

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2788**

Chapter 277, Laws of 2008

60th Legislature  
2008 Regular Session

FISH AND WILDLIFE--DEFINITIONS

EFFECTIVE DATE: 06/12/08

Passed by the House March 12, 2008  
Yeas 97 Nays 0

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate March 12, 2008  
Yeas 48 Nays 1

BRAD OWEN

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**President of the Senate**

Approved March 31, 2008, 2:39 p.m.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2788** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

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**Chief Clerk**

FILED

April 1, 2008

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2788**

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AS AMENDED BY THE SENATE

Passed Legislature - 2008 Regular Session

**State of Washington                      60th Legislature                      2008 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives VanDeWege, Blake, Orcutt, Kretz, Nelson, Grant, Williams, Eickmeyer, Linville, and McCoy)

READ FIRST TIME 02/05/08.

1            AN ACT Relating to the organization of definitions in Title 77 RCW;  
2 reenacting and amending RCW 77.08.010; and creating a new section.

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

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

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

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

- 11            (1) "Director" means the director of fish and wildlife.  
12            (2) "Department" means the department of fish and wildlife.  
13            (3) "Commission" means the state fish and wildlife commission.  
14            (4) "Person" means and includes an individual; a corporation; a  
15 public or private entity or organization; a local, state, or federal  
16 agency; all business organizations, including corporations and  
17 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, game fish, food fish, or  
36 shellfish that do not conform to the special restrictions or physical  
37 descriptions established by rule of the commission as an open season or

1 that have not otherwise been deemed legal to hunt, fish, take, harvest,  
2 or possess by rule of the commission as an open season.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

38 (37) "Resident" means:

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

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

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

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

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

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

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

22 (43) "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 (44) "Fishery" means the taking of one or more particular species  
26 of fish or shellfish with particular gear in a particular geographical  
27 area.

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

30 (46) "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 (47) "Trafficking" means offering, attempting to engage, or  
36 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or  
37 deleterious exotic wildlife.

1 (48) "Invasive species" means a plant species or a nonnative animal  
2 species that either:

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

5 (b) Threatens or may threaten natural resources or their use in the  
6 state;

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

9 (d) Threatens or harms human health.

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

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

16 (51) "Unregulated aquatic animal species" means a nonnative animal  
17 species that has been classified as an unregulated aquatic animal  
18 species by the commission.

19 (52) "Unlisted aquatic animal species" means a nonnative animal  
20 species that has not been classified as a prohibited aquatic animal  
21 species, a regulated aquatic animal species, or an unregulated aquatic  
22 animal species by the commission.

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

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

28 (55) "Aquatic invasive species" means any invasive, prohibited,  
29 regulated, unregulated, or unlisted aquatic animal or plant species as  
30 defined under subsections (48) through (53) of this section, aquatic  
31 noxious weeds as defined under RCW 17.26.020(5)(c), and aquatic  
32 nuisance species as defined under RCW 77.60.130(1).

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

Passed by the House March 12, 2008.

Passed by the Senate March 12, 2008.

Approved by the Governor March 31, 2008.

Filed in Office of Secretary of State April 1, 2008.