fish and wildlife.  
35 All employees classified under chapter 41.06 RCW, the state civil  
36 service law, are assigned to the department of fish and wildlife to

1 perform their usual duties upon the same terms as formerly, without any  
2 loss of rights, subject to any action that may be appropriate  
3 thereafter in accordance with the laws and rules governing state civil  
4 service.

5 NEW SECTION. **Sec. 11.** All rules and all pending business before  
6 any agency of state government pertaining to the powers, duties, and  
7 functions transferred shall be continued and acted upon by the  
8 department of fish and wildlife. All existing contracts, obligations,  
9 and agreements shall remain in full force and shall be performed by the  
10 department of fish and wildlife.

11 NEW SECTION. **Sec. 12.** The transfer of the powers, duties,  
12 functions, and personnel shall not affect the validity of any act  
13 performed by any employee before the effective date of this section.

14 NEW SECTION. **Sec. 13.** If apportionments of budgeted funds are  
15 required because of the transfers directed by sections 9 through 12 of  
16 this act, the director of financial management shall certify the  
17 apportionments to the agencies affected, the state auditor, and the  
18 state treasurer. Each of these shall make the appropriate transfer and  
19 adjustments in funds and appropriation accounts and equipment records  
20 in accordance with the certification.

21 NEW SECTION. **Sec. 14.** Nothing contained in sections 9 through 13  
22 of this act may be construed to alter any existing collective  
23 bargaining unit or the provisions of any existing collective bargaining  
24 agreement until the agreement has expired or until the bargaining unit  
25 has been modified by action of the personnel board as provided by law.

26 **Sec. 15.** RCW 41.06.070 and 1990 c 60 s 101 are each amended to  
27 read as follows:

28 The provisions of this chapter do not apply to:

29 (1) The members of the legislature or to any employee of, or  
30 position in, the legislative branch of the state government including  
31 members, officers, and employees of the legislative council,  
32 legislative budget committee, statute law committee, and any interim  
33 committee of the legislature;

1 (2) The justices of the supreme court, judges of the court of  
2 appeals, judges of the superior courts or of the inferior courts, or to  
3 any employee of, or position in the judicial branch of state  
4 government;

5 (3) Officers, academic personnel, and employees of state  
6 institutions of higher education, the state board for community and  
7 technical colleges (~~(education)~~), and the higher education personnel  
8 board;

9 (4) The officers of the Washington state patrol;

10 (5) Elective officers of the state;

11 (6) The chief executive officer of each agency;

12 (7) In the departments of employment security, (~~(fisheries)~~)  
13 social and health services, the director and (~~(his)~~) the director's  
14 confidential secretary; in all other departments, the executive head of  
15 which is an individual appointed by the governor, the director, (~~(his)~~)  
16 the director's confidential secretary, and (~~(his)~~) the director's  
17 statutory assistant directors;

18 (8) In the case of a multimember board, commission, or committee,  
19 whether the members thereof are elected, appointed by the governor or  
20 other authority, serve ex officio, or are otherwise chosen:

21 (a) All members of such boards, commissions, or committees;

22 (b) If the members of the board, commission, or committee serve on  
23 a part-time basis and there is a statutory executive officer: (i) The  
24 secretary of the board, commission, or committee; (ii) the chief  
25 executive officer of the board, commission, or committee; and (iii) the  
26 confidential secretary of the chief executive officer of the board,  
27 commission, or committee;

28 (c) If the members of the board, commission, or committee serve on  
29 a full-time basis: (i) The chief executive officer or administrative  
30 officer as designated by the board, commission, or committee; and (ii)  
31 a confidential secretary to the chairman of the board, commission, or  
32 committee;

33 (d) If all members of the board, commission, or committee serve ex  
34 officio: (i) The chief executive officer; and (ii) the confidential  
35 secretary of such chief executive officer;

36 (9) The confidential secretaries and administrative assistants in  
37 the immediate offices of the elective officers of the state;

38 (10) Assistant attorneys general;

1 (11) Commissioned and enlisted personnel in the military service of  
2 the state;

3 (12) Inmate, student, part-time, or temporary employees, and part-  
4 time professional consultants, as defined by the state personnel board  
5 or the board having jurisdiction;

6 (13) The public printer or to any employees of or positions in the  
7 state printing plant;

8 (14) Officers and employees of the Washington state fruit  
9 commission;

10 (15) Officers and employees of the Washington state apple  
11 advertising commission;

12 (16) Officers and employees of the Washington state dairy products  
13 commission;

14 (17) Officers and employees of the Washington tree fruit research  
15 commission;

16 (18) Officers and employees of the Washington state beef  
17 commission;

18 (19) Officers and employees of any commission formed under the  
19 provisions of chapter 191, Laws of 1955, and chapter 15.66 RCW;

20 (20) Officers and employees of the state wheat commission formed  
21 under the provisions of chapter 87, Laws of 1961 (chapter 15.63 RCW);

22 (21) Officers and employees of agricultural commissions formed  
23 under the provisions of chapter 256, Laws of 1961 (chapter 15.65 RCW);

24 (22) Officers and employees of the nonprofit corporation formed  
25 under chapter 67.40 RCW;

26 (23) Liquor vendors appointed by the Washington state liquor  
27 control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules  
28 and regulations adopted by the state personnel board pursuant to RCW  
29 41.06.150 regarding the basis for, and procedures to be followed for,  
30 the dismissal, suspension, or demotion of an employee, and appeals  
31 therefrom shall be fully applicable to liquor vendors except those part  
32 time agency vendors employed by the liquor control board when, in  
33 addition to the sale of liquor for the state, they sell goods, wares,  
34 merchandise, or services as a self-sustaining private retail business;

35 (24) Executive assistants for personnel administration and labor  
36 relations in all state agencies employing such executive assistants  
37 including but not limited to all departments, offices, commissions,  
38 committees, boards, or other bodies subject to the provisions of this

1 chapter and this subsection shall prevail over any provision of law  
2 inconsistent herewith unless specific exception is made in such law;

3 (25) In each agency with fifty or more employees: Deputy agency  
4 heads, assistant directors or division directors, and not more than  
5 three principal policy assistants who report directly to the agency  
6 head or deputy agency heads;

7 (26) All employees of the marine employees' commission;

8 (27) Up to a total of five senior staff positions of the western  
9 library network under chapter 27.26 RCW responsible for formulating  
10 policy or for directing program management of a major administrative  
11 unit. This subsection shall expire on June 30, 1997;

12 (28) In addition to the exemptions specifically provided by this  
13 chapter, the state personnel board may provide for further exemptions  
14 pursuant to the following procedures. The governor or other  
15 appropriate elected official may submit requests for exemption to the  
16 personnel board stating the reasons for requesting such exemptions.  
17 The personnel board shall hold a public hearing, after proper notice,  
18 on requests submitted pursuant to this subsection. If the board  
19 determines that the position for which exemption is requested is one  
20 involving substantial responsibility for the formulation of basic  
21 agency or executive policy or one involving directing and controlling  
22 program operations of an agency or a major administrative division  
23 thereof, the personnel board shall grant the request and such  
24 determination shall be final. The total number of additional  
25 exemptions permitted under this subsection shall not exceed one hundred  
26 eighty-seven for those agencies not directly under the authority of any  
27 elected public official other than the governor, and shall not exceed  
28 a total of twenty-five for all agencies under the authority of elected  
29 public officials other than the governor. The state personnel board  
30 shall report to each regular session of the legislature during an odd-  
31 numbered year all exemptions granted under subsections (24), (25), and  
32 (28) of this section, together with the reasons for such exemptions.

33 The salary and fringe benefits of all positions presently or  
34 hereafter exempted except for the chief executive officer of each  
35 agency, full-time members of boards and commissions, administrative  
36 assistants and confidential secretaries in the immediate office of an  
37 elected state official, and the personnel listed in subsections (10)  
38 through (22) of this section, shall be determined by the state  
39 personnel board.

1 Any person holding a classified position subject to the provisions  
2 of this chapter shall, when and if such position is subsequently  
3 exempted from the application of this chapter, be afforded the  
4 following rights: If such person previously held permanent status in  
5 another classified position, such person shall have a right of  
6 reversion to the highest class of position previously held, or to a  
7 position of similar nature and salary.

8 Any classified employee having civil service status in a classified  
9 position who accepts an appointment in an exempt position shall have  
10 the right of reversion to the highest class of position previously  
11 held, or to a position of similar nature and salary.

12 A person occupying an exempt position who is terminated from the  
13 position for gross misconduct or malfeasance does not have the right of  
14 reversion to a classified position as provided for in this section.

15 **Sec. 16.** RCW 43.17.010 and 1989 1st ex.s. c 9 s 810 are each  
16 amended to read as follows:

17 There shall be departments of the state government which shall be  
18 known as (1) the department of social and health services, (2) the  
19 department of ecology, (3) the department of labor and industries, (4)  
20 the department of agriculture, (5) (~~the department of fisheries, (6)~~)  
21 the department of fish and wildlife, (~~(7)~~) (6) the department of  
22 transportation, (~~(8)~~) (7) the department of licensing, (~~(9)~~) (8)  
23 the department of general administration, (~~(10)~~) (9) the department  
24 of trade and economic development, (~~(11)~~) (10) the department of  
25 veterans affairs, (~~(12)~~) (11) the department of revenue, (~~(13)~~)  
26 (12) the department of retirement systems, (~~(14)~~) (13) the department  
27 of corrections, (~~(15)~~) (14) the department of community development,  
28 and (~~(16)~~) (15) the department of health, which shall be charged with  
29 the execution, enforcement, and administration of such laws, and  
30 invested with such powers and required to perform such duties, as the  
31 legislature may provide.

32 **Sec. 17.** RCW 43.17.020 and 1989 1st ex.s. c 9 s 811 are each  
33 amended to read as follows:

34 There shall be a chief executive officer of each department to be  
35 known as: (1) The secretary of social and health services, (2) the  
36 director of ecology, (3) the director of labor and industries, (4) the  
37 director of agriculture, (5) (~~the director of fisheries, (6)~~) the

1 director of fish and wildlife, (~~(7)~~) (6) the secretary of  
2 transportation, (~~(8)~~) (7) the director of licensing, (~~(9)~~) (8) the  
3 director of general administration, (~~(10)~~) (9) the director of trade  
4 and economic development, (~~(11)~~) (10) the director of veterans  
5 affairs, (~~(12)~~) (11) the director of revenue, (~~(13)~~) (12) the  
6 director of retirement systems, (~~(14)~~) (13) the secretary of  
7 corrections, (~~(15)~~) (14) the director of community development, and  
8 (~~(16)~~) (15) the secretary of health.

9       Such officers, except the secretary of transportation, shall be  
10 appointed by the governor, with the consent of the senate, and hold  
11 office at the pleasure of the governor. (~~The director of wildlife,~~  
12 ~~however, shall be appointed according to the provisions of RCW~~  
13 ~~77.04.080. If a vacancy occurs while the senate is not in session, the~~  
14 ~~governor shall make a temporary appointment until the next meeting of~~  
15 ~~the senate. A temporary director of wildlife shall not serve more than~~  
16 ~~one year.)) The secretary of transportation shall be appointed by the  
17 transportation commission as prescribed by RCW 47.01.041.~~

18       **Sec. 18.** RCW 42.17.2401 and 1991 c 200 s 404 are each amended to  
19 read as follows:

20       For the purposes of RCW 42.17.240, the term "executive state  
21 officer" includes:

22       (1) The chief administrative law judge, the director of  
23 agriculture, the administrator of the office of marine safety, the  
24 administrator of the Washington basic health plan, the director of the  
25 department of services for the blind, the director of the state system  
26 of community and technical colleges, the director of community  
27 development, the secretary of corrections, the director of ecology, the  
28 commissioner of employment security, the chairman of the energy  
29 facility site evaluation council, the director of the energy office,  
30 the secretary of the state finance committee, the director of financial  
31 management, the director of (~~fisheries~~) fish and wildlife, the  
32 executive secretary of the forest practices appeals board, the director  
33 of the gambling commission, the director of general administration, the  
34 secretary of health, the administrator of the Washington state health  
35 care authority, the executive secretary of the health care facilities  
36 authority, the executive secretary of the higher education facilities  
37 authority, the director of the higher education personnel board, the  
38 executive secretary of the horse racing commission, the executive

1 secretary of the human rights commission, the executive secretary of  
2 the indeterminate sentence review board, the director of the department  
3 of information services, the director of the interagency committee for  
4 outdoor recreation, the executive director of the state investment  
5 board, the director of labor and industries, the director of licensing,  
6 the director of the lottery commission, the director of the office of  
7 minority and women's business enterprises, the director of parks and  
8 recreation, the director of personnel, the executive director of the  
9 public disclosure commission, the director of retirement systems, the  
10 director of revenue, the secretary of social and health services, the  
11 chief of the Washington state patrol, the executive secretary of the  
12 board of tax appeals, the director of trade and economic development,  
13 the secretary of transportation, the secretary of the utilities and  
14 transportation commission, the director of veterans affairs, (~~the~~  
15 ~~director of wildlife,~~) the president of each of the regional and state  
16 universities and the president of The Evergreen State College, each  
17 district and each campus president of each state community college;

18 (2) Each professional staff member of the office of the governor;

19 (3) Each professional staff member of the legislature; and

20 (4) Central Washington University board of trustees, board of  
21 trustees of each community college, each member of the state board for  
22 community and technical colleges (~~(education)~~), state convention and  
23 trade center board of directors, committee for deferred compensation,  
24 Eastern Washington University board of trustees, Washington economic  
25 development finance authority, The Evergreen State College board of  
26 trustees, forest practices appeals board, forest practices board,  
27 gambling commission, Washington health care facilities authority,  
28 higher education coordinating board, higher education facilities  
29 authority, higher education personnel board, horse racing commission,  
30 state housing finance commission, human rights commission,  
31 indeterminate sentence review board, board of industrial insurance  
32 appeals, information services board, interagency committee for outdoor  
33 recreation, state investment board, liquor control board, lottery  
34 commission, marine oversight board, oil and gas conservation committee,  
35 Pacific Northwest electric power and conservation planning council,  
36 parks and recreation commission, personnel appeals board, personnel  
37 board, board of pilotage (~~(commissioners)~~) commissioners, pollution  
38 control hearings board, public disclosure commission, public pension  
39 commission, shorelines hearing board, state employees' benefits board,

1 board of tax appeals, transportation commission, University of  
2 Washington board of regents, utilities and transportation commission,  
3 Washington state maritime commission, Washington public power supply  
4 system executive board, Washington State University board of regents,  
5 Western Washington University board of trustees, and fish and wildlife  
6 commission.

7 **Sec. 19.** RCW 43.51.955 and 1987 c 506 s 93 are each amended to  
8 read as follows:

9 Nothing in RCW 43.51.946 through 43.51.956 shall be construed to  
10 interfere with the powers, duties, and authority of the state  
11 department of fish and wildlife or the state fish and wildlife  
12 commission to regulate, manage, conserve, and provide for the harvest  
13 of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall  
14 be permitted in any state park.

15 **Sec. 20.** RCW 75.08.011 and 1990 c 63 s 6 and 1990 c 35 s 3 are  
16 each reenacted and amended to read as follows:

17 As used in this title or rules of the director, unless the context  
18 clearly requires otherwise:

19 (1) "Director" means the director of (~~(fisheries)~~) fish and  
20 wildlife.

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

23 (3) "Person" means an individual or a public or private entity or  
24 organization. The term "person" includes local, state, and federal  
25 government agencies, and all business organizations.

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

30 (5) "Ex officio fisheries patrol officer" means a commissioned  
31 officer of a municipal, county, state, or federal agency having as its  
32 primary function the enforcement of criminal laws in general, while the  
33 officer is in the appropriate jurisdiction. The term "ex officio  
34 fisheries patrol officer" also includes wildlife agents, special agents  
35 of the national marine fisheries service, United States fish and  
36 wildlife special agents, state parks commissioned officers, department  
37 of natural resources enforcement officers, and United States forest

1 service officers, while the agents and officers are within their  
2 respective jurisdictions.

3 (6) "To fish" and "to take" and their derivatives mean an effort to  
4 kill, injure, harass, or catch food fish or shellfish.

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

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

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

14 (10) "Resident" means a person who has for the preceding ninety  
15 days maintained a permanent abode within the state, has established by  
16 formal evidence an intent to continue residing within the state, and is  
17 not licensed to fish as a resident in another state.

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

20 (12) "Food fish" means those species of the classes Osteichthyes,  
21 Agnatha, and Chondrichthyes that shall not be fished for except as  
22 authorized by rule of the director. The term "food fish" includes all  
23 stages of development and the bodily parts of food fish species.

24 (13) "Shellfish" means those species of marine and freshwater  
25 invertebrates that shall not be taken except as authorized by rule of  
26 the director. The term "shellfish" includes all stages of development  
27 and the bodily parts of shellfish species.

28 (14) "Salmon" means all species of the genus *Oncorhynchus*, except  
29 those classified as game fish in Title 77 RCW, and includes:

30	Scientific Name	Common Name
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

36 (15) "Commercial" means related to or connected with buying,  
37 selling, or bartering. Fishing for food fish or shellfish with gear  
38 unlawful for fishing for personal use, or possessing food fish or

1 shellfish in excess of the limits permitted for personal use are  
2 commercial activities.

3 (16) "To process" and its derivatives mean preparing or preserving  
4 food fish or shellfish.

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

7 (18) "Angling gear" means a line attached to a rod and reel capable  
8 of being held in hand while landing the fish or a hand-held line  
9 operated without rod or reel to which are attached no more than two  
10 single hooks or one artificial bait with no more than four multiple  
11 hooks.

12 (19) "Open season" means those times, manners of taking, and places  
13 or waters established by rule of the director for the lawful fishing,  
14 taking, or possession of food fish or shellfish. "Open season"  
15 includes the first and last days of the established time.

16 (20) "Emerging commercial fishery" means any commercial fishery:

17 (a) For food fish or shellfish so designated by rule of the  
18 director, except that no species harvested under a license limitation  
19 program contained in chapter 75.30 RCW may be designated as a species  
20 in an emerging commercial fishery.

21 (b) Which will include, subject to the limitation in (a) of this  
22 subsection, all species harvested for commercial purposes as of June 7,  
23 1990, and the future commercial harvest of all other species in the  
24 waters of the state of Washington.

25 (21) "Experimental fishery permit" means a permit issued by the  
26 director to allow the recipient to engage in an emerging commercial  
27 fishery.

28 **Sec. 21.** RCW 75.08.014 and 1983 1st ex.s. c 46 s 6 are each  
29 amended to read as follows:

30 The director (~~(of fisheries)~~) shall supervise the administration  
31 and operation of the department (~~(of fisheries)~~) and perform the duties  
32 prescribed by law. The director may appoint and employ necessary  
33 personnel. The director may delegate, in writing, to department  
34 personnel the duties and powers necessary for efficient operation and  
35 administration of the department.

36 Only persons having general knowledge of the fisheries and wildlife  
37 resources and of the commercial and recreational fishing industry in  
38 this state are eligible for appointment as director. The director

1 shall not have a financial interest in the fishing industry or a  
2 directly related industry.

3 **Sec. 22.** RCW 75.08.035 and 1992 c 63 s 11 are each amended to read  
4 as follows:

5 (1) The department (~~(of fisheries)~~) shall have the following powers  
6 and duties in carrying out its responsibilities for the senior  
7 environmental corps created under RCW 43.63A.247:

8 Appoint a representative to the coordinating council;

9 Develop project proposals;

10 Administer project activities within the agency;

11 Develop appropriate procedures for the use of volunteers;

12 Provide project orientation, technical training, safety training,  
13 equipment, and supplies to carry out project activities;

14 Maintain project records and provide project reports;

15 Apply for and accept grants or contributions for corps approved  
16 projects; and

17 With the approval of the council, enter into memoranda of  
18 understanding and cooperative agreements with federal, state, and local  
19 agencies to carry out corps approved projects.

20 (2) The department shall not use corps volunteers to displace  
21 currently employed workers.

22 **Sec. 23.** RCW 75.08.055 and 1987 c 506 s 94 are each amended to  
23 read as follows:

24 (1) The director(~~(, and the director of wildlife with the~~  
25 ~~concurrence of the wildlife commission,~~) may enter into agreements  
26 with and receive funds from the United States for the construction,  
27 maintenance, and operation of fish cultural stations, laboratories, and  
28 devices in the Columbia River basin for improvement of feeding and  
29 spawning conditions for fish, for the protection of migratory fish from  
30 irrigation projects and for facilitating free migration of fish over  
31 obstructions.

32 (2) The director and the (~~(wildlife commission)~~) department may  
33 acquire by gift, purchase, lease, easement, or condemnation the use of  
34 lands where the construction or improvement is to be carried on by the  
35 United States.

1       **Sec. 24.** RCW 75.08.400 and 1989 c 336 s 1 are each amended to read  
2 as follows:

3       The legislature finds that:

4       (1) The fishery resources of Washington are critical to the social  
5 and economic needs of the citizens of the state;

6       (2) Salmon production is dependent on both wild and artificial  
7 production;

8       (3) The department (~~(of fisheries)~~) is directed to enhance  
9 Washington's salmon runs; and

10       (4) Full utilization of the state's salmon rearing facilities is  
11 necessary to enhance commercial and recreational fisheries.

12       **Sec. 25.** RCW 75.10.010 and 1985 c 155 s 1 are each amended to read  
13 as follows:

14       (1) Fisheries patrol officers and ex officio fisheries patrol  
15 officers within their respective jurisdictions, shall enforce this  
16 title, rules of the director, and other statutes as prescribed by the  
17 legislature.

18       (2) When acting within the scope of subsection (1) of this section  
19 and when an offense occurs in the presence of the fisheries patrol  
20 officer who is not an ex officio fisheries patrol officer, the  
21 fisheries patrol officer may enforce all criminal laws of the state.  
22 The fisheries patrol officer must have successfully completed the basic  
23 law enforcement academy course sponsored by the criminal justice  
24 training commission, or a supplemental course in criminal law  
25 enforcement as approved by the department and the criminal justice  
26 training commission and provided by the department or the criminal  
27 justice training commission, prior to enforcing the criminal laws of  
28 the state.

29       (3) Any liability or claim of liability which arises out of the  
30 exercise or alleged exercise of authority by a fisheries patrol officer  
31 rests with the department (~~(of fisheries)~~) unless the fisheries patrol  
32 officer acts under the direction and control of another agency or  
33 unless the liability is otherwise assumed under a written agreement  
34 between the department (~~(of fisheries)~~) and another agency.

35       (4) Fisheries patrol officers may serve and execute warrants and  
36 processes issued by the courts.

1       **Sec. 26.** RCW 75.10.200 and 1990 c 144 s 3 are each amended to read  
2 as follows:

3       Persons who violate this title or the rules of the director shall  
4 be subject to the following penalties:

5       (1) The following violations are gross misdemeanors and are  
6 punishable under RCW 9.92.020:

7       (a) Violating RCW 75.20.100; and

8       (b) Violating department statutes that require fish screens, fish  
9 ladders, and other protective devices for fish.

10       (2) The following violations are a class C felony and are  
11 punishable under RCW 9A.20.021(1)(c):

12       (a) Discharging explosives in waters that contain adult salmon or  
13 sturgeon: PROVIDED, That lawful discharge of devices for the purpose  
14 of frightening or killing marine mammals or for the lawful removal of  
15 snags or for actions approved under RCW 75.20.100 or 75.12.070(2) are  
16 exempt from this subsection; and

17       (b) To knowingly purchase food fish or shellfish with a wholesale  
18 value greater than two hundred fifty dollars that were taken by methods  
19 or during times not authorized by department (~~(of fisheries)~~) rules, or  
20 were taken by someone who does not have a valid commercial fishing  
21 license, a valid fish buyer's license, or a valid wholesale dealer's  
22 license, or were taken with fishing gear authorized for personal use.

23       **Sec. 27.** RCW 75.12.040 and 1985 c 147 s 1 are each amended to read  
24 as follows:

25       (1) It is unlawful to use, operate, or maintain a gill net which  
26 exceeds 250 fathoms in length or a drag seine in the waters of the  
27 Columbia river for catching salmon.

28       (2) It is unlawful to construct, install, use, operate, or maintain  
29 within state waters a pound net, round haul net, lampara net, fish  
30 trap, fish wheel, scow fish wheel, set net, weir, or fixed appliance  
31 for catching salmon. The director may authorize the use of this gear  
32 for scientific investigations.

33       (3) The department (~~(of fisheries)~~), in coordination with the  
34 Oregon department of fish and wildlife, shall adopt rules to regulate  
35 the use of monofilament in gill net webbing on the Columbia river.

36       **Sec. 28.** RCW 75.20.005 and 1991 c 322 s 21 are each amended to  
37 read as follows:

1 The department of (~~fisheries, the department of~~) fish and  
2 wildlife, the department of ecology, and the department of natural  
3 resources shall jointly develop an informational brochure that  
4 describes when permits and any other authorizations are required for  
5 flood damage prevention and reduction projects, and recommends ways to  
6 best proceed through the various regulatory permitting processes.

7 **Sec. 29.** RCW 75.20.050 and 1988 c 36 s 32 are each amended to read  
8 as follows:

9 It is the policy of this state that a flow of water sufficient to  
10 support game fish and food fish populations be maintained at all times  
11 in the streams of this state.

12 The director of ecology shall give the director (~~of fisheries and~~  
13 ~~the director of wildlife~~) notice of each application for a permit to  
14 divert or store water. The director (~~of fisheries and director of~~  
15 ~~wildlife have~~) has thirty days after receiving the notice to state  
16 (~~their~~) his or her objections to the application. The permit shall  
17 not be issued until the thirty-day period has elapsed.

18 The director of ecology may refuse to issue a permit if, in the  
19 opinion of the director (~~of fisheries or director of wildlife~~),  
20 issuing the permit might result in lowering the flow of water in a  
21 stream below the flow necessary to adequately support food fish and  
22 game fish populations in the stream.

23 The provisions of this section shall in no way affect existing  
24 water rights.

25 **Sec. 30.** RCW 75.20.100 and 1991 c 322 s 30 are each amended to  
26 read as follows:

27 In the event that any person or government agency desires to  
28 construct any form of hydraulic project or perform other work that will  
29 use, divert, obstruct, or change the natural flow or bed of any of the  
30 salt or fresh waters of the state, such person or government agency  
31 shall, before commencing construction or work thereon and to ensure the  
32 proper protection of fish life, secure the written approval of the  
33 department (~~of fisheries or the department of wildlife~~) as to the  
34 adequacy of the means proposed for the protection of fish life. This  
35 approval shall not be unreasonably withheld. Except as provided in RCW  
36 75.20.1001 and 75.20.1002, the department (~~of fisheries or the~~  
37 ~~department of wildlife~~) shall grant or deny approval within forty-five

1 calendar days of the receipt of a complete application and notice of  
2 compliance with any applicable requirements of the state environmental  
3 policy act, made in the manner prescribed in this section. The  
4 applicant may document receipt of application by filing in person or by  
5 registered mail. A complete application for approval shall contain  
6 general plans for the overall project, complete plans and  
7 specifications of the proposed construction or work within the mean  
8 higher high water line in salt water or within the ordinary high water  
9 line in fresh water, and complete plans and specifications for the  
10 proper protection of fish life. The forty-five day requirement shall  
11 be suspended if (1) after ten working days of receipt of the  
12 application, the applicant remains unavailable or unable to arrange for  
13 a timely field evaluation of the proposed project; (2) the site is  
14 physically inaccessible for inspection; or (3) the applicant requests  
15 delay. Immediately upon determination that the forty-five day period  
16 is suspended, the department (~~(of fisheries or the department of~~  
17 ~~wildlife))~~) shall notify the applicant in writing of the reasons for the  
18 delay. Approval is valid for a period of up to five years from date of  
19 issuance. The permittee must demonstrate substantial progress on  
20 construction of that portion of the project relating to the approval  
21 within two years of the date of issuance. If (~~(either))~~) the department  
22 (~~(of fisheries or the department of wildlife))~~) denies approval,  
23 (~~(that))~~) the department shall provide the applicant, in writing, a  
24 statement of the specific reasons why and how the proposed project  
25 would adversely affect fish life. Protection of fish life shall be the  
26 only ground upon which approval may be denied or conditioned. Chapter  
27 34.05 RCW applies to any denial of project approval, conditional  
28 approval, or requirements for project modification upon which approval  
29 may be contingent. If any person or government agency commences  
30 construction on any hydraulic works or projects subject to this section  
31 without first having obtained written approval of the department (~~(of~~  
32 ~~fisheries or the department of wildlife))~~) as to the adequacy of the  
33 means proposed for the protection of fish life, or if any person or  
34 government agency fails to follow or carry out any of the requirements  
35 or conditions as are made a part of such approval, the person or  
36 director of the agency is guilty of a gross misdemeanor. If any such  
37 person or government agency is convicted of violating any of the  
38 provisions of this section and continues construction on any such works  
39 or projects without fully complying with the provisions hereof, such

1 works or projects are hereby declared a public nuisance and shall be  
2 subject to abatement as such.

3 For the purposes of this section and RCW 75.20.103, "bed" shall  
4 mean the land below the ordinary high water lines of state waters.  
5 This definition shall not include irrigation ditches, canals, storm  
6 water run-off devices, or other artificial watercourses except where  
7 they exist in a natural watercourse that has been altered by man.

8 The phrase "to construct any form of hydraulic project or perform  
9 other work" shall not include the act of driving across an established  
10 ford. Driving across streams or on wetted stream beds at areas other  
11 than established fords requires approval. Work within the ordinary  
12 high water line of state waters to construct or repair a ford or  
13 crossing requires approval.

14 ~~((For each application, the department of fisheries and the  
15 department of wildlife shall mutually agree on whether the department  
16 of fisheries or the department of wildlife shall administer the  
17 provisions of this section, in order to avoid duplication of effort.  
18 The department designated to act shall cooperate with the other  
19 department in order to protect all species of fish life found at the  
20 project site. If the department of fisheries or the department of  
21 wildlife receives an application concerning a site not in its  
22 jurisdiction, it shall transmit the application to the other department  
23 within three days and notify the applicant.))~~

24 In case of an emergency arising from weather or stream flow  
25 conditions or other natural conditions, the department ~~((of fisheries  
26 or department of wildlife))~~, through ~~((their))~~ its authorized  
27 representatives, shall issue immediately upon request oral approval for  
28 removing any obstructions, repairing existing structures, restoring  
29 stream banks, or to protect property threatened by the stream or a  
30 change in the stream flow without the necessity of obtaining a written  
31 approval prior to commencing work. Conditions of an oral approval  
32 shall be reduced to writing within thirty days and complied with as  
33 provided for in this section. Oral approval shall be granted  
34 immediately upon request, for a stream crossing during an emergency  
35 situation.

36 This section shall not apply to the construction of any form of  
37 hydraulic project or other work which diverts water for agricultural  
38 irrigation or stock watering purposes authorized under or recognized as  
39 being valid by the state's water codes, or when such hydraulic project

1 or other work is associated with streambank stabilization to protect  
2 farm and agricultural land as defined in RCW 84.34.020. These  
3 irrigation or stock watering diversion and streambank stabilization  
4 projects shall be governed by RCW 75.20.103.

5 **Sec. 31.** RCW 75.20.1001 and 1991 c 322 s 12 are each amended to  
6 read as follows:

7 The department (~~(of fisheries and the department of wildlife)~~)  
8 shall process hydraulic project applications submitted under RCW  
9 75.20.100 or 75.20.103 within thirty days of receipt of the  
10 application. This requirement is only applicable for the repair and  
11 reconstruction of legally constructed dikes, seawalls, and other flood  
12 control structures damaged as a result of flooding or windstorms that  
13 occurred in November and December 1990.

14 **Sec. 32.** RCW 75.20.103 and 1991 c 322 s 31 are each amended to  
15 read as follows:

16 In the event that any person or government agency desires to  
17 construct any form of hydraulic project or other work that diverts  
18 water for agricultural irrigation or stock watering purposes, or when  
19 such hydraulic project or other work is associated with streambank  
20 stabilization to protect farm and agricultural land as defined in RCW  
21 84.34.020, and when such diversion or streambank stabilization will  
22 use, divert, obstruct, or change the natural flow or bed of any river  
23 or stream or will utilize any waters of the state or materials from the  
24 stream beds, the person or government agency shall, before commencing  
25 construction or work thereon and to ensure the proper protection of  
26 fish life, secure a written approval from the department (~~(of fisheries  
27 or the department of wildlife)~~) as to the adequacy of the means  
28 proposed for the protection of fish life. This approval shall not be  
29 unreasonably withheld. Except as provided in RCW 75.20.1001 and  
30 75.20.1002, the department (~~(of fisheries or the department of  
31 wildlife)~~) shall grant or deny the approval within forty-five calendar  
32 days of the receipt of a complete application and notice of compliance  
33 with any applicable requirements of the state environmental policy act,  
34 made in the manner prescribed in this section. The applicant may  
35 document receipt of application by filing in person or by registered  
36 mail. A complete application for an approval shall contain general  
37 plans for the overall project, complete plans and specifications of the

1 proposed construction or work within ordinary high water line, and  
2 complete plans and specifications for the proper protection of fish  
3 life. The forty-five day requirement shall be suspended if (1) after  
4 ten working days of receipt of the application, the applicant remains  
5 unavailable or unable to arrange for a timely field evaluation of the  
6 proposed project; (2) the site is physically inaccessible for  
7 inspection; or (3) the applicant requests delay.

8 Immediately upon determination that the forty-five day period is  
9 suspended, the department (~~(of fisheries or the department of~~  
10 ~~wildlife)~~) shall notify the applicant in writing of the reasons for the  
11 delay.

12 An approval shall remain in effect without need for periodic  
13 renewal for projects that divert water for agricultural irrigation or  
14 stock watering purposes and that involve seasonal construction or other  
15 work. Approval for streambank stabilization projects shall remain in  
16 effect without need for periodic renewal if the problem causing the  
17 need for the streambank stabilization occurs on an annual or more  
18 frequent basis. The permittee must notify the appropriate agency  
19 before commencing the construction or other work within the area  
20 covered by the approval.

21 The permittee must demonstrate substantial progress on construction  
22 of that portion of the project relating to the approval within two  
23 years of the date of issuance. If (~~(either)~~) the department (~~(of~~  
24 ~~fisheries or the department of wildlife)~~) denies approval, (~~(that)~~) the  
25 department shall provide the applicant, in writing, a statement of the  
26 specific reasons why and how the proposed project would adversely  
27 affect fish life. Protection of fish life shall be the only ground  
28 upon which approval may be denied or conditioned. Issuance, denial,  
29 conditioning, or modification shall be appealable to the hydraulic  
30 appeals board established in RCW 43.21B.005 within thirty days of the  
31 notice of decision. The burden shall be upon the department (~~(of~~  
32 ~~fisheries or the department of wildlife)~~) to show that the denial or  
33 conditioning of an approval is solely aimed at the protection of fish  
34 life.

35 The department (~~(granting approval)~~) may, after consultation with  
36 the permittee, modify an approval due to changed conditions. The  
37 modifications shall become effective unless appealed to the hydraulic  
38 appeals board within thirty days from the notice of the proposed  
39 modification. The burden is on the department (~~(issuing the approval)~~)

1 to show that changed conditions warrant the modification in order to  
2 protect fish life.

3 A permittee may request modification of an approval due to changed  
4 conditions. The request shall be processed within forty-five calendar  
5 days of receipt of the written request. A decision by the department  
6 (~~that issued the approval~~) may be appealed to the hydraulic appeals  
7 board within thirty days of the notice of the decision. The burden is  
8 on the permittee to show that changed conditions warrant the requested  
9 modification and that such modification will not impair fish life.

10 If any person or government agency commences construction on any  
11 hydraulic works or projects subject to this section without first  
12 having obtained written approval of the department (~~of fisheries or  
13 the department of wildlife~~) as to the adequacy of the means proposed  
14 for the protection of fish life, or if any person or government agency  
15 fails to follow or carry out any of the requirements or conditions as  
16 are made a part of such approval, the person or director of the agency  
17 is guilty of a gross misdemeanor. If any such person or government  
18 agency is convicted of violating any of the provisions of this section  
19 and continues construction on any such works or projects without fully  
20 complying with the provisions hereof, such works or projects are hereby  
21 declared a public nuisance and shall be subject to abatement as such.

22 (~~For each application, the department of fisheries and the  
23 department of wildlife shall mutually agree on whether the department  
24 of fisheries or the department of wildlife shall administer the  
25 provisions of this section, in order to avoid duplication of effort.  
26 The department designated to act shall cooperate with the other  
27 department in order to protect all species of fish life found at the  
28 project site. If the department of fisheries or the department of  
29 wildlife receives an application concerning a site not in its  
30 jurisdiction, it shall transmit the application to the other department  
31 within three days and notify the applicant.))~~

32 In case of an emergency arising from weather or stream flow  
33 conditions or other natural conditions, the department (~~of fisheries  
34 or department of wildlife~~), through (~~their~~) its authorized  
35 representatives, shall issue immediately upon request oral approval for  
36 removing any obstructions, repairing existing structures, restoring  
37 stream banks, or to protect property threatened by the stream or a  
38 change in the stream flow without the necessity of obtaining a written  
39 approval prior to commencing work. Conditions of an oral approval

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

3 For purposes of this chapter, "streambank stabilization" shall  
4 include but not be limited to log and debris removal, bank protection  
5 (including riprap, jetties, and groins), gravel removal and erosion  
6 control.

7 **Sec. 33.** RCW 75.20.104 and 1991 c 322 s 18 are each amended to  
8 read as follows:

9 Whenever the placement of woody debris is required as a condition  
10 of a hydraulic permit approval issued pursuant to RCW 75.20.100 or  
11 75.20.103, the department (~~(of fisheries and the department of~~  
12 ~~wildlife)~~), upon request, shall invite comment regarding that placement  
13 from the local governmental authority, affected tribes, affected  
14 federal and state agencies, and the project applicant.

15 **Sec. 34.** RCW 75.20.1041 and 1991 c 322 s 19 are each amended to  
16 read as follows:

17 The department (~~(of fisheries, the department of wildlife,~~) and  
18 the department of ecology will work cooperatively with the United  
19 States army corps of engineers to develop a memorandum of agreement  
20 outlining dike vegetation management guidelines so that dike owners are  
21 eligible for coverage under P.L. 84-99, and state requirements  
22 established pursuant to RCW 75.20.100 and 75.20.103 are met.

23 **Sec. 35.** RCW 75.20.106 and 1988 c 36 s 35 are each amended to read  
24 as follows:

25 The department (~~(of fisheries and the department of wildlife)~~) may  
26 (~~each~~) levy civil penalties of up to one hundred dollars per day for  
27 violation of any provisions of RCW 75.20.100 or 75.20.103. The penalty  
28 provided shall be imposed by notice in writing, either by certified  
29 mail or personal service to the person incurring the penalty, from the  
30 director (~~(of the appropriate department)~~) or (~~that~~) the director's  
31 designee describing the violation. Any person incurring any penalty  
32 under this chapter may appeal the same under chapter 34.05 RCW to the  
33 director (~~(of the department levying the penalty)~~). Appeals shall be  
34 filed within thirty days of receipt of notice imposing any penalty.  
35 The penalty imposed shall become due and payable thirty days after  
36 receipt of a notice imposing the penalty unless an appeal is filed.

1 Whenever an appeal of any penalty incurred under this chapter is filed,  
2 the penalty shall become due and payable only upon completion of all  
3 review proceedings and the issuance of a final order confirming the  
4 penalty in whole or in part.

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

14 **Sec. 36.** RCW 75.20.110 and 1988 c 36 s 36 are each amended to read  
15 as follows:

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

22 (2) Within the sanctuary area:

23 (a) It is unlawful to construct a dam greater than twenty-five feet  
24 high within the migration range of anadromous fish as (~~(jointly))~~  
25 determined by the director (~~(of fisheries and the director of~~  
26 ~~wildlife))~~).

27 (b) Except by (~~(concurrent))~~) order of the director (~~(of fisheries~~  
28 ~~and director of wildlife))~~), it is unlawful to divert water from rivers  
29 and streams in quantities that will reduce the respective stream flow  
30 below the annual average low flow, based upon data published in United  
31 States geological survey reports.

32 (3) The director (~~(of fisheries and the director of wildlife))~~) may  
33 acquire and abate a dam or other obstruction, or acquire any water  
34 right vested on a sanctuary stream or river, which is in conflict with  
35 the provisions of subsection (2) of this section.

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

1       **Sec. 37.** RCW 75.20.130 and 1989 c 175 s 160 are each amended to  
2 read as follows:

3       (1) There is hereby created within the environmental hearings  
4 office under RCW 43.21B.005 the hydraulic appeals board of the state of  
5 Washington.

6       (2) The hydraulic appeals board shall consist of three members:  
7 The director of the department of ecology or the director's designee,  
8 the director of the department of agriculture or the director's  
9 designee, and the director or the director's designee of the department  
10 whose action is appealed under subsection (6) of this section. A  
11 decision must be agreed to by at least two members of the board to be  
12 final.

13       (3) The board may adopt rules necessary for the conduct of its  
14 powers and duties or for transacting other official business.

15       (4) The board shall make findings of fact and prepare a written  
16 decision in each case decided by it, and that finding and decision  
17 shall be effective upon being signed by two or more board members and  
18 upon being filed at the hydraulic appeals board's principal office, and  
19 shall be open to public inspection at all reasonable times.

20       (5) The board has exclusive jurisdiction to hear appeals arising  
21 from the approval, denial, conditioning, or modification of a hydraulic  
22 approval issued by ((either)) the department ((of fisheries or the  
23 department of wildlife)) under the authority granted in RCW 75.20.103  
24 for the diversion of water for agricultural irrigation or stock  
25 watering purposes or when associated with streambank stabilization to  
26 protect farm and agricultural land as defined in RCW 84.34.020.

27       (6)(a) Any person aggrieved by the approval, denial, conditioning,  
28 or modification of a hydraulic approval pursuant to RCW 75.20.103 may  
29 seek review from the board by filing a request for the same within  
30 thirty days of notice of the approval, denial, conditioning, or  
31 modification of such approval.

32       (b) The review proceedings authorized in (a) of this subsection are  
33 subject to the provisions of chapter 34.05 RCW pertaining to procedures  
34 in adjudicative proceedings.

35       **Sec. 38.** RCW 75.20.300 and 1989 c 213 s 3 are each amended to read  
36 as follows:

37       (1) The legislature intends to expedite flood-control, acquisition  
38 of sites for sediment retention, and dredging operations in those

1 rivers affected by the May 1980 eruption of Mt. St. Helens, while  
2 continuing to protect the fish resources of these rivers.

3 (2) The director (~~of fisheries and director of wildlife~~) shall  
4 process hydraulic project applications submitted under RCW 75.20.100  
5 within fifteen working days of receipt of the application. This  
6 requirement is only applicable to flood control and dredging projects  
7 located in the Cowlitz river from mile 22 to the confluence with the  
8 Columbia, and in the Toutle river from the mouth to the North Fork  
9 Toutle sediment dam site at North Fork mile 12, and to river mile 3 on  
10 the South Fork Toutle river, and volcano-affected areas of the Columbia  
11 river.

12 (3) For the purposes of this section, the emergency provisions of  
13 RCW 75.20.100 may be initiated by the county legislative authority if  
14 the project is necessary to protect human life or property from flood  
15 hazards, including:

16 (a) Flood fight measures necessary to provide protection during a  
17 flood event; or

18 (b) Measures necessary to reduce or eliminate a potential flood  
19 threat when other alternative measures are not available or cannot be  
20 completed prior to the expected flood threat season; or

21 (c) Measures which must be initiated and completed within an  
22 immediate period of time and for which processing of the request  
23 through normal methods would cause a delay to the project and such  
24 delay would significantly increase the potential for damages from a  
25 flood event.

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

29 (5) This section expires on June 30, 1995.

30 **Sec. 39.** RCW 75.20.310 and 1988 c 36 s 39 are each amended to read  
31 as follows:

32 The legislature recognizes the need to mitigate the effects of  
33 sedimentary build-up and resultant damage to fish population in the  
34 Toutle river resulting from the Mt. St. Helens eruption. The state has  
35 entered into a contractual agreement with the United States army corps  
36 of engineers designed to minimize fish habitat disruption created by  
37 the sediment retention structure on the Toutle river, under which the  
38 corps has agreed to construct a fish collection facility at the

1 sediment retention structure site conditional upon the state assuming  
2 the maintenance and operation costs of the facility. The department  
3 (~~(of wildlife and the department of fisheries)~~) shall (~~(cooperatively)~~)  
4 operate and maintain a fish collection facility on the Toutle river.  
5 (~~(Each agency shall share in the cost of operating and maintaining the~~  
6 ~~facility.)~~)

7 **Sec. 40.** RCW 75.24.065 and 1985 c 256 s 2 are each amended to read  
8 as follows:

9 The legislature finds that current environmental and economic  
10 conditions warrant a renewal of the state's historical practice of  
11 actively cultivating and managing its oyster reserves in Puget Sound to  
12 produce the state's native oyster, the Olympia oyster. The department  
13 (~~(of fisheries)~~) shall reestablish dike cultivated production of  
14 Olympia oysters on such reserves on a trial basis as a tool for  
15 planning more comprehensive cultivation by the state.

16 **Sec. 41.** RCW 75.25.005 and 1989 c 305 s 1 are each amended to read  
17 as follows:

18 The following recreational fishing licenses are administered and  
19 issued by the department (~~(of fisheries)~~) under authority of the  
20 director (~~(of fisheries)~~):

- 21 (1) Hood Canal shrimp license;
- 22 (2) Razor clam license;
- 23 (3) Personal use fishing license;
- 24 (4) Salmon license; and
- 25 (5) Sturgeon license.

26 **Sec. 42.** RCW 75.25.080 and 1989 c 305 s 4 are each amended to read  
27 as follows:

28 (1) It is lawful to dig the personal-use daily bag limit of razor  
29 clams for another person if that person has in possession a physical  
30 disability permit issued by the director.

31 (2) An application for a physical disability permit must be  
32 submitted on a department (~~(of fisheries)~~) official form and must be  
33 accompanied by a licensed medical doctor's certification of disability.

34 **Sec. 43.** RCW 75.25.170 and 1989 c 305 s 16 are each amended to  
35 read as follows:

1 Fees received for recreational licenses required under this chapter  
2 shall be deposited in the general fund and shall be appropriated for  
3 management, enhancement, research, and enforcement purposes of the  
4 shellfish, salmon, and marine fish programs of the department ((of  
5 fisheries)).

6 **Sec. 44.** RCW 75.25.180 and 1989 c 305 s 14 are each amended to  
7 read as follows:

8 Recreational licenses issued by the department ((of fisheries))  
9 under this chapter are valid for the following periods:

10 (1) Recreational licenses issued without charge to persons  
11 designated by this chapter are valid:

12 (a) For life for blind persons;

13 (b) For the period of continued state residency for qualified  
14 disabled veterans;

15 (c) For the period of continued state residency for persons sixty-  
16 five years of age or more;

17 (d) For the period of the disability for persons with a  
18 developmental disability;

19 (e) For life for handicapped persons confined to a wheelchair who  
20 have been issued a permanent disability card; and

21 (f) Until a child reaches fifteen years of age.

22 (2) Two-consecutive-day personal use licenses expire at midnight on  
23 the day following the validation date written on the license by the  
24 license dealer, except two-consecutive-day personal use licenses  
25 validated for December 31 expire at midnight on that date.

26 (3) An annual salmon license is valid for a maximum catch of  
27 fifteen salmon, after which another salmon license may be purchased.  
28 A salmon license is valid only for the calendar year for which it is  
29 issued.

30 (4) An annual sturgeon license is valid for a maximum catch of  
31 fifteen sturgeon. A sturgeon license is valid only for the calendar  
32 year for which it is issued.

33 (5) All other recreational licenses are valid for the calendar year  
34 for which they are issued.

35 **Sec. 45.** RCW 75.50.010 and 1985 c 458 s 1 are each amended to read  
36 as follows:

1 Currently, many of the salmon stocks of Washington state are  
2 critically reduced from their sustainable level. The best interests of  
3 all fishing groups and the citizens as a whole are served by a stable  
4 and productive salmon resource. Immediate action is needed to reverse  
5 the severe decline of the resource and to insure its very survival.  
6 The legislature finds a state of emergency exists and that immediate  
7 action is required to restore its fishery.

8 Disagreement and strife have dominated the salmon fisheries for  
9 many years. Conflicts among the various fishing interests have only  
10 served to erode the resource. It is time for the state of Washington  
11 to make a major commitment to increasing productivity of the resource  
12 and to move forward with an effective rehabilitation and enhancement  
13 program. The department (~~(of fisheries)~~) is directed to dedicate its  
14 efforts (~~(to make increasing the productivity of the salmon resource a~~  
15 ~~first priority and)~~) to seek resolution to the many conflicts that  
16 involve the resource.

17 Success of the enhancement program can only occur if projects  
18 efficiently produce salmon or restore habitat. The expectation of the  
19 program is to optimize the efficient use of funding on projects that  
20 will increase artificially and naturally produced salmon, restore and  
21 improve habitat, or identify ways to increase the survival of salmon.  
22 The full utilization of state resources and cooperative efforts with  
23 interested groups are essential to the success of the program.

24 **Sec. 46.** RCW 75.50.070 and 1989 c 426 s 1 are each amended to read  
25 as follows:

26 The legislature finds that it is in the best interest of the salmon  
27 resource of the state to encourage the development of regional  
28 fisheries enhancement groups. The accomplishments of one existing  
29 group, the Grays Harbor fisheries enhancement task force, have been  
30 widely recognized as being exemplary. The legislature recognizes the  
31 potential benefits to the state that would occur if each region of the  
32 state had a similar group of dedicated citizens working to enhance the  
33 salmon resource.

34 The legislature authorizes the formation of regional fisheries  
35 enhancement groups. These groups shall be eligible for state financial  
36 support and shall be actively supported by the department (~~(of~~  
37 ~~fisheries)~~). The regional groups shall be operated on a strictly  
38 nonprofit basis, and shall seek to maximize the efforts of volunteer

1 and private donations to improve the salmon resource for all citizens  
2 of the state.

3 **Sec. 47.** RCW 75.50.080 and 1989 c 426 s 4 are each amended to read  
4 as follows:

5 Regional fisheries enhancement groups, consistent with the long-  
6 term regional policy statements developed under RCW 75.50.020, shall  
7 seek to:

8 (1) Enhance the salmon resource of the state;

9 (2) Maximize volunteer efforts and private donations to improve the  
10 salmon resource for all citizens;

11 (3) Assist the department in achieving the goal to double the  
12 state-wide salmon catch by the year 2000 under chapter 214, Laws of  
13 1988; and

14 (4) Develop projects designed to supplement the fishery enhancement  
15 capability of the department (~~(of fisheries)~~).

16 **Sec. 48.** RCW 75.50.130 and 1992 c 88 s 1 are each amended to read  
17 as follows:

18 The director (~~(of fisheries)~~) shall prepare a salmon recovery plan  
19 for the Skagit river. The plan shall include strategies for employing  
20 displaced timber workers to conduct salmon restoration and other tasks  
21 identified in the plan. The plan shall incorporate the best available  
22 technology in order to achieve maximum restoration of depressed salmon  
23 stocks. The plan must encourage the restoration of natural spawning  
24 areas and natural rearing of salmon but must not preclude the  
25 development of an active hatchery program.

26 **Sec. 49.** RCW 75.52.010 and 1988 c 36 s 41 are each amended to read  
27 as follows:

28 The fish and (~~(game)~~) wildlife resources of the state benefit by  
29 the contribution of volunteer recreational and commercial fishing  
30 organizations, schools, and other volunteer groups in cooperative  
31 projects under agreement with the department (~~(of fisheries or the~~  
32 ~~department of wildlife)~~). These projects provide educational  
33 opportunities, improve the communication between the natural resources  
34 agencies and the public, and increase the fish and game resources of  
35 the state. In an effort to increase these benefits and realize the  
36 full potential of cooperative projects, the department (~~(of fisheries~~

1 ~~and the department of wildlife each))~~ shall administer a cooperative  
2 fish and wildlife enhancement program and enter agreements with  
3 volunteer groups relating to the operation of cooperative projects.

4 **Sec. 50.** RCW 75.52.020 and 1988 c 36 s 42 are each amended to read  
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in  
7 this section apply throughout this chapter.

8 (1) "Volunteer group" means any person or group of persons  
9 interested in or party to an agreement with the department (~~of~~  
10 ~~fisheries or the department of wildlife~~) relating to a cooperative  
11 fish or (~~game~~) wildlife project.

12 (2) "Cooperative project" means a project conducted by a volunteer  
13 group that will benefit the fish, shellfish, game bird, nongame  
14 wildlife, or game animal resources of the state and for which the  
15 benefits of the project, including fish and (~~game~~) wildlife reared  
16 and released, are available to all citizens of the state. Indian  
17 tribes may elect to participate in cooperative fish and wildlife  
18 projects with the department.

19 (3) "Department" means (~~either~~) the department of (~~fisheries or~~  
20 ~~the department of~~) fish and wildlife (~~(, whichever is responsible for~~  
21 ~~managing the species of fish or game most affected by the cooperative~~  
22 ~~project))~~).

23 **Sec. 51.** RCW 75.52.035 and 1987 c 48 s 1 are each amended to read  
24 as follows:

25 The department (~~of fisheries~~) may authorize the sale of surplus  
26 salmon eggs and carcasses by permitted cooperative projects for the  
27 purposes of defraying the expenses of the cooperative project. In no  
28 instance shall the department allow a profit to be realized through  
29 such sales. The department shall adopt rules to implement this section  
30 pursuant to chapter 34.05 RCW.

31 **Sec. 52.** RCW 75.52.100 and 1989 c 85 s 3 are each amended to read  
32 as follows:

33 A salmon spawning channel shall be constructed on the Cedar river  
34 with the assistance and cooperation of the (~~state~~) department (~~of~~  
35 ~~fisheries~~). The department shall use existing personnel and the  
36 volunteer fisheries enhancement program outlined under chapter 75.52

1 RCW to assist in the planning, construction, and operation of the  
2 spawning channel.

3 **Sec. 53.** RCW 75.52.110 and 1989 c 85 s 4 are each amended to read  
4 as follows:

5 The department (~~(of fisheries)~~) shall chair a technical committee,  
6 which shall review the preparation of enhancement plans and  
7 construction designs for a Cedar river sockeye spawning channel. The  
8 technical committee shall consist of not more than eight members: One  
9 representative each from the department (~~(of fisheries)~~), national  
10 marine fisheries service, United States fish and wildlife service, and  
11 Muckleshoot Indian tribe; and four representatives from the public  
12 utility described in RCW 75.52.130. The technical committee will be  
13 guided by a policy committee, also to be chaired by the department (~~(of~~  
14 ~~fisheries)~~), which shall consist of not more than six members: One  
15 representative from the department (~~(of fisheries)~~), one from the  
16 Muckleshoot Indian tribe, and one from either the national marine  
17 fisheries service or the United States fish and wildlife service; and  
18 three representatives from the public utility described in RCW  
19 75.52.130. The policy committee shall present a progress report to the  
20 senate and house of representatives natural resources and environment  
21 committees by January 1, 1990, and shall oversee the operation and  
22 evaluation of the spawning channel. The policy committee will continue  
23 its oversight until the policy committee concludes that the channel is  
24 meeting the production goals specified in RCW 75.52.120.

25 **Sec. 54.** RCW 75.52.160 and 1989 c 85 s 10 are each amended to read  
26 as follows:

27 Should the requirements of RCW 75.52.100 through 75.52.160 not be  
28 met, the department (~~(of fisheries)~~) shall seek immediate legal  
29 clarification of the steps which must be taken to fully mitigate water  
30 diversion projects on the Cedar river.

31 **Sec. 55.** RCW 75.58.010 and 1988 c 36 s 43 are each amended to read  
32 as follows:

33 (1) The director of agriculture and the director (~~(of fisheries)~~)  
34 shall jointly develop a program of disease inspection and control for  
35 aquatic farmers as defined in RCW 15.85.020. The program shall be  
36 administered by the department (~~(of fisheries)~~) under rules established

1 under this section. The purpose of the program is to protect the  
2 aquaculture industry and wildstock fisheries from a loss of  
3 productivity due to aquatic diseases or maladies. As used in this  
4 section "diseases" means, in addition to its ordinary meaning,  
5 infestations of parasites or pests. The disease program may include,  
6 but is not limited to, the following elements:

7 (a) Disease diagnosis;

8 (b) Import and transfer requirements;

9 (c) Provision for certification of stocks;

10 (d) Classification of diseases by severity;

11 (e) Provision for treatment of selected high-risk diseases;

12 (f) Provision for containment and eradication of high-risk  
13 diseases;

14 (g) Provision for destruction of diseased cultured aquatic  
15 products;

16 (h) Provision for quarantine of diseased cultured aquatic products;

17 (i) Provision for coordination with state and federal agencies;

18 (j) Provision for development of preventative or control measures;

19 (k) Provision for cooperative consultation service to aquatic  
20 farmers; and

21 (l) Provision for disease history records.

22 (2) The director (~~(of fisheries)~~) shall adopt rules implementing  
23 this section. However, such rules shall have the prior approval of the  
24 director of agriculture and shall provide therein that the director of  
25 agriculture has provided such approval. The director of agriculture or  
26 the director's designee shall attend the rule-making hearings conducted  
27 under chapter 34.05 RCW and shall assist in conducting those hearings.  
28 The authorities granted the department (~~(of fisheries)~~) by these rules  
29 and by RCW 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020,  
30 75.58.030, and 75.58.040 constitute the only authorities of the  
31 department (~~(of fisheries)~~) to regulate private sector cultured aquatic  
32 products and aquatic farmers as defined in RCW 15.85.020. Except as  
33 provided in subsection (3) of this section, no action may be taken  
34 against any person to enforce these rules unless the department has  
35 first provided the person an opportunity for a hearing. In such a  
36 case, if the hearing is requested, no enforcement action may be taken  
37 before the conclusion of that hearing.

38 (3) The rules adopted under this section shall specify the  
39 emergency enforcement actions that may be taken by the department (~~(of~~

1 fisheries)), and the circumstances under which they may be taken,  
2 without first providing the affected party with an opportunity for a  
3 hearing. Neither the provisions of this subsection nor the provisions  
4 of subsection (2) of this section shall preclude the department ((of  
5 fisheries)) from requesting the initiation of criminal proceedings for  
6 violations of the disease inspection and control rules.

7 (4) It is unlawful for any person to violate the rules adopted  
8 under subsection (2) or (3) of this section or to violate RCW  
9 75.58.040.

10 (5) In administering the program established under this section,  
11 the department ((of fisheries)) shall use the services of a pathologist  
12 licensed to practice veterinary medicine.

13 (6) The director in administering the program shall not place  
14 constraints on or take enforcement actions in respect to the  
15 aquaculture industry that are more rigorous than those placed on the  
16 department ((of fisheries, the department of wildlife,)) or other fish-  
17 rearing entities.

18 **Sec. 56.** RCW 75.58.020 and 1985 c 457 s 9 are each amended to read  
19 as follows:

20 The directors of agriculture and ((fisheries)) fish and wildlife  
21 shall jointly adopt by rule, in the manner prescribed in RCW  
22 75.58.010(2), a schedule of user fees for the disease inspection and  
23 control program established under RCW 75.58.010. The fees shall be  
24 established such that the program shall be entirely funded by revenues  
25 derived from the user fees by the beginning of the 1987-89 biennium.

26 There is established in the state treasury an account known as the  
27 aquaculture disease control account which is subject to appropriation.  
28 Proceeds of fees charged under this section shall be deposited in the  
29 account. Moneys from the account shall be used solely for  
30 administering the disease inspection and control program established  
31 under RCW 75.58.010.

32 **Sec. 57.** RCW 75.58.030 and 1988 c 36 s 44 are each amended to read  
33 as follows:

34 (1) The director ((of fisheries)) shall consult regarding the  
35 disease inspection and control program established under RCW 75.58.010  
36 with ((the department of wildlife,)) federal agencies((,)) and Indian  
37 tribes to assure protection of state, federal, and tribal aquatic

1 resources and to protect private sector cultured aquatic products from  
2 disease that could originate from waters or facilities managed by those  
3 agencies.

4 (2) With regard to the program, the director (~~(of fisheries)~~) may  
5 enter into contracts or interagency agreements for diagnostic field  
6 services with government agencies and institutions of higher education  
7 and private industry.

8 (3) The director (~~(of fisheries)~~) shall provide for the creation  
9 and distribution of a roster of biologists having a speciality in the  
10 diagnosis or treatment of diseases of fish or shellfish. The director  
11 shall adopt rules specifying the qualifications which a person must  
12 have in order to be placed on the roster.

13 **Sec. 58.** RCW 75.58.040 and 1988 c 36 s 45 are each amended to read  
14 as follows:

15 All aquatic farmers as defined in RCW 15.85.020 shall register with  
16 the department (~~(of fisheries)~~). The director shall develop and  
17 maintain a registration list of all aquaculture farms. Registered  
18 aquaculture farms shall provide the department production statistical  
19 data. The state veterinarian (~~(and the department of wildlife)~~) shall  
20 be provided with registration and statistical data by the department.

21 **Sec. 59.** RCW 77.04.020 and 1987 c 506 s 4 are each amended to read  
22 as follows:

23 The department (~~(of wildlife)~~) consists of the state fish and  
24 wildlife commission and the director (~~(of wildlife)~~). The director is  
25 responsible for the administration and operation of the department,  
26 subject to the provisions of this title. The commission may delegate  
27 to the director additional duties and powers necessary and appropriate  
28 to carry out this title. The director shall perform the duties  
29 prescribed by law and shall carry out the basic goals and objectives  
30 prescribed pursuant to RCW 77.04.055.

31 **Sec. 60.** RCW 77.04.030 and 1987 c 506 s 5 are each amended to read  
32 as follows:

33 The state wildlife commission consists of (~~(six)~~) nine registered  
34 voters of the state. In January of each odd-numbered year, the  
35 governor shall appoint with the advice and consent of the senate two  
36 registered voters to the commission to serve for terms of six years

1 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 the  
6 Cascade mountains, and three shall be residents of that portion of the  
7 state lying west of the summit of the Cascade mountains. Three  
8 additional members shall be appointed at-large effective July 1, 1993;  
9 one of whom shall serve a one and one-half year term to end December  
10 31, 1994; one of whom shall serve a three and one-half year term to end  
11 December 31, 1996; and one of whom shall serve a five and one-half year  
12 term to end December 31, 1998. Thereafter all members are to serve a  
13 six-year term. No two members may be residents of the same county.  
14 The legal office of the commission is at the administrative office of  
15 the department in Olympia.

16 **Sec. 61.** RCW 77.04.040 and 1987 c 506 s 6 are each amended to read  
17 as follows:

18 Persons eligible for appointment as members of the commission shall  
19 have general knowledge of the habits and distribution of game fish and  
20 wildlife and shall not hold another state, county, or municipal  
21 elective or appointive office. In making these appointments, the  
22 governor shall seek to maintain a balance reflecting all aspects of  
23 game fish and wildlife. Persons eligible for appointment as wildlife  
24 commissioners shall not have a monetary interest in any private  
25 business that is involved with consumptive or nonconsumptive use of  
26 game fish or wildlife.

27 **Sec. 62.** RCW 77.04.055 and 1990 c 84 s 2 are each amended to read  
28 as follows:

29 ~~(1) ((In addition to any other duties and responsibilities, the~~  
30 ~~commission shall establish, and periodically review with the governor~~  
31 ~~and the legislature, the department's basic goals and objectives to~~  
32 ~~preserve, protect, and perpetuate wildlife and wildlife habitat. The~~  
33 ~~commission shall maximize hunting and fishing recreational~~  
34 ~~opportunities)) In establishing policies to preserve, protect, and~~  
35 ~~perpetuate wildlife, game fish, and wildlife and game fish habitat, the~~  
36 ~~commission shall meet annually with the governor to:~~

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

3 (b) Review the performance of the department in implementing game  
4 fish and wildlife policies.

5 The commission shall maximize game fish, hunting, and outdoor  
6 recreational opportunities compatible with healthy and diverse fish and  
7 wildlife populations.

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

11 **Sec. 63.** RCW 77.04.060 and 1987 c 506 s 8 and 1987 c 114 s 1 are  
12 each reenacted and amended to read as follows:

13 The commission shall hold at least one regular meeting during the  
14 first two months of each calendar quarter, and special meetings when  
15 called by the ~~((chairman or))~~ chair and by ~~((four))~~ five members.  
16 ~~((Four))~~ Five members constitute a quorum for the transaction of  
17 business.

18 The commission at a meeting in each odd-numbered year shall elect  
19 one of its members as chairman and another member as vice chairman,  
20 each of whom shall serve for a term of two years or until a successor  
21 is elected and qualified.

22 Members of the commission shall be compensated in accordance with  
23 RCW 43.03.250. In addition, members are allowed their travel expenses  
24 incurred while absent from their usual places of residence in  
25 accordance with RCW 43.03.050 and 43.03.060.

26 **Sec. 64.** RCW 77.04.080 and 1987 c 506 s 9 are each amended to read  
27 as follows:

28 Persons eligible for appointment by the governor as director shall  
29 have practical knowledge of the habits and distribution of fish and  
30 wildlife. The governor shall seek recommendations from the commission  
31 on the qualifications, skills, and experience necessary to discharge  
32 the duties of the position. When considering and selecting the  
33 director, the governor shall consult with and be advised by the  
34 commission. The director shall receive the salary fixed by the  
35 governor under RCW 43.03.040.

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

1 The director may appoint and employ necessary departmental  
2 personnel. The director may delegate to department personnel the  
3 duties and powers necessary for efficient operation and administration  
4 of the department. The department shall provide staff for the  
5 commission.

6 **Sec. 65.** RCW 77.04.100 and 1985 c 208 s 2 are each amended to read  
7 as follows:

8 The director(~~(, in cooperation with the director of fisheries))~~  
9 shall develop proposals to reinstate the natural salmon and steelhead  
10 trout fish runs in the Tilton and upper Cowlitz rivers in accordance  
11 with RCW 75.08.020(3).

12 **Sec. 66.** RCW 77.08.010 and 1989 c 297 s 7 are each amended to read  
13 as follows:

14 As used in this title or rules adopted pursuant to this title,  
15 unless the context clearly requires otherwise:

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

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

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

19 (4) "Person" means and includes an individual, a corporation, or a  
20 group of two or more individuals acting with a common purpose whether  
21 acting in an individual, representative, or official capacity.

22 (5) "Wildlife agent" means a person appointed and commissioned by  
23 the director, with authority to enforce laws and rules adopted pursuant  
24 to this title, and other statutes as prescribed by the legislature.

25 (6) "Ex officio wildlife agent" means a commissioned officer of a  
26 municipal, county, state, or federal agency having as its primary  
27 function the enforcement of criminal laws in general, while the officer  
28 is in the appropriate jurisdiction. The term "ex officio wildlife  
29 agent" includes fisheries patrol officers, special agents of the  
30 national marine fisheries ~~((commission))~~ service, state parks  
31 commissioned officers, United States fish and wildlife special agents,  
32 department of natural resources enforcement officers, and United States  
33 forest service officers, while the agents and officers are within their  
34 respective jurisdictions.

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

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

3       (9) "To fish" and its derivatives means an effort to kill, injure,  
4 harass, or catch a game fish.

5       (10) "Open season" means those times, manners of taking, and places  
6 or waters established by rule of the commission for the lawful hunting,  
7 fishing, or possession of game animals, game birds, or game fish.  
8 "Open season" includes the first and last days of the established time.

9       (11) "Closed season" means all times, manners of taking, and places  
10 or waters other than those established as an open season.

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

13       (13) "Closed waters" means all or part of a lake, river, stream, or  
14 other body of water, where fishing for game fish is prohibited.

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

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

21       (16) "Wildlife" means all species of the animal kingdom whose  
22 members exist in Washington in a wild state. This includes but is not  
23 limited to mammals, birds, reptiles, amphibians, fish, and  
24 invertebrates. The term "wildlife" does not include feral domestic  
25 mammals, the family Muridae of the order Rodentia (old world rats and  
26 mice), or those fish, shellfish, and marine invertebrates classified as  
27 food fish or shellfish by the director (~~(of fisheries)~~). The term  
28 "wildlife" includes all stages of development and the bodily parts of  
29 wildlife members.

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

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

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

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

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

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

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

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

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

14 (26) "Game farm" means property on which wildlife is held or raised  
15 for commercial purposes, trade, or gift. The term "game farm" does not  
16 include publicly owned facilities.

17 (27) "Person of disability" means a permanently disabled person who  
18 is not ambulatory without the assistance of a wheelchair, crutches, or  
19 similar devices.

20 **Sec. 67.** RCW 77.12.055 and 1988 c 36 s 50 are each amended to read  
21 as follows:

22 (1) Jurisdiction and authority granted under RCW 77.12.060,  
23 77.12.070, and 77.12.080 to the director, wildlife agents, and ex  
24 officio wildlife agents is limited to the laws and rules adopted  
25 pursuant to this title pertaining to wildlife or to the management,  
26 operation, maintenance, or use of or conduct on real property used,  
27 owned, leased, or controlled by the department and other statutes as  
28 prescribed by the legislature. However, when acting within the scope  
29 of these duties and when an offense occurs in the presence of the  
30 wildlife agent who is not an ex officio wildlife agent, the wildlife  
31 agent may enforce all criminal laws of the state. The wildlife agent  
32 must have successfully completed the basic law enforcement academy  
33 course sponsored by the criminal justice training commission, or a  
34 supplemental course in criminal law enforcement as approved by the  
35 department and the criminal justice training commission and provided by  
36 the department or the criminal justice training commission, prior to  
37 enforcing the criminal laws of the state.

38 (2) Wildlife agents are peace officers.

1 (3) Any liability or claim of liability which arises out of the  
2 exercise or alleged exercise of authority by a wildlife agent rests  
3 with the department unless the wildlife agent acts under the direction  
4 and control of another agency or unless the liability is otherwise  
5 assumed under a written agreement between the department ((of  
6 wildlife)) and another agency.

7 (4) Wildlife agents may serve and execute warrants and processes  
8 issued by the courts.

9 **Sec. 68.** RCW 77.12.103 and 1989 c 314 s 3 are each amended to read  
10 as follows:

11 (1) The burden of proof of any exemption or exception to seizure or  
12 forfeiture of personal property involved with wildlife offenses is upon  
13 the person claiming it.

14 (2) An authorized state, county, or municipal officer may be  
15 subject to civil liability under RCW 77.12.101 for willful misconduct  
16 or gross negligence in the performance of his or her duties.

17 (3) The director ((of wildlife)), the fish and wildlife commission,  
18 or the department ((of wildlife)) may be subject to civil liability for  
19 their willful or reckless misconduct in matters involving the seizure  
20 and forfeiture of personal property involved with wildlife offenses.

21 **Sec. 69.** RCW 77.12.440 and 1987 c 506 s 47 are each amended to  
22 read as follows:

23 The state assents to the act of congress entitled: "An Act to  
24 provide that the United States shall aid the states in fish restoration  
25 and management projects, and for other purposes," (64 Stat. 430; 16  
26 U.S.C. Sec. 777). The department ((of wildlife and the department of  
27 fisheries)) shall establish, conduct, and maintain fish restoration and  
28 management projects, as defined in the act, and shall comply with the  
29 act and related rules adopted by the secretary of the interior.

30 **Sec. 70.** RCW 77.12.710 and 1990 c 110 s 2 are each amended to read  
31 as follows:

32 The legislature hereby directs the department ((of wildlife)) to  
33 determine the feasibility and cost of doubling the state-wide game fish  
34 production by the year 2000. The department shall seek to equalize the  
35 effort and investment expended on anadromous and resident game fish  
36 programs. The department ((of wildlife)) shall provide the legislature

1 with a specific plan for legislative approval that will outline the  
2 feasibility of increasing game fish production by one hundred percent  
3 over current levels by the year 2000. The plan shall contain specific  
4 provisions to increase both hatchery and naturally spawning game fish  
5 to a level that will support the production goal established in this  
6 section consistent with ((wildlife commission)) department policies.  
7 Steelhead trout, searun cutthroat trout, resident trout, and warmwater  
8 fish producing areas of the state shall be included in the plan. The  
9 department ((of wildlife)) shall provide the plan to the house of  
10 representatives and senate ways and means, environment and natural  
11 resources, environmental affairs, fisheries and wildlife, and natural  
12 resources committees by December 31, 1990.

13 The plan shall include the following critical elements:

14 (1) Methods of determining current catch and production, and catch  
15 and production in the year 2000;

16 (2) Methods of involving fishing groups, including Indian tribes,  
17 in a cooperative manner;

18 (3) Methods for using low capital cost projects to produce game  
19 fish as inexpensively as possible;

20 (4) Methods for renovating and modernizing all existing hatcheries  
21 and rearing ponds to maximize production capability;

22 (5) Methods for increasing the productivity of natural spawning  
23 game fish;

24 (6) Application of new technology to increase hatchery and natural  
25 productivity;

26 (7) Analysis of the potential for private contractors to produce  
27 game fish for public fisheries;

28 (8) Methods to optimize public volunteer efforts and cooperative  
29 projects for maximum efficiency;

30 (9) Methods for development of trophy game fish fisheries;

31 (10) Elements of coordination with the Pacific Northwest Power  
32 Council programs to ensure maximum Columbia river benefits;

33 (11) The role that should be played by private consulting companies  
34 in developing and implementing the plan;

35 (12) Coordination with federal fish and wildlife agencies, Indian  
36 tribes, and department ((of fisheries)) fish production programs;

37 (13) Future needs for game fish predator control measures;

38 (14) Development of disease control measures;

1 (15) Methods for obtaining access to waters currently not available  
2 to anglers; and

3 (16) Development of research programs to support game fish  
4 management and enhancement programs.

5 The department (~~of wildlife~~), in cooperation with the department  
6 of revenue, shall assess various funding mechanisms and make  
7 recommendations to the legislature in the plan. The department (~~of  
8 wildlife~~), in cooperation with the department of trade and economic  
9 development, shall prepare an analysis of the economic benefits to the  
10 state that will occur when the game fish production is increased by one  
11 hundred percent in the year 2000.

12 **Sec. 71.** RCW 77.12.730 and 1990 c 195 s 3 are each amended to read  
13 as follows:

14 (1) A ten-member firearms range advisory committee is hereby  
15 created to provide advice and counsel to the interagency committee for  
16 outdoor recreation. The members shall be appointed by the director of  
17 the interagency committee for outdoor recreation from the following  
18 groups:

- 19 (a) Law enforcement;
- 20 (b) Washington military department;
- 21 (c) Black powder shooting sports;
- 22 (d) Rifle shooting sports;
- 23 (e) Pistol shooting sports;
- 24 (f) Shotgun shooting sports;
- 25 (g) Archery shooting sports;
- 26 (h) Hunter education;
- 27 (i) Hunters; and
- 28 (j) General public.

29 (2) The firearms range advisory committee members shall serve two-  
30 year terms with five new members being selected each year beginning  
31 with the third year of the committee's existence. The firearms range  
32 advisory committee members shall not receive compensation from the  
33 firearms range account. However, travel and per diem costs shall be  
34 paid consistent with regulations for state employees.

35 (3) The interagency committee for outdoor recreation shall provide  
36 administrative, operational, and logistical support for the firearms  
37 range advisory committee. Expenses directly incurred for supporting  
38 this program may be charged by the interagency committee for outdoor

1 recreation against the firearms range account. Expenses shall not  
2 exceed ten percent of the yearly income for the range account.

3 (4) The interagency committee for outdoor recreation shall in  
4 cooperation with the firearms range advisory committee:

5 (a) Develop an application process;

6 (b) Develop an audit and accountability program;

7 (c) Screen, prioritize, and approve grant applications; and

8 (d) Monitor compliance by grant recipients.

9 (5) The department of natural resources, the department of fish and  
10 wildlife, and the Washington military department are encouraged to  
11 provide land, facilitate land exchanges, and support the development of  
12 shooting range facilities.

13 **Sec. 72.** RCW 77.12.750 and 1992 c 63 s 13 are each amended to read  
14 as follows:

15 (1) The department (~~(of wildlife)~~) shall have the following powers  
16 and duties in carrying out its responsibilities for the senior  
17 environmental corps created under RCW 43.63A.247:

18 Appoint a representative to the coordinating council;

19 Develop project proposals;

20 Administer project activities within the agency;

21 Develop appropriate procedures for the use of volunteers;

22 Provide project orientation, technical training, safety training,  
23 equipment, and supplies to carry out project activities;

24 Maintain project records and provide project reports;

25 Apply for and accept grants or contributions for corps approved  
26 projects; and

27 With the approval of the council, enter into memoranda of  
28 understanding and cooperative agreements with federal, state, and local  
29 agencies to carry out corps approved projects.

30 (2) The department shall not use corps volunteers to displace  
31 currently employed workers.

32 **Sec. 73.** RCW 77.16.060 and 1987 c 506 s 61 are each amended to  
33 read as follows:

34 It is unlawful to lay, set, or use a net or other device capable of  
35 taking game fish in the waters of this state except as authorized by  
36 the commission or director (~~(of fisheries)~~). Game fish taken

1 incidental to a lawful season established by the director ((of  
2 fisheries)) shall be returned immediately to the water.

3 A landing net may be used to land fish otherwise legally hooked.

4 **Sec. 74.** RCW 77.16.135 and 1991 c 211 s 1 are each amended to read  
5 as follows:

6 (1) The director shall revoke all licenses and privileges extended  
7 under Title 77 RCW of a person convicted of assault on a state wildlife  
8 agent or other law enforcement officer provided that:

9 (a) The wildlife agent or other law enforcement officer was on duty  
10 at the time of the assault; and

11 (b) The wildlife agent or other law enforcement officer was  
12 enforcing the provisions of Title 77 RCW.

13 (2) For the purposes of this section, the definition of assault  
14 includes:

15 (a) RCW 9A.32.030; murder in the first degree;

16 (b) RCW 9A.32.050; murder in the second degree;

17 (c) RCW 9A.32.060; manslaughter in the first degree;

18 (d) RCW 9A.32.070; manslaughter in the second degree;

19 (e) RCW 9A.36.011; assault in the first degree;

20 (f) RCW 9A.36.021; assault in the second degree; and

21 (g) RCW 9A.36.031; assault in the third degree.

22 (3) For the purposes of this section, a conviction includes:

23 (a) A determination of guilt by the court;

24 (b) The entering of a guilty plea to the charge or charges by the  
25 accused;

26 (c) A forfeiture of bail or a vacation of bail posted to the court;

27 or

28 (d) The imposition of a deferred or suspended sentence by the  
29 court.

30 (4) No license described under Title 77 RCW shall be reissued to a  
31 person violating this section for a minimum of ten years, at ((that  
32 [which])) which time a person may petition the director ((of wildlife))  
33 for a reinstatement of his or her license or licenses. The ten-year  
34 period shall be tolled during any time the convicted person is  
35 incarcerated in any state or local correctional or penal institution,  
36 in community supervision, or home detention for an offense under this  
37 section. Upon review by the director, and if all provisions of the  
38 court that imposed sentencing have been completed, the director may

1 reinstate in whole or in part the licenses and privileges under Title  
2 77 RCW.

3 **Sec. 75.** RCW 77.16.170 and 1988 c 36 s 51 are each amended to read  
4 as follows:

5 It is unlawful to take a wild animal from another person's trap  
6 without permission, or to spring, pull up, damage, possess, or destroy  
7 the trap; however, it is not unlawful for a property owner, lessee, or  
8 tenant to remove a trap placed on the owner's, lessee's, or tenant's  
9 property by a trapper.

10 Trappers shall attach to the chain of their traps or devices a  
11 legible metal tag with either the department ((~~of wildlife~~))  
12 identification number of the trapper or the name and address of the  
13 trapper in English letters not less than one-eighth inch in height.

14 When an individual presents a trapper identification number to the  
15 department ((~~of wildlife~~)) and requests identification of the trapper,  
16 the department ((~~of wildlife~~)) shall provide the individual with the  
17 name and address of the trapper. Prior to disclosure of the trapper's  
18 name and address, the department ((~~of wildlife~~)) shall obtain the name  
19 and address of the requesting individual in writing and after  
20 disclosing the trapper's name and address to the requesting individual,  
21 the requesting individual's name and address shall be disclosed in  
22 writing to the trapper whose name and address was disclosed.

23 **Sec. 76.** RCW 77.18.010 and 1991 c 253 s 2 are each amended to read  
24 as follows:

25 Unless the context clearly requires otherwise, the definitions in  
26 this section apply throughout this chapter.

27 (1) "Department" means the ((~~Washington~~)) department of fish and  
28 wildlife.

29 (2) "Contract" means an agreement setting at a minimum, price,  
30 quantity of fish to be delivered, time of delivery, and fish health  
31 requirements.

32 (3) "Fish health requirements" means those site specific fish  
33 health and genetic requirements actually used by the department of fish  
34 and wildlife in fish stocking.

35 (4) "Aquatic farmer" means a private sector person who commercially  
36 farms and manages private sector cultured aquatic products on the

1 person's own land or on land in which the person has a present right of  
2 possession.

3 (5) "Person" means a natural person, corporation, trust, or other  
4 legal entity.

5 **Sec. 77.** RCW 77.32.380 and 1991 sp.s. c 7 s 12 are each amended to  
6 read as follows:

7 Persons sixteen years of age or older who use clearly identified  
8 department lands and access facilities are required to possess a  
9 conservation license or a hunting, fishing, trapping, or free license  
10 on their person while using the facilities. The fee for this license  
11 is ten dollars annually.

12 The spouse, all children under eighteen years of age, and guests  
13 under eighteen years of age of the holder of a valid conservation  
14 license may use department lands and access facilities when accompanied  
15 by the license holder.

16 Youth groups may use department lands and game access facilities  
17 without possessing a conservation license when accompanied by a license  
18 holder.

19 The conservation license is nontransferable and must be validated  
20 by the signature of the holder. Upon request of a wildlife agent or ex  
21 officio wildlife agent a person using clearly identified department  
22 ((of wildlife)) lands shall exhibit the required license.

23 NEW SECTION. **Sec. 78.** A new section is added to chapter 77.12 RCW  
24 to read as follows:

25 Steelhead trout shall be managed solely as a recreational fishery  
26 for non-Indian fishermen under the rule-setting authority of the fish  
27 and wildlife commission.

28 Commercial non-Indian steelhead fisheries are not authorized.

29 NEW SECTION. **Sec. 79.** On July 1, 1994, the state treasurer shall  
30 follow the recommendations of the director of financial management on  
31 the disbursement of funds from the state wildlife fund to the  
32 department of fish and wildlife solely for the purposes of funding  
33 programs for wildlife and game fish. Funds from the state wildlife  
34 fund shall be used only for the department of fish and wildlife after  
35 June 30, 1994.

1        NEW SECTION.    **Sec. 80.**    The following acts or parts of acts are  
2 each repealed:

- 3            (1) RCW 43.131.375 and 1991 c 253 s 5; and  
4            (2) RCW 43.131.376 and 1991 c 253 s 6.

5        NEW SECTION.    **Sec. 81.**    Sections 1 through 6 of this act shall  
6 constitute a new chapter in Title 43 RCW.

7        NEW SECTION.    **Sec. 82.**    The legislature finds that recreational  
8 fishing opportunities for salmon and marine bottomfish have been  
9 dwindling in recent years. It is important to restore diminished  
10 recreational fisheries and to enhance the salmon and marine bottomfish  
11 resource to assure sustained productivity. Investments made in  
12 recreational fishing programs will repay the people of the state many  
13 times over in increased economic activity and in an improved quality of  
14 life.

15        NEW SECTION.    **Sec. 83.**    There is created within the department of  
16 fish and wildlife the Puget Sound recreational salmon and marine fish  
17 enhancement program. The department of fish and wildlife shall  
18 identify a coordinator for the program who shall act as spokesperson  
19 for the program and shall:

- 20            (1) Coordinate the activities of the Puget Sound recreational  
21 salmon and marine fish enhancement program, including the Lake  
22 Washington salmon fishery;  
23            (2) Provide reports as needed to the legislature and the public;  
24 and  
25            (3) Work within and outside of the department to achieve the goals  
26 stated in this chapter.

27        NEW SECTION.    **Sec. 84.**    The department shall: Develop a short-term  
28 program of hatchery-based salmon enhancement using freshwater pond  
29 sites for the final rearing phase; solicit support from cooperative  
30 projects, regional enhancement groups, and other supporting  
31 organizations; conduct comprehensive research on resident and migratory  
32 salmon production opportunities; and conduct research on marine  
33 bottomfish production limitations and on methods for artificial  
34 propagation of marine bottomfish.

1 Long-term responsibilities of the department are to: Fully  
2 implement enhancement efforts for Puget Sound and Hood Canal resident  
3 salmon and marine bottomfish; identify opportunities to reestablish  
4 salmon runs into areas where they no longer exist; encourage naturally  
5 spawning salmon populations to develop to their fullest extent; and  
6 fully utilize hatchery programs to improve recreational fishing.

7 NEW SECTION. **Sec. 85.** The department shall seek recommendations  
8 from persons who are expert on the planning and operation of programs  
9 for enhancement of recreational fisheries. The department shall fully  
10 use the expertise of the University of Washington college of fisheries  
11 and the sea grant program to develop research and enhancement programs.

12 NEW SECTION. **Sec. 86.** The department shall develop new locations  
13 for the freshwater rearing of delayed-release chinook salmon. In  
14 calendar year 1994, at least one freshwater pond chinook salmon rearing  
15 site shall be developed and begin production in each of the following  
16 areas: South Puget Sound, central Puget Sound, north Puget Sound, and  
17 Hood Canal. Natural or artificial pond sites shall be preferred to net  
18 pens due to higher survival rates experienced from pond rearing.  
19 Rigorous predatory bird control measures shall be implemented. The  
20 goal of the program is to increase the production and planting of  
21 delayed release chinook salmon to a level of three million fish  
22 annually by the year 2000.

23 NEW SECTION. **Sec. 87.** The department shall conduct research,  
24 develop methods, and implement programs for the artificial rearing and  
25 release of marine bottomfish species. Lingcod, halibut, rockfish, and  
26 Pacific cod shall be the species of primary emphasis due to their  
27 importance in the recreational fishery.

28 NEW SECTION. **Sec. 88.** The department shall undertake additional  
29 research to more fully evaluate improved enhancement techniques,  
30 hooking mortality rates, methods of mass marking, improvement of catch  
31 models, and sources of marine bottomfish mortality. Research shall be  
32 designed to give the best opportunity to provide information that can  
33 be applied to real-world recreational fishing needs.

1        NEW SECTION.    **Sec. 89.**    The department shall work with the  
2 department of ecology, the department of wildlife, and local government  
3 entities to streamline the siting process for new enhancement projects.  
4 The department is encouraged to work with the legislature to develop  
5 statutory changes that enable expeditious processing and granting of  
6 permits for fish enhancement projects.

7        NEW SECTION.    **Sec. 90.**    The department's information and education  
8 section shall develop a public awareness program designed to educate  
9 the public on the elements of the recreational fishing program and to  
10 recruit volunteers to assist the department in implementing  
11 recreational fishing projects. Economic benefits of the program shall  
12 be emphasized.

13       NEW SECTION.    **Sec. 91.**    The department shall increase efforts to  
14 document the effects of bird predators, harbor seals, sea lions, and  
15 predatory fish upon the salmon and marine fish resource. Every  
16 opportunity shall be explored to convince the federal government to  
17 amend the marine mammal protection act to allow for balanced management  
18 of predators, as well as to work with the United States fish and  
19 wildlife service to achieve workable control measures for predatory  
20 birds.

21       NEW SECTION.    **Sec. 92.**    Indian tribal fishing interests and non-  
22 Indian commercial fishing groups shall be invited to participate in  
23 development of plans for selective fisheries that target hatchery-  
24 produced fish and minimize catch of naturally spawned fish. In  
25 addition, talks shall be initiated on the feasibility of altering the  
26 rearing programs of department hatcheries to achieve higher survival  
27 and greater production of chinook and coho salmon.

28       NEW SECTION.    **Sec. 93.**    The department shall coordinate the sport  
29 fishing program with the wild stock initiative to assure that the two  
30 programs are compatible and potential conflicts are avoided.

31       NEW SECTION.    **Sec. 94.**    The department shall develop plans for  
32 increased recreational access to salmon and marine fish resources.  
33 Proposals for new boat launching ramps and pier fishing access shall be  
34 developed.

1        NEW SECTION.    **Sec. 95.**    The department shall contract with private  
2 consultants, aquatic farms, or construction firms, where appropriate,  
3 to achieve the highest benefit-to-cost ratio for recreational fishing  
4 projects.

5        NEW SECTION.    **Sec. 96.**    The requirements and provisions of this  
6 chapter are to be performed in addition to and not at the expense of  
7 existing salmon programs of the department.  Nothing in this chapter  
8 shall be construed to authorize the department to advocate or to  
9 improve recreational fishing at the expense of commercial fishing or to  
10 increase recreational enhancement to the detriment of commercial  
11 enhancement.

12       NEW SECTION.    **Sec. 97.**    Beginning January 1, 1994, persons who  
13 recreationally fish for salmon or marine bottomfish in marine area  
14 codes 5 through 13 and Lake Washington shall be assessed an annual  
15 recreational surcharge of ten dollars, in addition to other licensing  
16 requirements.  Funds from the surcharge shall be deposited in the  
17 recreational fisheries enhancement account created in section 98 of  
18 this act, except that the first five hundred thousand dollars shall be  
19 deposited in the general fund before June 30, 1995, to repay the  
20 appropriation made by section 104, chapter . . . . ., Laws of 1993  
21 (section 104 of this act).

22       NEW SECTION.    **Sec. 98.**    The recreational fisheries enhancement  
23 account is created in the state treasury.  All receipts from section 97  
24 of this act shall be deposited into the account.  Moneys in the account  
25 may be spent only after appropriation.  Expenditures from the account  
26 may be used only for recreational fisheries enhancement programs.

27       NEW SECTION.    **Sec. 99.**    A new section is added to chapter 75.08 RCW  
28 to read as follows:

29       The department may adopt rules pertaining to harvest of fish and  
30 wildlife in the federal exclusive economic zone by vessels or  
31 individuals registered or licensed under the laws of this state.

32       NEW SECTION.    **Sec. 100.**    The department shall develop and present  
33 to the legislature, no later than January 1, 1994, proposed legislation

1 for a recreational fishing capital facilities improvement program  
2 financed through general obligation bonds.

3 NEW SECTION. **Sec. 101.** (1) As used in sections 82 through 100 of  
4 this act, "department of fish and wildlife" means the department of  
5 fisheries.

6 (2) This section expires June 30, 1994.

7 NEW SECTION. **Sec. 102.** Sections 1 through 6, 8 through 59, and 61  
8 through 79 of this act shall take effect July 1, 1994.

9 NEW SECTION. **Sec. 103.** Sections 83 through 98 of this act shall  
10 constitute a new chapter in Title 75 RCW.

11 NEW SECTION. **Sec. 104.** The sum of five hundred thousand dollars,  
12 or as much thereof as may be necessary, is appropriated for the  
13 biennium ending June 30, 1995, from the general fund to the  
14 recreational fisheries enhancement account created in section 98 of  
15 this act for the purpose of achieving early implementation of this act.  
16 Funds appropriated by this section shall be repaid to the general fund  
17 from the proceeds of the surcharge established in section 97 of this  
18 act. Repayment shall occur before June 30, 1995.

19 NEW SECTION. **Sec. 105.** Sections 7, 60, 80, and 82 through 100 of  
20 this act are necessary for the immediate preservation of the public  
21 peace, health, or safety, or support of the state government and its  
22 existing public institutions, and shall take effect July 1, 1993.

23 NEW SECTION. **Sec. 106.** If any provision of this act or its  
24 application to any person or circumstance is held invalid, the  
25 remainder of the act or the application of the provision to other  
26 persons or circumstances is not affected."

--- END ---