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**SUBSTITUTE SENATE BILL 6644**

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**State of Washington                      61st Legislature                      2010 Regular Session**

**By** Senate Natural Resources, Ocean & Recreation (originally sponsored by Senator Jacobsen)

READ FIRST TIME 02/03/10.

1            AN ACT Relating to falconry; amending RCW 77.08.010; adding new  
2 sections to chapter 77.32 RCW; and adding a new section to chapter  
3 77.15 RCW.

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

5            NEW SECTION.    **Sec. 1.** A new section is added to chapter 77.32 RCW  
6 to read as follows:

7            (1) A falconry permit is required for any resident to practice  
8 falconry as authorized by rule of the department. A falconry permit  
9 costs one hundred dollars and is valid for two years.

10           (2) The department may not impose a fee for a falconry permit:

11           (a) Until the fee charged for the issuance of a substantially  
12 similar permit by the United States fish and wildlife service on the  
13 effective date of this section has been discontinued; or

14           (b) In any period when the United States fish and wildlife service  
15 charges a fee for the issuance of a substantially similar permit.

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

1 (1) A nonresident may practice falconry in the state if the person  
2 is in possession of a valid permit to practice falconry issued by their  
3 state, tribe, or country of residence.

4 (2) A nonresident must purchase any applicable recreational  
5 licenses, permits, or tags required under this chapter in order to hunt  
6 with a raptor.

7 (3) A nonresident raptor capture permit is required for any  
8 nonresident to capture raptors in the state as authorized by rule of  
9 the department. The fee for a permit is: Five hundred dollars for a  
10 peregrine falcon (*Falco peregrinus*), gyrfalcon (*Falco rusticolus*), or  
11 goshawk (*Accipiter gentilis*); and two hundred fifty dollars for any  
12 other raptor authorized for capture by the department. A nonresident  
13 raptor capture permit is valid for one year.

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

16 The department must deposit any fees collected from the sale of  
17 falconry permits under section 1 of this act and nonresident raptor  
18 capture permits under section 2 of this act into the state wildlife  
19 account created in RCW 77.12.170. Such amounts must be used  
20 exclusively for the administration and management of falconry.

21 **Sec. 4.** RCW 77.08.010 and 2009 c 333 s 12 are each amended to read  
22 as follows:

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

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

29 (2) "Aquatic invasive species" means any invasive, prohibited,  
30 regulated, unregulated, or unlisted aquatic animal or plant species as  
31 defined under subsections (3), (28), (40), (44), (58), and (59) of this  
32 section, aquatic noxious weeds as defined under RCW 17.26.020(5)(c),  
33 and aquatic nuisance species as defined under RCW 77.60.130(1).

34 (3) "Aquatic plant species" means an emergent, submersed, partially  
35 submersed, free-floating, or floating-leaving plant species that grows  
36 in or near a body of water or wetland.

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

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

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

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

17 (8) "Commercial" means related to or connected with buying,  
18 selling, or bartering.

19 (9) "Commission" means the state fish and wildlife commission.

20 (10) "Concurrent waters of the Columbia river" means those waters  
21 of the Columbia river that coincide with the Washington-Oregon state  
22 boundary.

23 (11) "Contraband" means any property that is unlawful to produce or  
24 possess.

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

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

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

30 (15) "Endangered species" means wildlife designated by the  
31 commission as seriously threatened with extinction.

32 (16) "Ex officio fish and wildlife officer" means a commissioned  
33 officer of a municipal, county, state, or federal agency having as its  
34 primary function the enforcement of criminal laws in general, while the  
35 officer is in the appropriate jurisdiction. The term "ex officio fish  
36 and wildlife officer" includes special agents of the national marine  
37 fisheries service, state parks commissioned officers, United States

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

4 (17) "Fish" includes all species classified as game fish or food  
5 fish by statute or rule, as well as all fin fish not currently  
6 classified as food fish or game fish if such species exist in state  
7 waters. The term "fish" includes all stages of development and the  
8 bodily parts of fish species.

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

15 (19) "Fish broker" means a person whose business it is to bring a  
16 seller of fish and shellfish and a purchaser of those fish and  
17 shellfish together.

18 (20) "Fishery" means the taking of one or more particular species  
19 of fish or shellfish with particular gear in a particular geographical  
20 area.

21 (21) "Freshwater" means all waters not defined as saltwater  
22 including, but not limited to, rivers upstream of the river mouth,  
23 lakes, ponds, and reservoirs.

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

26 (23) "Game animals" means wild animals that shall not be hunted  
27 except as authorized by the commission.

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

30 (25) "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 (26) "Game reserve" means a closed area where hunting for all wild  
34 animals and wild birds is prohibited.

35 (27) "Illegal items" means those items unlawful to be possessed.

36 (28) "Invasive species" means a plant species or a nonnative animal  
37 species that either:

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

3 (b) Threatens or may threaten natural resources or their use in the  
4 state;

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

7 (d) Threatens or harms human health.

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

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

13 (31) "Money" means all currency, script, personal checks, money  
14 orders, or other negotiable instruments.

15 (32) "Nonresident" means a person who has not fulfilled the  
16 qualifications of a resident.

17 (33) "Offshore waters" means marine waters of the Pacific Ocean  
18 outside the territorial boundaries of the state, including the marine  
19 waters of other states and countries.

20 (34) "Open season" means those times, manners of taking, and places  
21 or waters established by rule of the commission for the lawful hunting,  
22 fishing, taking, or possession of game animals, game birds, game fish,  
23 food fish, or shellfish that conform to the special restrictions or  
24 physical descriptions established by rule of the commission or that  
25 have otherwise been deemed legal to hunt, fish, take, harvest, or  
26 possess by rule of the commission. "Open season" includes the first  
27 and last days of the established time.

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

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

36 (37) "Personal property" or "property" includes both corporeal and  
37 incorporeal personal property and includes, among other property,  
38 contraband and money.

1 (38) "Personal use" means for the private use of the individual  
2 taking the fish or shellfish and not for sale or barter.

3 (39) "Predatory birds" means wild birds that may be hunted  
4 throughout the year as authorized by the commission.

5 (40) "Prohibited aquatic animal species" means an invasive species  
6 of the animal kingdom that has been classified as a prohibited aquatic  
7 animal species by the commission.

8 (41) "Protected wildlife" means wildlife designated by the  
9 commission that shall not be hunted or fished.

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

15 (43) "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 (44) "Regulated aquatic animal species" means a potentially  
19 invasive species of the animal kingdom that has been classified as a  
20 regulated aquatic animal species by the commission.

21 (45) "Resident" means:

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

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

30 (46) "Retail-eligible species" means commercially harvested salmon,  
31 crab, and sturgeon.

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

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

38 (49) "Senior" means a person seventy years old or older.

1 (50) "Shellfish" means those species of marine and freshwater  
2 invertebrates that have been classified and that shall not be taken  
3 except as authorized by rule of the commission. The term "shellfish"  
4 includes all stages of development and the bodily parts of shellfish  
5 species.

6 (51) "State waters" means all marine waters and fresh waters within  
7 ordinary high water lines and within the territorial boundaries of the  
8 state.

9 (52) "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 (53) "To hunt" and its derivatives means an effort to kill, injure,  
12 capture, or harass a wild animal or wild bird.

13 (54) "To process" and its derivatives mean preparing or preserving  
14 fish, wildlife, or shellfish.

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

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

20 (57) "Unclaimed" means that no owner of the property has been  
21 identified or has requested, in writing, the release of the property to  
22 themselves nor has the owner of the property designated an individual  
23 to receive the property or paid the required postage to effect delivery  
24 of the property.

25 (58) "Unlisted aquatic animal species" means a nonnative animal  
26 species that has not been classified as a prohibited aquatic animal  
27 species, a regulated aquatic animal species, or an unregulated aquatic  
28 animal species by the commission.

29 (59) "Unregulated aquatic animal species" means a nonnative animal  
30 species that has been classified as an unregulated aquatic animal  
31 species by the commission.

32 (60) "Wholesale fish dealer" means a person who, acting for  
33 commercial purposes, takes possession or ownership of fish or shellfish  
34 and sells, barter, or exchanges or attempts to sell, barter, or  
35 exchange fish or shellfish that have been landed into the state of  
36 Washington or entered the state of Washington in interstate or foreign  
37 commerce.

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

6 (62) "Wild birds" means those species of the class Aves whose  
7 members exist in Washington in a wild state.

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

17 (64) "Youth" means a person fifteen years old for fishing and under  
18 sixteen years old for hunting.

19 (65) "Falconry" means the capture or attempt to capture,  
20 possession, transfer, use, or disposition of a raptor for the purpose  
21 of hunting or free flight training.

22 (66) "Raptor" means a migratory bird of the Order *Falconiformes* or  
23 the Order *Strigiformes* that has been designated as a raptor by rule of  
24 the department.

25 NEW SECTION. Sec. 5. A new section is added to chapter 77.15 RCW  
26 to read as follows:

27 Nothing in RCW 77.15.194 prohibits the use of a snaring device,  
28 including nets or nooses constructed of filament material, designed for  
29 the safe capture of live raptors as authorized under a falconry permit  
30 issued by the department.

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