

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5961**

Chapter 253, Laws of 2001

57th Legislature  
2001 Regular Session

FISH AND WILDLIFE STATUTES--TECHNICAL CORRECTIONS

EFFECTIVE DATE: 7/22/01

Passed by the Senate April 17, 2001  
YEAS 47 NAYS 0

BRAD OWEN  
**President of the Senate**

Passed by the House April 6, 2001  
YEAS 93 NAYS 0

FRANK CHOPP  
**Speaker of the  
House of Representatives**

CLYDE BALLARD  
**Speaker of the  
House of Representatives**

Approved May 11, 2001

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5961** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK  
**Secretary**

FILED

May 11, 2001 - 9:23 a.m.

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5961**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2001 Regular Session

**State of Washington                      57th Legislature                      2001 Regular Session**

**By** Senate Committee on Natural Resources, Parks & Shorelines  
(originally sponsored by Senators Jacobsen and Oke; by request of  
Department of Fish and Wildlife)

READ FIRST TIME 02/27/2001.

1            AN ACT Relating to making technical corrections to fish and  
2 wildlife statutes; amending RCW 4.24.350, 43.70.185, 46.09.200,  
3 46.10.200, 69.30.010, 69.30.110, 69.30.140, 70.93.050, 76.04.045,  
4 77.08.010, 77.12.039, 77.12.043, 77.12.045, 77.12.047, 77.12.170,  
5 77.12.177, 77.12.204, 77.12.264, 77.12.320, 77.12.325, 77.12.425,  
6 77.12.455, 77.15.080, 77.15.090, 77.15.094, 77.15.096, 77.15.110,  
7 77.15.150, 77.15.180, 77.15.210, 77.15.250, 77.15.260, 77.15.270,  
8 77.15.290, 77.15.330, 77.15.340, 77.15.370, 77.15.380, 77.15.390,  
9 77.15.400, 77.15.480, 77.15.510, 77.15.550, 77.15.600, 77.15.700,  
10 77.15.730, 77.16.220, 77.32.010, 77.32.014, 77.32.250, 77.32.535,  
11 77.44.070, 77.55.280, 77.55.290, 77.70.010, 77.70.150, 77.70.190, and  
12 79A.60.100; reenacting and amending RCW 77.15.245; adding new sections  
13 to chapter 77.65 RCW; adding new sections to chapter 77.15 RCW; adding  
14 new sections to chapter 77.55 RCW; recodifying RCW 77.12.055,  
15 77.65.470, 77.12.425, 77.16.220, and 77.32.220; and repealing RCW  
16 77.12.030, 77.12.040, 77.12.105, 77.12.250, 77.12.295, 77.12.457,  
17 77.12.724, and 77.32.420.

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

1       **Sec. 1.** RCW 4.24.350 and 1997 c 206 s 1 are each amended to read  
2 as follows:

3       (1) In any action for damages, whether based on tort or contract or  
4 otherwise, a claim or counterclaim for damages may be litigated in the  
5 principal action for malicious prosecution on the ground that the  
6 action was instituted with knowledge that the same was false, and  
7 unfounded, malicious and without probable cause in the filing of such  
8 action, or that the same was filed as a part of a conspiracy to misuse  
9 judicial process by filing an action known to be false and unfounded.

10       (2) In any action, claim, or counterclaim brought by a judicial  
11 officer, prosecuting authority, or law enforcement officer for  
12 malicious prosecution arising out of the performance or purported  
13 performance of the public duty of such officer, an arrest or seizure of  
14 property need not be an element of the claim, nor do special damages  
15 need to be proved. A judicial officer, prosecuting authority, or law  
16 enforcement officer prevailing in such an action may be allowed an  
17 amount up to one thousand dollars as liquidated damages, together with  
18 a reasonable attorneys' fee, and other costs of suit. A government  
19 entity which has provided legal services to the prevailing judicial  
20 officer, prosecuting authority, or law enforcement officer has  
21 reimbursement rights to any award for reasonable attorneys' fees and  
22 other costs, but shall have no such rights to any liquidated damages  
23 allowed.

24       (3) No action may be brought against an attorney under this section  
25 solely because of that attorney's representation of a party in a  
26 lawsuit.

27       (4) As used in this section:

28       (a) "Judicial officer" means a justice, judge, magistrate, or other  
29 judicial officer of the state or a city, town, or county.

30       (b) "Prosecuting authority" means any officer or employee of the  
31 state or a city, town, or county who is authorized by law to initiate  
32 a criminal or civil proceeding on behalf of the public.

33       (c) "Law enforcement officer" means a member of the state patrol,  
34 a sheriff or deputy sheriff, or a member of the police force of a city,  
35 town, university, state college, or port district, or a (~~"wildlife  
36 agent" or "ex officio wildlife agent"~~) fish and wildlife officer or ex  
37 officio fish and wildlife officer as defined in RCW 77.08.010.

1       **Sec. 2.** RCW 43.70.185 and 1995 c 147 s 7 are each amended to read  
2 as follows:

3       (1) The department may enter and inspect any property, lands, or  
4 waters, of this state in or on which any marine species are located or  
5 from which such species are harvested, whether recreationally or for  
6 sale or barter, and any land or water of this state which may cause or  
7 contribute to the pollution of areas in or on which such species are  
8 harvested or processed. The department may take any reasonably  
9 necessary samples to determine whether such species or any lot, batch,  
10 or quantity of such species is safe for human consumption.

11       (2) If the department determines that any species or any lot,  
12 batch, or other quantity of such species is unsafe for human  
13 consumption because consumption is likely to cause actual harm or  
14 because consumption presents a potential risk of substantial harm, the  
15 department may, by order under chapter 34.05 RCW, prohibit or restrict  
16 the commercial or recreational harvest or landing of any marine species  
17 except the recreational harvest of shellfish as defined in chapter  
18 69.30 RCW if taken from privately owned tidelands.

19       (3) It is unlawful to harvest any marine species in violation of a  
20 departmental order prohibiting or restricting such harvest under this  
21 section or to possess or sell any marine species so harvested.

22       (4) Any person who sells any marine species taken in violation of  
23 this section is subject to the penalties provided in RCW 69.30.140 and  
24 69.30.150. Any person who harvests or possesses marine species taken  
25 in violation of this section is guilty of a civil infraction and is  
26 subject to the penalties provided in RCW 69.30.150. Notwithstanding  
27 this section, any person who harvests, possesses, sells, offers to  
28 sell, culls, shucks, or packs shellfish is subject to the penalty  
29 provisions of chapter 69.30 RCW. Charges shall not be brought against  
30 a person under both chapter 69.30 RCW and this section in connection  
31 with this same action, incident, or event.

32       (5) The criminal provisions of this section are subject to  
33 enforcement by fish and wildlife (~~(enforcement)~~) officers or ex officio  
34 fish and wildlife (~~(enforcement patrol)~~) officers as defined in RCW  
35 (~~(75.08.011)~~) 77.08.010.

36       (6) As used in this section, marine species include all fish,  
37 invertebrate or plant species which are found during any portion of the  
38 life cycle of those species in the marine environment.

1       **Sec. 3.** RCW 46.09.200 and 1986 c 100 s 52 are each amended to read  
2 as follows:

3       The provisions of this chapter shall be enforced by all persons  
4 having the authority to enforce any of the laws of this state,  
5 including, without limitation, officers of the state patrol, county  
6 sheriffs and their deputies, all municipal law enforcement officers  
7 within their respective jurisdictions, (~~state wildlife agents and~~  
8 ~~deputy wildlife agents~~) fish and wildlife officers, state park  
9 rangers, (~~state fisheries patrolmen~~) and those employees of the  
10 department of natural resources designated by the commissioner of  
11 public lands under RCW 43.30.310, 76.04.035, and 76.04.045.

12       **Sec. 4.** RCW 46.10.200 and 1980 c 78 s 131 are each amended to read  
13 as follows:

14       The provisions of this chapter shall be enforced by all persons  
15 having the authority to enforce any of the laws of this state,  
16 including, without limitation, officers of the state patrol, county  
17 sheriffs and their deputies, all municipal law enforcement officers  
18 within their respective jurisdictions, fish and wildlife (~~agents~~)  
19 officers, state park rangers, (~~state fisheries patrol officers~~) and  
20 those employees of the department of natural resources designated by  
21 the commissioner of public lands under RCW 43.30.310, as having police  
22 powers to enforce the laws of this state.

23       **Sec. 5.** RCW 69.30.010 and 1995 c 147 s 1 are each amended to read  
24 as follows:

25       When used in this chapter, the following terms shall have the  
26 following meanings:

27       (1) "Shellfish" means all varieties of fresh and frozen oysters,  
28 mussels, clams, and scallops, either shucked or in the shell, and any  
29 fresh or frozen edible products thereof.

30       (2) "Sale" means to sell, offer for sale, barter, trade, deliver,  
31 consign, hold for sale, consignment, barter, trade, or delivery, and/or  
32 possess with intent to sell or dispose of in any commercial manner.

33       (3) "Shellfish growing areas" means the lands and waters in and  
34 upon which shellfish are grown for harvesting in commercial quantity or  
35 for sale for human consumption.

36       (4) "Establishment" means the buildings, together with the  
37 necessary equipment and appurtenances, used for the storage, culling,

1 shucking, packing and/or shipping of shellfish in commercial quantity  
2 or for sale for human consumption.

3 (5) "Person" means any individual, partnership, firm, company,  
4 corporation, association, or the authorized agents of any such  
5 entities.

6 (6) "Department" means the state department of health.

7 (7) "Secretary" means the secretary of health or his or her  
8 authorized representatives.

9 (8) "Commercial quantity" means any quantity exceeding: (a) Forty  
10 pounds of mussels; (b) one hundred oysters; (c) fourteen horse clams;  
11 (d) six geoducks; (e) fifty pounds of hard or soft shell clams; or (f)  
12 fifty pounds of scallops. The poundage in this subsection (8)  
13 constitutes weight with the shell.

14 (9) "Fish and wildlife ~~((enforcement))~~ officer" means a ~~((fisheries  
15 patrol officer or an ex officio fisheries patrol))~~ fish and wildlife  
16 officer as defined in RCW ~~((75.08.011 (4) and (5) or a wildlife agent  
17 or an ex officio wildlife agent as defined in RCW 77.08.010 (5) and  
18 (6))~~) 77.08.010.

19 (10) "Ex officio fish and wildlife officer" means an ex officio  
20 fish and wildlife officer as defined in RCW 77.08.010.

21 **Sec. 6.** RCW 69.30.110 and 1995 c 147 s 4 are each amended to read  
22 as follows:

23 It is unlawful for any person to possess a commercial quantity of  
24 shellfish or to sell or offer to sell shellfish in the state which have  
25 not been grown, shucked, packed, or shipped in accordance with the  
26 provisions of this chapter. Failure of a shellfish grower to display  
27 immediately a certificate of approval issued under RCW 69.30.050 to an  
28 authorized representative of the department, a fish and wildlife  
29 ~~((enforcement))~~ officer, or an ex officio fish and wildlife  
30 ~~((enforcement))~~ officer subjects the grower to the penalty provisions  
31 of this chapter, as well as immediate seizure of the shellfish by the  
32 representative or officer.

33 Failure of a shellfish processor to display a certificate of  
34 approval issued under RCW 69.30.060 to an authorized representative of  
35 the department, a fish and wildlife ~~((enforcement))~~ officer, or an ex  
36 officio fish and wildlife ~~((enforcement))~~ officer subjects the  
37 processor to the penalty provisions of this chapter, as well as  
38 immediate seizure of the shellfish by the representative or officer.

1 Shellfish seized under this section shall be subject to prompt  
2 disposal by the representative or officer and may not be used for human  
3 consumption. The state board of health shall develop by rule  
4 procedures for the disposal of the seized shellfish.

5 **Sec. 7.** RCW 69.30.140 and 1995 c 147 s 6 are each amended to read  
6 as follows:

7 Any person convicted of violating any of the provisions of this  
8 chapter shall be guilty of a gross misdemeanor. A conviction is an  
9 unvacated forfeiture of bail or collateral deposited to secure the  
10 defendant's appearance in court, the payment of a fine, a plea of  
11 guilty, or a finding of guilt on a violation of this chapter,  
12 regardless of whether imposition of sentence is deferred or the penalty  
13 is suspended, and shall be treated as a ~~((violation))~~ conviction for  
14 purposes of license ~~((forfeiture))~~ revocation and suspension of  
15 privileges under RCW ~~((75.10.120))~~ 77.15.700(5).

16 **Sec. 8.** RCW 70.93.050 and 1980 c 78 s 132 are each amended to read  
17 as follows:

18 The director shall designate trained employees of the department to  
19 be vested with police powers to enforce and administer the provisions  
20 of this chapter and all rules ~~((and regulations))~~ adopted thereunder.  
21 The director shall also have authority to contract with other state and  
22 local governmental agencies having law enforcement capabilities for  
23 services and personnel reasonably necessary to carry out the  
24 enforcement provisions of this chapter. In addition, state patrol  
25 officers, fish and wildlife ~~((agents))~~ officers, fire wardens, deputy  
26 fire wardens and forest rangers, sheriffs and marshals and their  
27 deputies, and police officers, and those employees of the department of  
28 ecology and the parks and recreation commission vested with police  
29 powers all shall enforce the provisions of this chapter and all rules  
30 ~~((and regulations))~~ adopted thereunder and are hereby empowered to  
31 issue citations to and/or arrest without warrant, persons violating any  
32 provision of this chapter or any of the rules ~~((and regulations))~~  
33 adopted hereunder. All of the foregoing enforcement officers may serve  
34 and execute all warrants, citations, and other process issued by the  
35 courts in enforcing the provisions of this chapter and rules ~~((and~~  
36 ~~regulations))~~ adopted hereunder. In addition, mailing by registered  
37 mail of such warrant, citation, or other process to his or her last

1 known place of residence shall be deemed as personal service upon the  
2 person charged.

3 **Sec. 9.** RCW 76.04.045 and 1986 c 100 s 5 are each amended to read  
4 as follows:

5 (1) All Washington state patrol officers, (~~wildlife agents,~~  
6 ~~fisheries patrol~~) fish and wildlife officers, deputy state fire  
7 marshals, and state park rangers, while in their respective  
8 jurisdictions, shall be ex officio rangers.

9 (2) Employees of the United States forest service, when recommended  
10 by their forest supervisor, and citizens of the state advantageously  
11 located may, at the discretion of the department, be commissioned as  
12 rangers and vested with the certain powers and duties of wardens as  
13 specified in this chapter and as directed by the department.

14 (3) Rangers shall receive no compensation for their services except  
15 when employed in cooperation with the state and under the provisions of  
16 this chapter and shall not create any indebtedness or incur any  
17 liability on behalf of the state: PROVIDED, That rangers actually  
18 engaged in extinguishing or preventing the spread of fire on forest  
19 land or elsewhere that may endanger forest land shall, when their  
20 accounts for such service have been approved by the department, be  
21 entitled to receive compensation for such services at a rate to be  
22 fixed by the department.

23 (4) The department may cancel the commission of any ranger or  
24 authority granted to any ex officio ranger who may be incompetent or  
25 unwilling to discharge properly the duties of the office.

26 **Sec. 10.** RCW 77.08.010 and 2000 c 107 s 207 are each amended to  
27 read as follows:

28 As used in this title or rules adopted under this title, unless the  
29 context clearly requires otherwise:

30 (1) "Director" means the director of fish and wildlife.

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

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

33 (4) "Person" means and includes an individual; a corporation; a  
34 public or private entity or organization; a local, state, or federal  
35 agency; all business organizations, including corporations and  
36 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 (5) "Fish and wildlife officer" means a person appointed and  
4 commissioned by the director, with authority to enforce this title and  
5 rules adopted pursuant to this title, and other statutes as prescribed  
6 by the legislature. Fish and wildlife officer includes a person  
7 commissioned before June 11, 1998, as a wildlife agent or a fisheries  
8 patrol officer.

9 (6) "Ex officio fish and wildlife officer" means a commissioned  
10 officer of a municipal, county, state, or federal agency having as its  
11 primary function the enforcement of criminal laws in general, while the  
12 officer is in the appropriate jurisdiction. The term "ex officio fish  
13 and wildlife officer" includes special agents of the national marine  
14 fisheries service, state parks commissioned officers, United States  
15 fish and wildlife special agents, department of natural resources  
16 enforcement officers, and United States forest service officers, while  
17 the agents and officers are within their respective jurisdictions.

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

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

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

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

32 (11) "Closed season" means all times, manners of taking, and places  
33 or waters other than those established by rule of the commission as an  
34 open season. "Closed season" also means all hunting, fishing, taking,  
35 or possession of game animals, game birds, ((or)) game fish, food fish,  
36 or shellfish that do not conform to the special restrictions or  
37 physical descriptions established by rule of the commission as an open  
38 season or that have not otherwise been deemed legal to hunt, fish,  
39 take, harvest, or possess by rule of the commission as an open season.

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

3 (13) "Closed waters" means all or part of a lake, river, stream, or  
4 other body of water, where fishing (~~for game fish~~) or harvesting is  
5 prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (27) "Person of disability" means a permanently disabled person who  
8 is not ambulatory without the assistance of a wheelchair, crutches, or  
9 similar devices.

10 (28) "Fish" includes all species classified as game fish or food  
11 fish by statute or rule, as well as all fin fish not currently  
12 classified as food fish or game fish if such species exist in state  
13 waters. The term "fish" includes all stages of development and the  
14 bodily parts of fish species.

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

20 (30) "Youth" means a person fifteen years old for fishing and under  
21 sixteen years old for hunting.

22 (31) "Senior" means a person seventy years old or older.

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

26 (33) "Saltwater" means those marine waters seaward of river mouths.

27 (34) "Freshwater" means all waters not defined as saltwater  
28 including, but not limited to, rivers upstream of the river mouth,  
29 lakes, ponds, and reservoirs.

30 (35) "State waters" means all marine waters and fresh waters within  
31 ordinary high water lines and within the territorial boundaries of the  
32 state.

33 (36) "Offshore waters" means marine waters of the Pacific Ocean  
34 outside the territorial boundaries of the state, including the marine  
35 waters of other states and countries.

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

1 (38) "Resident" means a person who has maintained a permanent place  
2 of abode within the state for at least ninety days immediately  
3 preceding an application for a license, has established by formal  
4 evidence an intent to continue residing within the state, and who is  
5 not licensed to hunt or fish as a resident in another state.

6 (39) "Nonresident" means a person who has not fulfilled the  
7 qualifications of a resident.

8 (40) "Shellfish" means those species of marine and freshwater  
9 invertebrates that have been classified and that shall not be taken  
10 except as authorized by rule of the commission. The term "shellfish"  
11 includes all stages of development and the bodily parts of shellfish  
12 species.

13 (41) "Commercial" means related to or connected with buying,  
14 selling, or bartering. (~~Fishing for food fish or shellfish with gear  
15 unlawful for fishing for personal use, or possessing food fish or  
16 shellfish in excess of the limits permitted for personal use are  
17 commercial activities.~~)

18 (42) "To process" and its derivatives mean preparing or preserving  
19 (~~food~~) fish, wildlife, or shellfish.

20 (43) "Personal use" means for the private use of the individual  
21 taking the (~~food~~) fish or shellfish and not for sale or barter.

22 (44) "Angling gear" means a line attached to a rod and reel capable  
23 of being held in hand while landing the fish or a hand-held line  
24 operated without rod or reel.

25 (45) "Fishery" means the taking of one or more particular species  
26 of (~~food~~) fish or shellfish with particular gear in a particular  
27 geographical area.

28 (46) "Limited-entry license" means a license subject to a license  
29 limitation program established in chapter 77.70 RCW.

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

35 (48) "Trafficking" means offering, attempting to engage, or  
36 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or  
37 deleterious exotic wildlife.

1       **Sec. 11.** RCW 77.12.039 and 2000 c 107 s 5 are each amended to read  
2 as follows:

3       The director may accept money or real property from persons under  
4 conditions requiring the use of the property or money for the  
5 protection, rehabilitation, preservation, or conservation of the state  
6 wildlife, (~~food~~) fish, and shellfish resources, or in settlement of  
7 claims for damages to wildlife, (~~food~~) fish, and shellfish resources.  
8 The director shall only accept real property useful for the protection,  
9 rehabilitation, preservation, or conservation of (~~these fisheries~~)  
10 fish, shellfish, and wildlife resources.

11       **Sec. 12.** RCW 77.12.043 and 1985 c 458 s 7 are each amended to read  
12 as follows:

13       (1) The director may enter into contracts and agreements with a  
14 person to secure (~~food~~) fish or shellfish or for the construction,  
15 operation, and maintenance of facilities for the propagation of  
16 (~~food~~) fish or shellfish.

17       (2) The director may enter into contracts and agreements to procure  
18 from private aquaculturists (~~food~~) fish or shellfish with which to  
19 stock state waters.

20       **Sec. 13.** RCW 77.12.045 and 1995 1st sp.s. c 2 s 10 are each  
21 amended to read as follows:

22       Consistent with federal law, the commission's authority extends to  
23 all areas and waters within the territorial boundaries of the state, to  
24 the offshore waters, and to the concurrent waters of the Columbia  
25 river.

26       Consistent with federal law, the commission's authority extends to  
27 fishing in offshore waters by residents of this state.

28       The commission may adopt rules consistent with the regulations  
29 adopted by the United States department of commerce for the offshore  
30 waters. The commission may adopt rules consistent with the  
31 recommendations or regulations of the Pacific marine fisheries  
32 commission, Columbia river compact, the Pacific salmon commission as  
33 provided in chapter (~~75.40~~) 77.75 RCW, or the international Pacific  
34 halibut commission.

35       **Sec. 14.** RCW 77.12.047 and 2000 c 107 s 7 are each amended to read  
36 as follows:

1 (1) The commission may adopt, amend, or repeal rules as follows:  
2 (a) Specifying the times when the taking of wildlife, ~~((food))~~  
3 fish, or shellfish is lawful or unlawful.  
4 (b) Specifying the areas and waters in which the taking and  
5 possession of wildlife, ~~((food))~~ fish, or shellfish is lawful or  
6 unlawful.  
7 (c) Specifying and defining the gear, appliances, or other  
8 equipment and methods that may be used to take wildlife, ~~((food))~~ fish,  
9 or shellfish, and specifying the times, places, and manner in which the  
10 equipment may be used or possessed.  
11 (d) Regulating the importation, transportation, possession,  
12 disposal, landing, and sale of wildlife, ~~((food))~~ fish, ~~((or))~~  
13 shellfish, or seaweed within the state, whether acquired within or  
14 without the state.  
15 (e) Regulating the prevention and suppression of diseases and pests  
16 affecting wildlife, ~~((food))~~ fish, or shellfish.  
17 (f) Regulating the size, sex, species, and quantities of wildlife,  
18 ~~((food))~~ fish, or shellfish that may be taken, possessed, sold, or  
19 disposed of.  
20 (g) Specifying the statistical and biological reports required from  
21 ~~((fishermen))~~ fishers, dealers, boathouses, or processors of wildlife,  
22 ~~((food))~~ fish, or shellfish.  
23 (h) Classifying species of marine and freshwater life as food fish  
24 or shellfish.  
25 (i) Classifying the species of wildlife, ~~((food))~~ fish, and  
26 shellfish that may be used for purposes other than human consumption.  
27 (j) Regulating the taking, sale, possession, and distribution of  
28 wildlife, fish, shellfish, or deleterious exotic wildlife.  
29 (k) Establishing game reserves and closed areas where hunting for  
30 wild animals or wild birds may be prohibited.  
31 (l) Regulating the harvesting of fish, shellfish, and wildlife in  
32 the federal exclusive economic zone by vessels or individuals  
33 registered or licensed under the laws of this state.  
34 (m) Authorizing issuance of permits to release, plant, or place  
35 fish or shellfish in state waters.  
36 (n) Governing the possession of fish, shellfish, or wildlife so  
37 that the size, species, or sex can be determined visually in the field  
38 or while being transported.

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

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

9       "Immediate family member" for the purposes of this section means a  
10 spouse, brother, sister, grandparent, parent, child, or grandchild.

11       (3) Except for subsection (1)(g) of this section, this section does  
12 not apply to private sector cultured aquatic products as defined in RCW  
13 15.85.020. Subsection (1)(g) of this section does apply to such  
14 products.

15       **Sec. 15.** RCW 77.12.170 and 2000 c 107 s 216 are each amended to  
16 read as follows:

17       (1) There is established in the state treasury the state wildlife  
18 fund which consists of moneys received from:

19       (a) Rentals or concessions of the department;

20       (b) The sale of real or personal property held for department  
21 purposes;

22       (c) The sale of licenses, permits, tags, and stamps(~~(, and~~  
23 ~~punchcards))~~) required by (~~this title~~) chapter 77.32 RCW and section  
24 56 of this act, except annual resident adult saltwater and all  
25 shellfish licenses, which shall be deposited into the state general  
26 fund;

27       (d) Fees for informational materials published by the department;

28       (e) Fees for personalized vehicle license plates as provided in  
29 chapter 46.16 RCW;

30       (f) Articles or wildlife sold by the director under this title;

31       (g) Compensation for damage to department property or wildlife  
32 losses or contributions, gifts, or grants received under RCW 77.12.320  
33 or 77.32.380;

34       (h) Excise tax on anadromous game fish collected under chapter  
35 82.27 RCW;

36       (i) The sale of personal property seized by the department for  
37 (~~food~~) fish, shellfish, or wildlife violations; and

1 (j) The department's share of revenues from auctions and raffles  
2 authorized by the commission.

3 (2) State and county officers receiving any moneys listed in  
4 subsection (1) of this section shall deposit them in the state treasury  
5 to be credited to the state wildlife fund.

6 **Sec. 16.** RCW 77.12.177 and 2000 c 107 s 10 are each amended to  
7 read as follows:

8 (1) Except as provided in this title, state and county officers  
9 receiving the following moneys shall deposit them in the state general  
10 fund:

11 (a) The sale of commercial licenses required under this title,  
12 except for licenses issued under (~~chapter 77.32 RCW~~) section 56 of  
13 this act; and

14 (b) Moneys received for damages to food fish or shellfish.

15 (2) The director shall make weekly remittances to the state  
16 treasurer of moneys collected by the department.

17 (3) All fines and forfeitures collected or assessed by a district  
18 court for a violation of this title or rule of the department shall be  
19 remitted as provided in chapter 3.62 RCW.

20 (4) Proceeds from the sale of food fish or shellfish taken in test  
21 fishing conducted by the department, to the extent that these proceeds  
22 exceed the estimates in the budget approved by the legislature, may be  
23 allocated as unanticipated receipts under RCW 43.79.270 to reimburse  
24 the department for unanticipated costs for test fishing operations in  
25 excess of the allowance in the budget approved by the legislature.

26 (5) Proceeds from the sale of salmon carcasses and salmon eggs from  
27 state general funded hatcheries by the department of general  
28 administration shall be deposited in the regional fisheries enhancement  
29 group account established in RCW 77.95.090.

30 (6) Moneys received by the commission under RCW 77.12.039, to the  
31 extent these moneys exceed estimates in the budget approved by the  
32 legislature, may be allocated as unanticipated receipts under RCW  
33 43.79.270. Allocations under this subsection shall be made only for  
34 the specific purpose for which the moneys were received, unless the  
35 moneys were received in settlement of a claim for damages to food fish  
36 or shellfish, in which case the moneys may be expended for the  
37 conservation of these resources.



1 (7) Proceeds from the sale of herring spawn on kelp fishery  
2 licenses by the department, to the extent those proceeds exceed  
3 estimates in the budget approved by the legislature, may be allocated  
4 as unanticipated receipts under RCW 43.79.270. Allocations under this  
5 subsection shall be made only for herring management, enhancement, and  
6 enforcement.

7 **Sec. 17.** RCW 77.12.204 and 2000 c 107 s 217 are each amended to  
8 read as follows:

9 The department of fish and wildlife shall implement practices  
10 necessary to meet the standards developed under RCW 79.01.295 on  
11 agency-owned and managed agricultural and grazing lands. The standards  
12 may be modified on a site-specific basis as necessary and as determined  
13 by the department of fish and wildlife(~~(, for species that these~~  
14 ~~agencies respectively manage,)~~) to achieve the goals established under  
15 RCW 79.01.295(1). Existing lessees shall be provided an opportunity to  
16 participate in any site-specific field review. Department agricultural  
17 and grazing leases issued after December 31, 1994, shall be subject to  
18 practices to achieve the standards that meet those developed pursuant  
19 to RCW 79.01.295.

20 This section shall in no way prevent the department of fish and  
21 wildlife from managing its lands according to the provisions of RCW  
22 (~~(75.08.012)~~) 77.04.012, 77.12.210, or rules adopted pursuant to this  
23 chapter.

24 **Sec. 18.** RCW 77.12.264 and 2000 c 107 s 9 are each amended to read  
25 as follows:

26 The director shall relieve from active duty fish and wildlife  
27 officers who are injured in the performance of their official duties to  
28 such an extent as to be incapable of active service. While relieved  
29 from active duty, the employees shall receive one-half of their salary  
30 less any compensation received through the provisions of RCW 41.40.200,  
31 41.40.220, and (~~(75.08.206)~~) 77.12.262.

32 **Sec. 19.** RCW 77.12.320 and 1987 c 506 s 41 are each amended to  
33 read as follows:

34 (1) The commission may make agreements with persons, political  
35 subdivisions of this state, or the United States or its agencies or  
36 instrumentalities, regarding fish, shellfish, and wildlife-oriented

1 recreation and the propagation, protection, conservation, and control  
2 of fish, shellfish, and wildlife.

3 (2) The director may make written agreements with the owners or  
4 lessees of real or personal property to provide for the use of the  
5 property for fish, shellfish, and wildlife-oriented recreation. The  
6 director may adopt rules governing the conduct of persons in or on the  
7 real property.

8 (3) The director may accept compensation for fish, shellfish, and  
9 wildlife losses or gifts or grants of personal property for use by the  
10 department.

11 **Sec. 20.** RCW 77.12.325 and 1980 c 78 s 52 are each amended to read  
12 as follows:

13 The commission may cooperate with the Oregon fish and wildlife  
14 commission in the adoption of rules to ((~~assure~~)) ensure an annual  
15 yield of fish, shellfish, and wildlife on the Columbia river and to  
16 prevent the taking of fish, shellfish, and wildlife at places or times  
17 that might endanger fish, shellfish, and wildlife.

18 **Sec. 21.** RCW 77.12.425 and 1980 c 78 s 90 are each amended to read  
19 as follows:

20 The director may authorize removal, relocation, reconstruction, or  
21 other modification of an inadequate fishway or fish protective device  
22 required by RCW ((~~77.16.210 and~~)) 77.16.220 (as recodified by this act)  
23 which device was in existence on September 1, 1963, without cost to the  
24 owner for materials and labor. The modification may not materially  
25 alter the amount of water flowing through the fishway or fish  
26 protective device. Following modification, the fishway or fish  
27 protective device shall be maintained at the expense of the person or  
28 governmental agency owning the obstruction or water diversion device.

29 **Sec. 22.** RCW 77.12.455 and 1995 1st sp.s. c 2 s 16 are each  
30 amended to read as follows:

31 The commission may prohibit the introduction, transportation or  
32 transplanting of ((~~food~~)) fish, shellfish, organisms, material, or  
33 other equipment which in the commission's judgment may transmit any  
34 disease or pests affecting ((~~food~~)) fish or shellfish.

1       **Sec. 23.** RCW 77.15.080 and 2000 c 107 s 233 are each amended to  
2 read as follows:

3       Based upon articulable facts that a person is engaged in fishing,  
4 harvesting, or hunting activities, fish and wildlife officers have the  
5 authority to temporarily stop the person and check for valid licenses,  
6 tags, permits, stamps, or catch record cards, and to inspect all fish,  
7 shellfish, seaweed, and wildlife in possession as well as the equipment  
8 being used to ensure compliance with the requirements of this title,  
9 and may request the person to write his or her signature for comparison  
10 with the signature on the license. Failure to comply with the request  
11 is prima facie evidence that the person is not the person named on the  
12 license.

13       **Sec. 24.** RCW 77.15.090 and 2000 c 107 s 234 are each amended to  
14 read as follows:

15       On a showing of probable cause that there has been a violation of  
16 any fish, seaweed, shellfish, or wildlife law of the state of  
17 Washington, or upon a showing of probable cause to believe that  
18 evidence of such violation may be found at a place, a court shall issue  
19 a search warrant or arrest warrant. Fish and wildlife officers may  
20 execute any such arrest or search warrant reasonably necessary to their  
21 duties under this title and may seize fish, seaweed, shellfish, and  
22 wildlife or any evidence of a crime and the fruits or instrumentalities  
23 of a crime as provided by warrant. The court may have a building,  
24 enclosure, vehicle, vessel, container, or receptacle opened or entered  
25 and the contents examined.

26       **Sec. 25.** RCW 77.15.094 and 2000 c 107 s 214 are each amended to  
27 read as follows:

28       Fish and wildlife officers and ex officio fish and wildlife  
29 officers may make a reasonable search without warrant of a vessel,  
30 conveyances, vehicles, containers, packages, or other receptacles for  
31 fish, seaweed, shellfish, and wildlife which they have reason to  
32 believe contain evidence of a violation of law or rules adopted  
33 pursuant to this title and seize evidence as needed for law  
34 enforcement. This authority does not extend to quarters in a boat,  
35 building, or other property used exclusively as a private domicile,  
36 does not extend to transitory residences in which a person has a  
37 reasonable expectation of privacy, and does not allow search and

1 seizure without a warrant if the thing or place is protected from  
2 search without warrant within the meaning of Article I, section 7 of  
3 the state Constitution. Seizure of property as evidence of a crime  
4 does not preclude seizure of the property for forfeiture as authorized  
5 by law.

6 **Sec. 26.** RCW 77.15.096 and 1998 c 190 s 116 are each amended to  
7 read as follows:

8 Fish and wildlife officers may inspect without warrant at  
9 reasonable times and in a reasonable manner the premises, containers,  
10 fishing equipment, fish, seaweed, shellfish, and wildlife, and records  
11 required by the department of any commercial fisher or wholesale dealer  
12 or fish buyer. Fish and wildlife officers may similarly inspect  
13 without warrant the premises, containers, fishing equipment, fish,  
14 shellfish, and wildlife, and records required by the department of any  
15 shipping agent or other person placing or attempting to place fish,  
16 shellfish, or wildlife into interstate commerce, any cold storage plant  
17 that the department has probable cause to believe contains fish,  
18 shellfish, or wildlife, or of any taxidermist or fur buyer. Fish and  
19 wildlife officers may inspect without warrant the records required by  
20 the department of any retail outlet selling fish, shellfish, or  
21 wildlife ((~~or both~~)), and, if the officers have probable cause to  
22 believe a violation of this title or rules of the commission has  
23 occurred, they may inspect without warrant the premises, containers,  
24 and fish, shellfish, and wildlife of any retail outlet selling fish,  
25 shellfish, or wildlife ((~~or both~~)).

26 **Sec. 27.** RCW 77.15.110 and 1998 c 190 s 8 are each amended to read  
27 as follows:

28 (1) For purposes of this chapter, a person acts for commercial  
29 purposes if the person:

30 (a) Acts with intent to sell, attempted to sell, sold, bartered,  
31 attempted to purchase, or purchased fish, seaweed, shellfish, or  
32 wildlife;

33 (b) Uses gear typical of that used in commercial fisheries;

34 (c) Exceeds the bag or possession limits for personal use by taking  
35 or possessing more than three times the amount of fish, seaweed,  
36 shellfish, or wildlife allowed;

1 (d) Delivers or attempts to deliver fish, seaweed, shellfish, or  
2 wildlife to a person who sells or resells fish, seaweed, shellfish, or  
3 wildlife including any licensed or unlicensed wholesaler; (~~or~~)

4 (e) Takes fish or shellfish using a vessel designated on a  
5 commercial fishery license and gear not authorized in a personal use  
6 fishery;

7 (f) Sells or deals in raw furs; or

8 (g) Performs taxidermy service on fish, shellfish, or wildlife  
9 belonging to another person for a fee or receipt of goods or services.

10 (2) For purposes of this chapter, the value of any fish, shellfish,  
11 or wildlife may be proved based on evidence of legal or illegal sales  
12 involving the person charged or any other person, of offers to sell or  
13 solicitation of offers to sell by the person charged or by any other  
14 person, or of any market price for the fish, shellfish, or wildlife  
15 including market price for farm-raised game animals. The value  
16 assigned to specific fish, shellfish, or wildlife by RCW (~~77.21.070~~)  
17 77.15.420 may be presumed to be the value of such fish, shellfish, or  
18 wildlife. It is not relevant to proof of value that the person charged  
19 misrepresented that the fish, shellfish, or wildlife was taken in  
20 compliance with law if the fish, shellfish, or wildlife was unlawfully  
21 taken and had no lawful market value.

22 **Sec. 28.** RCW 77.15.150 and 1998 c 190 s 16 are each amended to  
23 read as follows:

24 (1) A person is guilty of unlawful use of poison or explosives if:

25 (a) The person lays out, sets out, or uses a drug, poison, or other  
26 deleterious substance that kills, injures, harms, or endangers fish,  
27 shellfish, or wildlife, except if the person is using the substance in  
28 compliance with federal and state laws and label instructions; or

29 (b) The person lays out, sets out, or uses an explosive that kills,  
30 injures, harms, or endangers fish, shellfish, or wildlife, except if  
31 authorized by law or permit of the director.

32 (2) Unlawful use of poison or explosives is a gross misdemeanor.

33 **Sec. 29.** RCW 77.15.180 and 1998 c 190 s 22 are each amended to  
34 read as follows:

35 (1) A person is guilty of unlawful interference with fishing or  
36 hunting gear in the second degree if the person:

1 (a) Takes or releases a wild animal from another person's trap  
2 without permission;

3 (b) Springs, pulls up, damages, possesses, or destroys another  
4 person's trap without the owner's permission; or

5 (c) Interferes with recreational gear used to take fish or  
6 shellfish.

7 (2) Unlawful interference with fishing or hunting gear in the  
8 second degree is a misdemeanor.

9 (3) A person is guilty of unlawful interference with fishing or  
10 hunting gear in the first degree if the person:

11 (a) Takes or releases (~~feed~~) fish or shellfish from commercial  
12 fishing gear without the owner's permission; or

13 (b) Intentionally destroys or interferes with commercial fishing  
14 gear.

15 (4) Unlawful interference with fishing or hunting gear in the first  
16 degree is a gross misdemeanor.

17 (5) A person is not in violation of unlawful interference with  
18 fishing or hunting gear if the person removes a trap placed on property  
19 owned, leased, or rented by the person.

20 **Sec. 30.** RCW 77.15.210 and 1998 c 190 s 24 are each amended to  
21 read as follows:

22 (1) A person is guilty of obstructing the taking of fish or  
23 wildlife if the person:

24 (a) Harasses, drives, or disturbs fish, shellfish, or wildlife with  
25 the intent of disrupting lawful pursuit or taking thereof; or

26 (b) Harasses, intimidates, or interferes with an individual engaged  
27 in the lawful taking of fish, shellfish, or wildlife or lawful predator  
28 control with the intent of disrupting lawful pursuit or taking thereof.

29 (2) Obstructing the taking of fish, shellfish, or wildlife is a  
30 gross misdemeanor.

31 (3) It is an affirmative defense to a prosecution for obstructing  
32 the taking of fish, shellfish, or wildlife that the person charged was:

33 (a) Interfering with a person engaged in hunting outside the  
34 legally established hunting season; or

35 (b) Preventing or attempting to prevent unauthorized trespass on  
36 private property.

37 (4) The person raising a defense under subsection (3) of this  
38 section has the burden of proof by a preponderance of the evidence.

1       **Sec. 31.** RCW 77.15.245 and 2000 c 248 s 1 and 2000 c 107 s 260 are  
2 each reenacted and amended to read as follows:

3       (1) Notwithstanding the provisions of RCW 77.12.240, 77.36.020,  
4 77.36.030, or any other provisions of law, it is unlawful to take,  
5 hunt, or attract black bear with the aid of bait.

6       (a) Nothing in this subsection shall be construed to prohibit the  
7 killing of black bear with the aid of bait by employees or agents of  
8 county, state, or federal agencies while acting in their official  
9 capacities for the purpose of protecting livestock, domestic animals,  
10 private property, or the public safety.

11       (b) Nothing in this subsection shall be construed to prevent the  
12 establishment and operation of feeding stations for black bear in order  
13 to prevent damage to commercial timberland.

14       (c) Nothing in this subsection shall be construed to prohibit the  
15 director from issuing a permit or memorandum of understanding to a  
16 public agency, university, or scientific or educational institution for  
17 the use of bait to attract black bear for scientific purposes.

18       (d) As used in this subsection, "bait" means a substance placed,  
19 exposed, deposited, distributed, scattered, or otherwise used for the  
20 purpose of attracting black bears to an area where one or more persons  
21 hunt or intend to hunt them.

22       (2) Notwithstanding RCW 77.12.240, 77.36.020, 77.36.030, or any  
23 other provisions of law, it is unlawful to hunt or pursue black bear,  
24 cougar, bobcat, or lynx with the aid of a dog or dogs.

25       (a) Nothing in this subsection shall be construed to prohibit the  
26 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or  
27 dogs by employees or agents of county, state, or federal agencies while  
28 acting in their official capacities for the purpose of protecting  
29 livestock, domestic animals, private property, or the public safety.  
30 A dog or dogs may be used by the owner or tenant of real property  
31 consistent with a permit issued and conditioned by the director.

32       (b) Nothing in this subsection shall be construed to prohibit the  
33 director from issuing a permit or memorandum of understanding to a  
34 public agency, university, or scientific or educational institution for  
35 the use of a dog or dogs for the pursuit, capture and relocation, of  
36 black bear, cougar, bobcat, or lynx for scientific purposes.

37       (c) Nothing in this subsection shall be construed to prohibit the  
38 director from issuing a permit or memorandum of understanding to a  
39 public agency, university, or scientific or educational institution for

1 the use of a dog or dogs for the killing of black bear, cougar, or  
2 bobcat, for the protection of a state and/or federally listed  
3 threatened or endangered species.

4 (3) Notwithstanding subsection (2) of this section, the commission  
5 shall authorize the use of dogs only in selected areas within a game  
6 management unit to address a public safety need presented by one or  
7 more cougar. This authority may only be exercised after the commission  
8 has determined that no other practical alternative to the use of dogs  
9 exists, and after the commission has adopted rules describing the  
10 conditions in which dogs may be used. Conditions that may warrant the  
11 use of dogs within a game management unit include, but are not limited  
12 to, confirmed cougar/human safety incidents, confirmed cougar/livestock  
13 and cougar/pet depredations, and the number of cougar capture attempts  
14 and relocations.

15 (4) A person who violates subsection (1) or (2) of this section is  
16 guilty of a gross misdemeanor. In addition to appropriate criminal  
17 penalties, the ~~((director))~~ department shall revoke the hunting license  
18 of a person who violates subsection (1) or (2) of this section and ~~((a~~  
19 ~~hunting license shall not be issued))~~ order the suspension of wildlife  
20 hunting privileges for a period of five years following the revocation.  
21 Following a subsequent violation of subsection (1) or (2) of this  
22 section by the same person, a hunting license shall not be issued to  
23 the person at any time.

24 **Sec. 32.** RCW 77.15.250 and 1998 c 190 s 31 are each amended to  
25 read as follows:

26 (1)(a) A person is guilty of unlawfully releasing, planting, or  
27 placing fish, shellfish, or wildlife if the person knowingly releases,  
28 plants, or places live fish, shellfish, wildlife, or aquatic plants  
29 within the state, ~~((except for))~~ and the fish, shellfish, or wildlife  
30 have not been classified as deleterious wildlife. This subsection does  
31 not apply to a release of game fish into private waters for which a  
32 game fish stocking permit has been obtained, or the planting of  
33 ~~((food))~~ fish or shellfish by permit of the commission.

34 (b) A violation of this subsection is a gross misdemeanor. In  
35 addition, the department shall order the person to pay all costs the  
36 department incurred in capturing, killing, or controlling the fish,  
37 shellfish, aquatic plants, or wildlife released or its progeny. This  
38 does not affect the existing authority of the department to bring a



1 separate civil action to recover costs of capturing, killing,  
2 controlling the fish, shellfish, aquatic plants, or wildlife released  
3 or their progeny, or restoration of habitat necessitated by the  
4 unlawful release.

5 (2)(a) A person is guilty of unlawful release of deleterious exotic  
6 wildlife if the person knowingly releases, plants, or places live fish,  
7 shellfish, or wildlife within the state and such fish, shellfish, or  
8 wildlife has been classified as deleterious exotic wildlife by rule of  
9 the commission.

10 (b) A violation of this subsection is a class C felony. In  
11 addition, the department shall also order the person to pay all costs  
12 the department incurred in capturing, killing, or controlling the fish,  
13 shellfish, or wildlife released or its progeny. This does not affect  
14 the existing authority of the department to bring a separate civil  
15 action to recover costs of capturing, killing, controlling the fish,  
16 shellfish, or wildlife released or their progeny, or restoration of  
17 habitat necessitated by the unlawful release.

18 **Sec. 33.** RCW 77.15.260 and 1998 c 190 s 42 are each amended to  
19 read as follows:

20 (1) A person is guilty of unlawful trafficking in fish, shellfish,  
21 or wildlife in the second degree if the person traffics in fish,  
22 shellfish, or wildlife with a wholesale value of less than two hundred  
23 fifty dollars and:

24 (a) The fish or wildlife is classified as game, food fish,  
25 shellfish, game fish, or protected wildlife and the trafficking is not  
26 authorized by statute or rule of the department; or

27 (b) The fish, shellfish, or wildlife is unclassified and the  
28 trafficking violates any rule of the department.

29 (2) A person is guilty of unlawful trafficking in fish, shellfish,  
30 or wildlife in the first degree if the person commits the act described  
31 by subsection (1) of this section and:

32 (a) The fish, shellfish, or wildlife has a value of two hundred  
33 fifty dollars or more; or

34 (b) The fish, shellfish, or wildlife is designated as an endangered  
35 species or deleterious exotic wildlife and such trafficking is not  
36 authorized by any statute or rule of the department.

37 (3)(a) Unlawful trafficking in fish, shellfish, or wildlife in the  
38 second degree is a gross misdemeanor.

1 (b) Unlawful trafficking in fish, shellfish, or wildlife in the  
2 first degree is a class C felony.

3 **Sec. 34.** RCW 77.15.270 and 1998 c 190 s 46 are each amended to  
4 read as follows:

5 (1) A person is guilty of providing false information regarding  
6 fish, shellfish, or wildlife if the person knowingly provides false or  
7 misleading information required by any statute or rule to be provided  
8 to the department regarding the taking, delivery, possession,  
9 transportation, sale, transfer, or any other use of fish, shellfish, or  
10 wildlife.

11 (2) Providing false information regarding fish, shellfish, or  
12 wildlife is a gross misdemeanor.

13 **Sec. 35.** RCW 77.15.290 and 1998 c 190 s 48 are each amended to  
14 read as follows:

15 (1) A person is guilty of unlawful transportation of fish or  
16 wildlife in the second degree if the person:

17 (a) Knowingly imports, moves within the state, or exports fish,  
18 shellfish, or wildlife in violation of any rule of the commission or  
19 the director governing the transportation or movement of fish,  
20 shellfish, or wildlife and the transportation does not involve big  
21 game, endangered fish or wildlife, deleterious exotic wildlife, or  
22 fish, shellfish, or wildlife having a value greater than two hundred  
23 fifty dollars; or

24 (b) Possesses but fails to affix or notch a big game transport tag  
25 as required by rule of the commission or director.

26 (2) A person is guilty of unlawful transportation of fish or  
27 wildlife in the first degree if the person:

28 (a) Knowingly imports, moves within the state, or exports fish,  
29 shellfish, or wildlife in violation of any rule of the commission or  
30 the director governing the transportation or movement of fish,  
31 shellfish, or wildlife and the transportation involves big game,  
32 endangered fish or wildlife, deleterious exotic wildlife, or fish,  
33 shellfish, or wildlife with a value of two hundred fifty dollars or  
34 more; or

35 (b) Knowingly transports shellfish, shellstock, or equipment used  
36 in commercial culturing, taking, handling, or processing shellfish  
37 without a permit required by authority of this title.

1 (3)(a) Unlawful transportation of fish or wildlife in the second  
2 degree is a misdemeanor.

3 (b) Unlawful transportation of fish or wildlife in the first degree  
4 is a gross misdemeanor.

5 **Sec. 36.** RCW 77.15.330 and 1998 c 190 s 56 are each amended to  
6 read as follows:

7 (1) A person is guilty of unlawfully holding a hunting or fishing  
8 contest if the person:

9 (a) Conducts, holds, or sponsors a hunting contest, a fishing  
10 contest involving game fish, or a competitive field trial using live  
11 wildlife without the permit required by RCW (~~77.32.211~~) 77.65.480; or

12 (b) Violates any rule of the commission or the director applicable  
13 to a hunting contest, fishing contest involving game fish, or a  
14 competitive field trial using live wildlife.

15 (2) Unlawfully holding a hunting or fishing contest is a  
16 misdemeanor.

17 **Sec. 37.** RCW 77.15.340 and 1998 c 190 s 57 are each amended to  
18 read as follows:

19 (1) A person is guilty of unlawful operation of a game farm if the  
20 person (a) operates a game farm without the license required by RCW  
21 (~~77.32.211~~) 77.65.480; or (b) violates any rule of the commission or  
22 the director applicable to game farms under RCW 77.12.570, 77.12.580,  
23 and 77.12.590.

24 (2) Unlawful operation of a game farm is a gross misdemeanor.

25 **Sec. 38.** RCW 77.15.370 and 1998 c 190 s 19 are each amended to  
26 read as follows:

27 (1) A person is guilty of unlawful recreational fishing in the  
28 first degree if:

29 (a) The person takes, possesses, or retains two times or more than  
30 the bag limit or possession limit of fish or shellfish allowed by any  
31 rule of the director or commission setting the amount of food fish,  
32 game fish, or shellfish that can be taken, possessed, or retained for  
33 noncommercial use;

34 (b) The person fishes in a fishway; or

35 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or  
36 stones fish or shellfish in state waters, or possesses fish or

1 shellfish taken by such means, unless such means are authorized by  
2 express rule of the commission or director.

3 (2) Unlawful recreational fishing in the first degree is a gross  
4 misdemeanor.

5 **Sec. 39.** RCW 77.15.380 and 2000 c 107 s 244 are each amended to  
6 read as follows:

7 (1) A person is guilty of unlawful recreational fishing in the  
8 second degree if the person fishes for, takes, possesses, or harvests  
9 fish or shellfish and:

10 (a) The person does not have and possess the license or the catch  
11 record card required by chapter (~~(75.25-01)~~) 77.32 RCW for such  
12 activity; or

13 (b) The action violates any rule of the commission or the director  
14 regarding seasons, bag or possession limits but less than two times the  
15 bag or possession limit, closed areas, closed times, or any other rule  
16 addressing the manner or method of fishing or possession of fish,  
17 except for use of a net to take fish as provided for in RCW 77.15.580.

18 (2) Unlawful recreational fishing in the second degree is a  
19 misdemeanor.

20 **Sec. 40.** RCW 77.15.390 and 2000 c 107 s 245 are each amended to  
21 read as follows:

22 (1) A person is guilty of unlawful taking of seaweed if the person  
23 takes, possesses, or harvests seaweed and:

24 (a) The person does not have and possess the license required by  
25 chapter (~~(75.25)~~) 77.32 RCW for taking seaweed; or

26 (b) The action violates any rule of the department or the  
27 department of natural resources regarding seasons, possession limits,  
28 closed areas, closed times, or any other rule addressing the manner or  
29 method of taking, possessing, or harvesting of seaweed.

30 (2) Unlawful taking of seaweed is a misdemeanor. This does not  
31 affect rights of the state to recover civilly for trespass, conversion,  
32 or theft of state-owned valuable materials.

33 **Sec. 41.** RCW 77.15.400 and 1999 c 258 s 2 are each amended to read  
34 as follows:

35 (1) A person is guilty of unlawful hunting of wild birds in the  
36 second degree if the person:

1 (a) Hunts for, takes, or possesses a wild bird and the person does  
2 not have and possess all licenses, tags, stamps, and permits required  
3 under this title;

4 (b) Maliciously destroys, takes, or harms the eggs or nests of a  
5 (~~game~~ ~~[wild]~~) wild bird except when authorized by permit;

6 (c) Violates any rule of the commission or director regarding  
7 seasons, bag or possession limits but less than two times the bag or  
8 possession limit, closed areas, closed times, or other rule addressing  
9 the manner or method of hunting or possession of wild birds; or

10 (d) Possesses a wild bird taken during a closed season for that  
11 wild bird or taken from a closed area for that wild bird.

12 (2) A person is guilty of unlawful hunting of wild birds in the  
13 first degree if the person takes or possesses two times or more than  
14 the possession or bag limit for (~~game~~ ~~[wild]~~) wild birds allowed by  
15 rule of the commission or director.

16 (3)(a) Unlawful hunting of wild birds in the second degree is a  
17 misdemeanor.

18 (b) Unlawful hunting of wild birds in the first degree is a gross  
19 misdemeanor.

20 **Sec. 42.** RCW 77.15.480 and 2000 c 107 s 247 are each amended to  
21 read as follows:

22 Articles or devices unlawfully used, possessed, or maintained for  
23 catching, taking, killing, attracting, or decoying wildlife, fish, and  
24 shellfish are public nuisances. If necessary, fish and wildlife  
25 officers and ex officio fish and wildlife officers may seize, abate, or  
26 destroy these public nuisances without warrant or process.

27 **Sec. 43.** RCW 77.15.510 and 1998 c 190 s 36 are each amended to  
28 read as follows:

29 (1) A person is guilty of commercial fish guiding or chartering  
30 without a license if:

31 (a) The person operates a charter boat and does not hold the  
32 charter boat license required for the food fish taken;

33 (b) The person acts as a professional salmon guide and does not  
34 hold a professional salmon guide license; or

35 (c) The person acts as a game fish guide and does not hold a  
36 (~~professional~~) game fish guide license.

1 (2) Commercial fish guiding or chartering without a license is a  
2 gross misdemeanor.

3 **Sec. 44.** RCW 77.15.550 and 1999 c 258 s 10 are each amended to  
4 read as follows:

5 (1) A person is guilty of violating commercial fishing area or time  
6 in the second degree if the person acts for commercial purposes and  
7 takes, fishes for, possesses, delivers, or receives ((~~food~~)) fish or  
8 shellfish:

9 (a) At a time not authorized by statute or rule;

10 (b) From an area that was closed to the taking of such ((~~food~~))  
11 fish or shellfish for commercial purposes by statute or rule; or

12 (c) If such fish or shellfish do not conform to the special  
13 restrictions or physical descriptions established by rule of the  
14 department.

15 (2) A person is guilty of violating commercial fishing area or time  
16 in the first degree if the person commits the act described by  
17 subsection (1) of this section and:

18 (a) The person acted with knowledge that the area or time was not  
19 open to the taking or fishing of ((~~food~~)) fish or shellfish for  
20 commercial purposes; and

21 (b) The violation involved two hundred fifty dollars or more worth  
22 of ((~~food~~)) fish or shellfish.

23 (3)(a) Violating commercial fishing area or time in the second  
24 degree is a gross misdemeanor.

25 (b) Violating commercial fishing area or time in the first degree  
26 is a class C felony.

27 **Sec. 45.** RCW 77.15.600 and 1999 c 258 s 8 are each amended to read  
28 as follows:

29 (1) A person is guilty of engaging in commercial wildlife activity  
30 without a license if the person:

31 (a) Deals in raw furs for commercial purposes and does not hold a  
32 fur dealer license required by chapter ((~~77.32~~)) 77.65 RCW; or

33 (b) Practices taxidermy for commercial purposes and does not hold  
34 a taxidermy license required by chapter ((~~77.32~~)) 77.65 RCW.

35 (2) Engaging in commercial wildlife activities without a license is  
36 a gross misdemeanor.

1       **Sec. 46.** RCW 77.15.700 and 1998 c 190 s 66 are each amended to  
2 read as follows:

3       The department shall impose revocation and suspension of privileges  
4 upon conviction in the following circumstances:

5       (1) If directed by statute for an offense;

6       (2) If the department finds that actions of the defendant  
7 demonstrated a willful or wanton disregard for conservation of fish or  
8 wildlife. Such suspension of privileges may be permanent;

9       (3) If a person is convicted twice within ten years for a violation  
10 involving unlawful hunting, killing, or possessing big game, the  
11 department shall order revocation and suspension of all hunting  
12 privileges for two years. RCW ((77.16.020)) 77.12.722 or 77.16.050 as  
13 it existed before June 11, 1998, may comprise one of the convictions  
14 constituting the basis for revocation and suspension under this  
15 subsection;

16       (4) If a person is convicted three times in ten years of any  
17 violation of recreational hunting or fishing laws or rules, the  
18 department shall order a revocation and suspension of all recreational  
19 hunting and fishing privileges for two years;

20       (5) If a person is convicted twice within five years of a gross  
21 misdemeanor or felony involving unlawful commercial fish or shellfish  
22 harvesting, buying, or selling, the department shall impose a  
23 revocation and suspension of the person's commercial fishing privileges  
24 for one year. A commercial fishery license ((~~suspended~~)) revoked under  
25 this subsection may not be used by an alternate operator or transferred  
26 during the period of suspension.

27       **Sec. 47.** RCW 77.15.730 and 1994 c 264 s 45 are each amended to  
28 read as follows:

29       (1) Upon receipt of a report of failure to comply with the terms of  
30 a citation issued for a recreational violation from the licensing  
31 authority of a state that is a party to the wildlife violator compact  
32 under RCW ((77.17.010)) 77.75.070, the department shall suspend the  
33 violator's recreational license privileges under this title until  
34 ((~~{there is}~~)) there is satisfactory evidence of compliance with the  
35 terms of the wildlife citation. The department shall adopt by rule  
36 procedures for the timely notification and administrative review of  
37 such suspension of recreational licensing privileges.

1 (2) Upon receipt of a report of a conviction for a recreational  
2 offense from the licensing authority of a state that is a party to the  
3 wildlife violator compact under RCW ((77.17.010)) 77.75.070, the  
4 department shall enter such conviction in its records and shall treat  
5 such conviction as if it occurred in the state of Washington for the  
6 purposes of suspension, revocation, or forfeiture of recreational  
7 license privileges.

8 **Sec. 48.** RCW 77.16.220 and 1998 c 190 s 122 are each amended to  
9 read as follows:

10 A person shall not divert water from a lake, river, or stream  
11 containing game fish unless the water diversion device is equipped at  
12 or near its intake with a fish guard or screen to prevent the passage  
13 of game fish into the device and, if necessary, with a means of  
14 returning game fish from immediately in front of the fish guard or  
15 screen to the waters of origin. A person who ((is now)) was, on June  
16 11, 1947, otherwise lawfully diverting water from a lake, river, or  
17 stream shall not be deemed guilty of a violation of this section.

18 Plans for the fish guard, screen, and bypass shall be approved by  
19 the director prior to construction. The installation shall be approved  
20 by the director prior to the diversion of water.

21 The director may close a water diversion device operated in  
22 violation of this section and keep it closed until it is properly  
23 equipped with a fish guard, screen, or bypass.

24 **Sec. 49.** RCW 77.32.010 and 2000 c 107 s 264 are each amended to  
25 read as follows:

26 (1) Except as otherwise provided in this chapter, a recreational  
27 license issued by the director is required to((+)

28 (a)) hunt for or take wild animals((~~except bullfrogs,~~)) or wild  
29 birds, fish for, take, or harvest fish, shellfish, and seaweed((~~except smelt, albacore, carp, and crawfish;~~

30 (b) ~~Practice taxidermy for profit;~~

31 (c) ~~Deal in raw furs for profit;~~

32 (d) ~~Act as a fishing guide;~~

33 (e) ~~Operate a game farm;~~

34 (f) ~~Purchase or sell anadromous game fish; or~~

35 (g) ~~Use department managed lands or facilities as provided by rules~~  
36 adopted pursuant to this title)). A recreational fishing or shellfish  
37



1 license is not required for carp, smelt, albacore, and crawfish, and a  
2 hunting license is not required for bullfrogs.

3 (2) A permit issued by the ~~((director))~~ department is required  
4 to~~((+~~

5 ~~(a) Conduct, hold, or sponsor hunting or game fish fishing contests~~  
6 ~~or competitive field trials using live wildlife;~~

7 ~~(b) Collect wild animals, wild birds, game fish, food fish,~~  
8 ~~shellfish, or protected wildlife for research or display; or~~

9 ~~(c) Stock game fish.~~

10 ~~(3) Aquaculture as defined in RCW 15.85.020 is exempt from the~~  
11 ~~requirements of this section, except when being stocked in public~~  
12 ~~waters under contract with the department)) park a motor vehicle upon~~  
13 improved department access facilities.

14 **Sec. 50.** RCW 77.32.014 and 2000 c 107 s 265 are each amended to  
15 read as follows:

16 ~~((1))~~ Licenses, tags, and stamps issued pursuant to this chapter  
17 shall be ~~((invalid))~~ revoked and the privileges suspended for any  
18 period in which a person is certified by the department of social and  
19 health services or a court of competent jurisdiction as a person in  
20 noncompliance with a support order. Fish and wildlife officers and ex  
21 officio fish and wildlife officers shall enforce this section through  
22 checks of the department of licensing's computer data base. A listing  
23 on the department of licensing's data base that an individual's license  
24 is currently suspended pursuant to RCW 46.20.291(8) shall be prima  
25 facie evidence that the individual is in noncompliance with a support  
26 order. Presentation of a written release issued by the department of  
27 social and health services stating that the person is in compliance  
28 with an order shall serve as prima facie proof of compliance with a  
29 support order.

30 ~~((2) It is unlawful to purchase, obtain, or possess a license~~  
31 ~~required by this chapter during any period in which a license is~~  
32 ~~suspended.))~~

33 **Sec. 51.** RCW 77.32.250 and 2000 c 107 s 269 are each amended to  
34 read as follows:

35 Licenses, permits, tags, and stamps required by this chapter and  
36 raffle tickets authorized under this chapter shall not be transferred.

1       (~~Upon request of a fish and wildlife officer or ex officio fish  
2 and wildlife officer, persons licensed, operating under a permit, or  
3 possessing wildlife under the authority of this chapter shall produce  
4 required licenses, permits, tags, stamps, raffle tickets, or catch  
5 record cards for inspection and write their signatures for comparison  
6 and in addition display their wildlife. Failure to comply with the  
7 request is prima facie evidence that the person has no license or is  
8 not the person named.~~)

9       **Sec. 52.** RCW 77.32.535 and 1996 c 101 s 6 are each amended to read  
10 as follows:

11       If a private entity has a private lands wildlife management area  
12 agreement in effect with the department, the commission may authorize  
13 the private entity to conduct raffles for access to hunt for big game  
14 animals and wild turkeys to meet the conditions of the agreement. The  
15 private entity shall comply with all applicable rules adopted under RCW  
16 ((77.12.770)) 77.32.530 for the implementation of raffles; however,  
17 raffle hunts conducted pursuant to this section shall not be counted  
18 toward the number of raffle hunts the commission may authorize under  
19 RCW ((77.12.770)) 77.32.530. The director shall establish the  
20 procedures for the hunts, which shall require any participants to  
21 obtain any required license, permit, or tag. Representatives of the  
22 department may participate in the hunt upon the request of the  
23 commission to ensure that the animals to be killed are properly  
24 identified.

25       **Sec. 53.** RCW 77.44.070 and 1991 c 253 s 4 are each amended to read  
26 as follows:

27       Any agency of state or federal government, political subdivision of  
28 the state, private or public utility company, corporation, or sports  
29 group, or any purchaser of fish under RCW ((77.18.020)) 77.44.060 may  
30 purchase resident game fish from an aquatic farmer for stocking  
31 purposes if permit requirements of this title and the department have  
32 been met.

33       **Sec. 54.** RCW 77.55.280 and 1997 c 425 s 4 are each amended to read  
34 as follows:

35       When a private landowner is applying for hydraulic project approval  
36 under this chapter and that landowner has entered into a habitat

1 incentives agreement with the department and the department of natural  
2 resources as provided in RCW ((77.12.830)) 77.55.300, the department  
3 shall comply with the terms of that agreement when evaluating the  
4 request for hydraulic project approval.

5 **Sec. 55.** RCW 77.55.290 and 1998 c 249 s 3 are each amended to read  
6 as follows:

7 (1) In order to receive the permit review and approval process  
8 created in this section, a fish habitat enhancement project must meet  
9 the criteria under (a) and (b) of this subsection:

10 (a) A fish habitat enhancement project must be a project to  
11 accomplish one or more of the following tasks:

12 (i) Elimination of human-made fish passage barriers, including  
13 culvert repair and replacement;

14 (ii) Restoration of an eroded or unstable stream bank employing the  
15 principle of bioengineering, including limited use of rock as a  
16 stabilization only at the toe of the bank, and with primary emphasis on  
17 using native vegetation to control the erosive forces of flowing water;  
18 or

19 (iii) Placement of woody debris or other instream structures that  
20 benefit naturally reproducing fish stocks.

21 The department shall develop size or scale threshold tests to  
22 determine if projects accomplishing any of these tasks should be  
23 evaluated under the process created in this section or under other  
24 project review and approval processes. A project proposal shall not be  
25 reviewed under the process created in this section if the department  
26 determines that the scale of the project raises concerns regarding  
27 public health and safety; and

28 (b) A fish habitat enhancement project must be approved in one of  
29 the following ways:

30 (i) By the department pursuant to chapter ((75.50 or 75.52)) 77.95  
31 or 77.100 RCW;

32 (ii) By the sponsor of a watershed restoration plan as provided in  
33 chapter 89.08 RCW;

34 (iii) By the department as a department-sponsored fish habitat  
35 enhancement or restoration project;

36 (iv) Through the review and approval process for the jobs for the  
37 environment program;

1 (v) Through the review and approval process for conservation  
2 district-sponsored projects, where the project complies with design  
3 standards established by the conservation commission through  
4 interagency agreement with the United States fish and wildlife service  
5 and the natural resource conservation service;

6 (vi) Through a formal grant program established by the legislature  
7 or the department for fish habitat enhancement or restoration; and

8 (vii) Through other formal review and approval processes  
9 established by the legislature.

10 (2) Fish habitat enhancement projects meeting the criteria of  
11 subsection (1) of this section are expected to result in beneficial  
12 impacts to the environment. Decisions pertaining to fish habitat  
13 enhancement projects meeting the criteria of subsection (1) of this  
14 section and being reviewed and approved according to the provisions of  
15 this section are not subject to the requirements of RCW  
16 43.21C.030(2)(c).

17 (3) Hydraulic project approval is required for projects that meet  
18 the criteria of subsection (1) of this section and are being reviewed  
19 and approved under this section. An applicant shall use a joint  
20 aquatic resource permit application form developed by the department of  
21 ecology permit assistance center to apply for approval under this  
22 chapter. On the same day, the applicant shall provide copies of the  
23 completed application form to the department and to each appropriate  
24 local government. Local governments shall accept the application as  
25 notice of the proposed project. The department shall provide a  
26 fifteen-day comment period during which it will receive comments  
27 regarding environmental impacts. In no more than forty-five days, the  
28 department shall either issue hydraulic project approval, with or  
29 without conditions, deny approval, or make a determination that the  
30 review and approval process created by this section is not appropriate  
31 for the proposed project. The department shall base this determination  
32 on identification during the comment period of adverse impacts that  
33 cannot be mitigated by hydraulic project approval. If the department  
34 determines that the review and approval process created by this section  
35 is not appropriate for the proposed project, the department shall  
36 notify the applicant and the appropriate local governments of its  
37 determination. The applicant may reapply for approval of the project  
38 under other review and approval processes.

1 Any person aggrieved by the approval, denial, conditioning, or  
2 modification of hydraulic project approval under this section may  
3 formally appeal the decision to the hydraulic appeals board pursuant to  
4 the provisions of this chapter.

5 (4) No local government may require permits or charge fees for fish  
6 habitat enhancement projects that meet the criteria of subsection (1)  
7 of this section and that are reviewed and approved according to the  
8 provisions of this section.

9 NEW SECTION. **Sec. 56.** A new section is added to chapter 77.65 RCW  
10 to read as follows:

11 (1) A license issued by the director is required to:

12 (a) Practice taxidermy for commercial purposes;

13 (b) Deal in raw furs for commercial purposes;

14 (c) Act as a fishing guide;

15 (d) Operate a game farm; or

16 (e) Purchase or sell anadromous game fish.

17 (2) A permit issued by the director is required to:

18 (a) Conduct, hold, or sponsor hunting or fishing contests or  
19 competitive field trials using live wildlife;

20 (b) Collect wild animals, wild birds, game fish, food fish,  
21 shellfish, or protected wildlife for research or display;

22 (c) Stock game fish; or

23 (d) Conduct commercial activities on department-owned or controlled  
24 lands.

25 (3) Aquaculture as defined in RCW 15.85.020 is exempt from the  
26 requirements of this section, except when being stocked in public  
27 waters under contract with the department.

28 **Sec. 57.** RCW 77.70.010 and 1997 c 58 s 884 are each amended to  
29 read as follows:

30 (1) A license renewed under the provisions of this chapter that has  
31 been suspended under RCW ((75.28.042)) 77.65.080 shall be subject to  
32 the following provisions:

33 (a) A license renewal fee shall be paid as a condition of  
34 maintaining a current license; and

35 (b) The department shall waive any other license requirements,  
36 unless the department determines that the license holder has had  
37 sufficient opportunity to meet these requirements.

1 (2) The provisions of subsection (1) of this section shall apply  
2 only to a license that has been suspended under RCW ((75.28.042))  
3 77.65.080 for a period of twelve months or less. A license holder  
4 shall forfeit a license subject to this chapter and may not recover any  
5 license renewal fees previously paid if the license holder does not  
6 meet the requirements of RCW 74.20A.320(9) within twelve months of  
7 license suspension.

8 **Sec. 58.** RCW 77.70.150 and 1999 c 126 s 1 are each amended to read  
9 as follows:

10 (1) A sea urchin dive fishery license is required to take sea  
11 urchins for commercial purposes. A sea urchin dive fishery license  
12 authorizes the use of only one diver in the water at any time during  
13 sea urchin harvest operations. If the same vessel has been designated  
14 on two sea urchin dive fishery licenses, two divers may be in the  
15 water. A natural person may not hold more than two sea urchin dive  
16 fishery licenses.

17 (2) Except as provided in subsection (6) of this section, the  
18 director shall issue no new sea urchin dive fishery licenses. For  
19 licenses issued for the year 2000 and thereafter, the director shall  
20 renew existing licenses only to a natural person who held the license  
21 at the end of the previous year. If a sea urchin dive fishery license  
22 is not held by a natural person as of December 31, 1999, it is not  
23 renewable. However, if the license is not held because of revocation  
24 or suspension of licensing privileges, the director shall renew the  
25 license in the name of a natural person at the end of the revocation or  
26 suspension if the license holder applies for renewal of the license  
27 before the end of the year in which the revocation or suspension ends.

28 (3) Where a licensee failed to obtain the license during the  
29 previous year because of a license suspension or revocation by the  
30 ((department)) director or the court, the licensee may qualify for a  
31 license by establishing that the person held such a license during the  
32 last year in which the person was eligible.

33 (4) Surcharges as provided for in this section shall be collected  
34 and deposited into the sea urchin dive fishery account hereby created  
35 in the custody of the state treasurer. Only the director or the  
36 director's designee may authorize expenditures from the account. The  
37 sea urchin dive fishery account is subject to allotment procedures  
38 under chapter 43.88 RCW, but no appropriation is required for

1 expenditures. Expenditures from the account shall only be used to  
2 retire sea urchin licenses until the number of licenses is reduced to  
3 twenty-five, and thereafter shall only be used for sea urchin  
4 management and enforcement.

5 (a) A surcharge of one hundred dollars shall be charged with each  
6 sea urchin dive fishery license renewal for licenses issued in 2000  
7 through 2005.

8 (b) For licenses issued for the year 2000 and thereafter, a  
9 surcharge shall be charged on the sea urchin dive fishery license for  
10 designating an alternate operator. The surcharge shall be as follows:  
11 Five hundred dollars for the first year or each of the first two  
12 consecutive years after 1999 that any alternate operator is designated  
13 and two thousand five hundred dollars each year thereafter that any  
14 alternate operator is designated.

15 (5) Sea urchin dive fishery licenses are transferable. After  
16 December 31, 1999, there is a surcharge to transfer a sea urchin dive  
17 fishery license. The surcharge is five hundred dollars for the first  
18 transfer of a license valid for calendar year 2000, and two thousand  
19 five hundred dollars for any subsequent transfer, whether occurring in  
20 the year 2000 or thereafter. Notwithstanding this subsection, a one-  
21 time transfer exempt from surcharge applies for a transfer from the  
22 natural person licensed on January 1, 2000, to that person's spouse or  
23 child.

24 (6) If fewer than twenty-five natural persons are eligible for sea  
25 urchin dive fishery licenses, the director may accept applications for  
26 new licenses. The additional licenses may not cause more than twenty-  
27 five natural persons to be eligible for a sea urchin dive fishery  
28 license. New licenses issued under this section shall be distributed  
29 according to rules of the department that recover the value of such  
30 licensed privilege.

31 **Sec. 59.** RCW 77.70.190 and 1999 c 126 s 2 are each amended to read  
32 as follows:

33 (1) A sea cucumber dive fishery license is required to take sea  
34 cucumbers for commercial purposes. A sea cucumber dive fishery license  
35 authorizes the use of only one diver in the water at any time during  
36 sea cucumber harvest operations. If the same vessel has been  
37 designated on two sea cucumber dive fishery licenses, two divers may be

1 in the water. A natural person may not hold more than two sea cucumber  
2 dive fishery licenses.

3 (2) Except as provided in subsection (6) of this section, the  
4 director shall issue no new sea cucumber dive fishery licenses. For  
5 licenses issued for the year 2000 and thereafter, the director shall  
6 renew existing licenses only to a natural person who held the license  
7 at the end of the previous year. If a sea cucumber dive fishery  
8 license is not held by a natural person as of December 31, 1999, it is  
9 not renewable. However, if the license is not held because of  
10 revocation or suspension of licensing privileges, the director shall  
11 renew the license in the name of a natural person at the end of the  
12 revocation or suspension if the license holder applies for renewal of  
13 the license before the end of the year in which the revocation or  
14 suspension ends.

15 (3) Where a licensee failed to obtain the license during either of  
16 the previous two years because of a license suspension by the  
17 (~~department~~) director or the court, the licensee may qualify for a  
18 license by establishing that the person held such a license during the  
19 last year in which the person was eligible.

20 (4) Surcharges as provided for in this section shall be collected  
21 and deposited into the sea cucumber dive fishery account hereby created  
22 in the custody of the state treasurer. Only the director or the  
23 director's designee may authorize expenditures from the account. The  
24 sea cucumber dive fishery account is subject to allotment procedures  
25 under chapter 43.88 RCW, but no appropriation is required for  
26 expenditures. Expenditures from the account shall only be used to  
27 retire sea cucumber licenses until the number of licenses is reduced to  
28 twenty-five, and thereafter shall only be used for sea cucumber  
29 management and enforcement.

30 (a) A surcharge of one hundred dollars shall be charged with each  
31 sea cucumber dive fishery license renewal for licenses issued in 2000  
32 through 2005.

33 (b) For licenses issued for the year 2000 and thereafter, a  
34 surcharge shall be charged on the sea cucumber dive fishery  
35 (~~license~~) license for designating an alternate operator. The  
36 surcharge shall be as follows: Five hundred dollars for the first year  
37 or each of the first two consecutive years after 1999 that any  
38 alternate operator is designated and two thousand five hundred dollars  
39 each year thereafter that any alternate operator is designated.



1 (5) Sea cucumber dive fishery licenses are transferable. After  
2 December 31, 1999, there is a surcharge to transfer a sea cucumber dive  
3 fishery license. The surcharge is five hundred dollars for the first  
4 transfer of a license valid for calendar year 2000 and two thousand  
5 five hundred dollars for any subsequent transfer whether occurring in  
6 the year 2000 or thereafter. Notwithstanding this subsection, a one-  
7 time transfer exempt from surcharge applies for a transfer from the  
8 natural person licensed on January 1, 2000, to that person's spouse or  
9 child.

10 (6) If fewer than twenty-five persons are eligible for sea cucumber  
11 dive fishery licenses, the director may accept applications for new  
12 licenses. The additional licenses may not cause more than twenty-five  
13 natural persons to be eligible for a sea cucumber dive fishery license.  
14 New licenses issued under this section shall be distributed according  
15 to rules of the department that recover the value of such licensed  
16 privilege.

17 **Sec. 60.** RCW 79A.60.100 and 1994 c 264 s 80 are each amended to  
18 read as follows:

19 (1) Every law enforcement officer of this state and its political  
20 subdivisions has the authority to enforce this chapter. Law  
21 enforcement officers may enforce recreational boating rules adopted by  
22 the commission. Such law enforcement officers include, but are not  
23 limited to, county sheriffs, officers of other local law enforcement  
24 entities, (~~wildlife agents and fisheries patrol~~) fish and wildlife  
25 officers (~~of the department of fish and wildlife~~), through the  
26 director, the state patrol, (~~through its chief,~~) and state park  
27 rangers. In the exercise of this responsibility, all such officers may  
28 stop and board any vessel and direct it to a suitable pier or anchorage  
29 to enforce this chapter.

30 (2) This chapter shall be construed to supplement federal laws and  
31 regulations. To the extent this chapter is inconsistent with federal  
32 laws and regulations, the federal laws and regulations shall control.

33 NEW SECTION. **Sec. 61.** (1) RCW 77.12.055 and 77.65.470 are each  
34 recodified as sections in chapter 77.15 RCW.

35 (2) RCW 77.12.425 and 77.16.220 are each recodified as sections in  
36 chapter 77.55 RCW.

37 (3) RCW 77.32.220 is recodified as a section in chapter 77.65 RCW.

1        NEW SECTION.    **Sec. 62.**    The following acts or parts of acts are  
2 each repealed:

3        (1) RCW 77.12.030 (Authority to regulate wildlife) and 1987 c 506  
4 s 14, 1984 c 240 s 2, 1980 c 78 s 14, 1969 ex.s. c 18 s 2, & 1955 c 36  
5 s 77.12.030;

6        (2) RCW 77.12.040 (Regulating the taking or possessing of game--  
7 Emergency rules--Game reserves, closed areas and waters) and 1987 c 506  
8 s 15, 1984 c 240 s 3, 1980 c 78 s 15, 1969 ex.s. c 18 s 3, & 1955 c 36  
9 s 77.12.040;

10       (3) RCW 77.12.105 (Authority to retain or transfer wildlife) and  
11 1987 c 506 s 22, 1980 c 78 s 71, 1977 c 44 s 2, & 1955 c 36 s  
12 77.16.030;

13       (4) RCW 77.12.250 (Entry upon property in course of duty) and 2000  
14 c 107 s 220, 1980 c 78 s 42, & 1955 c 36 s 77.12.250;

15       (5) RCW 77.12.295 (Fish and wildlife harvest in federal exclusive  
16 economic zone--Rules) and 1995 1st sp.s. c 2 s 9 & 1993 sp.s. c 2 s 99;

17       (6) RCW 77.12.457 (Planting food fish or shellfish--Permit  
18 authorized by rule) and 1998 c 190 s 73, 1995 1st sp.s. c 2 s 17, 1983  
19 1st ex.s. c 46 s 30, & 1955 c 12 s 75.16.020;

20       (7) RCW 77.12.724 (Possession of fish and wildlife--Rules) and 1998  
21 c 190 s 120, 1987 c 506 s 63, & 1980 c 78 s 78; and

22       (8) RCW 77.32.420 (Recreational licenses--Nontransferable--  
23 Enforcement provisions) and 2000 c 107 s 272, 1998 c 191 s 4, 1993  
24 sp.s. c 17 s 8, 1989 c 305 s 12, 1987 c 87 s 7, 1984 c 80 s 8, 1983 1st  
25 ex.s. c 46 s 98, 1980 c 78 s 135, & 1977 ex.s. c 327 s 15.

Passed the Senate April 17, 2001.

Passed the House April 6, 2001.

Approved by the Governor May 11, 2001.

Filed in Office of Secretary of State May 11, 2001.