S-3311.3

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**SENATE BILL 5721**

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**State of Washington 67th Legislature 2022 Regular Session**

**By** Senators Van De Wege and Salomon

AN ACT Relating to consolidating natural resource management under the commissioner of public lands; amending RCW 43.17.020, 43.30.105, 77.04.013, 77.04.020, 77.04.030, 77.04.040, 77.04.055, 77.75.040, 79A.05.015, 79A.05.070, 79A.05.075, 77.04.012, 77.04.060 77.04.080, 77.04.090, 77.04.130, 77.04.140, 77.04.150, 77.08.010, 77.08.020, 77.08.022, 77.08.030, 77.12.010, 77.12.020, 77.12.035, 77.12.037, 77.12.045, 77.12.047, 77.12.077, 77.12.085, 77.12.140, 77.12.150, 77.12.152, 77.12.170, 77.12.210, 77.12.220, 77.12.275, 77.12.285, 77.12.320, 77.12.325, 77.12.330, 77.12.420, 77.12.455, 77.12.560, 77.12.570, 77.12.722, 77.12.760, 77.12.800, 77.15.065, 77.15.096, 77.15.120, 77.15.130, 77.15.135, 77.15.245, 77.15.382, 77.15.395, 77.15.420, 77.15.425, 77.15.460, 77.15.520, 77.15.522, 77.15.530, 77.15.554, 77.15.590, 77.15.700, 77.15.710, 77.15.720, 77.18.060, 77.32.007, 77.32.010, 77.32.025, 77.32.050, 77.32.070, 77.32.090, 77.32.155, 77.32.237, 77.32.370, 77.32.430, 77.32.440, 77.32.450, 77.32.470, 77.32.500, 77.32.525, 77.32.530, 77.32.535, 77.32.550, 77.32.560, 77.32.565, 77.32.570, 77.36.030, 77.36.100, 77.36.110, 77.36.130, 77.50.010, 77.50.020, 77.50.040, 77.50.050, 77.50.070, 77.50.090, 77.50.100, 77.50.110, 77.55.191, 77.60.020, 77.60.030, 77.60.100, 77.65.480, 77.65.590, 77.65.610, 77.70.450, 77.70.460, 77.70.470, 77.70.510, 77.75.020, 77.75.100, 77.75.140, 77.95.020, 77.95.090, 77.95.100, 77.95.320, 77.100.060, 77.100.080, 77.105.020, 77.115.010, 79A.05.010, 79A.05.025, 79A.05.030, 79A.05.040, 79A.05.175, 79A.05.178, and 79A.05.180; adding a new section to chapter 77.04 RCW; and creating a new section.

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

**PART 1**

**DUTIES OF THE COMMISSIONER OF PUBLIC LANDS**

NEW SECTION. **Sec.**  The legislature finds that management of Washington state's natural resources requires clear, efficient, and coordinated management that is accountable to the public. Therefore, the legislature finds that consolidating management of natural resources under the commissioner of public lands by having the commissioner appoint the directors of the department of fish and wildlife and the state parks and recreation commission would create an efficient decision-making structure and provide for public accountability. The legislature further finds that having the commissioner of public lands appoint the members of the fish and wildlife advisory commission and the state parks and recreation advisory committee and having the commission and committee serve in an advisory role to the directors of the relevant agencies would maintain strong public input into natural resource management issues while establishing a centralized and accountable structure for securing, managing, and enhancing the state's natural resources.

**Sec.**  RCW 43.17.020 and 2017 3rd sp.s. c 6 s 110 are each amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of enterprise services, (9) the director of commerce, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, (14) the secretary of health, (15) the director of financial institutions, (16) the director of the department of archaeology and historic preservation, (17) the secretary of children, youth, and families, and (18) the executive director of the Puget Sound partnership.

Such officers, except the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of fish and wildlife shall be appointed by the ((~~fish and wildlife commission~~)) commissioner of public lands as prescribed by RCW ((~~77.04.055~~)) 43.30.105 and 77.04.055(6).

**Sec.**  RCW 43.30.105 and 1965 c 8 s 43.30.050 are each amended to read as follows:

(1) The commissioner of public lands shall be the administrator of the department.

(2) The commissioner of public lands shall appoint the director of the department of fish and wildlife as prescribed in RCW 43.17.020 and 77.04.055(6) and appoint the members of the fish and wildlife advisory commission as prescribed in RCW 77.04.030.

(3) The commissioner of public lands shall appoint the director of the state parks and recreation commission as prescribed in RCW 79A.05.070(8) and shall appoint the members of the state parks and recreation advisory committee as prescribed in RCW 79A.05.015.

**Sec.**  RCW 77.04.013 and 1995 1st sp.s. c 2 s 1 are each amended to read as follows:

((~~The legislature supports the recommendations of the state fish and wildlife commission with regard to the commission's responsibilities in the merged department of fish and wildlife. It is the intent of the legislature that, beginning July 1, 1996, the commission assume regulatory authority for food fish and shellfish in addition to its existing authority for game fish and wildlife. It is also the intent of the legislature to provide to the commission the authority to review and approve department agreements, to review and approve the department's budget proposals, to adopt rules for the department, and to select commission staff and the director of the department.~~))

The legislature finds that all fish, shellfish, and wildlife species should be managed under a single comprehensive set of goals, policies, and objectives, and that the decision-making authority should rest with the ((~~fish and wildlife commission~~)) department. The ((~~commission acts in an open and deliberative process that encourages public involvement and~~)) commissioner of public lands is a separately elected official dedicated to managing, maintaining, and protecting natural resources and is directly accountable to voters, which increases public confidence in department decision making.

**Sec.**  RCW 77.04.020 and 2000 c 107 s 202 are each amended to read as follows:

The department consists of the state department of fish and wildlife ((~~commission~~)) and the director. The ((~~commission~~)) commissioner of public lands may delegate to the director any of the powers and duties vested in the ((~~commission~~)) department.

**Sec.**  RCW 77.04.030 and 2001 c 155 s 1 are each amended to read as follows:

The fish and wildlife advisory commission consists of nine registered voters of the state. In January of each odd-numbered year, the ((~~governor~~)) commissioner of public lands shall appoint with the advice and consent of the senate three registered voters to the commission to serve for terms of six years from that January or until their successors are appointed and qualified. If a vacancy occurs on the advisory commission prior to the expiration of a term, the ((~~governor~~)) commissioner of public lands shall appoint a registered voter within sixty days to complete the term. Three members shall be residents of that portion of the state lying east of the summit of the Cascade mountains, and three shall be residents of that portion of the state lying west of the summit of the Cascade mountains. Three additional members shall be appointed at large. No two members may be residents of the same county. ((~~The legal office of the commission is at the administrative office of the department in Olympia.~~))

**Sec.**  RCW 77.04.040 and 1995 1st sp.s. c 2 s 3 are each amended to read as follows:

Persons eligible for appointment as members of the advisory commission shall have general knowledge of the habits and distribution of fish and wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the ((~~governor~~)) commissioner of public lands shall seek to maintain a balance reflecting all aspects of fish and wildlife, including representation recommended by organized groups representing sportfishers, commercial fishers, hunters, private landowners, and environmentalists. Persons eligible for appointment as fish and wildlife advisory commissioners shall comply with the provisions of chapters 42.52 and ((~~42.17~~)) 42.56 RCW.

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

The fish and wildlife advisory commission has the following responsibilities and duties:

(1) In consultation with all affected stakeholders, advise the director regarding fish and wildlife policies and proposed rules that govern hunting, fishing, wildlife viewing, habitat protection and restoration, and the use of department-owned and managed lands;

(2) Advise the director on department agreements relating to fish and wildlife harvest with tribal, interstate, international, and other parties;

(3) Advise the director prior to the director determining the status of threatened or endangered species; and

(4) Advise the director in developing long-term funding strategies to carry out the department's mission and delivery of programs to the public.

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

(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the ((~~commission~~)) director shall meet annually with the ((~~governor~~)) commissioner of public lands to:

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

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

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

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

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

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

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

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

~~(7)~~)) The ((~~commission shall select its own staff and~~)) commissioner of public lands shall appoint the director of the department. ((~~The director and commission staff shall serve at the pleasure of the commission.~~)) The commissioner of public lands shall seek recommendations from the fish and wildlife advisory commission on the qualifications, skills, and experience necessary to discharge the duties of the position. The director shall serve at the pleasure of the commissioner of public lands.

**Sec.**  RCW 77.75.040 and 1995 1st sp.s. c 2 s 20 are each amended to read as follows:

A member selected by or a designee of the ((~~fish and wildlife commission~~)) department, ex officio, and two appointees of the ((~~governor~~)) commissioner of public lands representing the fishing industry shall act as the representatives of this state on the Pacific Marine Fisheries Commission. The appointees of the ((~~governor~~)) commissioner of public lands are subject to confirmation by the state senate.

**Sec.**  RCW 79A.05.015 and 1999 c 249 s 201 are each amended to read as follows:

(1) There is hereby created ((~~a "state parks and recreation commission"~~)) the state parks and recreation advisory committee consisting of seven citizens of the state. The members of the ((~~commission~~)) advisory committee shall be appointed by the ((~~governor~~)) commissioner of public lands by and with the advice and consent of the senate and shall serve for a term of six years, expiring on December 31st of even-numbered years, and until their successors are appointed. In case of a vacancy, the ((~~governor~~)) commissioner of public lands shall fill the vacancy for the unexpired term of the ((~~commissioner~~)) advisory committee member whose office has become vacant.

(2) In making the appointments to the ((~~commission~~)) advisory committee, the ((~~governor~~)) commissioner of public lands shall choose citizens who understand park and recreation needs and interests. No person shall serve if he or she holds any elective or full-time appointive state, county, or municipal office. Members of the ((~~commission shall be compensated in accordance with RCW 43.03.240 and in addition~~)) advisory committee shall be allowed their travel expenses incurred while absent from their usual places of residence in accordance with RCW 43.03.050 and 43.03.060.

(3) Payment of expenses pertaining to the operation of the ((~~commission~~)) advisory committee shall be made upon vouchers certified to by such persons as shall be designated by the ((~~commission~~)) director.

(4) The state parks and recreation advisory committee shall make recommendations to the director for the proper use, care, and administration of state parks and parkways including:

(a) Providing a forum to involve the public to review and make recommendations regarding state parks' issues; and

(b) Review and make recommendations regarding the performance of the department in implementing park policies.

**Sec.**  RCW 79A.05.070 and 2012 c 261 s 8 are each amended to read as follows:

The commission may:

(1) Make rules and regulations for the proper administration of its duties;

(2) Accept any grants of funds made with or without a matching requirement by the United States, or any agency thereof, for purposes in keeping with the purposes of this chapter; accept gifts, bequests, devises and endowments for purposes in keeping with such purposes; enter into cooperative agreements with and provide for private nonprofit groups to use state park property and facilities to raise money to contribute gifts, grants, and support to the commission for the purposes of this chapter. The commission may assist the nonprofit group in a cooperative effort by providing necessary agency personnel and services, if available. However, none of the moneys raised may inure to the benefit of the nonprofit group, except in furtherance of its purposes to benefit the commission as provided in this chapter. The agency and the private nonprofit group must agree on the nature of any project to be supported by such gift or grant prior to the use of any agency property or facilities for raising money. Any such gifts may be in the form of recreational facilities developed or built in part or in whole for public use on agency property, provided that the facility is consistent with the purposes of the agency;

(3) Require certification by the commission of all parks and recreation workers employed in state aided or state controlled programs;

(4) Act jointly, when advisable, with the United States, any other state agencies, institutions, departments, boards, or commissions in order to carry out the objectives and responsibilities of this chapter;

(5) Grant franchises and easements for any legitimate purpose on parks or parkways, for such terms and subject to such conditions and considerations as the commission shall specify;

(6) Charge fees for services, utilities, and use of facilities as the commission shall deem proper. The commission may utilize unstaffed collection stations to collect any fees or distribute any permits necessary for access to state parks, including discover passes and day-use permits as those terms are defined in RCW 79A.80.010;

(7) Enter into agreements whereby individuals or companies may rent undeveloped parks or parkway land for grazing, agricultural, or mineral development purposes upon such terms and conditions as the commission shall deem proper, for a term not to exceed forty years;

(8) ((~~Determine~~)) The commissioner of public lands shall determine the qualifications of and employ a director of parks and recreation who must receive a salary as fixed by the governor in accordance with the provisions of RCW 43.03.040 and determine the qualifications and salary of and employ such other persons as may be needed to carry out the provisions hereof; and

(9) Utilize such other powers as ((~~in the judgment of a majority of its members~~)) are deemed necessary to effectuate the purposes of this chapter. However, the commission does not have power to supervise directly any local park or recreation district, and no funds shall be made available for such purpose.

**Sec.**  RCW 79A.05.075 and 1999 c 249 s 306 are each amended to read as follows:

No provision of law relating to the state parks and recreation commission shall prevent the ((~~commission~~)) commissioner of public lands from delegating to the director such powers and duties of the commission as they may deem proper.

**PART 2**

**MODIFICATIONS TO THE FISH AND WILDLIFE CODE**

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

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

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

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

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

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

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

**Sec.**  RCW 77.04.060 and 2013 c 23 s 238 are each amended to read as follows:

The fish and wildlife advisory commission shall hold at least one regular meeting during the first two months of each calendar quarter, and special meetings when called by the chair and by five members. Five members constitute a quorum for the transaction of business.

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

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

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

Persons eligible for appointment as director shall have practical knowledge of the habits and distribution of fish and wildlife. The director shall supervise the administration and operation of the department and perform the duties prescribed by law ((~~and delegated by the commission~~)). The director shall carry out the basic goals and objectives prescribed under RCW 77.04.055. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

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

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

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

The ((~~commission~~)) department shall adopt permanent rules and amendments to or repeals of existing rules ((~~by approval of a majority of the members by resolution, entered and recorded in the minutes of the commission: PROVIDED, That the commission~~)). However, the department may not adopt rules after July 23, 1995, that are based solely on a section of law stating a statute's intent or purpose, on the enabling provisions of the statute establishing the agency, or on any combination of such provisions, for statutory authority to adopt any rule. The ((~~commission shall adopt emergency rules by approval of a majority of the members. The commission,~~)) department may adopt emergency rules and, when adopting emergency rules under RCW 77.12.150, shall adopt rules in conformance with chapter 34.05 RCW. Judicial notice shall be taken of the rules filed and published as provided in RCW 34.05.380 and 34.05.210.

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

**Sec.**  RCW 77.04.130 and 1995 1st sp.s. c 2 s 12 are each amended to read as follows:

(1) Rules of the ((~~commission~~)) department shall be adopted by the ((~~commission~~)) director or a designee in accordance with chapter 34.05 RCW.

(2) Rules of the ((~~commission~~)) department shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the ((~~commission~~)) director or a designee certifying that the rule has been lawfully adopted and the affidavit is prima facie evidence of the adoption of the rule.

(3) The ((~~commission~~)) director may designate department employees to act on the ((~~commission's~~)) department's behalf in the adoption and certification of rules.

**Sec.**  RCW 77.04.140 and 1995 1st sp.s. c 2 s 13 are each amended to read as follows:

Provisions of this title or rules of the ((~~commission~~)) department shall not be printed in a pamphlet unless the pamphlet is clearly marked as an unofficial version. This section does not apply to printings approved by the ((~~commission~~)) department.

**Sec.**  RCW 77.04.150 and 2008 c 294 s 1 are each amended to read as follows:

(1) The ((~~commission~~)) department must appoint an advisory committee to generally represent the interests of hunters and fishers with disabilities on matters including, but not limited to, special hunts, modified sporting equipment, access to public land, and hunting and fishing opportunities. The advisory committee is composed of seven members, each being an individual with a disability. The advisory committee members must represent the entire state. The members must be appointed so that each of the six department administrative regions, as they existed on January 1, 2007, are represented with one resident on the advisory committee. One additional member must be appointed at large. The chair of the advisory committee must be a member of the advisory committee and shall be selected by the members of the advisory committee.

(2) For the purposes of this section, an individual with a disability includes but is not limited to:

(a) An individual with a permanent disability who is not ambulatory over natural terrain without a prosthesis or assistive device;

(b) An individual with a permanent disability who is unable to walk without the use of assistance from a brace, cane, crutch, wheelchair, scooter, walker, or other assistive device;

(c) An individual who has a cardiac condition to the extent that the individual's functional limitations are severe;

(d) An individual who is restricted by lung disease to the extent that the individual's functional limitations are severe;

(e) An individual who is totally blind or visually impaired; or

(f) An individual with a permanent disability with upper or lower extremity impairments who does not have the use of one or both upper or lower extremities.

(3) The members of the advisory committee are appointed for a four-year term. If a vacancy occurs on the advisory committee prior to the expiration of a term, the ((~~commission~~)) department must appoint a replacement within sixty days to complete the term.

(4) The advisory committee must meet at least semiannually, and may meet at other times as requested by a majority of the advisory committee members for any express purpose that directly relates to the duties set forth in subsection (1) of this section. A majority of members currently serving on the advisory committee constitutes a quorum. The department must provide staff support for all official advisory committee meetings.

(5) Each member of the advisory committee shall serve without compensation but may be reimbursed for travel expenses as authorized in RCW 43.03.050 and 43.03.060.

(6) The members of the advisory committee, or individuals acting on their behalf, are immune from civil liability for official acts performed in the course of their duties.

(7) Beginning December 1, 2011, and again at least once every four years, the ((~~commission~~)) department shall present a report to the appropriate legislative committees detailing the effectiveness of the advisory committee including, but not limited to, the participation levels, general interest, quality of advice, and recommendations as to the advisory committee's continuance or modification.

**Sec.**  RCW 77.08.010 and 2017 3rd sp.s. c 8 s 2 are each amended to read as follows:

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

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

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

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

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

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

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

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

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

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

((~~(10)~~)) (9) "Contraband" means any property that is unlawful to produce or possess.

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

((~~(12)~~)) (11) "Covered animal species part or product" means any item that contains, or is wholly or partially made from, any covered animal species.

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

((~~(14)~~)) (13) "Department" means the department of fish and wildlife.

((~~(15)~~)) (14) "Director" means the director of fish and wildlife.

((~~(16)~~)) (15) "Distribute" or "distribution" means either a change in possession for consideration or a change in legal ownership.

((~~(17)~~)) (16) "Endangered species" means wildlife designated by the ((~~commission~~)) department as seriously threatened with extinction.

((~~(18)~~)) (17) "Ex officio fish and wildlife officer" means:

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

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

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

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

((~~(19)~~)) (18) "Fish" includes all species classified as game fish or food fish by statute or rule, as well as all finfish not currently classified as food fish or game fish if such species exist in state waters. The term "fish" includes all stages of development and the bodily parts of fish species.

((~~(20)~~)) (19) "To fish" and its derivatives means an effort to kill, injure, harass, harvest, or capture a fish or shellfish.

((~~(21)~~)) (20) "Fish and wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. Fish and wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

((~~(22)~~)) (21) "Fish broker" means a person who facilitates the sale or purchase of raw or frozen fish or shellfish on a fee or commission basis, without assuming title to the fish or shellfish.

((~~(23)~~)) (22) "Fish dealer" means a person who engages in any activity that triggers the need to obtain a fish dealer license under RCW 77.65.280.

((~~(24)~~)) (23) "Fishery" means the taking of one or more particular species of fish or shellfish with particular gear in a particular geographical area.

((~~(25)~~)) (24) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

((~~(26)~~)) (25) "Fresh water" means all waters not defined as salt water including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.

((~~(27)~~)) (26) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the ((~~commission~~)) department.

((~~(28)~~)) (27) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

((~~(29)~~)) (28) "Game animals" means wild animals that shall not be hunted except as authorized by the ((~~commission~~)) department.

((~~(30)~~)) (29) "Game birds" means wild birds that shall not be hunted except as authorized by the ((~~commission~~)) department.

((~~(31)~~)) (30) "Game farm" means property on which wildlife is held, confined, propagated, hatched, fed, or otherwise raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

((~~(32)~~)) (31) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

((~~(33)~~)) (32) "To hunt" and its derivatives means an effort to kill, injure, harass, harvest, or capture a wild animal or wild bird.

((~~(34)~~)) (33) "Illegal items" means those items unlawful to be possessed.

((~~(35)~~)) (34)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

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

((~~(36)~~)) (35) "Large wild carnivore" includes wild bear, cougar, and wolf.

((~~(37)~~)) (36) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

((~~(38)~~)) (37) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW.

((~~(39)~~)) (38) "Limited fish seller" means a licensed commercial fisher who sells his or her fish or shellfish to anyone other than a wholesale fish buyer thereby triggering the need to obtain a limited fish seller endorsement under RCW 77.65.510.

((~~(40)~~)) (39) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

((~~(41)~~)) (40) "Natural person" means a human being.

((~~(42)~~)) (41)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

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

((~~(43)~~)) (42) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

((~~(44)~~)) (43) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

((~~(45)~~)) (44) "Open season" means those times, manners of taking, and places or waters established by rule of the ((~~commission~~)) department for the lawful hunting, fishing, taking, or possession of game animals, game birds, game fish, food fish, or shellfish that conform to the special restrictions or physical descriptions established by rule of the ((~~commission~~)) department or that have otherwise been deemed legal to hunt, fish, take, or possess by rule of the ((~~commission~~)) department. "Open season" includes the first and last days of the established time.

((~~(46)~~)) (45) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

((~~(47)~~)) (46) "Person" means and includes an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.

((~~(48)~~)) (47) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

((~~(49)~~)) (48) "Personal use" means for the private use of the individual taking the fish or shellfish and not for sale or barter.

((~~(50)~~)) (49) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the ((~~commission~~)) department.

((~~(51)~~)) (50) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

((~~(52)~~)) (51) "Protected wildlife" means wildlife designated by the ((~~commission~~)) department that shall not be hunted or fished.

((~~(53)~~)) (52) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

((~~(54)~~)) (53) "Resident" has the same meaning as defined in RCW 77.08.075.

((~~(55)~~)) (54) "Salt water" means those marine waters seaward of river mouths.

((~~(56)~~)) (55) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

((~~(57)~~)) (56) "Senior" means a person seventy years old or older.

((~~(58)~~)) (57) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

((~~(59)~~)) (58)(a) "Shark fin derivative product" means any product intended for use by humans or animals that is derived in whole or in part from shark fins or shark fin cartilage.

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

((~~(60)~~)) (59) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken or possessed except as authorized by rule of the ((~~commission~~)) department. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

((~~(61)~~)) (60) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

((~~(62)~~)) (61) "To take" and its derivatives means to kill, injure, harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.

((~~(63)~~)) (62) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

((~~(64)~~)) (63) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

((~~(65)~~)) (64) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

((~~(66)~~)) (65) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

((~~(67)~~)) (66) "Unclassified wildlife" means wildlife existing in Washington in a wild state that have not been classified as big game, game animals, game birds, predatory birds, protected wildlife, endangered wildlife, or deleterious exotic wildlife.

((~~(68)~~)) (67) "To waste" or "to be wasted" means to allow any edible portion of any game bird, food fish, game fish, shellfish, or big game animal other than cougar to be rendered unfit for human consumption, or to fail to retrieve edible portions of such a game bird, food fish, game fish, shellfish, or big game animal other than cougar from the field. For purposes of this chapter, edible portions of game birds must include, at a minimum, the breast meat of those birds. Entrails, including the heart and liver, of any wildlife species are not considered edible.

((~~(69)~~)) (68) "Wholesale fish buyer" means a person who engages in any fish buying or selling activity that triggers the need to obtain a wholesale fish buyer endorsement under RCW 77.65.340.

((~~(70)~~)) (69) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state. The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

((~~(71)~~)) (70) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

((~~(72)~~)) (71) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

((~~(73)~~)) (72) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

((~~(74)~~)) (73) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

**Sec.**  RCW 77.08.020 and 1989 c 218 s 2 are each amended to read as follows:

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

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

(2) Private sector cultured aquatic products as defined in RCW 15.85.020 are not game fish.

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

"Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the ((~~commission~~)) department. The term "food fish" includes all stages of development and the bodily parts of food fish species.

**Sec.**  RCW 77.08.030 and 1980 c 78 s 11 are each amended to read as follows:

As used in this title or rules of the ((~~commission~~)) department, "big game" means the following species:

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

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

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

**Sec.**  RCW 77.12.020 and 2014 c 202 s 302 are each amended to read as follows:

(1) The director shall investigate the habits and distribution of the various species of wildlife native to or adaptable to the habitats of the state. The ((~~commission~~)) department shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) The ((~~commission~~)) department may classify by rule wild animals as game animals and game animals as fur-bearing animals.

(3) The ((~~commission~~)) department may classify by rule wild birds as game birds or predatory birds. All wild birds not otherwise classified are protected wildlife.

(4) In addition to those species listed in RCW 77.08.020, the ((~~commission~~)) department may classify by rule as game fish other species of the class Osteichthyes that are commonly found in fresh water except those classified as food fish by the director.

(5) The director may recommend ((~~to the commission~~)) that a species of wildlife should not be hunted or fished. ((~~The commission may designate species of wildlife as protected.~~))

(6) If the director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may ((~~request its designation as an endangered species. The commission may~~)) designate it as an endangered species.

(7) If the director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment or wildlife of the state, the director ((~~may request its designation as deleterious exotic wildlife. The commission~~)) may designate it as deleterious exotic wildlife.

(8) ((~~Upon recommendation by the director, the commission~~)) The director may develop a work plan to eradicate native aquatic species that threaten human health. Priority shall be given to water bodies that the department of health has classified as representing a threat to human health based on the presence of a native aquatic species.

**Sec.**  RCW 77.12.035 and 2000 c 107 s 211 are each amended to read as follows:

The ((~~commission~~)) director shall protect grizzly bears and develop management programs on publicly owned lands that will encourage the natural regeneration of grizzly bears in areas with suitable habitat. Grizzly bears shall not be transplanted or introduced into the state. Only grizzly bears that are native to Washington state may be utilized by the department for management programs. The department is directed to fully participate in all discussions and negotiations with federal and state agencies relating to grizzly bear management and shall fully communicate, support, and implement the policies of this section.

**Sec.**  RCW 77.12.037 and 2000 c 107 s 4 are each amended to read as follows:

The ((~~commission~~)) department may acquire by gift, easement, purchase, lease, or condemnation lands, buildings, water rights, rights‑of‑way, or other necessary property, and construct and maintain necessary facilities for purposes consistent with this title. The ((~~commission may authorize the~~)) director ((~~to~~)) may acquire property under this section, but the power of condemnation may only be exercised by the director when an appropriation has been made by the legislature for the acquisition of a specific property, except to clear title and acquire access rights‑of‑way.

The ((~~commission~~)) department may sell, lease, convey, or grant concessions upon real or personal property under the control of the department.

**Sec.**  RCW 77.12.045 and 2001 c 253 s 13 are each amended to read as follows:

Consistent with federal law, the ((~~commission's~~)) department's authority extends to all areas and waters within the territorial boundaries of the state, to the offshore waters, and to the concurrent waters of the Columbia river.

Consistent with federal law, the ((~~commission's~~)) department's authority extends to fishing in offshore waters by residents of this state.

The ((~~commission~~)) department may adopt rules consistent with the regulations adopted by the United States department of commerce for the offshore waters. The ((~~commission~~)) department may adopt rules consistent with the recommendations or regulations of the Pacific marine fisheries commission, Columbia river compact, the Pacific salmon commission as provided in chapter 77.75 RCW, or the international Pacific halibut commission.

**Sec.**  RCW 77.12.047 and 2018 c 179 s 10 are each amended to read as follows:

(1) The ((~~commission~~)) department may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of wildlife, fish, or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of wildlife, fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, fish, or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife, fish, shellfish, or seaweed within the state, whether acquired within or without the state. However, this authority must be exercised consistent with RCW 77.125.050 and 77.125.060. Additionally, the rules of the department must prohibit any person, including department staff, from translocating a live elk from an area with elk affected by hoof disease to any other location except:

(i) Consistent with a process developed by the department with input from the affected federally recognized tribes for translocation for monitoring or hoof disease management purposes; or

(ii) Within an elk herd management plan area affected by hoof disease.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishers, dealers, boathouses, or processors of wildlife, fish, or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of wildlife, fish, and shellfish that may be used for purposes other than human consumption.

(j) Regulating the taking, sale, possession, and distribution of wildlife, fish, shellfish, or deleterious exotic wildlife.

(k) Establishing game reserves and closed areas where hunting for wild animals or wild birds may be prohibited.

(l) Regulating the harvesting of fish, shellfish, and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

(m) Authorizing issuance of permits to release, plant, or place fish or shellfish in state waters.

(n) Governing the possession of fish, shellfish, or wildlife so that the size, species, or sex can be determined visually in the field or while being transported.

(o) Other rules necessary to carry out this title and the purposes and duties of the department.

(2)(a) ((~~Subsections~~)) Subsection (1)(a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

(b) "Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

**Sec.**  RCW 77.12.077 and 2019 c 226 s 1 are each amended to read as follows:

(1) The ((~~commission~~)) department shall adopt by rule a process and criteria to select persons who may act as agents of the state for the purpose of using one or more dogs to hunt or pursue black bear, cougar, or bobcat to protect livestock, domestic animals, private property, or the public safety. The ((~~commission~~)) department rule must outline the requirements an applicant must comply with when applying for the program including, but not limited to, a criminal background check.

(2) The department shall administer a training program to enable persons who have been selected pursuant to subsection (1) of this section to train dogs for use consistent with this section. The purpose of this program is to provide dog training opportunities using nonlethal pursuit.

**Sec.**  RCW 77.12.085 and 2019 c 290 s 2 are each amended to read as follows:

The ((~~commission~~)) department shall adopt rules to liberalize bag limits for bass, walleye, and channel catfish in all anadromous waters of the state in order to reduce the predation risk to salmon smolts.

**Sec.**  RCW 77.12.140 and 1987 c 506 s 23 are each amended to read as follows:

The director((~~, acting in a manner not inconsistent with criteria established by the commission,~~)) may obtain by purchase, gift, or exchange and may sell or transfer wildlife and their eggs for stocking, research, or propagation.

**Sec.**  RCW 77.12.150 and 2003 c 385 s 2 are each amended to read as follows:

(1) By emergency rule only, ((~~and in accordance with criteria established by the commission,~~)) the director may close or shorten a season for game animals, game birds, or game fish, and after a season has been closed or shortened, may reopen it and reestablish bag limits on game animals, game birds, or game fish during that season. The director ((~~shall advise the commission of the adoption of~~)) may adopt emergency rules. A copy of an emergency rule, certified as a true copy by the director or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

(2)(a) If the director finds that game animals have increased in numbers in an area of the state so that they are damaging public or private property or over-utilizing their habitat, the ((~~commission~~)) department may establish a special hunting season and designate the time, area, and manner of taking and the number and sex of the animals that may be killed or possessed by a licensed hunter. The director shall include notice of the special season in the rules establishing open seasons.

(b) When the department receives six complaints concerning damage to commercial agricultural and horticultural crop production by wildlife from the owner or tenant of real property, or from several owners or tenants in a locale, the ((~~commission~~)) department shall conduct a special hunt or special hunts or take remedial action to reduce the potential for the damage, and shall authorize either one or two permits per hunter. Each complaint must be confirmed by qualified department staff, or their designee.

(c) The director shall determine by random selection the identity of hunters who may hunt within the area of the special hunt and shall determine the conditions and requirements of the selection process. Within this process, the department must maintain a list of all persons holding valid wildlife hunting licenses, arranged by county of residence, who may hunt deer or elk that are causing damage to crops. The department must update the list annually and utilize the list when contacting persons to assist in controlling game damage to crops. The department must make all reasonable efforts to contact individuals residing within the county where the hunting of deer or elk will occur before contacting a person who is not a resident of that county. The department must randomize the names of people on the list in order to provide a fair distribution of the hunting opportunities. Hunters who participate in hunts under this section must report any kills to the department. The department must include a summary of the wildlife harvested in these hunts in the annual game management reports it makes available to the public.

**Sec.**  RCW 77.12.152 and 1995 1st sp.s. c 2 s 14 are each amended to read as follows:

The ((~~commission~~)) department may designate the boundaries of fishing areas by driving piling or by establishing monuments or by description of landmarks or section lines and directional headings.

**Sec.**  RCW 77.12.170 and 2020 c 148 s 5 are each amended to read as follows:

(1) There is established in the state treasury the limited fish and wildlife account which consists of moneys received from:

(a) Fees for personalized vehicle, Wild on Washington, and Endangered Wildlife license plates, Washington's Wildlife license plate collection, and Washington's fish license plate collection as provided in chapter 46.17 RCW;

(b) The department's share of revenues from auctions and raffles authorized by the ((~~commission~~)) department;

(c) The sale of watchable wildlife decals under RCW 77.32.560;

(d) Moneys received from the recreation access pass account created in RCW 79A.80.090 must be dedicated to stewardship, operations, and maintenance of department lands used for public recreation purposes;

(e) Fees for informational materials published by the department;

(f) Those portions of the sale of licenses, permits, tags, stamps, endorsements, and application fees that are specified for a limited purpose within chapters 77.32, 77.65, and 77.70 RCW; and

(g) Income directed to the limited fish and wildlife account by any other statute not listed in this subsection.

(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the limited fish and wildlife account.

(3) There is established in the state treasury the fish, wildlife, and conservation account that consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes, unless the property is seized or recovered through a fish, shellfish, or wildlife enforcement action;

(c) The assessment of administrative penalties;

(d) Those portions of the sale of licenses, permits, tags, stamps, endorsements, and application fees that are not specified for a limited purpose within chapters 77.32, 77.65, and 77.70 RCW;

(e) Articles or wildlife sold by the director under RCW 77.12.140;

(f) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

(g) Donations received by the director under RCW 77.12.039;

(h) Income directed to the fish, wildlife, and conservation account by any other statute not listed in this subsection.

(4) State and county officers receiving any moneys listed in subsection (3) of this section shall deposit them in the state treasury to be credited to the fish, wildlife, and conservation account.

(5) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320 must be deposited into the special wildlife account created in RCW 77.12.323. However, this excludes fish and shellfish overages and court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action, as such moneys must be deposited in the enforcement reward account pursuant to RCW 77.15.425.

**Sec.**  RCW 77.12.210 and 2020 c 148 s 9 are each amended to read as follows:

The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The ((~~commission may authorize the~~)) director ((~~to~~)) may sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department, and to sell or lease the department's real or personal property or grant concessions or rights‑of‑way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the fish, wildlife, and conservation account created in RCW 77.12.170(3): PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

If the ((~~commission~~)) director determines that real or personal property held by the department cannot be used advantageously by the department, the director may dispose of that property if it is in the public interest.

If the state acquired real property with use limited to specific purposes, the director may negotiate terms for the return of the property to the donor or grantor. Other real property shall be sold to the highest bidder at public auction. After appraisal, notice of the auction shall be published at least once a week for two successive weeks in a newspaper of general circulation within the county where the property is located at least twenty days prior to sale.

Proceeds from the sales shall be deposited in the fish, wildlife, and conservation account created in RCW 77.12.170(3).

**Sec.**  RCW 77.12.220 and 2000 c 107 s 219 are each amended to read as follows:

For purposes of this title, the ((~~commission~~)) department may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, units of local government of this state, public service companies, or other persons, if in the judgment of the ((~~commission~~)) department and the attorney general the transfer and conveyance is consistent with public interest. For purposes of this section, "local government" means any city, town, county, special district, municipal corporation, or quasi-municipal corporation.

If the ((~~commission~~)) department agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement.

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

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

**Sec.**  RCW 77.12.285 and 2000 c 107 s 6 are each amended to read as follows:

(1) The ((~~commission~~)) department may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia river basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

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

**Sec.**  RCW 77.12.320 and 2021 c 182 s 1 are each amended to read as follows:

(1) The ((~~commission~~)) department may make agreements with persons, political subdivisions of this state, or the United States or its agencies or instrumentalities, regarding fish, shellfish, and wildlife-oriented recreation and the propagation, protection, conservation, and control of fish, shellfish, and wildlife.

(2) The director may make written agreements with the owners or lessees of real or personal property to provide for the use of the property for fish, shellfish, and wildlife-oriented recreation. The director may adopt rules governing the conduct of persons in or on the real property.

(3) The director may accept compensation for fish, shellfish, and wildlife losses or gifts or grants of personal property for use by the department.

(4) The ((~~commission~~)) director may indemnify the United States and its agencies as a condition of securing federal funds for purposes of fish, shellfish, and wildlife projects.

**Sec.**  RCW 77.12.325 and 2001 c 253 s 20 are each amended to read as follows:

The ((~~commission~~)) department may cooperate with the Oregon fish and wildlife commission in the adoption of rules to ensure an annual yield of fish, shellfish, and wildlife on the Columbia river and to prevent the taking of fish, shellfish, and wildlife at places or times that might endanger fish, shellfish, and wildlife.

**Sec.**  RCW 77.12.330 and 1980 c 78 s 53 are each amended to read as follows:

The ((~~commission~~)) department may establish by rule exclusive fishing waters for minors within specified ages.

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

The director may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, and removing obstructions to migratory fish. The eradication of undesirable fish shall be authorized by the ((~~commission~~)) department. The director may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

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

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

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

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

**Sec.**  RCW 77.12.570 and 1987 c 506 s 49 are each amended to read as follows:

The ((~~commission~~)) department shall establish the qualifications and conditions for issuing a game farm license. The director shall adopt rules governing the operation of game farms. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section.

**Sec.**  RCW 77.12.722 and 2000 c 107 s 259 are each amended to read as follows:

For the purposes of establishing a season or bag limit restriction on Canada goose hunting, the ((~~commission~~)) department shall not consider leg length or bill length of dusky Canada geese (Branta canadensis occidentalis).

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

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

Commercial non-Indian steelhead fisheries are not authorized.

**Sec.**  RCW 77.12.800 and 1997 c 422 s 3 are each amended to read as follows:

The ((~~commission~~)) department must establish special pheasant hunting opportunities for juvenile hunters in eastern Washington for the 1998 season and future seasons.

**Sec.**  RCW 77.15.065 and 1996 c 267 s 9 are each amended to read as follows:

If the prosecuting attorney of the county in which a violation of this title or rule of the department occurs fails to file an information against the alleged violator, the attorney general upon request of the ((~~commission~~)) department may file an information in the superior court of the county and prosecute the case in place of the prosecuting attorney. The ((~~commission~~)) department may request prosecution by the attorney general if thirty days have passed since the ((~~commission~~)) department informed the county prosecuting attorney of the alleged violation.

**Sec.**  RCW 77.15.096 and 2017 3rd sp.s. c 8 s 5 are each amended to read as follows:

(1) Fish and wildlife officers may inspect without warrant at reasonable times and in a reasonable manner:

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

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

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

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

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

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

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

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

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

(4) Authority granted under this section does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution.

**Sec.**  RCW 77.15.120 and 2014 c 48 s 5 are each amended to read as follows:

(1) A person is guilty of unlawful taking of endangered fish or wildlife in the second degree if:

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

(b) The fish or wildlife is designated by the ((~~commission~~)) department as endangered; and

(c) The taking of the fish or wildlife or the destruction of the nests or eggs has not been authorized by rule of the ((~~commission~~)) department, a permit issued by the department, or a permit issued pursuant to the federal endangered species act.

(2) A person is guilty of unlawful taking of endangered fish or wildlife in the first degree if the person has been:

(a) Convicted under subsection (1) of this section or convicted of any crime under this title involving the taking, possessing, or malicious harassment of endangered fish or wildlife; and

(b) Within five years of the date of the prior conviction the person commits the act described by subsection (1) of this section.

(3)(a) Unlawful taking of endangered fish or wildlife in the second degree is a gross misdemeanor.

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

**Sec.**  RCW 77.15.130 and 2014 c 48 s 6 are each amended to read as follows:

(1) A person is guilty of unlawful taking of protected fish or wildlife if:

(a) The person hunts for, fishes for, maliciously takes, harasses, or possesses fish or wildlife, or the person possesses or maliciously destroys the eggs or nests of fish or wildlife designated by the ((~~commission~~)) department as protected, other than species designated as threatened or sensitive, and the taking has not been authorized by rule of the ((~~commission~~)) department or by a permit issued by the department;

(b) The person violates any rule of the ((~~commission~~)) department regarding the taking, harassing, possession, or transport of protected fish or wildlife; or

(c)(i) The person hunts for, fishes for, intentionally takes, harasses, or possesses fish or wildlife, or the person possesses or intentionally destroys the nests or eggs of fish or wildlife designated by the ((~~commission~~)) department as threatened or sensitive; and

(ii) The taking of the fish or wildlife, or the destruction of the nests or eggs, has not been authorized by rule of the ((~~commission~~)) department, a permit issued by the department, or a permit issued pursuant to the federal endangered species act.

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

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

(a) Ferruginous hawk, two thousand dollars;

(b) Common loon, two thousand dollars;

(c) Bald eagle, two thousand dollars;

(d) Golden eagle, two thousand dollars; and

(e) Peregrine falcon, two thousand dollars.

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

(5)(a) The criminal wildlife penalty assessment under subsection (3) of this section must be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this section. The criminal wildlife penalty assessment must be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect.

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

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

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

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

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

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

**Sec.**  RCW 77.15.135 and 2016 c 2 s 3 are each amended to read as follows:

(1) Except as authorized in subsections (2) and (3) of this section, it is unlawful for a person to sell, offer to sell, purchase, trade, barter for, or distribute any covered animal species part or product.

(2) The prohibitions set forth in subsection (1) of this section do not apply if any of the following conditions ((~~is [are]~~)) are satisfied:

(a) The covered animal species part or product is part of a bona fide antique, provided the antique status of such an antique is established by the owner or seller thereof with historical documentation evidencing provenance and showing the antique to be not less than one hundred years old, and the covered animal species part or product is less than fifteen percent by volume of such an antique;

(b) The distribution of the covered animal species part or product is for a bona fide educational or scientific purpose, or to or from a museum;

(c) The distribution of the covered animal species part or product is to a legal beneficiary of an estate, trust, or other inheritance, upon the death of the owner of the covered animal species part or product;

(d) The covered animal species part or product is less than fifteen percent by volume of a musical instrument, including, without limitation, string instruments and bows, wind and percussion instruments, and pianos; or

(e) The intrastate sale, offer for sale, purchase, trade, barter for, or distribution of the covered animal species part or product is expressly authorized by federal law or permit.

(3) The prohibitions set forth in subsection (1) of this section do not apply to an employee or agent of a federal, state, or local government undertaking any law enforcement activity pursuant to federal, state, or local law or any mandatory duty required by federal, state, or local law.

(4)(a) Except as otherwise provided in this section, a person is guilty of unlawful trafficking in species threatened with extinction in the second degree if the person commits the act described in subsection (1) of this section and the violation involves covered animal species parts or products with a total market value of less than two hundred fifty dollars.

(b) Except as otherwise provided in this section, a person is guilty of unlawful trafficking in species threatened with extinction in the first degree if the person commits the act described by subsection (1) of this section and the violation:

(i) Involves covered animal species parts or products with a total market value of two hundred fifty dollars or more;

(ii) Occurs after entry of a prior conviction under this section;

or

(iii) Occurs within five years of entry of a prior conviction for

any other gross misdemeanor or felony under this chapter.

(c) Unlawful trafficking in species threatened with extinction in the second degree is a gross misdemeanor.

(d) Unlawful trafficking in species threatened with extinction in the first degree is a class C felony.

(e) If a person commits the act described by subsection (1) of this section and such an act also would be a violation of any other criminal provision of this title, the prosecuting authority has discretion as to which crime or crimes the person is charged as long as the charges are consistent with any limitations in the state and federal Constitutions.

(5) In addition to the penalties set forth in subsection (4) of this section, if a person is convicted of violating this section, the court shall require payment of a criminal wildlife penalty assessment in the amount of two thousand dollars that must be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425.

(6) If two or more people are convicted under subsection (1) of this section, the criminal wildlife penalty assessment under this section must be imposed against each person jointly and severally.

(7) The criminal wildlife penalty assessment provided in this section must be doubled if the person is convicted of unlawful trafficking in species threatened with extinction in the first degree.

(8) By January 1, 2017, and thereafter annually, the director shall provide a comprehensive report outlining current and future enforcement activities and strategies related to chapter 2, Laws of 2016, including recommendations regarding any necessary changes, to the relevant policy and fiscal committees of the senate and house of representatives.

(9) The ((~~commission~~)) department may adopt rules necessary for the implementation and enforcement of chapter 2, Laws of 2016.

**Sec.**  RCW 77.15.245 and 2019 c 226 s 2 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240, 77.36.030, or any other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

(a) Nothing in this subsection shall be construed to prohibit the killing of black bear with the aid of bait by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(b) Nothing in this subsection shall be construed to prevent the establishment and operation of feeding stations for black bear in order to prevent damage to commercial timberland.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of bait to attract black bear for scientific purposes.

(d) As used in this subsection, "bait" means a substance placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting black bears to an area where one or more persons hunt or intend to hunt them.

(2) Notwithstanding RCW 77.12.240, 77.36.030, or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, or bobcat with the aid of a dog or dogs.

(a) Nothing in this subsection shall be construed to prohibit the hunting of black bear, cougar, or bobcat with the aid of a dog or dogs by employees or agents of county, state, or federal agencies while acting in their official capacities for the purpose of protecting livestock, domestic animals, private property, or the public safety. A dog or dogs may be used by the owner or tenant of real property consistent with a permit issued and conditioned by the director.

(b) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the pursuit, capture and relocation, of black bear, cougar, or bobcat for scientific purposes.

(c) Nothing in this subsection shall be construed to prohibit the director from issuing a permit or memorandum of understanding to a public agency, university, or scientific or educational institution for the use of a dog or dogs for the killing of black bear, cougar, or bobcat, for the protection of a state and/or federally listed threatened or endangered species.

(d) Nothing in this subsection may be construed to prohibit nonlethal pursuit training of dogs by persons selected through the process established in RCW 77.12.077 for future use for the purpose of protecting livestock, domestic animals, private property, or the public safety.

(3) Notwithstanding subsection (2) of this section, the ((~~commission~~)) department may authorize the use of dogs only in selected areas within a game management unit to address a public safety need presented by one or more cougar. This authority may only be exercised after the ((~~commission~~)) department has determined that no other practical alternative to the use of dogs exists, and after the ((~~commission~~)) department has adopted rules describing the conditions in which dogs may be used. Conditions that may warrant the use of dogs within a game management unit include, but are not limited to, confirmed cougar/human safety incidents, confirmed cougar/livestock and cougar/pet depredations, and the number of cougar capture attempts and relocations.

(4) A person who violates subsection (1) or (2) of this section is guilty of a gross misdemeanor. In addition to appropriate criminal penalties, the department shall revoke the hunting license of a person who violates subsection (1) or (2) of this section and order the suspension of wildlife hunting privileges for a period of five years following the revocation. Following a subsequent violation of subsection (1) or (2) of this section by the same person, a hunting license shall not be issued to the person at any time.

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

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

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

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

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

**Sec.**  RCW 77.15.395 and 2019 c 58 s 1 are each amended to read as follows:

(1) For the purpose of hunter safety, the ((~~commission~~)) department must adopt rules determining the times and manner when a person hunting must wear either fluorescent orange or fluorescent pink clothing or both. The rules must allow a person hunting to wear either fluorescent orange or fluorescent pink clothing, or both, in order to meet a visible clothing requirement when hunting.

(2) A violation of this section is an infraction punishable under RCW 77.15.160.

**Sec.**  RCW 77.15.420 and 2016 c 64 s 3 are each amended to read as follows:

(1) If an adult offender is convicted of violating RCW 77.15.410 and that violation results in the death of wildlife listed in this section, the court shall require payment of the following amounts for each animal taken or possessed. This shall be a criminal wildlife penalty assessment that shall be paid to the clerk of the court and distributed each month to the state treasurer for deposit in the fish and wildlife enforcement reward account created in RCW 77.15.425.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | (a) | Moose, mountain sheep, mountain goat, and all wildlife species classified as endangered by rule of the ((~~commission~~)) department, except for mountain caribou and grizzly bear as listed under (d) of this subsection | $4,000 |  |
|  | (b) | Elk, deer, black bear, and cougar | $2,000 |  |
|  | (c) | Trophy animal elk and deer | $6,000 |  |
|  | (d) | Mountain caribou, grizzly bear, and trophy animal mountain  sheep | $12,000 |  |

(2)(a) For the purpose of this section a "trophy animal" is:

(i) A buck deer with four or more antler points on both sides, not including eyeguards;

(ii) A bull elk with five or more antler points on both sides, not including eyeguards; or

(iii) A mountain sheep with a horn curl of three-quarter curl or greater.

(b) For purposes of this subsection, "eyeguard" means an antler protrusion on the main beam of the antler closest to the eye of the animal.

(3) If two or more persons are convicted of illegally possessing wildlife in subsection (1) of this section, the criminal wildlife penalty assessment shall be imposed on them jointly and severally.

(4) The criminal wildlife penalty assessment shall be imposed regardless of and in addition to any sentence, fines, or costs otherwise provided for violating any provision of this title. The criminal wildlife penalty assessment shall be included by the court in any pronouncement of sentence and may not be suspended, waived, modified, or deferred in any respect. This section may not be construed to abridge or alter alternative rights of action or remedies in equity or under common law or statutory law, criminal or civil.

(5) A defaulted criminal wildlife penalty assessment may be collected by any means authorized by law for the enforcement of orders of the court or collection of a fine or costs, including but not limited to vacation of a deferral of sentencing or vacation of a suspension of sentence.

(6) A person assessed a criminal wildlife penalty assessment under this section shall have his or her hunting license revoked and all hunting privileges suspended until the penalty assessment is paid through the registry of the court in which the penalty assessment was assessed. This revocation and suspension is in addition to and runs concurrently with any revocation and suspension required by law.

(7) The criminal wildlife penalty assessments provided in subsection (1) of this section shall be doubled in the following instances:

(a) When a person is convicted of spotlighting big game under RCW 77.15.450;

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

(c) When the trier of fact determines that the person took or possessed the animal in question with the intent of bartering, selling, or otherwise deriving economic profit from the animal or the animal's parts; or

(d) When the trier of fact determines that the person took the animal under the supervision of a licensed guide.

**Sec.**  RCW 77.15.425 and 2016 c 2 s 6 are each amended to read as follows:

The fish and wildlife enforcement reward account is created in the custody of the state treasurer. Deposits to the account include: Receipts from fish and shellfish overages as a result of a department enforcement action; fees for hunter education deferral applications; fees for master hunter applications and master hunter certification renewals; all receipts from criminal wildlife penalty assessments under this chapter; all receipts of court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action; and proceeds from forfeitures and evidence pursuant to RCW 77.15.070 and 77.15.100. The department may accept money or personal property from persons under conditions requiring the property or money to be used consistent with the intent of expenditures from the fish and wildlife enforcement reward account. Expenditures from the account may be used only for investigation and prosecution of fish and wildlife offenses, to provide rewards to persons informing the department about violations of this title and rules adopted under this title, to offset department-approved costs incurred to administer the hunter education deferral program and the master hunter permit program, and for other valid enforcement uses as determined by the ((~~commission~~)) department. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec.**  RCW 77.15.460 and 2018 c 168 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful possession of a loaded rifle or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon an off-road vehicle, as defined in RCW 46.04.365, if:

(a) The person carries, transports, conveys, possesses, or controls a rifle or shotgun in a motor vehicle, or upon an off-road vehicle, except as allowed by department rule; and

(b) The rifle or shotgun contains shells or cartridges in the magazine or chamber, or is a muzzle-loading firearm that is loaded and capped or primed.

(2) A person is guilty of unlawful use of a loaded firearm if:

(a) The person negligently discharges a firearm from, across, or along the maintained portion of a public highway; or

(b) The person discharges a firearm from within a moving motor vehicle or from upon a moving off-road vehicle.

(3) Unlawful possession of a loaded rifle or shotgun in a motor vehicle or upon an off-road vehicle, and unlawful use of a loaded firearm are misdemeanors.

(4) This section does not apply if the person:

(a) Is a law enforcement officer who is authorized to carry a firearm and is on duty within the officer's respective jurisdiction;

(b) Has been granted a disability designation as provided by RCW 77.32.237 and complies with all rules of the department concerning hunting by persons with disabilities; or

(c) Discharges the rifle or shotgun from upon a nonmoving motor vehicle, as long as the engine is turned off and the motor vehicle is not parked on or beside the maintained portion of a public road, except as authorized by the ((~~commission~~)) department by rule. This subsection (4)(c) does not apply to off-road vehicles, which are unlawful to use for hunting under RCW 46.09.480, unless the person has a department permit issued under RCW 77.32.237.

(5) For purposes of subsection (1) of this section, a rifle or shotgun shall not be considered loaded if the detachable clip or magazine is not inserted in or attached to the rifle or shotgun.

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

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

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

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

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

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

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

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

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

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

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

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

(4) If the person commits the act described by subsection (1) of this section and the vessel designated on the person's fishery license was used by any person in the fishery on the same day, then the violation for using a nondesignated vessel is a class C felony. Upon conviction the department shall order revocation and suspension of all commercial fishing privileges under chapter 77.65 RCW for a period of one year.

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

(1) The license suspension review committee is created. The license suspension review committee may only hear appeals from commercial fishers who have had a license revoked or suspended pursuant to RCW 77.15.552.

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

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

(c) Three members, and up to four alternates, must be peer-group members, who are individuals owning a commercial fishing license issued by the department. If a peer-group member appears before the license suspension review committee because of a qualifying commercial fishing violation, the member must recuse himself or herself from the proceedings relating to that violation. No two voting peer-group members may reside in the same county. All peer-group members must be appointed by the ((~~commission~~)) department, who may accept recommendations from professional organizations that represent commercial fishing interests or from the legislative authority of any Washington county.

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

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

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

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

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

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

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

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

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

(a) Charter or recreational fishing; and

(b) Commercial fishing or shellfish harvesting.

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

**Sec.**  RCW 77.15.700 and 2020 c 38 s 4 are each amended to read as follows:

(1) The department shall revoke a person's recreational license or licenses and suspend a person's recreational license privileges in the following circumstances:

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

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 77.15.710 and 2000 c 107 s 257 are each amended to read as follows:

(1) The ((~~commission~~)) department shall revoke all hunting, fishing, or other licenses issued under this title and order a ten-year suspension of all privileges extended under the authority of the department of a person convicted of assault on a fish and wildlife officer, ex officio officer, employee, agent, or personnel acting for the department, if the employee assaulted was on duty at the time of the assault and carrying out the provisions of this title. The suspension shall be continued beyond this period if any damages to the victim have not been paid by the suspended person.

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

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

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

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

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

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

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

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

**Sec.**  RCW 77.15.720 and 2012 c 176 s 36 are each amended to read as follows:

(1)(a) If a person discharges a firearm, bow, or crossbow while hunting and in a manner that injures, or that a reasonable person would believe is likely to injure, another person, the director shall revoke all of the shooter's hunting licenses and suspend all hunting privileges for three years. If the shooting kills or results in the death of another person, then the director shall revoke all of the shooter's hunting licenses and suspend all of the person's hunting privileges for ten years.

(b) If a person, with malice, discharges a firearm, bow, or crossbow while hunting and in a manner that kills or causes substantial bodily harm to livestock belonging to another person, the director shall revoke all of the shooter's hunting licenses and suspend all hunting privileges for three years. For the purposes of this subsection (1)(b), "malice" has the same meaning as provided in RCW 9A.04.110 but applies to acts against livestock.

(2) A suspension under subsection (1) of this section shall be continued beyond the applicable periods if damages owed to the victim or livestock owner have not been paid by the suspended person. In such a case, no hunting license shall be reissued to the suspended person unless authorized by the director.

(3) A person who is notified of a license revocation under this section may request an appeal hearing under chapter 34.05 RCW.

(4) The ((~~commission~~)) department may by rule authorize petitions for reinstatement of administrative suspensions and define circumstances under which such a reinstatement will be allowed.

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

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

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

**Sec.**  RCW 77.32.007 and 1984 c 240 s 8 are each amended to read as follows:

For the purposes of this chapter "special hunting season" means a hunting season established by rule of the ((~~commission~~)) department for the purpose of taking specified wildlife under a special hunting permit.

**Sec.**  RCW 77.32.010 and 2019 c 290 s 3 are each amended to read as follows:

(1) Except as otherwise provided in this chapter or department rule, a recreational license issued by the director is required to hunt, fish, or take wildlife or seaweed. A recreational fishing or shellfish license is not required for carp, freshwater smelt, and crawfish, and a hunting license is not required for bullfrogs.

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

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

**Sec.**  RCW 77.32.025 and 1998 c 191 s 9 are each amended to read as follows:

Notwithstanding RCW 77.32.010, the ((~~commission~~)) department may adopt rules designating times and places for the purposes of family fishing days when licenses and catch record cards are not required to fish or to harvest shellfish.

**Sec.**  RCW 77.32.050 and 2020 c 148 s 17 are each amended to read as follows:

(1) All recreational and commercial licenses, permits, tags, stamps, and raffle tickets shall be issued under the authority of the ((~~commission~~)) department. The ((~~commission~~)) department shall adopt rules for the issuance of licenses, permits, tags, stamps, and raffle tickets, and for the collection, payment, and handling of license fees, including terms and conditions to govern dealers, and dealer fees. A transaction fee on commercial and recreational documents issued through an automated licensing system may be set by the ((~~commission~~)) department and collected from licensees. The department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing system services. The department and dealers shall collect and retain dealer fees of at least two dollars for purchase of a standard hunting or fishing recreational license document or commercial license document, except that the ((~~commission~~)) department may set a lower dealer fee for issuance of tags or when a licensee buys a license that involves a stamp or display card format rather than a standard department licensing document form. Dealer fees must be uniform throughout the state.

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

**Sec.**  RCW 77.32.070 and 2008 c 244 s 1 are each amended to read as follows:

(1) Applicants for a license, permit, tag, or stamp shall furnish the information required by the director. However, the director may not require the purchaser of a razor clam license under RCW 77.32.520 to provide any personal information except for proof of residency. The ((~~commission~~)) department may adopt rules requiring licensees or permittees to keep records and make reports concerning the taking of or effort to harvest fish, shellfish, and wildlife. The reporting requirement may be waived where, for any reason, the department is not able to receive the report. The department must provide reasonable options for a licensee to submit information to a live operator prior to the reporting deadline.

(2) The ((~~commission~~)) department may, by rule, set an administrative penalty for failure to comply with rules requiring the reporting of taking or effort to harvest wildlife. The ((~~commission~~)) department may also adopt rules requiring hunters who have not reported for the previous license year to complete a report and pay the assessed administrative penalty before a new hunting license is issued.

(a) The total administrative penalty per hunter set by the ((~~commission~~)) department must not exceed ten dollars.

(b) By December 31st of each year, the department shall report the rate of hunter compliance with the harvest reporting requirement, the administrative penalty imposed for failing to report, and the amount of administrative penalties collected during that year to the appropriate fiscal and policy committees of the senate and house of representatives.

(3) The ((~~commission~~)) department may, by rule, set an administrative penalty for failure to comply with rules requiring the reporting of data from catch record cards officially endorsed for Puget Sound Dungeness crab. The ((~~commission~~)) department may also adopt rules requiring fishers who possessed a catch record card officially endorsed for Puget Sound Dungeness crab and who have not reported for the previous license year to complete a report and pay the assessed administrative penalty before a new catch record card officially endorsed for Puget Sound Dungeness crab is issued.

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

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

**Sec.**  RCW 77.32.090 and 2000 c 107 s 267 are each amended to read as follows:

The ((~~commission~~)) department may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, stamps, and raffle tickets required by this chapter.

**Sec.**  RCW 77.32.155 and 2017 c 255 s 1 are each amended to read as follows:

(1)(a) When purchasing any hunting license, persons under the age of eighteen shall present certification of completion of a course of instruction of at least ten hours in the safe handling of firearms, safety, conservation, and sporting/hunting behavior. All persons purchasing any hunting license for the first time, if born after January 1, 1972, shall present such certification.

(b)(i) The director may establish a program for training persons in the safe handling of firearms, conservation, and sporting/hunting behavior and shall prescribe the type of instruction and the qualifications of the instructors. The director shall, as part of establishing the training program, exempt the following individuals from the firearms skills portion of any instruction course completed over the internet:

(A) Members of the United States military;

(B) Current or retired general authority Washington peace officers as defined in RCW 10.93.020;

(C) Current or retired limited authority Washington peace officers as defined in RCW 10.93.020, if the officer is or was duly authorized by his or her employer to carry a concealed pistol;

(D) Current or retired specially commissioned Washington peace officers as defined in RCW 10.93.020, if the officer is or was duly authorized by his or her commissioning agency to carry a concealed pistol; and

(E) Current or retired Washington peace officers as defined in RCW 43.101.010 who have met the requirements of RCW 43.101.095 or 43.101.157 and whose certification is in good standing or has not been revoked.

(ii) The director may cooperate with the national rifle association, organized sports/outdoor enthusiasts' groups, or other public or private organizations when establishing the training program.

(c) Upon the successful completion of a course established under this section, the trainee shall receive a hunter education certificate signed by an authorized instructor. The certificate is evidence of compliance with this section.

(d) The director may accept certificates from other states that persons have successfully completed firearm safety, hunter education, or similar courses as evidence of compliance with this section.

(2)(a) The director may authorize a once in a lifetime, one license year deferral of hunter education training for individuals who are accompanied by a nondeferred Washington-licensed hunter who has held a Washington hunting license for the prior three years and is over eighteen years of age. The ((~~commission~~)) department shall adopt rules for the administration of this subsection to avoid potential fraud and abuse.

(b) The director is authorized to collect an application fee, not to exceed twenty dollars, for obtaining the once in a lifetime, one license year deferral of hunter education training from the department. This fee must be deposited into the fish and wildlife enforcement reward account and must be used exclusively to administer the deferral program created in this subsection.

(c) For the purposes of this subsection, "accompanied" means to go along with another person while staying within a range of the other person that permits continual unaided visual and auditory communication.

(3) To encourage the participation of an adequate number of instructors for the training program, the ((~~commission~~)) department shall develop nonmonetary incentives available to individuals who commit to serving as an instructor. The incentives may include additional hunting opportunities for instructors.

**Sec.**  RCW 77.32.237 and 2018 c 168 s 2 are each amended to read as follows:

The ((~~commission~~)) department shall enhance the fish, shellfish, and wildlife-related recreational opportunities for a person with a disability. The ((~~commission~~)) department shall authorize the director to grant a disability designation to a person with a disability who meets eligibility criteria established by the ((~~commission~~)) department by rule. The ((~~commission~~)) department shall adopt rules defining who is a person with a disability for purposes of eligibility for disability designation. A person granted a disability designation is eligible for reasonable accommodations, determined by the director, to allow the person to participate in fish, shellfish, and wildlife-related recreational activities. The ((~~commission~~)) department shall adopt rules governing the conduct of a person with a disability participating in fish, shellfish, and wildlife-related recreational activities and the conduct of companions permitted, as a reasonable accommodation, to assist such a person in fish, shellfish, and wildlife-related recreational opportunities.

**Sec.**  RCW 77.32.370 and 2011 c 339 s 8 are each amended to read as follows:

(1) A special hunting season permit is required to hunt in each special season.

(2) Persons may apply for special hunting season permits as provided by rule of the ((~~commission~~)) department.

(3) The application fee to enter a drawing for a special hunting season permit or authorization is:

(a) Six dollars for residents, or one hundred dollars for nonresidents, for the permits in categories designated by the ((~~commission~~)) department for deer or elk, female big game, or for small game;

(b) Twelve dollars for residents, or one hundred dollars for nonresidents, for the permits that the ((~~commission~~)) department designates as "quality" hunts that allow the harvest of buck deer, bull elk, or allow the harvest of male big game species that are only available for hunting by special permit;

(c) Twelve dollars for residents and nonresidents to apply for special authorizations to hunt for migratory birds; and

(d) Three dollars for youth for any special hunt drawing or special authorization.

**Sec.**  RCW 77.32.430 and 2020 c 148 s 18 are each amended to read as follows:

(1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be under rules adopted by the ((~~commission~~)) department. Except as provided in this section, there is no charge for an initial catch record card. Each subsequent or duplicate catch record card costs eleven dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than seven dollars and fifty cents when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than three dollars when purchased for a temporary combination fishing license authorized under RCW 77.32.470(3)(a).

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

(4) A catch record card for halibut may not cost more than five dollars when purchased with an annual saltwater or combination fishing license and must be provided at no cost for those who purchase a one-day temporary saltwater fishing license or one-day temporary charter stamp.

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

(6)(a) The funds received from the sale of catch record cards, catch card penalty fees, and the Dungeness crab endorsement must be deposited into the limited fish and wildlife account created in RCW 77.12.170(1).

(i)(A) One dollar of the funds received from the sale of each Dungeness crab endorsement must be used for the removal and disposal of derelict shellfish gear either directly by the department or under contract with a third party. The department is required to maintain a separate accounting of these funds and provide an annual report to ((~~the commission and~~)) the legislature by January 1st of every year.

(B) The remaining portion of the funds received from the sale of each Dungeness crab endorsement must be used for education, sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries.

(ii) Funds received from the sale of halibut catch record cards must be used for monitoring and management of recreational halibut fisheries, including expanding opportunities for recreational anglers.

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

**Sec.**  RCW 77.32.440 and 1999 c 235 s 2 are each amended to read as follows:

(1) The ((~~commission~~)) department shall adopt rules to continue funding current enhancement programs at levels equal to the participation of licensees in each of the individual enhancement programs. All enhancement funding will continue to be deposited directly into the individual accounts created for each enhancement.

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

**Sec.**  RCW 77.32.450 and 2011 c 339 s 10 are each amended to read as follows:

(1) A big game hunting license is required to hunt for big game. A big game license allows the holder to hunt for forest grouse, unclassified wildlife, and the individual species identified within a specific big game combination license package. Each big game license includes one transport tag for each species purchased in that package. A hunter may not purchase more than one license for each big game species except as authorized by rule of the ((~~commission~~)) department. The fees for annual big game combination packages are as follows:

(a) Big game number 1: Deer, elk, bear, and cougar. The fee for this license is eighty-five dollars for residents, seven hundred eighty dollars for nonresidents, and forty dollars for youth.

(b) Big game number 2: Deer and elk. The fee for this license is seventy-five dollars for residents, six hundred seventy dollars for nonresidents, and thirty-five dollars for youth.

(c) Big game number 3: Deer. The fee for this license is thirty-nine dollars for residents, three hundred ninety-three dollars for nonresidents, and eighteen dollars for youth.

(d) Big game number 4: Elk. The fee for this license is forty-four dollars for residents, four hundred fifty dollars for nonresidents, and eighteen dollars for youth.

(e) Big game number 5: Bear. The fee for this license is twenty dollars for residents, two hundred dollars for nonresidents, and ten dollars for youth.

(f) Big game number 6: Cougar. The fee for this license is twenty dollars for residents, two hundred dollars for nonresidents, and ten dollars for youth.

(2) In the event that the ((~~commission~~)) department authorizes a two animal big game limit, the fees for the second animal are as follows:

(a) Elk: The fee is sixty dollars for residents, three hundred fifty dollars for nonresidents, and twenty dollars for youth.

(b) Deer: The fee is sixty dollars for residents, two hundred fifty dollars for nonresidents, and twenty dollars for youth.

(3) In the event that the ((~~commission~~)) department authorizes a special permit hunt for goat, sheep, moose, or other big game species not specified the permit fees are three hundred dollars for residents, one thousand five hundred dollars for nonresidents, and fifty dollars for youth.

(4) Multiple season big game permit: The ((~~commission~~)) department may, by rule, offer permits for hunters to hunt deer or elk during more than one general season. Only one deer or elk may be harvested annually under a multiple season big game permit. The fee is one hundred sixty-five dollars.

(5) Authorization to hunt the species set out under subsection (3) of this section is by special permit issued under RCW 77.32.370.

**Sec.**  RCW 77.32.470 and 2020 c 148 s 20 are each amended to read as follows:

(1) A personal use saltwater, freshwater, combination, temporary, or family fishing weekend license is required for all persons fifteen years of age or older to fish for or possess fish taken for personal use from state waters or offshore waters.

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

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

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

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

(3)(a) A temporary combination fishing license is valid for one to three consecutive days and allows the holder to fish for or possess fish, shellfish, and seaweed taken from state waters or offshore waters. The fee for this temporary fishing license is:

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

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

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

(b) The fee for a charter stamp is eight dollars for a one-day temporary combination fishing license for residents and nonresidents for use on a charter boat as defined in RCW 77.65.150.

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

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

(e) There is an additional fifty-cent surcharge on the temporary combination fishing license and the associated charter stamp, to be deposited in the rockfish research account created in RCW 77.12.702.

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

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

(6) The ((~~commission~~)) department may adopt rules to allow the use of two fishing poles per fishing license holder for use on selected state waters. If authorized by the ((~~commission~~)) department, license holders must purchase a two-pole stamp to use a second pole. The proceeds from the sale of the two-pole stamp must be deposited into the limited fish and wildlife account created in RCW 77.12.170(1) and used for the operation and maintenance of state-owned fish hatcheries. The fee for a two-pole stamp is thirteen dollars for residents and nonresidents, and five dollars for seniors.

**Sec.**  RCW 77.32.500 and 1998 c 191 s 41 are each amended to read as follows:

In order to simplify fishing license requirements in transition areas between salt water and fresh water, the ((~~commission~~)) department may adopt rules designating specific waters where either a fresh water or a salt water license is valid.

**Sec.**  RCW 77.32.525 and 1987 c 506 s 48 are each amended to read as follows:

The director shall administer rules adopted by the ((~~commission~~)) department governing the time, place, and manner of holding hunting and fishing contests and competitive field trials involving live wildlife for hunting dogs. The department shall prohibit contests and field trials that are not in the best interests of wildlife.

**Sec.**  RCW 77.32.530 and 2020 c 148 s 21 are each amended to read as follows:

(1) The ((~~commission in consultation with the~~)) director may authorize hunting of big game animals and wild turkeys through auction. The department may conduct the auction for the hunt or contract with a nonprofit wildlife conservation organization to conduct the auction for the hunt.

(2) The ((~~commission in consultation with the~~)) director may authorize hunting of up to a total of thirty big game animals and wild turkeys per year through raffle. The department may conduct raffles or contract with a nonprofit wildlife conservation organization to conduct raffles for hunting these animals. In consultation with the gambling commission, the director may adopt rules for the implementation of raffles involving hunting.

(3) The director shall establish the procedures for the hunts, which shall require any participants to obtain any required license, permit, or tag. Representatives of the department may participate in the hunt upon the request of the ((~~commission~~)) department to ensure that the animals to be killed are properly identified.

(4) After deducting the expenses of conducting an auction or raffle, any revenues retained by a nonprofit organization, as specified under contract with the department, shall be devoted solely for wildlife conservation, consistent with its qualification as a bona fide nonprofit organization for wildlife conservation.

(5) The department's share of revenues from auctions and raffles shall be deposited in the limited fish and wildlife account created in RCW 77.12.170(1). The revenues shall be used to improve game management and shall supplement, rather than replace, other funds budgeted for management of game species. The ((~~commission~~)) department may solicit input from groups or individuals with special interest in and expertise on a species in determining how to use these revenues.

(6) A nonprofit wildlife conservation organization may petition the ((~~commission~~)) department to authorize an auction or raffle for a special hunt for big game animals and wild turkeys.

**Sec.**  RCW 77.32.535 and 2001 c 253 s 52 are each amended to read as follows:

If a private entity has a private lands wildlife management area agreement in effect with the department, the ((~~commission~~)) department may authorize the private entity to conduct raffles for access to hunt for big game animals and wild turkeys to meet the conditions of the agreement. The private entity shall comply with all applicable rules adopted under RCW 77.32.530 for the implementation of raffles; however, raffle hunts conducted pursuant to this section shall not be counted toward the number of raffle hunts the ((~~commission~~)) department may authorize under RCW 77.32.530. The director shall establish the procedures for the hunts, which shall require any participants to obtain any required license, permit, or tag. Representatives of the department may participate in the hunt upon the request of the ((~~commission~~)) department to ensure that the animals to be killed are properly identified.

**Sec.**  RCW 77.32.550 and 2015 c 98 s 1 are each amended to read as follows:

(1) A group fishing permit allows a group of individuals to fish, and harvest shellfish, without individual licenses or the payment of individual license fees. The department must also provide, without charge, any applicable catch record cards.

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

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

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

**Sec.**  RCW 77.32.560 and 2020 c 148 s 22 are each amended to read as follows:

(1) The department may sell watchable wildlife decals. Proceeds from the sale of the decal must be deposited into the limited fish and wildlife account created in RCW 77.12.170(1) and must be dedicated to the support of the department's watchable wildlife activities. The department may also use proceeds from the sale of the decal for marketing the decal and for marketing watchable wildlife activities in the state.

(2) The term "watchable wildlife activities" includes but is not limited to: Initiating partnerships with communities to jointly develop watchable wildlife projects, building infrastructure to serve wildlife viewers, assisting and training communities in conducting wildlife watching events, developing destination wildlife viewing corridors and trails, tours, maps, brochures, and travel aides, and offering grants to assist rural communities in identifying key wildlife attractions and ways to protect and promote them.

(3) The ((~~commission~~)) department must adopt by rule the cost of the watchable wildlife decal. A person may, at their discretion, contribute more than the cost as set by the ((~~commission~~)) department by rule for the watchable wildlife decal in order to support watchable wildlife activities.

**Sec.**  RCW 77.32.565 and 2008 c 10 s 1 are each amended to read as follows:

(1) In order to facilitate hunting and fishing opportunities for a terminally ill person, the director may provide any licenses, tags, permits, stamps, and other fees without charge including transaction and dealer fees.

(2) The director may accept special permits or other special hunting opportunities, including raffle tags, auction tags, and multiple season opportunities from donors seeking to facilitate hunting opportunities for a terminally ill person. The director shall distribute these donations pursuant to rules adopted under subsection (4) of this section.

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

(4) In addition to rules required under subsection (2) of this section, the ((~~commission~~)) department may adopt rules as necessary to effectuate the purpose and policies of this section.

**Sec.**  RCW 77.32.570 and 2009 c 333 s 15 are each amended to read as follows:

(1) In order to effectively manage wildlife in areas or at times when a higher proficiency and demonstrated skill level are needed for resource protection or public safety, the department establishes the master hunter permit program. The master hunter permit program emphasizes safe, ethical, responsible, and lawful hunting practices. Program goals include improving the public's perception of hunting and perpetuating the highest hunting standards.

(2) A master hunter permit is required to participate in controlled hunts to eliminate problem animals that damage property or threaten public safety. The ((~~commission~~)) department may establish by rule the requirements an applicant must comply with when applying for or renewing a master hunter permit, including but not limited to a criminal background check. The director may establish an advisory group to assist the department with administering the master hunter ((~~[permit]~~)) permit program.

(3) The fee for an initial master hunter permit may not exceed fifty dollars, and the cost of renewing a master hunter permit may not exceed twenty-five dollars. Funds generated under this section must be deposited into the fish and wildlife enforcement reward account established in RCW 77.15.425, and the funds must be used exclusively to administer the master hunter ((~~[permit]~~)) permit program.

**Sec.**  RCW 77.36.030 and 2009 c 333 s 61 are each amended to read as follows:

(1) Subject to limitations and conditions established by the ((~~commission~~)) department, the owner, the owner's immediate family member, the owner's documented employee, or a tenant of real property may trap, consistent with RCW 77.15.194, or kill wildlife that is threatening human safety or causing property damage on that property, without the licenses required under RCW 77.32.010 or authorization from the director under RCW 77.12.240.

(2) The ((~~commission~~)) department shall establish the limitations and conditions of this section by rule. The rules must include:

(a) Appropriate protection for threatened or endangered species;

(b) Instances when verbal or written permission is required to kill wildlife;

(c) Species that may be killed under this section; and

(d) Requirements for the disposal of wildlife trapped or killed under this section.

(3) In establishing the limitations and conditions of this section, the ((~~commission~~)) department shall take into consideration the recommendations of the Washington state wolf conservation and management plan.

**Sec.**  RCW 77.36.100 and 2013 c 329 s 4 are each amended to read as follows:

(1)(a) Except as limited by RCW 77.36.070, 77.36.080, 77.36.170, and 77.36.180, the department shall offer to distribute money appropriated to pay claims to the owner of commercial crops for damage caused by wild deer or elk or to the owners of livestock that has been killed by bears, wolves, or cougars, or injured by bears, wolves, or cougars to such a degree that the market value of the livestock has been diminished. Payments for claims for damage to livestock are not subject to the limitations of RCW 77.36.070 and 77.36.080, but may not, except as provided in RCW 77.36.170 and 77.36.180, exceed the total amount specifically appropriated therefor.

(b) Owners of commercial crops or livestock are only eligible for a claim under this subsection if:

(i) The commercial crop owner satisfies the definition of "eligible farmer" in RCW 82.08.855;

(ii) The conditions of RCW 77.36.110 have been satisfied; and

(iii) The damage caused to the commercial crop or livestock satisfies the criteria for damage established by the ((~~commission~~)) department under (c) of this subsection.

(c) The ((~~commission~~)) department shall adopt and maintain by rule criteria that clarifies the damage to commercial crops and livestock qualifying for compensation under this subsection. An owner of a commercial crop or livestock must satisfy the criteria prior to receiving compensation under this subsection. The criteria for damage adopted under this subsection must include, but not be limited to, a required minimum economic loss to the owner of the commercial crop or livestock, which may not be set at a value of less than five hundred dollars.

(2)(a) Subject to the availability of nonstate funds, nonstate resources other than cash, or amounts appropriated for this specific purpose, the department may offer to provide compensation to offset wildlife interactions to a person who applies to the department for compensation for damage to property other than commercial crops or livestock that is the result of a mammalian or avian species of wildlife on a case‑specific basis if the conditions of RCW 77.36.110 have been satisfied and if the damage satisfies the criteria for damage established by the ((~~commission~~)) department under (b) of this subsection.

(b) The ((~~commission~~)) department shall adopt and maintain by rule criteria for damage to property other than a commercial crop or livestock that is damaged by wildlife and may be eligible for compensation under this subsection, including criteria for filing a claim for compensation under this subsection.

(3)(a) To prevent or offset wildlife interactions, the department may offer materials or services to a person who applies to the department for assistance in providing mitigating actions designed to reduce wildlife interactions if the actions are designed to address damage that satisfies the criteria for damage established by the ((~~commission~~)) department under this section.

(b) The ((~~commission~~)) department shall adopt and maintain by rule criteria for mitigating actions designed to address wildlife interactions that may be eligible for materials and services under this section, including criteria for submitting an application under this section.

(4) An owner who files a claim under this section may appeal the decision of the department pursuant to rules adopted by the ((~~commission~~)) department if the claim:

(a) Is denied; or

(b) Is disputed by the owner and the owner disagrees with the amount of compensation determined by the department.

(5) The ((~~commission~~)) department shall adopt rules setting limits and conditions for the department's expenditures on claims and assessments for commercial crops, livestock, other property, and mitigating actions.

**Sec.**  RCW 77.36.110 and 2009 c 333 s 56 are each amended to read as follows:

(1) No owner may receive compensation for wildlife interactions under this chapter unless the owner has, as determined by the department, first:

(a) Utilized applicable legal and practicable self-help preventive measures available to prevent the damage, including the use of nonlethal methods and department-provided materials and services when available under RCW 77.36.100; and

(b) Exhausted all available compensation options available from nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions.

(2) In determining if the requirements of this section have been satisfied, the department may recognize and consider the following:

(a) Property losses may occur without future or anticipated knowledge of potential problems resulting in an owner being unable to take preemptive measures.

(b) Normal agricultural practices, animal husbandry practices, recognized standard management techniques, and other industry-recognized management practices may represent adequate preventative efforts.

(c) Under certain circumstances, as determined by the department, wildlife may not logistically or practicably be managed by nonlethal efforts.

(d) Not all available legal preventative efforts are cost‑effective for the owner to practicably employ.

(e) There are certain effective preventative control options not available due to federal or state restrictions.

(f) Under certain circumstances, as determined by the department, permitting public hunting may not be a practicable self-help method due to the size and nature of the property, the property's setting, or the ability of the landowner to accommodate public access.

(3) An owner is not eligible to receive compensation if the damages are covered by insurance.

(4) The ((~~commission~~)) department shall adopt rules implementing this section, including requirements that owners document nonlethal preventive efforts undertaken and all permits issued by the department under RCW 77.12.240 and 77.12.150.

**Sec.**  RCW 77.36.130 and 2013 c 329 s 5 are each amended to read as follows:

(1) Except as otherwise provided in this section and as limited by RCW 77.36.100, 77.36.070, 77.36.080, 77.36.170, and 77.36.180, the cash compensation portion of each claim by the department under this chapter is limited to the lesser of:

(a) The value of the damage to the property by wildlife, reduced by the amount of compensation provided to the claimant by any nonprofit organizations that provide compensation to private property owners due to financial losses caused by wildlife interactions. The value of killed or injured livestock may be no more than the market value of the lost livestock subject to the conditions and criteria established by rule of the ((~~commission~~)) department; or

(b) Ten thousand dollars.

(2) The department may offer to pay a claim for an amount in excess of ten thousand dollars to the owners of commercial crops or livestock filing a claim under RCW 77.36.100 only if the outcome of an appeal filed by the claimant under RCW 77.36.100 determines a payment higher than ten thousand dollars.

(3) All payments of claims by the department under this chapter must be paid to the owner of the damaged property and may not be assigned to a third party.

(4) The burden of proving all property damage, including damage to commercial crops and livestock, belongs to the claimant.

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

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

(2) All waters east and south of a line commencing at a concrete monument on Angeles Point in Clallam county near the mouth of the Elwha River on which is inscribed "Angeles Point Monument" (latitude 48° 9' 3" north, longitude 123° 33' 01" west of Greenwich Meridian); thence running east on a line 81° 30' true across the flashlight and bell buoy off Partridge Point and thence continued to longitude 122° 40' west; thence north to the southerly shore of Sinclair Island; thence along the southerly shore of the island to the most easterly point of the island; thence 46° true to Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line of Lummi Island to where the shore line intersects line of longitude 122° 40' west; thence north to the mainland, including: The southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and their inlets, passages, waters, waterways, and tributaries.

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

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

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

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

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

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

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

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

(a) Washougal river;

(b) Camas slough;

(c) Lewis river;

(d) Kalama river;

(e) Cowlitz river;

(f) Elokomin river;

(g) Elokomin sloughs;

(h) Skamokawa sloughs;

(i) Grays river;

(j) Deep river;

(k) Grays bay.

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

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

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

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

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

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

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

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

(6) Lopez Island reef net fishing area includes those waters within 400 yards of shore between lines projected true west from points on the shore of Lopez Island at longitude 122° 55' 04" latitude 48° 31' 59" and longitude 122° 55' 54" latitude 48° 30' 55", as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(7) Iceberg Point reef net fishing area includes those waters inland and inside a line projected from Davis Point on Lopez Island to the west point of Long Island, thence to the southern point of Hall Island, thence to the eastern point at the entrance to Jones Bay, and thence to the southern point at the entrance to Mackaye Harbor on Lopez Island; and those waters inland and inside a line projected 320° from Iceberg Point light on Lopez Island, a distance of 400 feet, thence easterly to the point on Lopez Island at longitude 122° 53' 00" latitude 48° 25' 39", as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

(8) Aleck Bay reef net fishing area includes those waters inland and inside a line projected from the southwestern point at the entrance to Aleck Bay on Lopez Island at longitude 122° 51' 11" latitude 48° 25' 14" southeasterly 800 yards to the submerged rock shown on U.S.G.S. map number 6380, thence northerly to the cove on Lopez Island at longitude 122° 50' 49" latitude 48° 25' 42", as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

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

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

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

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

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

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

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

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

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

(18) Andrews Bay reef net fishing area includes those waters lying within 300 feet of the shore of San Juan Island between a line projected true south from a point at the northern entrance of Andrews Bay at longitude 123° 09' 53 1/2" latitude 48° 33' 00" and the cable crossing sign in Andrews Bay, at longitude 123° 09' 45" latitude 48° 33' 04", as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Within the sanctuary area:

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

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

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

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

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

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

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

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

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

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

(1) Native Olympia oyster broodstock reserves;

(2) Commercial shellfish harvesting zones;

(3) Commercial shellfish propagation zones designated for long-term leasing to private aquaculturists;

(4) Public recreational shellfish harvesting zones;

(5) Unproductive land.

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

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

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

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

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

**Sec.**  RCW 77.65.480 and 2018 c 235 s 12 are each amended to read as follows:

(1) A taxidermy license allows the holder to practice taxidermy for commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars. The application fee is seventy dollars.

(2) A fur dealer's license allows the holder to purchase, receive, or resell raw furs for commercial purposes, as that term is defined in RCW 77.15.110. The fee for this license is one hundred eighty dollars. The application fee is seventy dollars.

(3)(a) A game fish guide license allows the holder to offer or perform the services of a game fish guide in the taking of game fish. The fee for this license is three hundred five dollars for a resident and six hundred ninety dollars for a nonresident. The application fee is seventy dollars. An application for a game fish guide license must include the information required in RCW 77.65.560.

(b) A game fish guide license purchased by a person, firm, or business on behalf of an employee is subject to RCW 77.65.600.

(4) A game farm license allows the holder to operate a game farm to acquire, breed, grow, keep, and sell wildlife under conditions prescribed by the rules adopted pursuant to this title. The fee for this license is seventy-two dollars for the first year and forty-eight dollars for each following year. The application fee is seventy dollars.

(5) A game fish stocking permit allows the holder to release game fish into the waters of the state as prescribed by rule of the ((~~commission~~)) department. The fee for this permit is twenty-four dollars. The application fee is seventy dollars.

(6) A fishing or field trial permit allows the holder to promote, conduct, hold, or sponsor a fishing or field trial contest in accordance with rules of the ((~~commission~~)) department. The fee for a fishing contest permit is twenty-four dollars. The fee for a field trial contest permit is twenty-four dollars. The application fee is seventy dollars.

**Sec.**  RCW 77.65.590 and 2017 3rd sp.s. c 8 s 44 are each amended to read as follows:

(1) A fish guide combination license allows the holder to offer or perform the services of a food fish guide and game fish guide.

(2) The ((~~commission~~)) department must adopt rules to create and sell a fish guide combination license. The cost of the fish guide combination license or licenses must be below a fee equal to the total cost of the individual licenses contained within the combination.

**Sec.**  RCW 77.65.610 and 2021 c 46 s 1 are each amended to read as follows:

(1)(a) An individual age sixteen and older who works on board any vessel while operating in a commercial fishery regulated by the state must obtain a crewmember license from the department. However, an individual on the vessel designated as the primary or alternate operator on the commercial fishing license and an individual on the vessel licensed and working as a geoduck diver or geoduck tender do not also need a crewmember license. Crewmembers working for licensed charters or guides are not required to have a crewmember license.

(b) A crewmember license is required for each individual who participates in the operation of the vessel or the harvest. For the purposes of this section, the term "harvest" includes participation in tending, deploying, retrieving, or baiting fishing gear, harvesting, or placing fish or shellfish in holds.

(c) Each individual required to have a crewmember license as set forth in this section must have in their possession at least one piece of identifying documentation as specified in RCW 46.20.035(1) (a) through (f) that contains the signature and a photograph of the individual and produce the documentation at the request of a fish and wildlife officer or ex officio fish and wildlife officer.

(d) An albacore tuna crewmember license satisfies the requirements specified in (a) and (b) of this subsection on vessels fishing for albacore tuna or baitfish lampara.

(2) A crewmember license must be purchased in the name of the individual working as the crewmember. The license holder may use the license aboard any commercial fishing vessel, except an albacore tuna crewmember license is only valid for participating in the albacore tuna fishery or baitfish lampara fishery. A crewmember license purchased by a crewmember may not be transferred to another individual.

(3) Up to two crewmember licenses may be purchased and held by a commercial fishing license holder for use by any individual working on the vessel named in the commercial fishing license, as long as the individual is not prohibited from obtaining a crewmember license. Each crewmember license held by a commercial fishing license holder covers one crewmember per trip, but the same crewmember license may be used to authorize a different individual to act as a crewmember on a subsequent trip. The ((~~commission~~)) department may adopt fishery specific rules that:

(a) Increase the number of crewmember licenses that may be held by a commercial fishing license holder;

(b) Pertain to the issuance, period of validity, use, possession, and display of the licenses.

(4) The fee for an annual crewmember license is thirty-five dollars for residents and one hundred ten dollars for nonresidents. The fee for an annual albacore tuna crewmember license is thirty-five dollars for residents and nonresidents. Additional application fees and surcharges do not apply except that if the license is purchased through the automated licensing system the fees authorized in RCW 77.32.050 apply.

(5) The licenses must be available through the automated licensing system and transaction fees and dealer fees apply, except as provided in subsection (4) of this section. The annual crewmember license is valid for a calendar year.

(6) Family members of the commercial license holder or alternate operators are exempt from the requirements of this section. For purposes of this section, family members include children, grandchildren, spouse, parents, or siblings of the commercial license holder.

**Sec.**  RCW 77.70.450 and 2003 c 174 s 1 are each amended to read as follows:

The commercial fisheries buyback account is created in the custody of the state treasurer. All receipts from money collected by the ((~~commission~~)) department under RCW 77.70.460, moneys appropriated for the purposes of this section, and other gifts, grants, or donations specifically made to the fund must be deposited into the account. Expenditures from the account may be used only for the purpose of repaying moneys advanced by the federal government under a groundfish fleet reduction program established by the federal government, or for other fleet reduction efforts, commercial fishing license buyback programs, or similar programs designed to reduce the harvest capacity in a commercial fishery. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

**Sec.**  RCW 77.70.460 and 2003 c 174 s 2 are each amended to read as follows:

(1) The ((~~commission~~)) department shall collect a fee upon all deliveries of fish or shellfish from persons holding: (a) A federal pacific groundfish limited entry permit with a trawl endorsement; (b) an ocean pink shrimp delivery license issued under RCW 77.65.390; (c) a Dungeness crab—coastal fishery license issued under RCW 77.70.280; (d) a food fish delivery license issued under RCW 77.65.200; or (e) a shrimp trawl license under RCW 77.65.220, to repay the federal government for moneys advanced by the federal government under a groundfish fleet reduction program established by the federal government.

(2) The ((~~commission~~)) director shall adopt a fee schedule by rule for the collection of the fee required by subsection (1) of this section. The fee schedule adopted shall limit the total amount of moneys collected through the fee to the minimum amount necessary to repay the moneys advanced by the federal government, but be sufficient to repay the debt obligation of each fishery. The fee charged to the holders of a Dungeness crab—coastal fishery license may not exceed two percent of the total ex-vessel value of annual landings, and the fee charged to all other eligible license holders may not exceed five percent of the total ex-vessel value of annual landings. The ((~~commission~~)) department may adjust the fee schedule as necessary to ensure that the funds collected are adequate to repay the debt obligation of each fishery.

(3) The ((~~commission~~)) department shall deposit moneys collected under this section in the commercial fisheries buyback account created in RCW 77.70.450.

**Sec.**  RCW 77.70.470 and 2003 c 174 s 3 are each amended to read as follows:

The ((~~commission~~)) department may not assess the fee specified under RCW 77.70.460 until after the federal government creates a groundfish fleet reduction program.

**Sec.**  RCW 77.70.510 and 2011 c 147 s 2 are each amended to read as follows:

(1) A Washington-coastal spot shrimp pot fishery license:

(a) May only be issued to a natural person who held a coastal spot shrimp experimental emerging commercial fishery license and coastal spot shrimp fishery permit in 2010 or had the license transferred to him or her, under RCW 77.65.020 and 77.65.040, by a person who held a coastal spot shrimp experimental emerging commercial fishery license and coastal spot shrimp fishery permit in 2010;

(b) Must be renewed annually by December 31st of the calendar year to remain active; and

(c) Subject to the restrictions of subsection (7) of this section and to RCW 77.65.020 and 77.65.040, is transferable to a natural person beginning January 1, 2012.

(2) When a person fails to obtain a Washington-coastal spot shrimp pot fishery license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(3) The annual fee for a Washington-coastal spot shrimp pot fishery license is as specified in RCW 77.65.220.

(4) Beginning in 2013, after taking into consideration the status of the coastal spot shrimp population, the market for spot shrimp, and the number of active fishers, both nontreaty and treaty, the director may issue a Washington-coastal spot shrimp pot fishery license to a natural person if the issuance would not raise the number of active spot shrimp pot fishery licenses to more than eight.

(5) Beginning 2012, a Washington-coastal spot shrimp pot fishery license holder is prohibited from designating, on the Washington-coastal spot shrimp pot fishery license:

(a) A vessel whose surveyed length overall is more than ten feet longer than the surveyed length overall of the vessel designated on the licensee's coastal spot shrimp experimental emerging commercial fishery license as of March 31, 2003; and

(b) A vessel whose surveyed length overall exceeds ninety feet.

(6) In the event the Washington-coastal spot shrimp pot fishery license is transferred by sale, lease, inheritance, or lottery, and pursuant to subsection (4) of this section, the vessel length restriction associated with that license must remain attached to the license.

(7) A natural person may not own or hold an ownership interest in more than one Washington-coastal spot shrimp pot fishery license at a time.

(8) Only a person who owns or is designated as an operator of the vessel designated on the license may hold a Washington-coastal spot shrimp pot fishery license.

(9) Nothing in this section:

(a) Requires the ((~~commission~~)) department to open a commercial coastal spot shrimp fishery in any given year;

(b) Prohibits the ((~~commission~~)) department from closing or limiting an opened commercial coastal spot shrimp fishery for any reason; or

(c) Confers any right of compensation to the holder of a Washington-coastal spot shrimp pot fishery license if the license is revoked, limited, or modified by the legislature.

(10) Issuance of a Washington-coastal spot shrimp pot fishery license does not create, and may not be construed to create, any right, title, or interest in the coastal spot shrimp resource.

(11) The legislature recognizes that Washington-coastal spot shrimp pot fishery licenses may be revoked by future legislatures if the fishery is found to have jeopardized the sustainability of the coastal spot shrimp resource or the marine ecosystem.

**Sec.**  RCW 77.75.020 and 2000 c 107 s 86 are each amended to read as follows:

The ((~~commission~~)) department may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under the compact set out in RCW 77.75.010. For the purposes of RCW 77.75.010, the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river.

**Sec.**  RCW 77.75.100 and 1980 c 78 s 62 are each amended to read as follows:

The ((~~commission~~)) department may cooperate with the Idaho fish and game commission in the adoption and enforcement of rules regarding wildlife on that portion of the Snake river forming the boundary between Washington and Idaho.

**Sec.**  RCW 77.75.140 and 1995 1st sp.s. c 2 s 21 are each amended to read as follows:

The ((~~commission~~)) department may adopt and enforce the provisions of the treaty between the government of the United States and the government of Canada concerning Pacific salmon, treaty document number 99-2, entered into force March 18, 1985, at Quebec City, Canada, and the regulations of the ((~~commission~~)) department adopted under authority of the treaty.

**Sec.**  RCW 77.95.020 and 1995 1st sp.s. c 2 s 34 are each amended to read as follows:

(1) The ((~~commission~~)) department shall develop long-term regional policy statements regarding the salmon fishery resources before December 1, 1985. The ((~~commission~~)) department shall consider the following in formulating and updating regional policy statements:

(a) Existing resource needs;

(b) Potential for creation of new resources;

(c) Successful existing programs, both within and outside the state;

(d) Balanced utilization of natural and hatchery production;

(e) Desires of the fishing interest;

(f) Need for additional data or research;

(g) Federal court orders; and

(h) Salmon advisory council recommendations.

(2) The ((~~commission~~)) department shall review and update each policy statement at least once each year.

**Sec.**  RCW 77.95.090 and 2009 c 340 s 4 are each amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the ((~~commission or the commission's designee~~)) department may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A portion of each recreational fishing license fee shall be used as provided in RCW 77.32.440. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 77.95.110. Except as provided in RCW 77.95.320, funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The ((~~commission~~)) department shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

**Sec.**  RCW 77.95.100 and 2010 1st sp.s. c 7 s 82 are each amended to read as follows:

The department may provide start-up funds to regional fisheries enhancement groups for costs associated with any enhancement project. The ((~~commission~~)) department shall develop guidelines for providing funds to the regional fisheries enhancement groups.

**Sec.**  RCW 77.95.320 and 2013 c 93 s 1 are each amended to read as follows:

(1) The department shall establish a program that utilizes department-partner agreements for the resumption or continued operation and management of state-owned salmonid hatcheries that are located in the Hood Canal basin. To implement the program, the department shall accept and review applications to determine the appropriateness of the partner to manage and operate selected salmonid hatcheries. The department shall accelerate the application process relating to any hatchery currently in operation to avoid cessation of ongoing salmon production.

(2)(a) To select a partner, the department shall develop and apply criteria identifying the appropriateness of a potential partner. The criteria must seek to ensure that the partner has a long-range business plan, which may include the sale of hatchery surplus salmon, including eggs and carcasses, to ensure the long-range future solvency of the partnership. The business plan may also allow the partner to harvest hatchery chum salmon in a designated area through persons under contract with the partner as provided under a permit from the department or by rule of the ((~~commission~~)) department. All chum salmon harvested must be sold at prices commensurate with the current market and all funds must be utilized by the partner to operate the hatchery.

(b) Partners under this section must be:

(i) Qualified under section 501(c)(3) of the internal revenue code;

(ii) A for-profit private entity; or

(iii) A federally recognized tribe.

(3) The department shall place a higher priority on applications from partners that provide for the maximum resumption or continuation of existing hatchery production in a manner consistent with the mandate contained in RCW 77.04.012 to maintain the economic well-being and stability of the fishing industry.

(4)(a) Agreements entered into with partners under this section must be consistent with existing federally recognized tribal rights, state laws, agency rules, collective bargaining agreements, hatchery management policy involving species listed under the federal endangered species act, or, in the case of a tribal partner, any applicable tribal hatchery management policy or recreational and commercial harvest policy.

(b) Agreements under this section must also require that partners give preference to retaining classified employees whenever possible. In circumstances where it is not possible, partners conducting hatchery operations must maintain staff with comparable qualifications to those identified in the class specifications for the department's fish hatchery personnel.

(5) All partnership agreements entered into under this section must contain a provision that requires the partner to hold harmless the department and the state for any civil liability arising from the partner's participation in the agreement or activities at the subject hatchery or hatcheries.

(6) All partnership agreements entered into under this section must identify any maintenance or improvements to be made to the hatchery facility, and the source of funding for such maintenance or improvements. If funding for the maintenance or improvements is to come from state funds or revenue sources previously received by the department, the work must be performed either by employees in the classified service or in compliance with the contracting procedures set forth in RCW 41.06.142.

**Sec.**  RCW 77.100.060 and 2001 c 337 s 4 are each amended to read as follows:

The ((~~commission~~)) department shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 77.12.457. The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects. The rules must identify and implement appropriate protocols for brood stock handling, including the outplanting of adult fish, spawning, incubation, rearing, and release and establish a prioritized schedule for implementation of chapter 337, Laws of 2001, and shall include directives for allowing more hatchery salmon to spawn naturally in areas where progeny of hatchery fish have spawned, including the outplanting of adult fish, in order to increase the number of viable salmon eggs and restore healthy numbers of fish within the state.

(4) The procedure for the director to notify a volunteer group that the agreement for the project is being revoked for cause and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

**Sec.**  RCW 77.100.080 and 2000 c 107 s 113 are each amended to read as follows:

(1) The volunteer group shall:

(a) Provide care and diligence in conducting the cooperative project; and

(b) Maintain accurately the required records of the project on forms provided by the department.

(2) The volunteer group shall acknowledge that fish and game reared in cooperative projects are public property and must be handled and released for the benefit of all citizens of the state. The fish and game are to remain public property until reduced to private ownership under rules of the ((~~commission~~)) department.

**Sec.**  RCW 77.105.020 and 2011 c 266 s 2 are each amended to read as follows:

(1) Consistent with available revenue, ((~~commission~~)) department policies, tribal comanager agreements, and limitations of the endangered species act, the department, in consultation with the oversight committee created in RCW 77.105.160, shall adaptively manage the Puget Sound recreational salmon and marine fish enhancement program to maximize the benefits to the Puget Sound recreational fishery.

(2) The department has the following duties:

(a) The department shall utilize a program of hatchery-based salmon enhancement and solicit support from cooperative projects, regional enhancement groups, and other supporting organizations to improve recreational salmon fishing in Puget Sound.

(b) The department may conduct comprehensive research on resident and migratory salmon production opportunities on marine bottomfish production limitations, and on methods for artificial propagation of depleted marine bottomfish.

(c) The program must facilitate continued and improved recreational fishing opportunities in Puget Sound and Lake Washington as measured by increased angler trips of participation. The coordinator, as identified in RCW 77.105.010, shall assist the oversight committee with development of recommendations for outcome-based goals and objectives to assess the effectiveness of the program.

(d) The director shall meet with the oversight committee each year to review and approve these goals and objectives.

(e) The ((~~director and~~)) oversight committee shall report annually to the ((~~commission~~)) department on the goals of the program and the effectiveness of the program in meeting those goals. Objectives include, but are not limited to, an increase in salmon and bottomfish angler trips.

(f) The department and the oversight committee shall seek to reach consensus regarding program activities and expenditures. The department shall provide the oversight committee with a written explanation when the department expends funds from the recreational fisheries enhancement account that differs substantially from oversight committee recommendations.

(g) Consistent with RCW 43.01.036, the department and oversight committee shall make a joint report to the legislature on the effectiveness of this program in biennial reports. Reports must include the goals and objectives of the previous biennium and a determination of whether the goals and objectives were met and an explanation if the department did not meet these specific objectives.

**Sec.**  RCW 77.115.010 and 2018 c 179 s 6 are each amended to read as follows:

(1) The director of agriculture and the director shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

(a) Disease diagnosis;

(b) Import and transfer requirements;

(c) Provision for certification of stocks;

(d) Classification of diseases by severity;

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

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

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

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

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

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

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

(l) Provision for disease history records.

(2) The ((~~commission~~)) department shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department by these rules and by RCW 77.12.047(1)(g), 77.60.060, 77.60.080, 77.65.210, 77.115.030, and 77.115.040 constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department, and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) A person shall not violate the rules adopted under subsection (2) or (3) of this section or violate RCW 77.115.040.

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

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

(7) The department must implement this section consistent with RCW 77.125.050.

**PART 3**

**MODIFICATIONS TO THE STATE PARKS AND RECREATION CODE**

**Sec.**  RCW 79A.05.010 and 1999 c 249 s 101 are each amended to read as follows:

The definitions in this section apply throughout this title unless the context clearly requires otherwise.

(1) "Commission" means the state parks and recreation ((~~commission~~)) department.

(2) "Chair" means the member of the ((~~commission~~)) state parks and recreation advisory committee created in RCW 79A.05.015 elected pursuant to RCW 79A.05.025.

(3) "Director" and "director of the state parks and recreation commission" mean the director of parks and recreation or the director's designee.

(4) "Recreation" means those activities of a voluntary and leisure time nature that aid in promoting entertainment, pleasure, play, relaxation, or instruction.

(5) "Natural forest" means a forest that faithfully represents, or is meant to become representative of, its unaltered state.

(6) "State parks and recreation commission" means the state parks and recreation department.

**Sec.**  RCW 79A.05.025 and 2020 c 123 s 1 are each amended to read as follows:

(1) The ((~~commission~~)) state parks and recreation advisory committee created in RCW 79A.05.015 shall elect one of its members as chair. The ((~~commission~~)) state parks and recreation advisory committee may be convened at such times as the chair deems necessary, and a majority shall constitute a quorum for the transaction of business.

(2)(a) Except as provided in (b) of this subsection, the lease of parkland or property for a period exceeding twenty years requires the ((~~affirmative vote of at least five members of the commission~~)) approval of the director.

(b) With the ((~~affirmative vote of at least five members of the commission~~)) approval of the director, the commission may enter into a lease for up to sixty-two years for property at Saint Edward state park. The commission may only enter into a lease under the provisions of this subsection (2)(b) if the commission finds that the department of commerce study required by section 3, chapter 103, Laws of 2016 fails to identify an economically viable public or nonprofit use for the property that is consistent with the state parks and recreation commission's mission and could proceed on a reasonable timeline. The lease at Saint Edward state park may only include the following:

(i) The main seminary building;

(ii) The pool building;

(iii) The gymnasium;

(iv) The parking lot located in between locations identified in (b)(i), (ii), and (iii) of this subsection;

(v) The parking lot immediately north of the gymnasium; and

(vi) Associated property immediately adjacent to the areas listed in (b)(i) through (v) of this subsection.

**Sec.**  RCW 79A.05.030 and 2020 c 123 s 2 are each amended to read as follows:

The commission shall:

(1) Have the care, charge, control, and supervision of all parks and parkways acquired or set aside by the state for park or parkway purposes.

(2) Adopt policies, and adopt, issue, and enforce rules pertaining to the use, care, and administration of state parks and parkways. The commission shall cause a copy of the rules to be kept posted in a conspicuous place in every state park to which they are applicable, but failure to post or keep any rule posted shall be no defense to any prosecution for the violation thereof.

(3) Permit the use of state parks and parkways by the public under such rules as shall be adopted.

(4) Clear, drain, grade, seed, and otherwise improve or beautify parks and parkways, and erect structures, buildings, fireplaces, and comfort stations and build and maintain paths, trails, and roadways through or on parks and parkways.

(5) Grant concessions or leases in state parks and parkways upon such rentals, fees, or percentage of income or profits and for such terms, in no event longer than eighty years, except for a lease associated with land or property described in RCW 79A.05.025(2)(b) which may not exceed sixty-two years, and upon such conditions as shall be approved by the commission.

(a) Leases exceeding a twenty-year term, or the amendment or modification of these leases, shall require a vote consistent with RCW 79A.05.025(2).

(b) If, during the term of any concession or lease, it is the opinion of the commission that it would be in the best interest of the state, the commission may, with the consent of the concessionaire or lessee, alter and amend the terms and conditions of such concession or lease.

(c) Television station leases shall be subject to the provisions of RCW 79A.05.085.

(d) The rates of concessions or leases shall be renegotiated at five-year intervals. No concession shall be granted which will prevent the public from having free access to the scenic attractions of any park or parkway.

(6) Employ such assistance as it deems necessary. Commission expenses relating to its use of volunteer assistance shall be limited to premiums or assessments for the insurance of volunteers by the department of labor and industries, compensation of staff who assist volunteers, materials and equipment used in authorized volunteer projects, training, reimbursement of volunteer travel as provided in RCW 43.03.050 and 43.03.060, and other reasonable expenses relating to volunteer recognition. The commission, at its discretion, may waive commission fees otherwise applicable to volunteers. The commission shall not use volunteers to replace or supplant classified positions. The use of volunteers may not lead to the elimination of any employees or permanent positions in the bargaining unit.

(7) ((~~By majority vote of its authorized membership,~~)) The director may select and purchase or obtain options upon, lease, or otherwise acquire for and in the name of the state such tracts of land, including shore and tide lands, for park and parkway purposes as it deems proper. If the commission cannot acquire any tract at a price it deems reasonable, it may((~~, by majority vote of its authorized membership,~~)) obtain title thereto, or any part thereof, by condemnation proceedings conducted by the attorney general as provided for the condemnation of rights-of-way for state highways. Option agreements executed under authority of this subsection shall be valid only if:

(a) The cost of the option agreement does not exceed one dollar; and

(b) Moneys used for the purchase of the option agreement are from (i) funds appropriated therefor, or (ii) funds appropriated for undesignated land acquisitions, or (iii) funds deemed by the commission to be in excess of the amount necessary for the purposes for which they were appropriated; and

(c) The maximum amount payable for the property upon exercise of the option does not exceed the appraised value of the property.

(8) Cooperate with the United States, or any county or city of this state, in any matter pertaining to the acquisition, development, redevelopment, renovation, care, control, or supervision of any park or parkway, and enter into contracts in writing to that end. All parks or parkways, to which the state contributed or in whose care, control, or supervision the state participated pursuant to the provisions of this section, shall be governed by the provisions hereof.

(9) Within allowable resources, maintain policies that increase the number of people who have access to free or low-cost recreational opportunities for physical activity, including noncompetitive physical activity.

(10) Adopt rules establishing the requirements for a criminal history record information search for the following: Job applicants, volunteers, and independent contractors who have unsupervised access to children or vulnerable adults, or who will be responsible for collecting or disbursing cash or processing credit/debit card transactions. These background checks will be done through the Washington state patrol criminal identification section and may include a national check from the federal bureau of investigation, which shall be through the submission of fingerprints. A permanent employee of the commission, employed as of July 24, 2005, is exempt from the provisions of this subsection.

**Sec.**  RCW 79A.05.040 and 1999 c 249 s 401 are each amended to read as follows:

((~~In addition to other duties the commission may from time to time impose, it~~)) It is the duty of the director to:

(1) Ensure the control of weeds in parks to the extent required by RCW 17.04.160 and 17.10.205; and

(2) Participate in the operations of the environmental enhancement and job creation task force under chapter 43.21J RCW.

The director has the power reasonably necessary to carry out these duties.

**Sec.**  RCW 79A.05.175 and 2007 c 145 s 1 are each amended to read as follows:

Whenever the commission finds that any land under its control cannot advantageously be used for park purposes, it is authorized to dispose of such land by the method provided in this section or by the method provided in RCW 79A.05.170. If such lands are school or other grant lands, control thereof shall be relinquished by resolution of the commission to the proper state officials. If such lands were acquired under restrictive conveyances by which the state may hold them only so long as they are used for park purposes, they may be returned to the donor or grantors by the commission. All other such lands may be either sold by the commission to the highest bidder or exchanged for other lands of equal value by the commission, and all conveyance documents shall be executed by the governor. All such exchanges shall be accompanied by a transfer fee, to be set by the commission and paid by the other party to the transfer; such fee shall be paid into the parkland acquisition account established under RCW 79A.05.170. The commission may accept sealed bids, electronic bids, or oral bids at auction. Bids on all sales shall be solicited at least twenty days in advance of the sale date by an advertisement appearing at least once a week for two consecutive weeks in a newspaper of general circulation in the county in which the land to be sold is located. If the commission feels that no bid received adequately reflects the fair value of the land to be sold, it may reject all bids, and may call for new bids. All proceeds derived from the sale of such park property shall be paid into the parkland acquisition account. All land considered for exchange shall be evaluated by the commission to determine its adaptability to park usage. The equal value of all lands exchanged shall first be determined by the appraisals to the satisfaction of the commission. ((~~No sale or exchange of state parklands shall be made without the unanimous consent of the commission.~~))

**Sec.**  RCW 79A.05.178 and 2000 c 42 s 1 are each amended to read as follows:

(1) Notwithstanding any other provision of this chapter, the commission may directly dispose of up to ten contiguous acres of real property, without public auction, to resolve trespass, property ownership disputes, and boundary adjustments with adjacent private property owners. Real property to be disposed of under this section may be disposed of only after appraisal and for at least fair market value, and only if the transaction is in the best interest of the state. The commission shall cooperate with potential purchasers to arrive at a mutually agreeable sales price. If necessary, determination of fair market value may include the use of separate independent appraisals by each party and the review of the appraisals, as agreed upon by the parties. All conveyance documents shall be executed by the governor. All proceeds from the disposal of the property shall be paid into the parkland acquisition account. ((~~No disposal of real property may be made without the unanimous consent of the commission.~~))

(2) Prior to the disposal of any real property under subsection (1) of this section, the commission shall hold a public hearing on the proposal in the county where the real property, or the greatest portion of the real property, is located. At least ten days, but not more than twenty-five days, prior to the hearing, the commission shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the real property is located. A news release concerning the public hearing must be disseminated among print and electronic media in the area where the real property is located. The public notice and news release shall also identify the real property involved in the proposed disposal and describe the purpose of the proposed disposal. A summary of the testimony presented at the public hearing shall be prepared for the commission's consideration when reviewing the proposed disposal of real property.

(3) If there is a failure to substantially comply with the procedures set out under this section, then the agreement to dispose of the real property is subject to being declared invalid by a court of competent jurisdiction. Such a suit must be brought within one year of the date of the real property disposal agreement.

**Sec.**  RCW 79A.05.180 and 1998 c 42 s 2 are each amended to read as follows:

((~~Before the director of parks and recreation presents a proposed exchange to the parks and recreation commission involving~~)) Prior to an exchange of state land pursuant to this chapter, the director shall hold a public hearing on the proposal in the county where the state lands or the greatest proportion thereof is located. Ten days but not more than twenty-five days prior to such hearing, the director shall publish a paid public notice of reasonable size in display advertising form, setting forth the date, time, and place of the hearing, at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state owned land is located. A news release pertaining to the hearing shall be disseminated among printed and electronic media in the area where the state land is located. The public notice and news release also shall identify lands involved in the proposed exchange and describe the purposes of the exchange and proposed use of the lands involved. A summary of the testimony presented at the hearings shall be prepared for the commission's consideration when reviewing the director's exchange proposal. If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement.

**--- END ---**