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HOUSE BILL 1838

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State of Washington

61st Legislature

2009 Regular Session

By Representatives Orcutt and Blake

Read first time 01/30/09. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the creation of a raffle-only limited  
2 recreational rainbow trout fishery in Spirit Lake; amending RCW  
3 77.32.050 and 77.08.010; and adding a new section to chapter 77.32 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.32 RCW  
6 to read as follows:

7 (1) The commission may establish a limited recreational fishery for  
8 rainbow trout in Spirit Lake, located within the Mount St. Helens  
9 national volcanic monument. Authorizations to participate in the  
10 Spirit Lake fishery must be distributed through a raffle established by  
11 the commission and conducted by the department.

12 (2) The use of any revenues collected through the raffle authorized  
13 by this section must be prioritized as follows, with any remaining  
14 revenue being transferred to the state wildlife account created in RCW  
15 77.12.170:

16 (a) Fully reimbursing the department for the expense of conducting  
17 the raffle;

18 (b) Funding the department staff time necessary for the  
19 development, management, and implementation of the fishery; and

1 (c) Purchasing or renting the equipment necessary to implement the  
2 fishery.

3 (3) If a Spirit Lake fishery is authorized, the department shall  
4 establish procedures and requirements for the fishery. These  
5 procedures and requirements include:

6 (a) A requirement that participants in the fishery obtain all  
7 licenses required by this chapter for a person engaging in recreational  
8 fishing;

9 (b) The identification of a limited number of days during which the  
10 fishery will be open;

11 (c) A determination of whether the fishery is strictly catch and  
12 release or whether there is a daily or cumulative maximum number of  
13 rainbow trout allowed to be removed from Spirit Lake;

14 (d) The identification of allowable bait and gear types;

15 (e) Catch reporting requirements designed to assist with the  
16 monitoring of the Spirit Lake rainbow trout population; and

17 (f) Restrictions on transportation to Spirit Lake, items allowed in  
18 Spirit Lake, and allowable floatation devices intended to reduce the  
19 risk of introducing new aquatic species to Spirit Lake.

20 (4) The department shall coordinate with the United States forest  
21 service in the design, monitoring, and implementation of any fishery  
22 located in Spirit Lake or elsewhere in the Mount St. Helens national  
23 volcanic monument, including the arrangement of access to Spirit Lake  
24 for the raffle winners.

25 **Sec. 2.** RCW 77.32.050 and 2003 c 389 s 1 are each amended to read  
26 as follows:

27 (1) All recreational licenses, permits, tags, raffle tickets, and  
28 stamps required or authorized by this title (~~and raffle tickets~~  
29 ~~authorized under chapter 77.12 RCW~~) shall be issued under the  
30 authority of the commission.

31 (2) The commission shall adopt rules for the issuance of  
32 recreational licenses, permits, tags, stamps, and raffle tickets, and  
33 for the collection, payment, and handling of license fees, terms and  
34 conditions to govern dealers, and dealers' fees.

35 (3) A transaction fee on recreational documents issued through an  
36 automated licensing system may be set by the commission and collected  
37 from licensees. The department may authorize all or part of such fee

1 to be paid directly to a contractor providing automated licensing  
2 system services. Fees retained by dealers shall be uniform throughout  
3 the state. The department shall authorize dealers to collect and  
4 retain dealer fees of at least two dollars for purchase of a standard  
5 hunting or fishing recreational license document, except that the  
6 commission may set a lower dealer fee for issuance of tags or when a  
7 licensee buys a license that involves a stamp or display card format  
8 rather than a standard department licensing document form.

9 **Sec. 3.** RCW 77.08.010 and 2008 c 277 s 2 are each amended to read  
10 as follows:

11 The definitions in this section apply throughout this title or  
12 rules adopted under this title unless the context clearly requires  
13 otherwise.

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

17 (2) "Aquatic invasive species" means any invasive, prohibited,  
18 regulated, unregulated, or unlisted aquatic animal or plant species as  
19 defined under subsections (~~((48) through (53))~~) (3), (25), (34), (38),  
20 (51), and (52) of this section, aquatic noxious weeds as defined under  
21 RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW  
22 77.60.130(1).

23 (3) "Aquatic plant species" means an emergent, submersed, partially  
24 submersed, free-floating, or floating-leaving plant species that grows  
25 in or near a body of water or wetland.

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

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

32 (6) "Closed season" means all times, manners of taking, and places  
33 or waters other than those established by rule of the commission as an  
34 open season. "Closed season" also means all hunting, fishing, taking,  
35 or possession of game animals, game birds, game fish, food fish, or  
36 shellfish that do not conform to the special restrictions or physical

1 descriptions established by rule of the commission as an open season or  
2 that have not otherwise been deemed legal to hunt, fish, take, harvest,  
3 or possess by rule of the commission as an open season.

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

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

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

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

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

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

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

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

19 (15) "Ex officio fish and wildlife officer" means a commissioned  
20 officer of a municipal, county, state, or federal agency having as its  
21 primary function the enforcement of criminal laws in general, while the  
22 officer is in the appropriate jurisdiction. The term "ex officio fish  
23 and wildlife officer" includes special agents of the national marine  
24 fisheries service, state parks commissioned officers, United States  
25 fish and wildlife special agents, department of natural resources  
26 enforcement officers, and United States forest service officers, while  
27 the agents and officers are within their respective jurisdictions.

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

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

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

4 (19) "Freshwater" means all waters not defined as saltwater  
5 including, but not limited to, rivers upstream of the river mouth,  
6 lakes, ponds, and reservoirs.

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

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

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

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

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

18 (25) "Invasive species" means a plant species or a nonnative animal  
19 species that either:

20 (a) Causes or may cause displacement of, or otherwise threatens,  
21 native species in their natural communities;

22 (b) Threatens or may threaten natural resources or their use in the  
23 state;

24 (c) Causes or may cause economic damage to commercial or  
25 recreational activities that are dependent upon state waters; or

26 (d) Threatens or harms human health.

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

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

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

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

37 (30) "Open season" means those times, manners of taking, and places  
38 or waters established by rule of the commission for the lawful hunting,

1 fishing, taking, or possession of game animals, game birds, game fish,  
2 food fish, or shellfish that conform to the special restrictions or  
3 physical descriptions established by rule of the commission or that  
4 have otherwise been deemed legal to hunt, fish, take, harvest, or  
5 possess by rule of the commission. "Open season" includes the first  
6 and last days of the established time.

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

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

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

17 (34) "Prohibited aquatic animal species" means an invasive species  
18 of the animal kingdom that has been classified as a prohibited aquatic  
19 animal species by the commission.

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

22 (36) "Raffle" means an activity in which tickets bearing an  
23 individual number are sold for not more than twenty-five dollars each  
24 and in which a permit or permits are awarded consistent with the  
25 authorizing statutes in chapter 77.32 RCW to hunt or for access to hunt  
26 big game animals or wild turkeys or to fish for rainbow trout in Spirit  
27 Lake on the basis of a drawing from the tickets by the person or  
28 persons conducting the raffle.

29 (37) "Recreational and commercial watercraft" includes the boat, as  
30 well as equipment used to transport the boat, and any auxiliary  
31 equipment such as attached or detached outboard motors.

32 (38) "Regulated aquatic animal species" means a potentially  
33 invasive species of the animal kingdom that has been classified as a  
34 regulated aquatic animal species by the commission.

35 (39) "Resident" means:

36 (a) A person who has maintained a permanent place of abode within  
37 the state for at least ninety days immediately preceding an application

1 for a license, has established by formal evidence an intent to continue  
2 residing within the state, and who is not licensed to hunt or fish as  
3 a resident in another state; and

4 (b) A person age eighteen or younger who does not qualify as a  
5 resident under (a) of this subsection, but who has a parent that  
6 qualifies as a resident under (a) of this subsection.

7 (40) "Retail-eligible species" means commercially harvested salmon,  
8 crab, and sturgeon.

9 (41) "Saltwater" means those marine waters seaward of river mouths.

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

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

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

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

24 (46) "To fish," "to harvest," and "to take," and their derivatives  
25 means an effort to kill, injure, harass, or catch a fish or shellfish.

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

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

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

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

35 (51) "Unlisted aquatic animal species" means a nonnative animal  
36 species that has not been classified as a prohibited aquatic animal  
37 species, a regulated aquatic animal species, or an unregulated aquatic  
38 animal species by the commission.

1 (52) "Unregulated aquatic animal species" means a nonnative animal  
2 species that has been classified as an unregulated aquatic animal  
3 species by the commission.

4 (53) "Wild animals" means those species of the class Mammalia whose  
5 members exist in Washington in a wild state and the species *Rana*  
6 *catesbeiana* (bullfrog). The term "wild animal" does not include feral  
7 domestic mammals or old world rats and mice of the family Muridae of  
8 the order Rodentia.

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

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

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

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