
SUBSTITUTE HOUSE BILL 1431

State of Washington

67th Legislature

2021 Regular Session

By House Rural Development, Agriculture & Natural Resources (originally sponsored by Representatives Rule, Taylor, Sutherland, Mosbrucker, Lovick, J. Johnson, Ortiz-Self, Simmons, Peterson, Shewmake, Barkis, Ryu, Ramel, Riccelli, Hackney, and Dufault)

READ FIRST TIME 02/12/21.

1 AN ACT Relating to encouraging youth participation in fishing and
2 shellfishing; amending RCW 77.08.010, 77.32.470, and 77.32.520;
3 adding new sections to chapter 77.32 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that youth benefit
6 by engaging in outdoor activities, such as fishing and shellfishing.
7 Participating in such activities can boost self-esteem and cultivate
8 an appreciation for nature. The legislature further finds that
9 expensive equipment and license fees can be a barrier to this
10 activity for some youth. Therefore, the legislature intends to reduce
11 financial barriers to fishing and shellfishing by establishing a
12 grant program to enable local organizations to establish equipment
13 rental programs and increase the age at which a fishing license is
14 required.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.32
16 RCW to read as follows:

17 (1) The fishing and shellfishing opportunity grant program is
18 created. The recreation and conservation office shall establish and
19 implement the program to provide opportunities to increase youth
20 participation in fishing and shellfishing. Grant funds may be

1 distributed to organizations to establish local equipment rental
2 systems. Eligible organizations include:

- 3 (a) Local park and recreation districts;
- 4 (b) Boys and girls clubs, or other similar youth organizations;
- 5 and
- 6 (c) Regional fisheries enhancement groups established in chapter
7 77.95 RCW.

8 (2) The recreation and conservation office must design the
9 fishing and shellfishing opportunity grant program to ensure youth in
10 both urban and rural communities in all geographic areas of the state
11 are served.

12 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.32
13 RCW to read as follows:

14 The youth fishing opportunities account is created in the state
15 treasury. The director may accept gifts, grants, donations, or moneys
16 from any source for deposit in the account. Moneys in the account may
17 be spent only after appropriation. Expenditures from the account may
18 be used for administering the grant program established in section 2
19 of this act.

20 **Sec. 4.** RCW 77.08.010 and 2017 3rd sp.s. c 8 s 2 are each
21 amended to read as follows:

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

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

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

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

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

36 (5) "Closed season" means all times, manners of taking, and
37 places or waters other than those established by rule of the
38 commission as an open season. "Closed season" also means all hunting,

1 fishing, taking, or possession of game animals, game birds, game
2 fish, food fish, or shellfish that do not conform to the special
3 restrictions or physical descriptions established by rule of the
4 commission as an open season or that have not otherwise been deemed
5 legal to hunt, fish, take, harvest, or possess by rule of the
6 commission as an open season.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (c) A commissioned fish and wildlife peace officer from another
11 state who meets the training standards set by the Washington state
12 criminal justice training commission pursuant to RCW 10.93.090,
13 43.101.080, and 43.101.200, and who is acting under a mutual law
14 enforcement assistance agreement between the department and the
15 primary commissioning agency; or

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

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

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

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

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

37 (23) "Fish dealer" means a person who engages in any activity
38 that triggers the need to obtain a fish dealer license under RCW
39 77.65.280.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (47) "Person" means and includes an individual; a corporation; a
38 public or private entity or organization; a local, state, or federal
39 agency; all business organizations, including corporations and
40 partnerships; or a group of two or more individuals acting with a

1 common purpose whether acting in an individual, representative, or
2 official capacity.

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

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

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

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

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

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

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

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

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

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

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

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

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

37 (60) "Shellfish" means those species of marine and freshwater
38 invertebrates that have been classified and that shall not be taken
39 or possessed except as authorized by rule of the commission. The term

1 "shellfish" includes all stages of development and the bodily parts
2 of shellfish species.

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (74) "Youth" means a person (~~((fifteen years old for fishing and
16 under sixteen years old for hunting))~~) under 16 years old.

17 **Sec. 5.** RCW 77.32.470 and 2020 c 148 s 20 are each amended to
18 read as follows:

19 (1) A personal use saltwater, freshwater, combination, temporary,
20 or family fishing weekend license is required for all persons
21 (~~((fifteen))~~) 16 years of age or older to fish for or possess fish
22 taken for personal use from state waters or offshore waters.

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

25 (a) A combination license allows the holder to fish for or
26 possess fish, shellfish, and seaweed from state waters or offshore
27 waters. The fee for this license is forty-five dollars for residents,
28 one hundred eight dollars for nonresidents, and five dollars for
29 youth. There is an additional fifty-cent surcharge for this license,
30 to be deposited in the rockfish research account created in RCW
31 77.12.702.

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

38 (c) A freshwater license allows the holder to fish for, take, or
39 possess food fish or game fish species in all freshwater areas. The

1 fee for this license is twenty-five dollars for residents, seventy-
2 five dollars for nonresidents, and five dollars for resident seniors.

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

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

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

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

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

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

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

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

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

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

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

10 **Sec. 6.** RCW 77.32.520 and 2011 c 339 s 13 are each amended to
11 read as follows:

12 (1) A personal use shellfish and seaweed license is required for
13 all persons other than residents or nonresidents under (~~(fifteen)~~) 16
14 years of age to fish for, take, dig for, or possess seaweed or
15 shellfish, including razor clams, for personal use from state waters
16 or offshore waters including national park beaches.

17 (2) A razor clam license allows a person to harvest only razor
18 clams for personal use from state waters, including national park
19 beaches.

20 (3) The fees for annual personal use shellfish and seaweed
21 licenses are:

22 (a) For a resident (~~(fifteen)~~) 16 years of age or older, ten
23 dollars;

24 (b) For a nonresident (~~(fifteen)~~) 16 years of age or older,
25 twenty-seven dollars; and

26 (c) For a senior, five dollars.

27 (4) The fee for an annual razor clam license is eight dollars for
28 residents, fifteen dollars for nonresidents, and eight dollars for
29 seniors.

30 (5) The fee for a three-day razor clam license is five dollars
31 for both residents and nonresidents.

32 (6) A personal use shellfish and seaweed license or razor clam
33 license must be in immediate possession of the licensee and available
34 for inspection while a licensee is harvesting shellfish or seaweed.
35 However, the license does not need to be visible at all times.

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