
HOUSE BILL 2788

State of Washington

60th Legislature

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By Representatives VanDeWege, Blake, Orcutt, Kretz, Nelson, Grant, Williams, Eickmeyer, Linville, and McCoy

Read first time 01/16/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to the organization of definitions in Title 77 RCW;
2 amending RCW 77.12.047, 77.12.220, 77.12.852, 77.12.856, 77.12.860,
3 77.12.885, 77.15.570, 77.32.155, 77.60.130, 77.65.400, 77.70.350, and
4 77.70.370; reenacting and amending RCW 77.08.010; creating new
5 sections; and repealing RCW 77.08.045, 77.08.022, 77.12.850, 77.15.050,
6 77.15.192, 77.32.007, 77.36.010, 77.44.007, 77.65.380, 77.90.030,
7 77.95.050, 77.100.020, and 77.125.020.

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

9 NEW SECTION. **Sec. 1.** The legislature finds that over time the
10 definitions that are used in Title 77 RCW have become dispersed
11 throughout the title and are no longer easily accessible in one central
12 location. The legislature further finds that collecting the
13 definitions applicable to the entire title in one central, alphabetized
14 section is a small step in the direction of good government in that it
15 allows for easier location and understanding of the meaning of terms
16 used in the title. It is the intent of the legislature to relocate,
17 without making substantive changes, the location of terms found
18 throughout Title 77 RCW into one central location, and to alphabetize
19 that section, unless the unique construction of an existing chapter or

1 section renders relocation inconsistent with the intent of this act.
2 It is not the intent of the legislature for a definition to be given a
3 different or additional meaning solely due to the act of moving it to
4 a central location.

5 NEW SECTION. **Sec. 2.** The code reviser is directed to put the
6 defined terms in RCW 77.08.010 in alphabetical order.

7 **Sec. 3.** RCW 77.08.010 and 2007 c 350 s 2 and 2007 c 254 s 1 are
8 each reenacted and amended to read as follows:

9 ((As used in)) The definitions in this section apply throughout
10 this title or rules adopted under this title((τ)) unless the context
11 clearly requires otherwise((÷)).

12 (1) "Director" means the director of the department of fish and
13 wildlife.

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

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

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

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

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

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

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

5 (9) "To fish," "to harvest," and "to take," and their derivatives
6 means an effort to kill, injure, harass, or catch a fish or shellfish.

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

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

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

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

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

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

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

1 as food fish or shellfish by the director. The term "wildlife"
2 includes all stages of development and the bodily parts of wildlife
3 members.

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

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

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

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

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

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

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

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

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

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

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

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

1 (29) "Youth" means a person fifteen years old for fishing and under
2 sixteen years old for hunting.

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

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

7 (32) "Saltwater" means those marine waters seaward of river mouths.

8 (33) "Freshwater" means all waters not defined as saltwater
9 including, but not limited to, rivers upstream of the river mouth,
10 lakes, ponds, and reservoirs.

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

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

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

20 (37) "Resident" means:

21 (a) A person who has maintained a permanent place of abode within
22 the state for at least ninety days immediately preceding an application
23 for a license, has established by formal evidence an intent to continue
24 residing within the state, and who is not licensed to hunt or fish as
25 a resident in another state; and

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

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

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

36 (40) "Commercial" means related to or connected with buying,
37 selling, or bartering.

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

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

5 (43) "Angling gear" means a line attached to a rod and reel capable
6 of being held in hand while landing the fish or a hand-held line
7 operated without rod or reel.

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

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

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

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

21 (48) "Invasive species" means a plant species or a nonnative animal
22 species that either:

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

25 (b) Threatens or may threaten natural resources or their use in the
26 state;

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

29 (d) Threatens or harms human health.

30 (49) "Prohibited aquatic animal species" means an invasive species
31 of the animal kingdom that has been classified as a prohibited aquatic
32 animal species by the commission.

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

36 (51) "Unregulated aquatic animal species" means a nonnative animal
37 species that has been classified as an unregulated aquatic animal
38 species by the commission.

1 (52) "Unlisted aquatic animal species" means a nonnative animal
2 species that has not been classified as a prohibited aquatic animal
3 species, a regulated aquatic animal species, or an unregulated aquatic
4 animal species by the commission.

5 (53) "Aquatic plant species" means an emergent, submersed,
6 partially submersed, free-floating, or floating-leaving plant species
7 that grows in or near a body of water or wetland.

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

10 (55) "Aquatic invasive species" means any invasive, prohibited,
11 regulated, unregulated, or unlisted aquatic animal or plant species as
12 defined under subsections (48) through (53) of this section, aquatic
13 noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic
14 nuisance species as defined under RCW 77.60.130(1).

15 (56) "Recreational and commercial watercraft" includes the boat, as
16 well as equipment used to transport the boat, and any auxiliary
17 equipment such as attached or detached outboard motors.

18 (57) "Accompanied" means to go along with another person while
19 staying within a range of the other person that permits continual
20 unaided visual and auditory communication.

21 (58) "Animal" means any nonhuman vertebrate.

22 (59) "Animal problem" means any animal that threatens or damages
23 timber or private property or threatens or injures livestock or any
24 other domestic animal.

25 (60) "Aquatic farmer" means a private sector person who
26 commercially farms and manages private sector cultured aquatic products
27 on the person's own land or on land in which the person has a present
28 right of possession.

29 (61) "Aquatic nuisance species" means a nonnative aquatic plant or
30 animal species that threatens the diversity or abundance of native
31 species, the ecological stability of infested waters, or commercial,
32 agricultural, or recreational activities dependent on such waters.

33 (62) "Big game" has the meaning provided in RCW 77.08.030.

34 (63) "Body-gripping trap" means a trap that grips an animal's body
35 or body part. Body-gripping trap includes, but is not limited to,
36 steel-jawed leghold traps, padded-jaw leghold traps, Conibear traps,
37 neck snares, and nonstrangling foot snares. Cage and box traps,

1 suitcase-type live beaver traps, and common rat and mouse traps are not
2 considered body-gripping traps.

3 (64) "Contract" means, when applied to chapter 77.44 RCW, an
4 agreement setting at a minimum, price, quantity of fish to be
5 delivered, time of delivery, and fish health requirements.

6 (65) "Conviction" means a final conviction in a state or municipal
7 court or an unvacated forfeiture of bail or collateral deposited to
8 secure the defendant's appearance in court. A plea of guilty, or a
9 finding of guilt for a violation of this title or rule of the
10 commission or director constitutes a conviction regardless of whether
11 the imposition of sentence is deferred or the penalty is suspended.

12 (66) "Cooperative project" means a project conducted by a volunteer
13 group under chapter 77.100 RCW that will benefit the fish, shellfish,
14 game bird, nongame wildlife, or game animal resources of the state and
15 for which the benefits of the project, including fish and wildlife
16 reared and released, are available to all citizens of the state.
17 "Cooperative project" includes instances when Indian tribes elect to
18 participate in cooperative fish and wildlife projects with the
19 department.

20 (67) "Crop" means a commercially raised horticultural and/or
21 agricultural product and includes growing or harvested product but does
22 not include livestock. For the purposes of chapter 77.36 RCW all parts
23 of horticultural trees are considered a crop and are eligible for
24 claims.

25 (68) "Emergency" means an unforeseen circumstance beyond the
26 control of the landowner or tenant that presents a real and immediate
27 threat to crops, domestic animals, or fowl.

28 (69) "Emerging commercial fishery" means the commercial taking of
29 a newly classified species of food fish or shellfish, the commercial
30 taking of a classified species with gear not previously used for that
31 species, or the commercial taking of a classified species in an area
32 from which that species has not previously been commercially taken.

33 (70) "Enhancement project" means salmon propagation activities
34 including, but not limited to, hatcheries, spawning channels, rearing
35 ponds, egg boxes, fishways, fish screens, stream bed clearing, erosion
36 control, habitat restoration, net pens, applied research projects, and
37 any equipment, real property, or other interest necessary to the proper
38 operation thereof.

1 (71) "Exclusive economic zone" means that zone defined in the
2 federal fishery conservation and management act (16 U.S.C. Sec. 1802)
3 as of January 1, 1995, or as of a subsequent date adopted by rule of
4 the director.

5 (72) "Facilities" means, when applied to chapter 77.90 RCW, salmon
6 propagation facilities including, but not limited to, all equipment,
7 utilities, structures, real property, and interests in and improvements
8 on real property, as well as stream bed clearing, for or incidental to
9 the acquisition, construction, or development of salmon propagation
10 facilities. Specifically, the term includes a spawning channel on the
11 Skagit river.

12 (73) "Fish health requirements" means those site-specific fish
13 health and genetic requirements actually used by the department in fish
14 stocking.

15 (74) "Food fish" means those species of the classes Osteichthyes,
16 Agnatha, and Chondrichthyes that have been classified and that shall
17 not be fished for except as authorized by rule of the commission.
18 "Food fish" includes all stages of development and the bodily parts of
19 food fish species.

20 (75) "Game fish" has the meaning provided in RCW 77.08.020.

21 (76) "Hull length" means the length overall of a vessel's hull as
22 shown by marine survey or by manufacturer's specifications.

23 (77) "Immediate family member" means a spouse, brother, sister,
24 grandparent, parent, child, or grandchild.

25 (78) "Local government" means any city, town, county, special
26 district, municipal corporation, or quasi-municipal corporation.

27 (79) "Marine aquatic farming location" means a complete complex
28 that may be composed of various marine enclosures, net pens, or other
29 rearing vessels, food handling facilities, or other facilities related
30 to the rearing of Atlantic salmon or other fin fish in marine waters.
31 A marine aquatic farming location is distinguished from the individual
32 facilities that collectively compose the location.

33 (80) "Migratory bird" means migratory waterfowl and coots, snipe,
34 doves, and band-tailed pigeons.

35 (81) "Migratory bird stamp" means the stamp that is required by RCW
36 77.32.350 to be in the possession of all persons to hunt migratory
37 birds.

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

3 (83) "Migratory waterfowl art committee" means the committee
4 created by RCW 77.12.680. The committee's primary function is to
5 select the annual migratory bird stamp design.

6 (84) "Ocean pink shrimp" means the species *Pandalus jordani*.

7 (85) "Predatory wildlife" means grizzly bears, wolves, and cougars.

8 (86) "Prints and artwork" means replicas of the original stamp
9 design that are sold to the general public. Prints and artwork are not
10 to be construed to be the migratory bird stamp that is required by RCW
11 77.32.350. Artwork may be any facsimile of the original stamp design,
12 including color renditions, metal duplications, or any other kind of
13 design.

14 (87) "Raw fur" means a pelt that has not been processed for
15 purposes of retail sale.

16 (88) "Salmon" has the meaning provided in RCW 77.08.024.

17 (89) "Salmon stamp" means the stamp created under the Washington
18 salmon stamp program and the Washington junior salmon stamp program,
19 created in RCW 77.12.850 through 77.12.860.

20 (90) "Selection committee" means the salmon stamp selection
21 committee created in RCW 77.12.856.

22 (91) "Special hunting season" means a hunting season established by
23 rule of the commission for the purpose of taking specified wildlife
24 under a special hunting permit.

25 (92) "To participate" and its derivatives mean, when applied to RCW
26 77.15.570, an effort to operate a vessel or fishing equipment, provide
27 immediate supervision in the operation of a vessel or fishing
28 equipment, or otherwise assist in the fishing operation, to claim
29 possession of a share of the catch, or to represent that the catch was
30 lawfully taken in an Indian fishery.

31 (93) "Treaty Indian fisher" means a person who may exercise treaty
32 Indian fishing rights as determined under *United States v. Washington*,
33 384 F. Supp. 312 (W.D. Wash. 1974), or *Sohappy v. Smith*, 302 F. Supp.
34 899 (D. Oregon 1969), and posttrial orders of those courts.

35 (94) "Treaty Indian fishery" means a fishery open to only treaty
36 Indian fishers by tribal or federal regulation.

37 (95) "Volunteer group" means, when applied to chapter 77.100 RCW,

1 any person or group of persons interested in or party to an agreement
2 with the department relating to a cooperative fish or wildlife project.

3 (96) "Warm water game fish" includes the following species: Bass,
4 channel catfish, walleye, crappie, and other species as identified by
5 the department.

6 **Sec. 4.** RCW 77.12.047 and 2001 c 253 s 14 are each amended to read
7 as follows:

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

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

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

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

17 (d) Regulating the importation, transportation, possession,
18 disposal, landing, and sale of wildlife, fish, shellfish, or seaweed
19 within the state, whether acquired within or without the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (3) Except for subsection (1)(g) of this section, this section does
17 not apply to private sector cultured aquatic products as defined in RCW
18 15.85.020. Subsection (1)(g) of this section does apply to such
19 products.

20 **Sec. 5.** RCW 77.12.220 and 2000 c 107 s 219 are each amended to
21 read as follows:

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

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

1 **Sec. 6.** RCW 77.12.852 and 1999 c 342 s 3 are each amended to read
2 as follows:

3 (1) The Washington salmon stamp program is created in the
4 department. The purpose of the program is the creation of a stamp that
5 will portray a salmonid species native to Washington and will be used
6 for stamps, prints, and posters that can be sold in a wide range of
7 prices and editions to appeal to citizens and collectors interested in
8 supporting salmon restoration. The proceeds from the sale of the
9 ((Washington)) salmon stamp shall be used for protection, preservation,
10 and restoration of salmonid habitat in Washington.

11 (2) Every year the department will announce competition, open to
12 all Washington artists, for the creation of the year's ((Washington))
13 salmon stamp. The department will market the salmon stamp and prints
14 through a wide distribution method including web sites, license sites,
15 and at public events.

16 (3) The winning artist will receive a monetary award and a certain
17 number of artist proof prints.

18 **Sec. 7.** RCW 77.12.856 and 1999 c 342 s 5 are each amended to read
19 as follows:

20 The salmon stamp selection committee is created. The selection
21 committee is comprised of five individuals selected by the governor who
22 will judge and select the winning entrant for the Washington salmon
23 stamp program and Washington junior salmon stamp program. The governor
24 will select names from a collection of names forwarded from the
25 department and from the state arts commission in the following
26 categories: Artist, not competing in the salmon stamp program; art
27 collector; fish biologist; printer; and public school teacher.

28 **Sec. 8.** RCW 77.12.860 and 1999 c 342 s 7 are each amended to read
29 as follows:

30 The department is granted the authority to establish by rule the
31 method for selecting appropriate designs for the ((Washington)) salmon
32 stamp program and ((Washington)) junior salmon stamp program. The
33 stamp shall be designed and produced in accordance with department
34 rules.

1 **Sec. 9.** RCW 77.12.885 and 2007 c 293 s 2 are each amended to read
2 as follows:

3 The department shall post on its internet web site all reported
4 interactions with predatory wildlife (~~((interactions))~~), including
5 reported human safety confrontations or sightings as well as the known
6 details of reported depredations by predatory wildlife on humans, pets,
7 or livestock, within ten days of receiving the report. The posted
8 material must include, but is not limited to, the location and time,
9 the known details, and a running summary of (~~((such))~~) reported
10 interactions by identified specie and interaction type within each
11 affected county. (~~((For the purposes of this section and RCW 42.56.430,~~
12 ~~"predatory wildlife" means grizzly bears, wolves, and cougars.))~~)

13 **Sec. 10.** RCW 77.15.570 and 2000 c 107 s 251 are each amended to
14 read as follows:

15 (1) Except as provided in subsection (3) of this section, it is
16 unlawful for a person who is not a treaty Indian (~~((fisherman))~~) fisher
17 to participate in the taking of fish or shellfish in a treaty Indian
18 fishery, or to be on board a vessel, or associated equipment, operating
19 in a treaty Indian fishery. A violation of this subsection is a gross
20 misdemeanor.

21 (2) A person who violates subsection (1) of this section with the
22 intent of acting for commercial purposes, including any sale of catch,
23 control of catch, profit from catch, or payment for fishing assistance,
24 is guilty of a class C felony. Upon conviction, the department shall
25 order revocation of any license and a one-year suspension of all
26 commercial fishing privileges requiring a license under chapter 77.65
27 or 77.70 RCW.

28 (3)(a) The spouse, forebears, siblings, children, and grandchildren
29 of a treaty Indian (~~((fisherman))~~) fisher may assist the (~~((fisherman))~~)
30 fisher in exercising treaty Indian fishing rights when the treaty
31 Indian (~~((fisherman))~~) fisher is present at the fishing site.

32 (b) Other treaty Indian (~~((fishermen))~~) fishers with off-reservation
33 treaty fishing rights in the same usual and accustomed places, whether
34 or not the (~~((fishermen))~~) fishers are members of the same tribe or
35 another treaty tribe, may assist a treaty Indian (~~((fisherman))~~) fisher
36 in exercising treaty Indian fishing rights when the treaty Indian
37 (~~((fisherman))~~) fisher is present at the fishing site.

1 (c) Biologists approved by the department may be on board a vessel
2 operating in a treaty Indian fishery.

3 (4) ~~((For the purposes of this section:~~

4 ~~(a) "Treaty Indian fisherman" means a person who may exercise~~
5 ~~treaty Indian fishing rights as determined under United States v.~~
6 ~~Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohappy v. Smith,~~
7 ~~302 F. Supp. 899 (D. Oregon 1969), and post trial orders of those~~
8 ~~courts;~~

9 ~~(b) "Treaty Indian fishery" means a fishery open to only treaty~~
10 ~~Indian fishermen by tribal or federal regulation;~~

11 ~~(c) "To participate" and its derivatives mean an effort to operate~~
12 ~~a vessel or fishing equipment, provide immediate supervision in the~~
13 ~~operation of a vessel or fishing equipment, or otherwise assist in the~~
14 ~~fishing operation, to claim possession of a share of the catch, or to~~
15 ~~represent that the catch was lawfully taken in an Indian fishery.~~

16 ~~(5))~~ A violation of this section constitutes illegal fishing and
17 is subject to the suspensions provided for commercial fishing
18 violations.

19 **Sec. 11.** RCW 77.32.155 and 2007 c 163 s 1 are each amended to read
20 as follows:

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

27 (b) The director may establish a program for training persons in
28 the safe handling of firearms, conservation, and sportsmanship and
29 shall prescribe the type of instruction and the qualifications of the
30 instructors. The director may cooperate with the National Rifle
31 Association, organized sportsmen's groups, or other public or private
32 organizations when establishing the training program.

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

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

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

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

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

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

25 **Sec. 12.** RCW 77.60.130 and 2007 c 341 s 59 are each amended to
26 read as follows:

27 (1) The aquatic nuisance species committee is created for the
28 purpose of fostering state, federal, tribal, and private cooperation on
29 aquatic nuisance species issues. The mission of the committee is to
30 minimize the unauthorized or accidental introduction of nonnative
31 aquatic species and give special emphasis to preventing the
32 introduction and spread of aquatic nuisance species. ~~((The term
33 "aquatic nuisance species" means a nonnative aquatic plant or animal
34 species that threatens the diversity or abundance of native species,
35 the ecological stability of infested waters, or commercial,
36 agricultural, or recreational activities dependent on such waters.))~~

1 (2) The committee consists of representatives from each of the
2 following state agencies: Department of fish and wildlife, department
3 of ecology, department of agriculture, department of health, department
4 of natural resources, Puget Sound partnership, state patrol, state
5 noxious weed control board, and Washington sea grant program. The
6 committee shall encourage and solicit participation by: Federally
7 recognized tribes of Washington, federal agencies, Washington
8 conservation organizations, environmental groups, and representatives
9 from industries that may either be affected by the introduction of an
10 aquatic nuisance species or that may serve as a pathway for their
11 introduction.

12 (3) The committee has the following duties:

13 (a) Periodically revise the state of Washington aquatic nuisance
14 species management plan, originally published in June 1998;

15 (b) Make recommendations to the legislature on statutory provisions
16 for classifying and regulating aquatic nuisance species;

17 (c) Recommend to the state noxious weed control board that a plant
18 be classified under the process designated by RCW 17.10.080 as an
19 aquatic noxious weed;

20 (d) Coordinate education, research, regulatory authorities,
21 monitoring and control programs, and participate in regional and
22 national efforts regarding aquatic nuisance species;

23 (e) Consult with representatives from industries and other
24 activities that may serve as a pathway for the introduction of aquatic
25 nuisance species to develop practical strategies that will minimize the
26 risk of new introductions; and

27 (f) Prepare a biennial report to the legislature with the first
28 report due by December 1, 2001, making recommendations for better
29 accomplishing the purposes of this chapter, and listing the
30 accomplishments of this chapter to date.

31 (4) The committee shall accomplish its duties through the authority
32 and cooperation of its member agencies. Implementation of all plans
33 and programs developed by the committee shall be through the member
34 agencies and other cooperating organizations.

35 **Sec. 13.** RCW 77.65.400 and 2000 c 107 s 52 are each amended to
36 read as follows:

1 (1) The director may by rule designate a fishery as an emerging
2 commercial fishery. The director shall include in the designation
3 whether the fishery is one that requires a vessel.

4 (~~(2) ("Emerging commercial fishery" means the commercial taking of
5 a newly classified species of food fish or shellfish, the commercial
6 taking of a classified species with gear not previously used for that
7 species, or the commercial taking of a classified species in an area
8 from which that species has not previously been commercially taken.)~~)

9 Any species of food fish or shellfish commercially harvested in
10 Washington ((state)) as of June 7, 1990, may be designated as a species
11 in an emerging commercial fishery, except that no fishery subject to a
12 license limitation program in chapter 77.70 RCW may be designated as an
13 emerging commercial fishery.

14 (3) A person shall not take food fish or shellfish in a fishery
15 designated as an emerging commercial fishery without an emerging
16 commercial fishery license and a permit from the director. The
17 director shall issue two types of permits to accompany emerging
18 commercial fishery licenses: Trial fishery permits and experimental
19 fishery permits. Trial fishery permits are governed by subsection (4)
20 of this section. Experimental fishery permits are governed by RCW
21 77.70.160.

22 (4) The director shall issue trial fishery permits for a fishery
23 designated as an emerging commercial fishery unless the director
24 determines there is a need to limit the number of participants under
25 RCW 77.70.160. A person who meets the qualifications of RCW 77.65.040
26 may hold a trial fishery permit. The holder of a trial fishery permit
27 shall comply with the terms of the permit. Trial fishery permits are
28 not transferable from the permit holder to any other person.

29 **Sec. 14.** RCW 77.70.350 and 2006 c 159 s 1 are each amended to read
30 as follows:

31 (1) The following restrictions apply to vessel designations and
32 substitutions on Dungeness crab-coastal fishery licenses:

33 (a) The holder of the license may not:

34 (i) Designate on the license a vessel the hull length of which
35 exceeds ninety-nine feet; or

36 (ii) Change vessel designation if the hull length of the vessel
37 proposed to be designated exceeds the hull length designated on the

1 license on June 7, 2006, by more than ten feet. However, if such
2 vessel designation is the result of an emergency transfer, the
3 applicable vessel length would be the most recent permanent vessel
4 designation on the license prior to June 7, 2006;

5 (b) If the hull length of the vessel proposed to be designated is
6 comparable to or exceeds by up to one foot the hull length of the
7 currently designated vessel, the department may change the vessel
8 designation no more than once in any two consecutive Washington state
9 coastal crab seasons unless the currently designated vessel is lost or
10 in disrepair such that it does not safely operate, in which case the
11 department may allow a change in vessel designation;

12 (c) If the hull length of the vessel proposed to be designated
13 exceeds by between one and ten feet the hull length of the designated
14 vessel on June 7, 2006, the department may change the vessel
15 designation no more than once on or after June 7, 2006, unless a
16 request is made by the license holder during a Washington state coastal
17 crab season for an emergency change in vessel designation. If such an
18 emergency request is made, the director may allow a temporary change in
19 designation to another vessel, if the hull length of the other vessel
20 does not exceed by more than ten feet the hull length of the currently
21 designated vessel.

22 ~~(2) ((For the purposes of this section, "hull length" means the~~
23 ~~length overall of a vessel's hull as shown by marine survey or by~~
24 ~~manufacturer's specifications.~~

25 ~~(3))~~ By December 31, 2010, the department must, in cooperation
26 with the coastal crab fishing industry, evaluate the effectiveness of
27 this section and, if necessary, recommend any statutory changes to the
28 appropriate committees of the senate and house of representatives.

29 **Sec. 15.** RCW 77.70.370 and 1998 c 190 s 109 are each amended to
30 read as follows:

31 (1) A Dungeness crab--coastal fishery licensee shall not take
32 Dungeness crab in the waters of the exclusive economic zone westward of
33 the states of Oregon or California and land crab taken in those waters
34 into Washington state unless the licensee also holds the licenses,
35 permits, or endorsements, required by Oregon or California to land crab
36 into Oregon or California, respectively.

1 (2) This section becomes effective only upon reciprocal legislation
2 being enacted by both the states of Oregon and California. ((~~For~~
3 ~~purposes of this section, "exclusive economic zone" means that zone~~
4 ~~defined in the federal fishery conservation and management act (16~~
5 ~~U.S.C. Sec. 1802) as of January 1, 1995, or as of a subsequent date~~
6 ~~adopted by rule of the director.~~))

7 NEW SECTION. **Sec. 16.** The following acts or parts of acts are
8 each repealed:

- 9 (1) RCW 77.08.045 (Migratory waterfowl terms defined) and 1998 c
10 191 s 31, 1987 c 506 s 12, & 1985 c 243 s 2;
11 (2) RCW 77.08.022 ("Food fish" defined) and 2000 c 107 s 208;
12 (3) RCW 77.12.850 (Definitions) and 1999 c 342 s 2;
13 (4) RCW 77.15.050 ("Conviction" defined) and 1998 c 190 s 6;
14 (5) RCW 77.15.192 (Definitions) and 2001 c 1 s 2;
15 (6) RCW 77.32.007 ("Special hunting season" defined) and 1984 c 240
16 s 8;
17 (7) RCW 77.36.010 (Definitions) and 1996 c 54 s 2;
18 (8) RCW 77.44.007 (Definitions) and 2000 c 107 s 262, 1993 sp.s. c
19 2 s 76, & 1991 c 253 s 2;
20 (9) RCW 77.65.380 (Ocean pink shrimp--Defined) and 1993 c 376 s 2;
21 (10) RCW 77.90.030 ("Facilities" defined) and 1983 1st ex.s. c 46
22 s 165, 1981 c 261 s 2, & 1977 ex.s. c 308 s 5;
23 (11) RCW 77.95.050 ("Enhancement project" defined) and 1985 c 458
24 s 6;
25 (12) RCW 77.100.020 (Definitions) and 2000 c 107 s 111, 1993 sp.s.
26 c 2 s 50, 1988 c 36 s 42, & 1984 c 72 s 2; and
27 (13) RCW 77.125.020 (Marine aquatic farming location--Defined) and
28 2001 c 86 s 2.

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