

ESHB 1885 - S COMM AMD

By Committee on Natural Resources, Ocean & Recreation

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

3 "NEW SECTION. **Sec. 1.** It is the intent of the legislature to  
4 protect wildlife from becoming habituated to humans and to protect the  
5 public against the serious health and safety risk posed by wildlife  
6 that are drawn into contact with humans and related infrastructure by  
7 individuals who intentionally feed wildlife.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.15 RCW  
9 to read as follows:

10 (1) A person may not place, deposit, distribute, or scatter grain,  
11 hay, or other food by affirmative conduct so as to intentionally  
12 constitute a lure, attraction, or enticement for potentially habituated  
13 wildlife.

14 (2)(a) Except as otherwise provided in this section, if the  
15 department or an ex officio fish and wildlife officer receives  
16 complaints from two separate households, as defined in RCW 84.14.010,  
17 and a fish and wildlife officer or an ex officio fish and wildlife  
18 officer has probable cause to believe that a person acted in violation  
19 of this section, the officer may issue a written warning requiring the  
20 person to contain, move, or remove the grain, hay, or other food within  
21 two days.

22 (b) If a person who is issued a warning under (a) of this  
23 subsection fails to contain, move, or remove the grain, hay, or other  
24 food as directed, a fish and wildlife officer or an ex officio fish and  
25 wildlife officer may issue a natural resources infraction under chapter  
26 7.84 RCW.

27 (3) This section does not apply to:

28 (a) A person who is hunting or trapping potentially habituated

1 wildlife in accordance with all other applicable provisions of this  
2 title or rules of the commission or the director;

3 (b) A person who is engaged in a farming or ranching operation;

4 (c) A person who is feeding potentially habituated wildlife as part  
5 of a commercial forestry operation in order to prevent or reduce tree  
6 damage;

7 (d) A person who is feeding potentially habituated wildlife, with  
8 the director's authorization, to prevent damage to private property;

9 (e) A person who is feeding potentially habituated wildlife, with  
10 the director's authorization, to mitigate the population loss  
11 anticipated by a predicted winter mortality;

12 (f) A person who is feeding potentially habituated wildlife, with  
13 the director's authorization, as a part of a research or management  
14 program;

15 (g) Waste disposal facilities operating in accordance with  
16 applicable federal, state, and municipal laws; and

17 (h) Zoos and lawfully operated wildlife refuges, or wildlife  
18 rehabilitators operating under RCW 77.12.467.

19 (4) Due to the documented, chronic malnutrition of the Mt. St.  
20 Helens elk herd, no individual shall be issued a warning or a natural  
21 resources infraction under this section for feeding elk in the Mt. St.  
22 Helens elk herd management area, as identified in the Washington state  
23 elk herd plan prepared by the department in May 2006, until July 31,  
24 2019.

25 **Sec. 3.** RCW 77.08.010 and 2009 c 333 s 12 are each amended to read  
26 as follows:

27 The definitions in this section apply throughout this title or  
28 rules adopted under this title unless the context clearly requires  
29 otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

35 (16) "Ex officio fish and wildlife officer" means a commissioned  
36 officer of a municipal, county, state, or federal agency having as its  
37 primary function the enforcement of criminal laws in general, while the  
38 officer is in the appropriate jurisdiction. The term "ex officio fish

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

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

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

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

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

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

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

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

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

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

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

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

1 (28) "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 (29) "License year" means the period of time for which a  
11 recreational license is valid. The license year begins April 1st, and  
12 ends March 31st.  
13 (30) "Limited-entry license" means a license subject to a license  
14 limitation program established in chapter 77.70 RCW.  
15 (31) "Money" means all currency, script, personal checks, money  
16 orders, or other negotiable instruments.  
17 (32) "Nonresident" means a person who has not fulfilled the  
18 qualifications of a resident.  
19 (33) "Offshore waters" means marine waters of the Pacific Ocean  
20 outside the territorial boundaries of the state, including the marine  
21 waters of other states and countries.  
22 (34) "Open season" means those times, manners of taking, and places  
23 or waters established by rule of the commission for the lawful hunting,  
24 fishing, taking, or possession of game animals, game birds, game fish,  
25 food fish, or shellfish that conform to the special restrictions or  
26 physical descriptions established by rule of the commission or that  
27 have otherwise been deemed legal to hunt, fish, take, harvest, or  
28 possess by rule of the commission. "Open season" includes the first  
29 and last days of the established time.  
30 (35) "Owner" means the person in whom is vested the ownership  
31 dominion, or title of the property.  
32 (36) "Person" means and includes an individual; a corporation; a  
33 public or private entity or organization; a local, state, or federal  
34 agency; all business organizations, including corporations and  
35 partnerships; or a group of two or more individuals acting with a  
36 common purpose whether acting in an individual, representative, or  
37 official capacity.

1 (37) "Personal property" or "property" includes both corporeal and  
2 incorporeal personal property and includes, among other property,  
3 contraband and money.

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

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

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

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

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

18 (43) "Recreational and commercial watercraft" includes the boat, as  
19 well as equipment used to transport the boat, and any auxiliary  
20 equipment such as attached or detached outboard motors.

21 (44) "Regulated aquatic animal species" means a potentially  
22 invasive species of the animal kingdom that has been classified as a  
23 regulated aquatic animal species by the commission.

24 (45) "Resident" means:

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

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

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

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

36 (48) "Seaweed" means marine aquatic plant species that are  
37 dependent upon the marine aquatic or tidal environment, and exist in

1 either an attached or free floating form, and includes but is not  
2 limited to marine aquatic plants in the classes Chlorophyta,  
3 Phaeophyta, and Rhodophyta.

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

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

10 (51) "State waters" means all marine waters and fresh waters within  
11 ordinary high water lines and within the territorial boundaries of the  
12 state.

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

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

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

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

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

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

29 (58) "Unlisted aquatic animal species" means a nonnative animal  
30 species that has not been classified as a prohibited aquatic animal  
31 species, a regulated aquatic animal species, or an unregulated aquatic  
32 animal species by the commission.

33 (59) "Unregulated aquatic animal species" means a nonnative animal  
34 species that has been classified as an unregulated aquatic animal  
35 species by the commission.

36 (60) "Wholesale fish dealer" means a person who, acting for  
37 commercial purposes, takes possession or ownership of fish or shellfish  
38 and sells, barter, or exchanges or attempts to sell, barter, or

1 exchange fish or shellfish that have been landed into the state of  
2 Washington or entered the state of Washington in interstate or foreign  
3 commerce.

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

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

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

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

22 (65) "Potentially habituated wildlife" includes bear, cougar, wolf,  
23 coyote, deer, and elk not lawfully held in captivity.

24 **Sec. 4.** RCW 77.15.160 and 2000 c 107 s 237 are each amended to  
25 read as follows:

26 A person is guilty of an infraction, which shall be cited and  
27 punished as provided under chapter 7.84 RCW, if the person:

28 (1) Fails to immediately record a catch of fish or shellfish on a  
29 catch record card required by RCW 77.32.430, or required by rule of the  
30 commission under this title; (~~(e)~~)

31 (2) Fishes for personal use using barbed hooks in violation of any  
32 rule; (~~(e)~~)

33 (3) Intentionally feeds potentially habituated wildlife in  
34 violation of a written warning issued under section 2 of this act; or

35 (4) Violates any other rule of the commission or director that is  
36 designated by rule as an infraction."



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By Committee on Natural Resources, Ocean & Recreation

1        On page 1, line 1 of the title, after "wildlife;" strike the  
2 remainder of the title and insert "amending RCW 77.08.010 and  
3 77.15.160; adding a new section to chapter 77.15 RCW; creating a new  
4 section; and prescribing penalties."

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