
SUBSTITUTE SENATE BILL 5583

State of Washington 64th Legislature 2015 Regular Session

By Senate Ways & Means (originally sponsored by Senator Dandel)

READ FIRST TIME 02/27/15.

1 AN ACT Relating to providing the fish and wildlife commission
2 with the tools necessary to enact changes to the status of a species;
3 amending RCW 77.12.020, 77.04.090, and 77.04.012; and adding a new
4 section to chapter 77.12 RCW.

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

6 **Sec. 1.** RCW 77.12.020 and 2014 c 202 s 302 are each amended to
7 read as follows:

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

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

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

18 (4) In addition to those species listed in RCW 77.08.020, the
19 commission may classify by rule as game fish other species of the
20 class Osteichthyes that are commonly found in freshwater except those
21 classified as food fish by the director.

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

4 (6) If the director determines that a species of wildlife is
5 seriously threatened with extinction in the state of Washington, the
6 director may request its designation as an endangered species. The
7 commission may designate, and remove the designation for, an
8 endangered species. The commission may remove the designation of a
9 terrestrial mammal species on a regional basis consistent with
10 section 2 of this act. However, all initial designations for any
11 species must be made on a statewide basis.

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

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

22 NEW SECTION. Sec. 2. A new section is added to chapter 77.12
23 RCW to read as follows:

24 (1) If the commission has listed a terrestrial mammal species
25 statewide as endangered, threatened, or sensitive in Washington under
26 RCW 77.12.020, it must consider any petitions for removing a species
27 from classification under RCW 77.12.020 on a regional basis.

28 (2)(a) Regional changes to the listing status of a terrestrial
29 mammal species must, given the preponderance of scientific data
30 available, be based on regional population numbers and the biological
31 status of the species as it exists in the proposed region and not on
32 the region's contribution to the overall statewide species recovery.

33 (b) In making decisions relating to petitions for a regional
34 change in the status of a species, the commission:

35 (i) Must consider the parallel federal endangered species act
36 status of the species in question for the region where a change in
37 status is petitioned;

1 (ii) Must use the regional designation as identified in the
2 petition as the basis for consideration of the status of the species
3 and delineation of the relevant region; and

4 (iii) May not use any previously adopted statewide recovery or
5 management plans, and the standards included in those plans, as a
6 basis for determining regional biological status for the subject
7 species.

8 (3) If a petition for removing a species from classification
9 under RCW 77.12.020 on a regional basis is denied, the commission
10 must provide detailed information, including references to any
11 relevant scientific data, that supports and explains the decision to
12 deny.

13 (4)(a) Upon a regional change in listing status, the commission
14 must, consistent with this section, amend any relevant management
15 plans, recovery plans, or administrative rules related to the subject
16 species so that management of the species in the region is tailored
17 to the needs of the region and not to the overall statewide needs of
18 the species.

19 (b) All regional management plans and associated rules must
20 provide for a balance of management outcomes that considers:

21 (i) The regional management needs of the subject species;

22 (ii) How the management of the subject species affects wildlife
23 management of all species in the region; and

24 (iii) How the management of both the subject species and all
25 other species in the region affects, as the paramount priority, local
26 customs and cultures.

27 (c) The department must give deference to the customs and culture
28 of local communities over statewide goals for any species subject to
29 a regional change in listing status under this section and in any
30 subsequent changes in management plans, recovery plans, or
31 administrative rules related to the subject species. To assist the
32 department in understanding local customs, priorities, and cultures,
33 all plans and rules adopted after a regional change in listing status
34 must be developed jointly and in coordination with all interested
35 county legislative authorities in the affected region. The
36 coordination among local legislative authorities and the department
37 required under this subsection must commence in the initial planning
38 stages of any management or rule changes and continue, in concert,
39 through all implementation and monitoring stages.

1 (5) All requirements in this section are subject to the
2 availability of amounts appropriated for the specific purposes
3 described.

4 **Sec. 3.** RCW 77.04.090 and 1996 c 267 s 35 are each amended to
5 read as follows:

6 (1) The commission shall adopt permanent rules and amendments to
7 or repeals of existing rules by approval of a majority of the members
8 by resolution, entered and recorded in the minutes of the
9 commission(~~(- PROVIDED, That)~~). However, the commission may not:

10 (a) Adopt rules after July 23, 1995, that are based solely on a
11 section of law stating a statute's intent or purpose, on the enabling
12 provisions of the statute establishing the agency, or on any
13 combination of such provisions, for statutory authority to adopt any
14 rule; or

15 (b) Adopt any rule relating to the management of a terrestrial
16 mammal species subject to a regional change in listing status under
17 section 2 of this act without fully coordinating with local elected
18 officials as required in section 2 of this act.

19 (2)(a) The commission shall adopt emergency rules by approval of
20 a majority of the members. The commission, when adopting emergency
21 rules under RCW 77.12.150, shall adopt rules in conformance with
22 chapter 34.05 RCW. Judicial notice shall be taken of the rules filed
23 and published as provided in RCW 34.05.380 and 34.05.210.

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

29 **Sec. 4.** RCW 77.04.012 and 2000 c 107 s 2 are each amended to
30 read as follows:

31 (1) Wildlife, fish, and shellfish are the property of the state.
32 The commission, director, and the department shall preserve, protect,
33 perpetuate, and, consistent with section 2 of this act, manage the
34 wildlife and food fish, game fish, and shellfish in state waters and
35 offshore waters.

36 (2) The department shall conserve the wildlife and food fish,
37 game fish, and shellfish resources in a manner that does not impair
38 the resource. In a manner consistent with this goal, the department

1 shall seek to maintain the economic well-being and stability of the
2 fishing industry in the state. The department shall promote orderly
3 fisheries and shall enhance and improve recreational and commercial
4 fishing in this state.

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

9 (4) The commission shall attempt to maximize the public
10 recreational game fishing and hunting opportunities of all citizens,
11 including juveniles, (~~disabled~~) individuals with disabilities, and
12 senior citizens.

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

18 (6) Nothing in this title shall be construed to infringe on the
19 right of a private property owner to control the owner's private
20 property.

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