

SHB 2788 - S AMD 335  
By Senator Jacobsen

ADOPTED 03/12/2008

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** The code reviser is directed to put the  
4 defined terms in RCW 77.08.010 in alphabetical order.

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

7 ((~~As used in~~)) The definitions in this section apply throughout  
8 this title or rules adopted under this title((~~τ~~)) unless the context  
9 clearly requires otherwise((~~+~~)).

- 10 (1) "Director" means the director of fish and wildlife.  
11 (2) "Department" means the department of fish and wildlife.  
12 (3) "Commission" means the state fish and wildlife commission.  
13 (4) "Person" means and includes an individual; a corporation; a  
14 public or private entity or organization; a local, state, or federal  
15 agency; all business organizations, including corporations and  
16 partnerships; or a group of two or more individuals acting with a  
17 common purpose whether acting in an individual, representative, or  
18 official capacity.  
19 (5) "Fish and wildlife officer" means a person appointed and  
20 commissioned by the director, with authority to enforce this title and  
21 rules adopted pursuant to this title, and other statutes as prescribed  
22 by the legislature. Fish and wildlife officer includes a person  
23 commissioned before June 11, 1998, as a wildlife agent or a fisheries  
24 patrol officer.

- 25 (6) "Ex officio fish and wildlife officer" means a commissioned  
26 officer of a municipal, county, state, or federal agency having as its  
27 primary function the enforcement of criminal laws in general, while the  
28 officer is in the appropriate jurisdiction. The term "ex officio fish  
29 and wildlife officer" includes special agents of the national marine

1 fisheries service, state parks commissioned officers, United States  
2 fish and wildlife special agents, department of natural resources  
3 enforcement officers, and United States forest service officers, while  
4 the agents and officers are within their respective jurisdictions.

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

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

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

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

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

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

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

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

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

37 (16) "Wildlife" means all species of the animal kingdom whose  
38 members exist in Washington in a wild state. This includes but is not

1 limited to mammals, birds, reptiles, amphibians, fish, and  
2 invertebrates. The term "wildlife" does not include feral domestic  
3 mammals, old world rats and mice of the family Muridae of the order  
4 Rodentia, or those fish, shellfish, and marine invertebrates classified  
5 as food fish or shellfish by the director. The term "wildlife"  
6 includes all stages of development and the bodily parts of wildlife  
7 members.

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

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

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

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

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

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

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

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

27 (25) "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 (26) "Game farm" means property on which wildlife is held or raised  
31 for commercial purposes, trade, or gift. The term "game farm" does not  
32 include publicly owned facilities.

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

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

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

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

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

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

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

16 (34) "State waters" means all marine waters and fresh waters within  
17 ordinary high water lines and within the territorial boundaries of the  
18 state.

19 (35) "Offshore waters" means marine waters of the Pacific Ocean  
20 outside the territorial boundaries of the state, including the marine  
21 waters of other states and countries.

22 (36) "Concurrent waters of the Columbia river" means those waters  
23 of the Columbia river that coincide with the Washington-Oregon state  
24 boundary.

25 (37) "Resident" means:

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

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

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

36 (39) "Shellfish" means those species of marine and freshwater  
37 invertebrates that have been classified and that shall not be taken

1 except as authorized by rule of the commission. The term "shellfish"  
2 includes all stages of development and the bodily parts of shellfish  
3 species.

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

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

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

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

13 (44) "Fishery" means the taking of one or more particular species  
14 of fish or shellfish with particular gear in a particular geographical  
15 area.

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

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

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

26 (48) "Invasive species" means a plant species or a nonnative animal  
27 species that either:

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

30 (b) Threatens or may threaten natural resources or their use in the  
31 state;

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

34 (d) Threatens or harms human health.

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

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

4 (51) "Unregulated aquatic animal species" means a nonnative animal  
5 species that has been classified as an unregulated aquatic animal  
6 species by the commission.

7 (52) "Unlisted aquatic animal species" means a nonnative animal  
8 species that has not been classified as a prohibited aquatic animal  
9 species, a regulated aquatic animal species, or an unregulated aquatic  
10 animal species by the commission.

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

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

16 (55) "Aquatic invasive species" means any invasive, prohibited,  
17 regulated, unregulated, or unlisted aquatic animal or plant species as  
18 defined under subsections (48) through (53) of this section, aquatic  
19 noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic  
20 nuisance species as defined under RCW 77.60.130(1).

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

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24 On page 1, line 1 of the title, after "RCW;" strike the remainder  
25 of the title and insert "reenacting and amending RCW 77.08.010; and  
26 creating a new section."

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