

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1778

Chapter 333, Laws of 2009

(partial veto)

61st Legislature
2009 Regular Session

FISH AND WILDLIFE PROVISIONS--MODERNIZATION

EFFECTIVE DATE: 07/26/09 - Except sections 53 through 66, which become effective 07/01/10.

Passed by the House April 20, 2009
Yeas 63 Nays 35

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate April 14, 2009
Yeas 31 Nays 17

BRAD OWEN

President of the Senate

Approved May 5, 2009, 2:09 p.m., with the exception of section 53 which is vetoed.

CHRISTINE GREGOIRE

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 1778** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

May 8, 2009

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1778

AS AMENDED BY THE SENATE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representative Blake; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/20/09.

1 AN ACT Relating to modernizing certain provisions in Title 77 RCW
2 regarding fish and wildlife; amending RCW 77.15.050, 77.15.700,
3 77.15.310, 77.15.320, 77.15.610, 77.32.470, 77.65.010, 77.65.370,
4 77.65.440, 77.15.510, 77.65.480, 77.08.010, 77.15.370, 77.15.425,
5 77.15.568, 77.15.620, 77.12.870, 77.12.879, 77.60.150, 77.85.230,
6 77.85.050, 77.120.030, 77.120.110, 77.120.120, 77.95.200, 77.95.310,
7 77.12.184, 77.12.190, 77.12.210, 77.12.230, 77.12.323, 77.12.380,
8 77.12.390, 77.15.100, 77.32.430, 77.32.530, 77.32.560, 77.44.050,
9 77.12.820, 77.36.010, 77.36.070, 77.36.080, 77.36.030, 77.12.240,
10 77.32.050, and 77.32.350; reenacting and amending RCW 77.12.170 and
11 77.12.690; adding new sections to chapter 77.15 RCW; adding new
12 sections to chapter 77.36 RCW; adding new sections to chapter 77.32
13 RCW; adding a new chapter to Title 77 RCW; creating new sections;
14 decodifying RCW 77.36.900 and 77.36.901; repealing RCW 77.12.065,
15 77.36.005, 77.36.020, 77.36.040, 77.36.050, 77.36.060, and 77.12.260;
16 prescribing penalties; providing an effective date; and providing an
17 expiration date.

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

1 **Sec. 1.** RCW 77.15.050 and 1998 c 190 s 6 are each amended to read
2 as follows:

3 (1) Unless the context clearly requires otherwise, as used in this
4 chapter, "conviction" means:

5 (a) A final conviction in a state or municipal court;

6 (b) A failure to appear at a hearing to contest an infraction or
7 criminal citation; or

8 (c) An unvacated forfeiture of bail paid as a final disposition for
9 an offense (~~(or an unvacated forfeiture of bail or collateral deposited~~
10 ~~to secure the defendant's appearance in court))~~).

11 (2) A plea of guilty, or a finding of guilt for a violation of this
12 title or rule of the commission or director constitutes a conviction
13 regardless of whether the imposition of sentence is deferred or the
14 penalty is suspended.

15 **Sec. 2.** RCW 77.15.700 and 2007 c 163 s 2 are each amended to read
16 as follows:

17 (1) The department shall impose revocation and suspension of
18 privileges in the following circumstances:

19 ~~((1))~~ (a) Upon conviction, if directed by statute for an
20 offense~~((+))~~.

21 ~~((2))~~ (b) Upon conviction of a violation not involving commercial
22 fishing, if the department finds that actions of the defendant
23 demonstrated a willful or wanton disregard for conservation of fish or
24 wildlife. ~~((Such))~~ Suspension of privileges under this subsection may
25 be permanent. ~~((This subsection (2) does not apply to violations~~
26 ~~involving commercial fishing;~~

27 ~~(3))~~ (c) If a person is convicted twice within ten years for a
28 violation involving unlawful hunting, killing, or possessing big
29 game~~(, the department shall order)~~. Revocation and suspension ~~((of))~~
30 under this subsection must be ordered for all hunting privileges for
31 two years. ~~((RCW 77.12.722 or 77.16.050 as it existed before June 11,~~
32 ~~1998, may comprise one of the convictions constituting the basis for~~
33 ~~revocation and suspension under this subsection;~~

34 ~~(4)(a))~~ (d) If a person violates, three times or more in a ten-
35 year period, recreational hunting or fishing laws or rules for which
36 the person: (i) Is convicted of an offense~~((+))~~; (ii) has an
37 uncontested notice of infraction~~((+))~~; (iii) fails to appear at a

1 hearing to contest ~~((an))~~ a fish and wildlife infraction~~((7))~~; or (iv)
2 is found to have committed an infraction ~~((three times in ten years~~
3 ~~involving any violation of recreational hunting or fishing laws or~~
4 ~~rules, the department shall order a))~~. Revocation and suspension under
5 this subsection must be ordered of all recreational hunting and fishing
6 privileges for two years.

7 ~~((b))~~ (2)(a) A violation punishable as an infraction counts
8 towards the revocation and suspension of recreational hunting and
9 fishing privileges ~~((only where))~~ under this section if that violation
10 is:

11 (i) Punishable as a crime on July 24, 2005, and is subsequently
12 decriminalized; or

13 (ii) One of the following violations, as they exist on July 24,
14 2005: RCW 77.15.160 ~~((1) or (2))~~; WAC 220-56-116; WAC 220-56-
15 315(11); or WAC 220-56-355 (1) through (4).

16 ~~((c))~~ (b) The commission may, by rule, designate ~~((additional))~~
17 infractions that do not count towards the revocation and suspension of
18 recreational hunting and fishing privileges.

19 ~~((5))~~ (3) If either the deferred education licensee or the
20 required nondeferred accompanying person, hunting under the authority
21 of RCW 77.32.155(2), is convicted of a violation of this title, except
22 for a violation of RCW 77.15.400 (1) through (3), the department may
23 revoke all hunting licenses and tags and may order a suspension of
24 ~~((one))~~ either or both the deferred education licensee's and the
25 nondeferred accompanying person's hunting privileges for one year.

26 **Sec. 3.** RCW 77.15.310 and 2003 c 39 s 38 are each amended to read
27 as follows:

28 (1) A person is guilty of unlawful failure to use or maintain an
29 approved fish guard on a diversion device if the person owns, controls,
30 or operates a device used for diverting or conducting water from a
31 lake, river, or stream and:

32 (a) The device is not equipped with a fish guard, screen, or bypass
33 approved by the director as required by RCW ~~((77.55.040 or 77.55.320))~~
34 77.57.010 or 77.57.070; or

35 (b) The person knowingly fails to maintain or operate an approved
36 fish guard, screen, or bypass so as to effectively screen or prevent
37 fish from entering the intake.

1 (2) Unlawful failure to use or maintain an approved fish guard,
2 screen, or bypass on a diversion device is a gross misdemeanor.
3 Following written notification to the person from the department that
4 there is a violation, each day that a diversion device is operated
5 without an approved or maintained fish guard, screen, or bypass is a
6 separate offense.

7 **Sec. 4.** RCW 77.15.320 and 2000 c 107 s 241 are each amended to
8 read as follows:

9 (1) A person is guilty of unlawful failure to provide, maintain, or
10 operate a fishway for dam or other obstruction if the person owns,
11 operates, or controls a dam or other obstruction to fish passage on a
12 river or stream and:

13 (a) The dam or obstruction is not provided with a durable and
14 efficient fishway approved by the director as required by RCW
15 (~~77.55.060~~) 77.57.030;

16 (b) Fails to maintain a fishway in efficient operating condition;
17 or

18 (c) Fails to continuously supply a fishway with a sufficient supply
19 of water to allow the free passage of fish.

20 (2) Unlawful failure to provide, maintain, or operate a fishway for
21 dam or other obstruction is a gross misdemeanor. Following written
22 notification to the person from the department that there is a
23 violation, each day of unlawful failure to provide, maintain, or
24 operate a fishway is a separate offense.

25 **Sec. 5.** RCW 77.15.610 and 1998 c 190 s 33 are each amended to read
26 as follows:

27 (1) A person who holds a fur buyer's license or taxidermy license
28 is guilty of unlawful use of a commercial wildlife license if the
29 person:

30 (a) Fails to have the license in possession while engaged in fur
31 buying or practicing taxidermy for commercial purposes; or

32 (b) Violates any rule of the department regarding reporting
33 requirements or the use, possession, display, or presentation of the
34 taxidermy or fur buyer's license.

35 (2) Unlawful use of a commercial wildlife license is a misdemeanor.

1 **Sec. 6.** RCW 77.32.470 and 2008 c 35 s 1 are each amended to read
2 as follows:

3 (1) A personal use saltwater, freshwater, combination, temporary,
4 or family fishing weekend license is required for all persons fifteen
5 years of age or older to fish for or possess fish taken for personal
6 use from state waters or offshore waters.

7 (2) The fees for annual personal use saltwater, freshwater, or
8 combination licenses are as follows:

9 (a) A combination license allows the holder to fish for or possess
10 fish, shellfish, and seaweed from state waters or offshore waters. The
11 fee for this license is thirty-six dollars for residents, seventy-two
12 dollars for nonresidents, and five dollars for youth. There is an
13 additional fifty-cent surcharge for this license, to be deposited in
14 the rockfish research account created in RCW 77.12.702.

15 (b) A saltwater license allows the holder to fish for or possess
16 fish taken from saltwater areas. The fee for this license is eighteen
17 dollars for residents, thirty-six dollars for nonresidents, and five
18 dollars for resident seniors. There is an additional fifty-cent
19 surcharge for this license, to be deposited in the rockfish research
20 account created in RCW 77.12.702.

21 (c) A freshwater license allows the holder to fish for, take, or
22 possess food fish or game fish species in all freshwater areas. The
23 fee for this license is twenty dollars for residents, forty dollars for
24 nonresidents, and five dollars for resident seniors.

25 (3)(a) A temporary combination fishing license is valid for one to
26 five consecutive days and allows the holder to fish for or possess
27 fish, shellfish, and seaweed taken from state waters or offshore
28 waters. The fee for this temporary fishing license is:

29 (i) One day - Seven dollars for residents and fourteen dollars for
30 nonresidents;

31 (ii) Two days - Ten dollars for residents and twenty dollars for
32 nonresidents;

33 (iii) Three days - Thirteen dollars for residents and twenty-six
34 dollars for nonresidents;

35 (iv) Four days - Fifteen dollars for residents and thirty dollars
36 for nonresidents; and

37 (v) Five days - Seventeen dollars for residents and thirty-four
38 dollars for nonresidents.

1 (b) The fee for a charter stamp is seven dollars for a one-day
2 temporary combination fishing license for residents and nonresidents
3 for use on a charter boat as defined in RCW 77.65.150.

4 (c) A transaction fee to support the automated licensing system
5 will be taken from the amounts set forth in this subsection for
6 temporary licenses.

7 (d) Except for active duty military personnel serving in any branch
8 of the United States armed forces, the temporary combination fishing
9 license is not valid on game fish species for an eight-consecutive-day
10 period beginning on the opening day of the lowland lake fishing season
11 as defined by rule of the commission.

12 (e) The temporary combination fishing license fee for active duty
13 military personnel serving in any branch of the United States armed
14 forces is the resident rate as set forth in (a) of this subsection.
15 Active duty military personnel must provide a valid military
16 identification card at the time of purchase of the temporary license to
17 qualify for the resident rate.

18 (f) There is an additional fifty-cent surcharge on the temporary
19 combination fishing license and the associated charter stamp, to be
20 deposited in the rockfish research account created in RCW 77.12.702.

21 (4) A family fishing weekend license allows for a maximum of six
22 anglers: One resident and five youth; two residents and four youth; or
23 one resident, one nonresident, and four youth. This license allows the
24 holders to fish for or possess fish taken from state waters or offshore
25 waters. The fee for this license is twenty dollars. This license is
26 only valid during periods as specified by rule of the department.

27 (5) The commission may adopt rules to create and sell combination
28 licenses for all hunting and fishing activities at or below a fee equal
29 to the total cost of the individual license contained within any
30 combination.

31 (6) The commission may adopt rules to allow the use of two fishing
32 poles per fishing license holder for use on selected state waters. If
33 authorized by the commission, license holders must purchase a two-pole
34 stamp to use a second pole. The proceeds from the sale of the two-pole
35 stamp must be deposited into the state wildlife account created in RCW
36 77.12.170 and used for the operation and maintenance of state-owned
37 fish hatcheries. The fee for a two-pole stamp is twenty dollars for
38 residents and nonresidents, and five dollars for resident seniors.

1 **Sec. 7.** RCW 77.65.010 and 2005 c 20 s 1 are each amended to read
2 as follows:

3 (1) Except as otherwise provided by this title, a person (~~may~~
4 ~~not~~) must have a license or permit issued by the director in order to
5 engage in any of the following activities (~~(without a license or permit~~
6 ~~issued by the director)~~):

7 (a) Commercially fish for or take food fish or shellfish;

8 (b) Deliver from a commercial fishing vessel food fish or shellfish
9 taken for commercial purposes in offshore waters. As used in this
10 subsection, "deliver" means arrival at a place or port, and includes
11 arrivals from offshore waters to waters within the state and arrivals
12 from state or offshore waters;

13 (c) Operate a charter boat or commercial fishing vessel engaged in
14 a fishery;

15 (d) Engage in processing or wholesaling food fish or shellfish; or

16 (e) Act as a food fish guide (~~(for salmon)~~) for personal use in
17 freshwater rivers and streams, (~~(other than that part of the Columbia~~
18 ~~river below the bridge at Longview)~~) except that a charter boat license
19 is required to operate a vessel from which a person may for a fee fish
20 for food fish in state waters listed in RCW 77.65.150(4)(b).

21 (2) No person may engage in the activities described in subsection
22 (1) of this section unless the licenses or permits required by this
23 title are in the person's possession, and the person is the named
24 license holder or an alternate operator designated on the license and
25 the person's license is not suspended.

26 (3) A valid Oregon license that is equivalent to a license under
27 this title is valid in the concurrent waters of the Columbia river if
28 the state of Oregon recognizes as valid the equivalent Washington
29 license. The director may identify by rule what Oregon licenses are
30 equivalent.

31 (4) No license or permit is required for the production or
32 harvesting of private sector cultured aquatic products as defined in
33 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
34 aquatic products. However, if a means of identifying such products is
35 required by rules adopted under RCW 15.85.060, the exemption from
36 licensing or permit requirements established by this subsection applies
37 only if the aquatic products are identified in conformance with those
38 rules.

1 **Sec. 8.** RCW 77.65.370 and 1998 c 190 s 98 are each amended to read
2 as follows:

3 (1) A person shall not offer or perform the services of a
4 ~~((professional-salmon))~~ food fish guide without a food fish guide
5 license in the taking of ~~((salmon))~~ food fish for personal use in
6 freshwater rivers and streams, ~~((other-than-in-that-part-of-the~~
7 ~~Columbia-river-below-the-bridge-at-Longview,-without-a-professional~~
8 ~~salmon-guide-license))~~ except that a charter boat license is required
9 to operate a vessel from which a person may for a fee fish for food
10 fish in state waters listed in RCW 77.65.150(4)(b).

11 (2) Only an individual at least sixteen years of age may hold a
12 ~~((professional-salmon))~~ food fish guide license. No individual may
13 hold more than one ~~((professional-salmon))~~ food fish guide license.

14 **Sec. 9.** RCW 77.65.440 and 2000 c 107 s 55 are each amended to read
15 as follows:

16 The director shall issue the personal licenses listed in this
17 section according to the requirements of this title. The licenses and
18 their annual fees are:

Personal License	Annual Fee		Governing Section
	Resident	Nonresident	
(1) Alternate Operator	\$ 35	\$ 35	RCW 77.65.130
(2) Geoduck Diver	\$185	\$295	RCW 77.65.410
(3) ((Salmon)) <u>Food</u> <u>Fish Guide</u>	\$130	\$630	RCW 77.65.370
	(plus \$20)	(plus \$100)	

27 **Sec. 10.** RCW 77.15.510 and 2001 c 253 s 43 are each amended to
28 read as follows:

29 (1) A person is guilty of ~~((commercial))~~ acting as a game fish
30 ~~((guiding))~~ guide, food fish guide, or chartering without a license
31 if:

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

34 (b) The person acts as a ~~((professional-salmon))~~ food fish guide
35 and does not hold a ~~((professional-salmon))~~ food fish guide license; or

1 (c) The person acts as a game fish guide and does not hold a game
2 fish guide license.

3 (2) (~~Commercial~~) Acting without a game fish (~~guiding or~~
4 ~~chartering without a~~) guide license, food fish guide license, or
5 charter license is a gross misdemeanor.

6 **Sec. 11.** RCW 77.65.480 and 1991 sp.s. c 7 s 4 are each amended to
7 read as follows:

8 (1) A taxidermy license allows the holder to practice taxidermy for
9 (~~profit~~) commercial purposes, as that term is defined in RCW
10 77.15.110. The fee for this license is one hundred eighty dollars.

11 (2) A fur dealer's license allows the holder to purchase, receive,
12 or resell raw furs for (~~profit~~) commercial purposes, as that term is
13 defined in RCW 77.15.110. The fee for this license is one hundred
14 eighty dollars.

15 (3) A (~~fishing~~) game fish guide license allows the holder to
16 offer or perform the services of a (~~professional~~) game fish guide in
17 the taking of game fish. The fee for this license is one hundred
18 eighty dollars for a resident and six hundred dollars for a
19 nonresident.

20 (4) A game farm license allows the holder to operate a game farm to
21 acquire, breed, grow, keep, and sell wildlife under conditions
22 prescribed by the rules adopted pursuant to this title. The fee for
23 this license is seventy-two dollars for the first year and forty-eight
24 dollars for each following year.

25 (5) A game fish stocking permit allows the holder to release game
26 fish into the waters of the state as prescribed by rule of the
27 commission. The fee for this permit is twenty-four dollars.

28 (6) A fishing or field trial permit allows the holder to promote,
29 conduct, hold, or sponsor a fishing or field trial contest in
30 accordance with rules of the commission. The fee for a fishing contest
31 permit is twenty-four dollars. The fee for a field trial contest
32 permit is twenty-four dollars.

33 (7)(a) An anadromous game fish buyer's license allows the holder to
34 purchase or sell steelhead trout and other anadromous game fish
35 harvested by Indian (~~fishermen~~) fishers lawfully exercising fishing
36 rights reserved by federal statute, treaty, or executive order, under

1 conditions prescribed by rule of the director. The fee for this
2 license is one hundred eighty dollars.

3 (b) An anadromous game fish buyer's license is not required for
4 those businesses that buy steelhead trout and other anadromous game
5 fish from Washington licensed game fish dealers and sell solely at
6 retail.

7 **Sec. 12.** RCW 77.08.010 and 2008 c 277 s 2 are each amended to read
8 as follows:

9 The definitions in this section apply throughout this title or
10 rules adopted under this title unless the context clearly requires
11 otherwise.

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

15 (2) "Aquatic invasive species" means any invasive, prohibited,
16 regulated, unregulated, or unlisted aquatic animal or plant species as
17 defined under subsections (~~((48) through (53))~~) (3), (28), (40), (44),
18 (58), and (59) of this section, aquatic noxious weeds as defined under
19 RCW 17.26.020(5)(c), and aquatic nuisance species as defined under RCW
20 77.60.130(1).

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

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

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

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

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

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

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

6 (10) "Concurrent waters of the Columbia river" means those waters
7 of the Columbia river that coincide with the Washington-Oregon state
8 boundary.

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

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

14 ~~((12))~~ (13) "Department" means the department of fish and
15 wildlife.

16 ~~((13))~~ (14) "Director" means the director of fish and wildlife.

17 ~~((14))~~ (15) "Endangered species" means wildlife designated by the
18 commission as seriously threatened with extinction.

19 ~~((15))~~ (16) "Ex officio fish and wildlife officer" means a
20 commissioned officer of a municipal, county, state, or federal agency
21 having as its primary function the enforcement of criminal laws in
22 general, while the officer is in the appropriate jurisdiction. The
23 term "ex officio fish and wildlife officer" includes special agents of
24 the national marine fisheries service, state parks commissioned
25 officers, United States fish and wildlife special agents, department of
26 natural resources enforcement officers, and United States forest
27 service officers, while the agents and officers are within their
28 respective jurisdictions.

29 ~~((16))~~ (17) "Fish" includes all species classified as game fish
30 or food fish by statute or rule, as well as all fin fish not currently
31 classified as food fish or game fish if such species exist in state
32 waters. The term "fish" includes all stages of development and the
33 bodily parts of fish species.

34 ~~((17))~~ (18) "Fish and wildlife officer" means a person appointed
35 and commissioned by the director, with authority to enforce this title
36 and rules adopted pursuant to this title, and other statutes as
37 prescribed by the legislature. Fish and wildlife officer includes a

1 person commissioned before June 11, 1998, as a wildlife agent or a
2 fisheries patrol officer.

3 ~~((+18+))~~ (19) "Fish broker" means a person whose business it is to
4 bring a seller of fish and shellfish and a purchaser of those fish and
5 shellfish together.

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

9 ~~((+19+))~~ (21) "Freshwater" means all waters not defined as
10 saltwater including, but not limited to, rivers upstream of the river
11 mouth, lakes, ponds, and reservoirs.

12 ~~((+20+))~~ (22) "Fur-bearing animals" means game animals that shall
13 not be trapped except as authorized by the commission.

14 ~~((+21+))~~ (23) "Game animals" means wild animals that shall not be
15 hunted except as authorized by the commission.

16 ~~((+22+))~~ (24) "Game birds" means wild birds that shall not be
17 hunted except as authorized by the commission.

18 ~~((+23+))~~ (25) "Game farm" means property on which wildlife is held
19 or raised for commercial purposes, trade, or gift. The term "game
20 farm" does not include publicly owned facilities.

21 ~~((+24+))~~ (26) "Game reserve" means a closed area where hunting for
22 all wild animals and wild birds is prohibited.

23 ~~((+25+))~~ (27) "Illegal items" means those items unlawful to be
24 possessed.

25 (28) "Invasive species" means a plant species or a nonnative animal
26 species that either:

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

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

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

33 (d) Threatens or harms human health.

34 ~~((+26+))~~ (29) "License year" means the period of time for which a
35 recreational license is valid. The license year begins April 1st, and
36 ends March 31st.

37 ~~((+27+))~~ (30) "Limited-entry license" means a license subject to a
38 license limitation program established in chapter 77.70 RCW.

1 ~~((+28+))~~ (31) "Money" means all currency, script, personal checks,
2 money orders, or other negotiable instruments.

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

5 ~~((+29+))~~ (33) "Offshore waters" means marine waters of the Pacific
6 Ocean outside the territorial boundaries of the state, including the
7 marine waters of other states and countries.

8 ~~((+30+))~~ (34) "Open season" means those times, manners of taking,
9 and places or waters established by rule of the commission for the
10 lawful hunting, fishing, taking, or possession of game animals, game
11 birds, game fish, food fish, or shellfish that conform to the special
12 restrictions or physical descriptions established by rule of the
13 commission or that have otherwise been deemed legal to hunt, fish,
14 take, harvest, or possess by rule of the commission. "Open season"
15 includes the first and last days of the established time.

16 ~~((+31+))~~ (35) "Owner" means the person in whom is vested the
17 ownership dominion, or title of the property.

18 (36) "Person" means and includes an individual; a corporation; a
19 public or private entity or organization; a local, state, or federal
20 agency; all business organizations, including corporations and
21 partnerships; or a group of two or more individuals acting with a
22 common purpose whether acting in an individual, representative, or
23 official capacity.

24 ~~((+32+))~~ (37) "Personal use" means for the private use of the
25 individual taking the fish or shellfish and not for sale or barter.

26 ~~((+33+))~~ (38) "Personal property" or "property" includes both
27 corporeal and incorporeal personal property and includes, among other
28 property, contraband and money.

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

31 ~~((+34+))~~ (40) "Prohibited aquatic animal species" means an invasive
32 species of the animal kingdom that has been classified as a prohibited
33 aquatic animal species by the commission.

34 ~~((+35+))~~ (41) "Protected wildlife" means wildlife designated by the
35 commission that shall not be hunted or fished.

36 ~~((+36+))~~ (42) "Raffle" means an activity in which tickets bearing
37 an individual number are sold for not more than twenty-five dollars

1 each and in which a permit or permits are awarded to hunt or for access
2 to hunt big game animals or wild turkeys on the basis of a drawing from
3 the tickets by the person or persons conducting the raffle.

4 ~~((37))~~ (43) "Recreational and commercial watercraft" includes the
5 boat, as well as equipment used to transport the boat, and any
6 auxiliary equipment such as attached or detached outboard motors.

7 ~~((38))~~ (44) "Regulated aquatic animal species" means a
8 potentially invasive species of the animal kingdom that has been
9 classified as a regulated aquatic animal species by the commission.

10 ~~((39))~~ (45) "Resident" means:

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

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

19 ~~((40))~~ (46) "Retail-eligible species" means commercially
20 harvested salmon, crab, and sturgeon.

21 ~~((41))~~ (47) "Saltwater" means those marine waters seaward of
22 river mouths.

23 ~~((42))~~ (48) "Seaweed" means marine aquatic plant species that are
24 dependent upon the marine aquatic or tidal environment, and exist in
25 either an attached or free floating form, and includes but is not
26 limited to marine aquatic plants in the classes Chlorophyta,
27 Phaeophyta, and Rhodophyta.

28 ~~((43))~~ (49) "Senior" means a person seventy years old or older.

29 ~~((44))~~ (50) "Shellfish" means those species of marine and
30 freshwater invertebrates that have been classified and that shall not
31 be taken except as authorized by rule of the commission. The term
32 "shellfish" includes all stages of development and the bodily parts of
33 shellfish species.

34 ~~((45))~~ (51) "State waters" means all marine waters and fresh
35 waters within ordinary high water lines and within the territorial
36 boundaries of the state.

37 ~~((46))~~ (52) "To fish," "to harvest," and "to take," and their

1 derivatives means an effort to kill, injure, harass, or catch a fish or
2 shellfish.

3 ~~((47))~~ (53) "To hunt" and its derivatives means an effort to
4 kill, injure, capture, or harass a wild animal or wild bird.

5 ~~((48))~~ (54) "To process" and its derivatives mean preparing or
6 preserving fish, wildlife, or shellfish.

7 ~~((49))~~ (55) "To trap" and its derivatives means a method of
8 hunting using devices to capture wild animals or wild birds.

9 ~~((50))~~ (56) "Trafficking" means offering, attempting to engage,
10 or engaging in sale, barter, or purchase of fish, shellfish, wildlife,
11 or deleterious exotic wildlife.

12 ~~((51))~~ (57) "Unclaimed" means that no owner of the property has
13 been identified or has requested, in writing, the release of the
14 property to themselves nor has the owner of the property designated an
15 individual to receive the property or paid the required postage to
16 effect delivery of the property.

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

21 ~~((52))~~ (59) "Unregulated aquatic animal species" means a
22 nonnative animal species that has been classified as an unregulated
23 aquatic animal species by the commission.

24 ~~((53))~~ (60) "Wholesale fish dealer" means a person who, acting
25 for commercial purposes, takes possession or ownership of fish or
26 shellfish and sells, barter, or exchanges or attempts to sell, barter,
27 or exchange fish or shellfish that have been landed into the state of
28 Washington or entered the state of Washington in interstate or foreign
29 commerce.

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

35 ~~((54))~~ (62) "Wild birds" means those species of the class Aves
36 whose members exist in Washington in a wild state.

37 ~~((55))~~ (63) "Wildlife" means all species of the animal kingdom
38 whose members exist in Washington in a wild state. This includes but

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

8 ((+56+)) (64) "Youth" means a person fifteen years old for fishing
9 and under sixteen years old for hunting.

10 **Sec. 13.** RCW 77.12.170 and 2005 c 418 s 3, 2005 c 225 s 4, 2005 c
11 224 s 4, and 2005 c 42 s 4 are each reenacted and amended to read as
12 follows:

13 (1) There is established in the state treasury the state wildlife
14 account which consists of moneys received from:

15 (a) Rentals or concessions of the department;

16 (b) The sale of real or personal property held for department
17 purposes, unless the property is seized or recovered through a fish,
18 shellfish, or wildlife enforcement action;

19 (c) The assessment of administrative penalties, and the sale of
20 licenses, permits, tags, and stamps required by chapter 77.32 RCW and
21 RCW 77.65.490, except annual resident adult saltwater and all annual
22 razor clam and shellfish licenses, which shall be deposited into the
23 state general fund;

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

25 (e) Fees for personalized vehicle, Wild on Washington, and
26 Endangered Wildlife license plates and Washington's Wildlife license
27 plate collection as provided in chapter 46.16 RCW;

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

29 (g) Compensation for damage to department property or wildlife
30 losses or contributions, gifts, or grants received under RCW 77.12.320.
31 However, this excludes fish and shellfish overages, and court-ordered
32 restitution or donations associated with any fish, shellfish, or
33 wildlife enforcement action, as such moneys must be deposited pursuant
34 to RCW 77.15.425;

35 (h) Excise tax on anadromous game fish collected under chapter
36 82.27 RCW;

1 (i) (~~The sale of personal property seized by the department for~~
2 ~~fish, shellfish, or wildlife violations;~~

3 ~~(j)~~) The department's share of revenues from auctions and raffles
4 authorized by the commission; and

5 ~~((k))~~ (j) The sale of watchable wildlife decals under RCW
6 77.32.560.

7 (2) State and county officers receiving any moneys listed in
8 subsection (1) of this section shall deposit them in the state treasury
9 to be credited to the state wildlife account.

10 NEW SECTION. **Sec. 14.** A new section is added to chapter 77.15 RCW
11 to read as follows:

12 (1) A person is guilty of unlawful use of a department permit if
13 the person:

14 (a) Violates any terms or conditions of the permit issued by the
15 department or the director; or

16 (b) Violates any rule of the commission or the director applicable
17 to the requirement for, issuance of, or use of the permit.

18 (2) Permits covered under subsection (1) of this section include,
19 but are not limited to, master hunter permits, depredation permits,
20 landowner hunting permits, commercial carp license permits, permits to
21 possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and
22 permits to hold, sponsor, or attend an event requiring a banquet permit
23 from the liquor control board. Permits excluded from subsection (1) of
24 this section include fish and wildlife lands vehicle use permits,
25 commercial use or activity permits, noncommercial use or activity
26 permits, parking permits, experimental fishery permits, trial
27 commercial fishery permits, and scientific collection permits.

28 (3) Unlawful use of a department permit is a misdemeanor.

29 (4) A person is guilty of unlawful use of an experimental fishery
30 permit or a trial commercial fishery permit if the person:

31 (a) Violates any terms or conditions of the permit issued by the
32 department or the director; or

33 (b) Violates any rule of the commission or the director applicable
34 to the issuance or use of the permit.

35 (5) Unlawful use of an experimental fishery permit or a trial
36 commercial fishery permit is a gross misdemeanor.

1 (6) The definitions in this subsection apply throughout this
2 section unless the context clearly requires otherwise.

3 (a) "Experimental fishery permit" means a permit issued by the
4 director for either:

5 (i) An "emerging commercial fishery," defined as a fishery for a
6 newly classified species for which the department has determined that
7 there is a need to limit participation; or

8 (ii) An "expanding commercial fishery," defined as a fishery for a
9 previously classified species in a new area, by a new method, or at a
10 new effort level, for which the department has determined that there is
11 a need to limit participation.

12 (b) "Trial commercial fishery permit" means a permit issued by the
13 department for trial harvest of a newly classified species or harvest
14 of a previously classified species in a new area or by a new means.

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

17 (1) In order to effectively manage wildlife in areas or at times
18 when a higher proficiency and demonstrated skill level are needed for
19 resource protection or public safety, the department establishes the
20 master hunter permit program. The master hunter permit program
21 emphasizes safe, ethical, responsible, and lawful hunting practices.
22 Program goals include improving the public's perception of hunting and
23 perpetuating the highest hunting standards.

24 (2) A master hunter permit is required to participate in controlled
25 hunts to eliminate problem animals that damage property or threaten
26 public safety. The commission may establish by rule the requirements
27 an applicant must comply with when applying for or renewing a master
28 hunter permit, including but not limited to a criminal background
29 check. The director may establish an advisory group to assist the
30 department with administering the master hunter program.

31 (3) The fee for an initial master hunter permit may not exceed
32 fifty dollars, and the cost of renewing a master hunter permit may not
33 exceed twenty-five dollars. Funds generated under this section must be
34 deposited into the fish and wildlife enforcement reward account
35 established in RCW 77.15.425, and the funds must be used exclusively to
36 administer the master hunter program.

1 NEW SECTION. **Sec. 16.** A new section is added to chapter 77.15 RCW
2 to read as follows:

3 (1) The department may suspend a person's master hunter permit for
4 the following reasons and corresponding lengths of time:

5 (a) If the person pays the required fine or is found to have
6 committed an infraction under this chapter or the department's rules,
7 the department shall suspend the person's master hunter permit for two
8 years;

9 (b) If the person pays the required fine or is convicted of a
10 misdemeanor, gross misdemeanor, or felony under this chapter, the
11 department shall suspend the person's master hunter permit for life;

12 (c) If the person pays the required fine or is convicted of
13 trespass, reckless endangerment, criminal conspiracy, or making a false
14 statement to law enforcement while hunting, fishing, or engaging in any
15 activity regulated by the department, the department shall suspend the
16 person's master hunter permit for life;

17 (d) If the person pays the required fine or is convicted of a
18 felony prohibiting the possession of firearms, unless firearm
19 possession is reinstated, the department shall suspend the person's
20 master hunter permit for life;

21 (e) If the person has a hunting or fishing license revoked or has
22 hunting or fishing license privileges suspended in another state, the
23 department shall suspend the person's master hunter permit for life;

24 (f) If the person is cited, or charged by complaint, for an offense
25 under this chapter; or for trespass, reckless endangerment, criminal
26 conspiracy, or making a false statement to law enforcement while
27 hunting, fishing, or engaging in any activity regulated by the
28 department, the department may immediately suspend the person's master
29 hunter permit until the offense has been adjudicated; or

30 (g) If the person submits fraudulent information to the department,
31 the department shall suspend the person's master hunter permit for
32 life.

33 (2) Any master hunter who is notified of an intended suspension may
34 request an appeal hearing under chapter 34.05 RCW.

35 **Sec. 17.** RCW 77.15.370 and 2005 c 406 s 3 are each amended to read
36 as follows:

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

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

8 (b) The person fishes in a fishway;

9 (c) The person shoots, gaffs, snags, snares, spears, dipnets, or
10 stones fish or shellfish in state waters, or possesses fish or
11 shellfish taken by such means, unless such means are authorized by
12 express rule of the commission or director; ~~((or))~~

13 (d) The person fishes for or possesses a fish listed as threatened
14 or endangered in 50 C.F.R. Sec. 17.11 (2002), unless fishing for or
15 possession of such fish is specifically allowed under federal or state
16 law; or

17 (e) The person possesses a sturgeon measuring in excess of the
18 maximum size limit as established by rules adopted by the department.

19 (2) Unlawful recreational fishing in the first degree is a gross
20 misdemeanor.

21 **Sec. 18.** RCW 77.15.425 and 2006 c 148 s 2 are each amended to read
22 as follows:

23 The fish and wildlife enforcement reward account is created in the
24 custody of the state treasurer. ~~((All receipts from criminal wildlife
25 penalty assessments under RCW 77.15.420 and 77.15.400 must be deposited
26 into the account.))~~ Deposits to the account include: Receipts from
27 fish and shellfish overages as a result of a department enforcement
28 action; fees for hunter education deferral applications; fees for
29 master hunter applications and master hunter certification renewals;
30 all receipts from criminal wildlife penalty assessments under RCW
31 77.15.400 and 77.15.420; all receipts of court-ordered restitution or
32 donations associated with any fish, shellfish, or wildlife enforcement
33 action; and proceeds from forfeitures and evidence pursuant to RCW
34 77.15.070 and 77.15.100. The department may accept money or personal
35 property from persons under conditions requiring the property or money
36 to be used consistent with the intent of expenditures from the fish and
37 wildlife enforcement reward account. Expenditures from the account may

1 be used only for investigation and prosecution of fish and wildlife
2 offenses, to provide rewards to persons informing the department about
3 violations of this title and rules adopted under this title, to offset
4 department-approved costs incurred to administer the hunter education
5 deferral program and the master hunter program, and for other valid
6 enforcement uses as determined by the commission. Only the director or
7 the director's designee may authorize expenditures from the account.
8 The account is subject to allotment procedures under chapter 43.88 RCW,
9 but an appropriation is not required for expenditures.

10 **Sec. 19.** RCW 77.15.568 and 2007 c 337 s 4 are each amended to read
11 as follows:

12 (1) A person is guilty of a secondary commercial fish receiver's
13 failure to account for commercial harvest if:

14 (a) The person sells fish or shellfish at retail, stores or holds
15 fish or shellfish for another in exchange for valuable consideration,
16 ships fish or shellfish in exchange for valuable consideration, or
17 brokers fish or shellfish in exchange for valuable consideration;

18 (b) The fish or shellfish were required to be entered on a
19 Washington fish receiving ticket or a Washington aquatic farm
20 production annual report; and

21 (c) The person fails to maintain records of each receipt of fish or
22 shellfish, as required under subsections (3) through (5) of this
23 section, at the location where the fish or shellfish are being sold, at
24 the location where the fish or shellfish are being stored or held, or
25 at the principal place of business of the shipper or broker.

26 (2) This section (~~does not apply~~) applies to a wholesale fish
27 dealer(~~(7)~~) acting in the capacity of a broker. However, this section
28 does not apply to a wholesale fish dealer acting in the capacity of a
29 wholesale fish dealer, to a fisher selling under a direct retail sale
30 endorsement, or to a registered aquatic farmer.

31 (3) Records of the receipt of fish or shellfish required to be kept
32 under this section must be in the English language and be maintained
33 for three years from the date fish or shellfish are received, shipped,
34 or brokered.

35 (4) Records maintained by persons that retail or broker must
36 include the following:

1 (a) The name, address, and phone number of the wholesale fish
2 dealer, fisher selling under a direct retail sale endorsement, or
3 aquatic farmer or shellstock shipper from whom the fish or shellfish
4 were purchased or received;

5 (b) The Washington fish receiving ticket number documenting
6 original receipt or aquatic farm production quarterly report
7 documenting production, if available;

8 (c) The date of purchase or receipt; and

9 (d) The amount and species of fish or shellfish purchased or
10 received.

11 (5) Records maintained by persons that store, hold, or ship fish or
12 shellfish for others must state the following:

13 (a) The name, address, and phone number of the person and business
14 from whom the fish or shellfish were received;

15 (b) The date of receipt; and

16 (c) The amount and species of fish or shellfish received.

17 (6) A secondary commercial fish receiver's failure to account for
18 commercial harvest is a misdemeanor.

19 **Sec. 20.** RCW 77.15.620 and 2002 c 301 s 7 are each amended to read
20 as follows:

21 (1) A person is guilty of engaging in fish dealing activity without
22 a license in the second degree if the person:

23 (a) Engages in the commercial processing of fish or shellfish,
24 including custom canning or processing of personal use fish or
25 shellfish and does not hold a wholesale dealer's license required by
26 RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct
27 retail endorsement under RCW 77.65.510;

28 (b) Engages in the wholesale selling, buying, or brokering of food
29 fish or shellfish and does not hold a wholesale dealer's or buying
30 license required by RCW 77.65.280(2) or 77.65.480 for anadromous game
31 fish;

32 (c) Is a fisher who lands and sells his or her catch or harvest in
33 the state to anyone other than a licensed wholesale dealer within or
34 outside the state and does not hold a direct retail endorsement
35 required by RCW 77.65.510; or

36 (d) Engages in the commercial manufacture or preparation of

1 fertilizer, oil, meal, caviar, fish bait, or other byproducts from food
2 fish or shellfish and does not hold a wholesale dealer's license
3 required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.

4 (2) Engaging in fish dealing activity without a license in the
5 second degree is a gross misdemeanor.

6 (3) A person is guilty of engaging in fish dealing activity without
7 a license in the first degree if the person commits the act described
8 by subsection (1) of this section and the violation involves: (a) Fish
9 or shellfish worth two hundred fifty dollars or more; (b) a failure to
10 document such fish or shellfish with a fish receiving ticket or other
11 documentation required by statute or rule of the department; or (c)
12 violates any other rule of the department regarding wholesale fish
13 buying and dealing. Engaging in fish dealing activity without a
14 license in the first degree is a class C felony.

15 **Sec. 21.** RCW 77.12.870 and 2002 c 20 s 3 are each amended to read
16 as follows:

17 (1) The department, in consultation with the Northwest straits
18 commission, the department of natural resources, and other interested
19 parties, must create and maintain a database of known derelict fishing
20 gear, including the type of gear and its location.

21 (2) A person who loses or abandons commercial fishing gear within
22 the waters of the state is encouraged to report the location of the
23 loss and the type of gear lost to the department within forty-eight
24 hours of the loss.

25 ~~((3) The department, in consultation with fishing industry groups
26 and tribal comanagers, must evaluate methods to reduce future losses of
27 fishing gear and report the results of this evaluation to the
28 appropriate legislative committees by January 1, 2003.))~~

29 **Sec. 22.** RCW 77.12.879 and 2007 c 350 s 3 are each amended to read
30 as follows:

31 (1) The aquatic invasive species prevention account is created in
32 the state treasury. Moneys directed to the account from RCW 88.02.050
33 must be deposited in the account. Expenditures from the account may
34 only be used as provided in this section. Moneys in the account may be
35 spent only after appropriation.

1 (2) Funds in the aquatic invasive species prevention account may be
2 appropriated to the department to develop an aquatic invasive species
3 prevention program for recreational and commercial watercraft. Funds
4 must be expended as follows:

5 (a) To inspect recreational and commercial watercraft;

6 (b) To educate general law enforcement officers on how to enforce
7 state laws relating to preventing the spread of aquatic invasive
8 species;

9 (c) To evaluate and survey the risk posed by recreational and
10 commercial watercraft in spreading aquatic invasive species into
11 Washington state waters;

12 (d) To evaluate the risk posed by float planes in spreading aquatic
13 invasive species into Washington state waters; and

14 (e) To implement an aquatic invasive species early detection and
15 rapid response plan. The plan must address the treatment and immediate
16 response to the introduction to Washington waters of aquatic invasive
17 species. Agency and public review of the plan must be conducted under
18 chapter 43.21C RCW, the state environmental policy act. If the
19 implementation measures or actions would have a probable significant
20 adverse environmental impact, a detailed statement under chapter 43.21C
21 RCW must be prepared on the plan.

22 (3) Funds in the aquatic invasive species enforcement account
23 created in RCW 43.43.400 may be appropriated to the department and
24 Washington state patrol to develop an aquatic invasive species
25 enforcement program for recreational and commercial watercraft. The
26 department shall provide training to Washington state patrol employees
27 working at port of entry weigh stations, and other local law
28 enforcement employees, on how to inspect recreational and commercial
29 watercraft for the presence of aquatic invasive species. A person who
30 enters Washington by road transporting any commercial or recreational
31 watercraft that has been used in any designated aquatic invasive
32 species state or foreign country as defined by rule of the department
33 must have in his or her possession valid documentation that the
34 watercraft has been inspected and found free of aquatic invasive
35 species. The department is authorized to require persons transporting
36 recreational and commercial watercraft to stop at check stations.
37 Check stations must be plainly marked by signs, operated by at least
38 one uniformed fish and wildlife officer, and operated in a safe manner.

1 Any person stopped at a check station who possesses a recreational or
2 commercial watercraft that has been used in any designated aquatic
3 invasive species state or foreign country as defined by rule of the
4 department, or that is contaminated with aquatic invasive species, must
5 bear the expense for any necessary impoundment, transportation,
6 cleaning, and decontamination of the watercraft. Any person stopped at
7 a check station who possesses a recreational or commercial watercraft
8 that has been used in any designated aquatic invasive species state or
9 foreign country as defined by rule of the department, or that is
10 contaminated with aquatic invasive species, is exempt from the criminal
11 penalties found in RCW 77.15.253 and 77.15.290, and forfeiture under
12 RCW 77.15.070, if that person complies with all department directives
13 for the proper decontamination of the watercraft and equipment.

14 (4) The department shall submit a biennial report to the
15 appropriate legislative committees describing the actions taken to
16 implement this section along with suggestions on how to better fulfill
17 the intent of chapter 464, Laws of 2005. (~~The first report is due~~
18 ~~December 1, 2007.~~)

19 **Sec. 23.** RCW 77.60.150 and 2001 c 273 s 1 are each amended to read
20 as follows:

21 (1) The department shall initiate a pilot project to evaluate the
22 feasibility and potential of intensively culturing shellfish on
23 currently nonproductive oyster reserve land in Puget Sound. The pilot
24 program shall include no fewer than three long-term lease agreements
25 with commercial shellfish growers. Except as provided in subsection
26 (~~(4)~~) (3) of this section, revenues from the lease of such lands
27 shall be deposited in the oyster reserve land account created in RCW
28 77.60.160.

29 (2) The department shall form one advisory committee each for the
30 Willapa Bay oyster reserve lands and the Puget Sound oyster reserve
31 lands. The advisory committees shall make recommendations on
32 management practices to conserve, protect, and develop oyster reserve
33 lands. The advisory committees may make recommendations regarding the
34 management practices on oyster reserve lands, in particular to ensure
35 that they are managed in a manner that will: (a) Increase revenue
36 through production of high-value shellfish; (b) not be detrimental to
37 the market for shellfish grown on nonreserve lands; and (c) avoid

1 negative impacts to existing shellfish populations. The advisory
2 committees may also make recommendation on the distribution of funds in
3 RCW 77.60.160(2)(a). The department shall attempt to structure each
4 advisory committee to include equal representation between shellfish
5 growers that participate in reserve sales and shellfish growers that do
6 not.

7 ~~(3) ((The department shall submit a brief progress report on the
8 status of the pilot programs to the appropriate standing committees of
9 the legislature by January 7, 2003.~~

10 ~~(4))~~ The department of natural resources, in consultation with the
11 department of fish and wildlife, shall administer the leases for oyster
12 reserves entered into under this chapter. In administering the leases,
13 the department of natural resources shall exercise its authority under
14 RCW ~~((79.96.090))~~ 79.135.300. Vacation of state oyster reserves by the
15 department ~~((of fish and wildlife))~~ shall not be a requirement for the
16 department of natural resources to lease any oyster reserves under this
17 section. The department of natural resources may recover reasonable
18 costs directly associated with the administration of the leases for
19 oyster reserves entered into under this chapter. All administrative
20 fees collected by the department of natural resources pursuant to this
21 section shall be deposited into the resource management cost account
22 established in RCW 79.64.020. The department of ~~((fish and wildlife))~~
23 may not assess charges to recover the costs of consulting with the
24 department of natural resources under this subsection.

25 ~~((+5))~~ (4) The Puget Sound pilot program shall not include the
26 culture of geoduck.

27 **Sec. 24.** RCW 77.85.230 and 2003 c 391 s 5 are each amended to read
28 as follows:

29 (1) In consultation with the appropriate task force formed under
30 RCW __ 77.85.220, the conservation commission may contract with
31 universities, private consultants, nonprofit groups, or other entities
32 to assist it in developing a plan incorporating the following elements:

33 (a) An inventory of existing tide gates located on streams in the
34 county. The inventory shall include location, age, type, and
35 maintenance history of the tide gates and other factors as determined
36 by the appropriate task force in consultation with the county and
37 diking and drainage districts;

1 (b) An assessment of the role of tide gates located on streams in
2 the county; the role of intertidal fish habitat for various life stages
3 of salmon; the quantity and characterization of intertidal fish habitat
4 currently accessible to fish; the quantity and characterization of the
5 present intertidal fish habitat created at the time the dikes and
6 outlets were constructed; the quantity of potential intertidal fish
7 habitat on public lands and alternatives to enhance this habitat; the
8 effects of saltwater intrusion on agricultural land, including the
9 effects of backfeeding of saltwater through the underground drainage
10 system; the role of tide gates in drainage systems, including relieving
11 excess water from saturated soil and providing reservoir functions
12 between tides; the effect of saturated soils on production of crops;
13 the characteristics of properly functioning intertidal fish habitat; a
14 map of agricultural lands designated by the county as having long-term
15 commercial significance and the effect of that designation; and the
16 economic impacts to existing land uses for various alternatives for
17 tide gate alteration; and

18 (c) A long-term plan for intertidal salmon habitat enhancement to
19 meet the goals of salmon recovery and protection of agricultural lands.
20 The proposal shall consider all other means to achieve salmon recovery
21 without converting farmland. The proposal shall include methods to
22 increase fish passage and otherwise enhance intertidal habitat on
23 public lands pursuant to subsection (2) of this section, voluntary
24 methods to increase fish passage on private lands, a priority list of
25 intertidal salmon enhancement projects, and recommendations for funding
26 of high priority projects. The task force also may propose pilot
27 projects that will be designed to test and measure the success of
28 various proposed strategies.

29 (2) In conjunction with other public landowners and the appropriate
30 task force formed under RCW 77.85.220, the department shall develop an
31 initial salmon intertidal habitat enhancement plan for public lands in
32 the county. The initial plan shall include a list of public properties
33 in the intertidal zone that could be enhanced for salmon, a description
34 of how those properties could be altered to support salmon, a
35 description of costs and sources of funds to enhance the property, and
36 a strategy and schedule for prioritizing the enhancement of public
37 lands for intertidal salmon habitat. This initial plan shall be

1 submitted to the appropriate task force at least six months before the
2 deadline established in subsection (3) of this section.

3 (3) The final intertidal salmon enhancement plan shall be completed
4 within two years from the date the task force is formed under RCW
5 77.85.220 and funding has been secured. A final plan shall be
6 submitted by the appropriate task force to the lead entity for the
7 geographic area established under this chapter.

8 **Sec. 25.** RCW 77.85.050 and 2005 c 309 s 6 are each amended to read
9 as follows:

10 (1)(a) Counties, cities, and tribal governments must jointly
11 designate, by resolution or by letters of support, the area for which
12 a habitat project list is to be developed and the lead entity that is
13 to be responsible for submitting the habitat project list. No project
14 included on a habitat project list shall be considered mandatory in
15 nature and no private landowner may be forced or coerced into
16 participation in any respect. The lead entity may be a county, city,
17 conservation district, special district, tribal government, regional
18 recovery organization, or other entity.

19 (b) The lead entity shall establish a committee that consists of
20 representative interests of counties, cities, conservation districts,
21 tribes, environmental groups, business interests, landowners, citizens,
22 volunteer groups, regional fish enhancement groups, and other habitat
23 interests. The purpose of the committee is to provide a citizen-based
24 evaluation of the projects proposed to promote salmon habitat.

25 (c) The committee shall compile a list of habitat projects,
26 establish priorities for individual projects, define the sequence for
27 project implementation, and submit these activities as the habitat
28 project list. The committee shall also identify potential federal,
29 state, local, and private funding sources.

30 (2) The area covered by the habitat project list must be based, at
31 a minimum, on a WRIA, combination of WRIAs, or any other area as agreed
32 to by the counties, cities, and tribes in resolutions or in letters of
33 support meeting the requirements of this subsection. Preference will
34 be given to projects in an area that contain a salmon species that is
35 listed or proposed for listing under the federal endangered species
36 act.

1 (3) The lead entity shall submit the habitat project list to the
2 (~~([salmon—recovery—funding])~~) salmon__recovery__funding board in
3 accordance with procedures adopted by the board.

4 **Sec. 26.** RCW 77.120.030 and 2007 c 350 s 10 are each amended to
5 read as follows:

6 (1) The owner or operator in charge of any vessel covered by this
7 chapter is required to ensure that the vessel under their ownership or
8 control does not discharge ballast water into the waters of the state
9 except as authorized by this section.

10 (2) Discharge of ballast water into waters of the state is
11 authorized only if there has been an open sea exchange, or if the
12 vessel has treated its ballast water, to meet standards set by the
13 department consistent with applicable state and federal laws.

14 (3) The department, in consultation with (~~(the ballast water work~~
15 ~~group, —or—similar)~~) a collaborative forum, shall adopt by rule
16 standards for the discharge of ballast water into the waters of the
17 state and their implementation timelines. The standards are intended
18 to ensure that the discharge of ballast water poses minimal risk of
19 introducing nonindigenous species. In developing these standards, the
20 department shall consider the extent to which the requirement is
21 technologically and practically feasible. Where practical and
22 appropriate, the standards must be compatible with standards set by the
23 United States coast guard, the federal clean water act (33 U.S.C. Sec.
24 1251-1387), or the international maritime organization.

25 (4) The master, operator, or person in charge of a vessel is not
26 required to conduct an open sea exchange or treatment of ballast water
27 if the master, operator, or person in charge of a vessel determines
28 that the operation would threaten the safety of the vessel, its crew,
29 or its passengers, because of adverse weather, vessel design
30 limitations, equipment failure, or any other extraordinary conditions.
31 A master, operator, or person in charge of a vessel who relies on this
32 exemption must file documentation defined by the department, subject
33 to: (a) Payment of a fee not to exceed five thousand dollars; (b)
34 discharging only the minimal amount of ballast water operationally
35 necessary; (c) ensuring that ballast water records accurately reflect
36 any reasons for not complying with the mandatory requirements; and (d)

1 any other requirements identified by the department by rule as provided
2 in subsections (3) and (6) of this section.

3 (5) For treatment technologies requiring shipyard modification, the
4 department may enter into a compliance plan with the vessel owner. The
5 compliance plan must include a timeline consistent with drydock and
6 shipyard schedules for completion of the modification. The department
7 shall adopt rules for compliance plans under this subsection.

8 (6) For an exemption claimed in subsection (4) of this section, the
9 department shall adopt rules for defining exemption conditions,
10 requirements, compliance plans, or alternative ballast water management
11 strategies to meet the intent of this section.

12 (7) The department shall make every effort to align ballast water
13 standards with adopted international and federal standards while
14 ensuring that the goals of this chapter are met.

15 (8) The requirements of this section do not apply to a vessel
16 discharging ballast water or sediments that originated solely within
17 the waters of Washington (~~state~~), the Columbia river system, or the
18 internal waters of British Columbia south of latitude fifty degrees
19 north, including the waters of the Straits of Georgia and Juan de Fuca.

20 (9) Open sea exchange is an exchange that occurs fifty or more
21 nautical miles offshore. If the United States coast guard requires a
22 vessel to conduct an exchange further offshore, then that distance is
23 the required distance for purposes of compliance with this chapter.

24 **Sec. 27.** RCW 77.120.110 and 2007 c 350 s 14 are each amended to
25 read as follows:

26 (1) The ballast water management account is created in the state
27 treasury. All receipts from legislative appropriations, gifts, grants,
28 donations, penalties, and fees received under this chapter must be
29 deposited into the account.

30 (2) Moneys in the account may be spent only after appropriation.
31 Expenditures from the account may be used only to carry out the
32 purposes of this chapter or support the goals of this chapter through
33 research and monitoring except:

34 (a) Expenditures may not be used for the salaries of permanent
35 department employees; and

36 (b) Penalties deposited into the account may be used(~~7-in~~

1 ~~consultation with the ballast water work group created in section 11 of~~
2 ~~this act,~~) only to support basic and applied research and carry out
3 education and outreach related to the state's ballast water management.

4 **Sec. 28.** RCW 77.120.120 and 2007 c 350 s 15 are each amended to
5 read as follows:

6 The department may issue a special operating authorization for
7 passenger vessels conducting or assisting in research and testing
8 activities to determine the presence of invasive species in ballast
9 water collected in the waters of southeast Alaska north of latitude
10 fifty-four degrees thirty minutes north to sixty-one degrees ten
11 minutes north, extending to longitude one hundred forty-nine degrees
12 thirty minutes west. (~~Such testing and research shall be reviewed by~~
13 ~~the ballast water work group, who may make recommendations to the~~
14 ~~department.~~) The department may adopt rules for defining special
15 operating authorization conditions, requirements, limitations, and fees
16 as necessary to implement this section, consistent with the intent of
17 this chapter.

18 **Sec. 29.** RCW 77.95.200 and 1998 c 251 s 2 are each amended to read
19 as follows:

20 (1) The department shall develop and implement a program utilizing
21 remote site incubators in Washington state. The program shall identify
22 sites in tributaries that are suitable for reestablishing self-
23 sustaining, locally adapted populations of coho, chum, or chinook
24 salmon. The initial selection of sites shall be (~~completed by July 1,~~
25 ~~1999, and~~) updated annually (~~thereafter~~).

26 (2) The department may only approve a remote site incubator project
27 if the department deems it is consistent with the conservation of wild
28 salmon and trout. The department shall only utilize appropriate
29 salmonid eggs in remote site incubators, and may acquire eggs by gift
30 or purchase.

31 (3) The department shall depend chiefly upon volunteer efforts to
32 implement the remote site incubator program through volunteer
33 cooperative projects and the regional fisheries enhancement groups.
34 The department may prioritize remote site incubator projects within
35 regional enhancement areas.

1 (4) The department may purchase remote site incubators and may use
2 agency employees to construct remote site incubators. (~~The director~~
3 ~~and the secretary of the department of corrections shall jointly~~
4 ~~investigate the potential of producing remote site incubators through~~
5 ~~the prison industries program of the department of corrections, and~~
6 ~~shall jointly report their finding to the natural resources committees~~
7 ~~of the house of representatives and the senate by December 1, 1999.~~)

8 (5) The department shall investigate the use of the remote site
9 incubator technology for the production of warm water fish.

10 (6) (~~The department shall evaluate the initial results of the~~
11 ~~program and report to the legislature by December 1, 2000.~~) Annual
12 reports on the progress of the program shall be provided to the fish
13 and wildlife commission.

14 **Sec. 30.** RCW 77.95.310 and 1997 c 414 s 1 are each amended to read
15 as follows:

16 (~~Beginning September 1, 1998, and each September 1st thereafter,~~)
17 (1) The department shall (~~submit~~) maintain a report (~~to the~~
18 ~~appropriate standing committees of the legislature~~) identifying
19 (~~the~~) total salmon and steelhead harvest (~~of the preceding season~~).
20 This report shall include the final commercial harvests and
21 recreational harvests. At a minimum, the report shall clearly
22 identify:

23 (~~(1)~~) (a) The total treaty tribal and nontribal harvests by
24 species and by management unit;

25 (~~(2)~~) (b) Where and why the nontribal harvest does not meet the
26 full allocation allowed under *United States v. Washington*, 384 F. Supp.
27 312 (1974) (Boldt I) including a summary of the key policies within the
28 management plan that result in a less than full nontribal allocation;
29 and

30 (~~(3)~~) (c) The location and quantity of salmon and steelhead
31 harvested under the wastage provisions of *United States v. Washington*,
32 384 F. Supp. 312 (1974).

33 (2) Upon request, the department shall present the report required
34 to be maintained under this section to the appropriate committees of
35 the legislature.

1 **Sec. 31.** RCW 77.12.184 and 2000 c 252 s 1 are each amended to read
2 as follows:

3 (1) The department shall deposit all moneys received from the
4 following activities into the state wildlife (~~(fund)~~) account created
5 in RCW 77.12.170:

6 (a) The sale of interpretive, recreational, historical,
7 educational, and informational literature and materials;

8 (b) The sale of advertisements in regulation pamphlets and other
9 appropriate mediums; and

10 (c) Enrollment fees in department-sponsored educational training
11 events.

12 (2) Moneys collected under subsection (1) of this section shall be
13 spent primarily for producing regulation booklets for users and for the
14 development, production, reprinting, and distribution of informational
15 and educational materials. The department may also spend these moneys
16 for necessary expenses associated with training activities, and other
17 activities as determined by the director.

18 (3) Regulation pamphlets may be subsidized through appropriate
19 advertising, but must be made available free of charge to the users.

20 (4) The director may enter into joint ventures with other agencies
21 and organizations to generate revenue for providing public information
22 and education on wildlife and hunting and fishing rules.

23 **Sec. 32.** RCW 77.12.190 and 1991 sp.s. c 31 s 17 are each amended
24 to read as follows:

25 Moneys in the state wildlife (~~(fund)~~) account created in RCW
26 77.12.170 may be used only for the purposes of this title, including
27 the payment of principal and interest on bonds issued for capital
28 projects.

29 **Sec. 33.** RCW 77.12.210 and 2000 c 107 s 218 are each amended to
30 read as follows:

31 The director shall maintain and manage real or personal property
32 owned, leased, or held by the department and shall control the
33 construction of buildings, structures, and improvements in or on the
34 property. The director may adopt rules for the operation and
35 maintenance of the property.

1 The commission may authorize the director to sell, lease, convey,
2 or grant concessions upon real or personal property under the control
3 of the department. This includes the authority to sell timber, gravel,
4 sand, and other materials or products from real property held by the
5 department, and to sell or lease the department's real or personal
6 property or grant concessions or rights-of-way for roads or utilities
7 in the property. Oil and gas resources owned by the state which lie
8 below lands owned, leased, or held by the department shall be offered
9 for lease by the commissioner of public lands pursuant to chapter 79.14
10 RCW with the proceeds being deposited in the state wildlife ((fund))
11 account created in RCW 77.12.170: PROVIDED, That the commissioner of
12 public lands shall condition such leases at the request of the
13 department to protect wildlife and its habitat.

14 If the commission determines that real or personal property held by
15 the department cannot be used advantageously by the department, the
16 director may dispose of that property if it is in the public interest.

17 If the state acquired real property with use limited to specific
18 purposes, the director may negotiate terms for the return of the
19 property to the donor or grantor. Other real property shall be sold to
20 the highest bidder at public auction. After appraisal, notice of the
21 auction shall be published at least once a week for two successive
22 weeks in a newspaper of general circulation within the county where the
23 property is located at least twenty days prior to sale.

24 Proceeds from the sales shall be deposited in the state wildlife
25 ((fund)) account created in RCW 77.12.170.

26 **Sec. 34.** RCW 77.12.230 and 1987 c 506 s 32 are each amended to
27 read as follows:

28 The director may pay lawful local improvement district assessments
29 for projects that may benefit wildlife or wildlife-oriented recreation
30 made against lands held by the state for department purposes. The
31 payments may be made from money appropriated from the state wildlife
32 ((fund)) account created in RCW 77.12.170 to the department.

33 **Sec. 35.** RCW 77.12.323 and 1987 c 506 s 42 are each amended to
34 read as follows:

35 (1) There is established in the state wildlife ((fund)) account
36 created in RCW 77.12.170 a special wildlife account. Moneys received

1 under RCW 77.12.320 as now or hereafter amended as compensation for
2 wildlife losses shall be deposited in the state treasury to be credited
3 to the special wildlife account.

4 (2) The director may advise the state treasurer and the state
5 investment board of a surplus in the special wildlife account above the
6 current needs. The state investment board may invest and reinvest the
7 surplus, as the commission deems appropriate, in an investment
8 authorized by RCW 43.84.150 or in securities issued by the United
9 States government as defined by RCW 43.84.080 (1) and (4). Income
10 received from the investments shall be deposited to the credit of the
11 special wildlife account.

12 **Sec. 36.** RCW 77.12.380 and 1987 c 506 s 44 are each amended to
13 read as follows:

14 Upon receipt of a request under RCW 77.12.360, the commissioner of
15 public lands shall determine if the withdrawal would benefit the people
16 of the state. If the withdrawal would be beneficial, the commissioner
17 shall have the lands appraised for their lease value. Before
18 withdrawal, the department shall transmit to the commissioner a voucher
19 authorizing payment from the state wildlife (~~fund~~) account created in
20 RCW 77.12.170 in favor of the fund for which the lands are held. The
21 payment shall equal the amount of the lease value for the duration of
22 the withdrawal.

23 **Sec. 37.** RCW 77.12.390 and 1987 c 506 s 45 are each amended to
24 read as follows:

25 Upon receipt of a voucher under RCW 77.12.380, the commissioner of
26 public lands shall withdraw the lands from lease. The commissioner
27 shall forward the voucher to the state treasurer, who shall draw a
28 warrant against the state wildlife (~~fund~~) account created in RCW
29 77.12.170 in favor of the fund for which the withdrawn lands are held.

30 **Sec. 38.** RCW 77.12.690 and 1998 c 245 s 158 and 1998 c 191 s 33
31 are each reenacted and amended to read as follows:

32 The migratory waterfowl art committee is responsible for the
33 selection of the annual migratory bird stamp design and shall provide
34 the design to the department. If the committee does not perform this
35 duty within the time frame necessary to achieve proper and timely

1 distribution of the stamps to license dealers, the director shall
2 initiate the art work selection for that year. The committee shall
3 create collector art prints and related artwork, utilizing the same
4 design as provided to the department. The administration, sale,
5 distribution, and other matters relating to the prints and sales of
6 stamps with prints and related artwork shall be the responsibility of
7 the migratory waterfowl art committee.

8 The total amount brought in from the sale of prints and related
9 artwork shall be deposited in the state wildlife (~~fund~~) account
10 created in RCW 77.12.170. The costs of producing and marketing of
11 prints and related artwork, including administrative expenses mutually
12 agreed upon by the committee and the director, shall be paid out of the
13 total amount brought in from sales of those same items. Net funds
14 derived from the sale of prints and related artwork shall be used by
15 the director to contract with one or more appropriate individuals or
16 nonprofit organizations for the development of waterfowl propagation
17 projects within Washington which specifically provide waterfowl for the
18 Pacific flyway. The department shall not contract with any individual
19 or organization that obtains compensation for allowing waterfowl
20 hunting except if the individual or organization does not permit
21 hunting for compensation on the subject property.

22 The migratory waterfowl art committee shall have an annual audit of
23 its finances conducted by the state auditor and shall furnish a copy of
24 the audit to the commission.

25 **Sec. 39.** RCW 77.15.100 and 2000 c 107 s 235 are each amended to
26 read as follows:

27 (1) Unless otherwise provided in this title, fish, shellfish, or
28 wildlife unlawfully taken or possessed, or involved in a violation
29 shall be forfeited to the state upon conviction. Unless already held
30 by, sold, destroyed, or disposed of by the department, the court shall
31 order such fish or wildlife to be delivered to the department. Where
32 delay will cause loss to the value of the property and a ready
33 wholesale buying market exists, the department may sell property to a
34 wholesale buyer at a fair market value.

35 (2) When seized property is forfeited to the department, the
36 department may retain it for official use unless the property is
37 required to be destroyed, or upon application by any law enforcement

1 agency of the state, release the property to the agency for the use of
2 enforcing this title, or sell such property and deposit the proceeds
3 into the (~~state wildlife fund~~) fish and wildlife enforcement reward
4 account established under RCW (~~77.12.170~~) 77.15.425. Any sale of
5 other property shall be at public auction or after public advertisement
6 reasonably designed to obtain the highest price. The time, place, and
7 manner of holding the sale shall be determined by the director. The
8 director may contract for the sale to be through the department of
9 general administration as state surplus property, or, except where not
10 justifiable by the value of the property, the director shall publish
11 notice of the sale once a week for at least two consecutive weeks
12 before the sale in at least one newspaper of general circulation in the
13 county in which the sale is to be held.

14 **Sec. 40.** RCW 77.32.430 and 2005 c 192 s 2 are each amended to read
15 as follows:

16 (1) Catch record card information is necessary for proper
17 management of the state's food fish and game fish species and shellfish
18 resources. Catch record card administration shall be under rules
19 adopted by the commission. There is no charge for an initial catch
20 record card. Each subsequent or duplicate catch record card costs ten
21 dollars.

22 (2) A license to take and possess Dungeness crab is only valid in
23 Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has
24 in possession a valid catch record card officially endorsed for
25 Dungeness crab. The endorsement shall cost no more than three dollars,
26 including any or all fees authorized under RCW 77.32.050, when
27 purchased for a personal use saltwater, combination, or shellfish and
28 seaweed license. The endorsement shall cost no more than one dollar,
29 including any or all fees authorized under RCW 77.32.050, when
30 purchased for a temporary combination fishing license authorized under
31 RCW 77.32.470(3)(a).

32 (3) Catch record cards issued with affixed temporary short-term
33 charter stamp licenses are not subject to the ten-dollar charge nor to
34 the Dungeness crab endorsement fee provided for in this section.
35 Charter boat or guide operators issuing temporary short-term charter
36 stamp licenses shall affix the stamp to each catch record card issued

1 before fishing commences. Catch record cards issued with a temporary
2 short-term charter stamp are valid for one day.

3 (4) The department shall include provisions for recording marked
4 and unmarked salmon in catch record cards issued after March 31, 2004.

5 (5) The funds received from the sale of catch record cards and the
6 Dungeness crab endorsement must be deposited into the state wildlife
7 (~~fund~~) account created in RCW 77.12.170. The funds received from the
8 Dungeness crab endorsement may be used only for the sampling,
9 monitoring, and management of catch associated with the Dungeness crab
10 recreational fisheries. Moneys allocated under this section shall
11 supplement and not supplant other federal, state, and local funds used
12 for Dungeness crab recreational fisheries management.

13 **Sec. 41.** RCW 77.32.530 and 1996 c 101 s 5 are each amended to read
14 as follows:

15 (1) The commission in consultation with the director may authorize
16 hunting of big game animals and wild turkeys through auction. The
17 department may conduct the auction for the hunt or contract with a
18 nonprofit wildlife conservation organization to conduct the auction for
19 the hunt.

20 (2) The commission in consultation with the director may authorize
21 hunting of up to a total of (~~fifteen~~) thirty big game animals and
22 wild turkeys per year through raffle. The department may conduct
23 raffles or contract with a nonprofit wildlife conservation organization
24 to conduct raffles for hunting these animals. In consultation with the
25 gambling commission, the director may adopt rules for the
26 implementation of raffles involving hunting.

27 (3) The director shall establish the procedures for the hunts,
28 which shall require any participants to obtain any required license,
29 permit, or tag. Representatives of the department may participate in
30 the hunt upon the request of the commission to ensure that the animals
31 to be killed are properly identified.

32 (4) After deducting the expenses of conducting an auction or
33 raffle, any revenues retained by a nonprofit organization, as specified
34 under contract with the department, shall be devoted solely for
35 wildlife conservation, consistent with its qualification as a bona fide
36 nonprofit organization for wildlife conservation.

1 (5) The department's share of revenues from auctions and raffles
2 shall be deposited in the state wildlife (~~fund~~) account created in
3 RCW 77.12.170. The revenues shall be used to improve (~~the habitat,~~
4 ~~health, and welfare of the species auctioned or raffled~~) game
5 management and shall supplement, rather than replace, other funds
6 budgeted for management of (~~that~~) game species. The commission may
7 solicit input from groups or individuals with special interest in and
8 expertise on a species in determining how to use these revenues.

9 (6) A nonprofit wildlife conservation organization may petition the
10 commission to authorize an auction or raffle for a special hunt for big
11 game animals and wild turkeys.

12 **Sec. 42.** RCW 77.32.560 and 2003 c 317 s 2 are each amended to read
13 as follows:

14 (1) The department may sell watchable wildlife decals. Proceeds
15 from the sale of the decal must be deposited into the state wildlife
16 (~~fund~~) account created in RCW 77.12.170 and must be dedicated to the
17 support of the department's watchable wildlife activities. The
18 department may also use proceeds from the sale of the decal for
19 marketing the decal and for marketing watchable wildlife activities in
20 the state.

21 (2) The term "watchable wildlife activities" includes but is not
22 limited to: Initiating partnerships with communities to jointly
23 develop watchable wildlife projects, building infrastructure to serve
24 wildlife viewers, assisting and training communities in conducting
25 wildlife watching events, developing destination wildlife viewing
26 corridors and trails, tours, maps, brochures, and travel aides, and
27 offering grants to assist rural communities in identifying key wildlife
28 attractions and ways to protect and promote them.

29 (3) The commission must adopt by rule the cost of the watchable
30 wildlife decal. A person may, at their discretion, contribute more
31 than the cost as set by the commission by rule for the watchable
32 wildlife decal in order to support watchable wildlife activities. A
33 person who purchases a watchable wildlife decal must be issued one
34 vehicle use permit free of charge.

35 **Sec. 43.** RCW 77.44.050 and 1999 c 235 s 1 are each amended to read
36 as follows:

1 The warm water game fish account is hereby created in the state
2 wildlife ((fund)) account created in RCW 77.12.170. Moneys in the
3 account are subject to legislative appropriation and shall be used for
4 the purpose of funding the warm water game fish enhancement program,
5 including the development of warm water pond and lake habitat, culture
6 of warm water game fish, improvement of warm water fish habitat,
7 management of warm water fish populations, and other practical
8 activities that will improve the fishing for warm water fish. Funds
9 for warm water game fish as provided in RCW 77.32.440 shall not serve
10 as replacement funding for department-operated warm water fish projects
11 existing on December 31, 1994(~~(, except that an amount not to exceed~~
12 ~~ninety one thousand dollars may be used for warm water fish culture at~~
13 ~~the Rod Meseberg warm water fish production facility during the~~
14 ~~biennium ending June 30, 2001)~~).

15 NEW SECTION. **Sec. 44.** Whenever any personal property comes into
16 the possession of the officers of the department in connection with the
17 official performance of their duties and the personal property remains
18 unclaimed or not taken away for a period of sixty days from the date of
19 written notice to the owner thereof, if known, which notice shall
20 inform the owner of the disposition that may be made of the property
21 under this section and the time that the owner has to claim the
22 property and in all other cases for a period of sixty days from the
23 time the property came into the possession of the department, unless
24 the property has been held as evidence in any court, then, in that
25 event, after sixty days from date when the case has been finally
26 disposed of and the property released as evidence by order of the
27 court, the department may:

28 (1) At any time thereafter sell the personal property at public
29 auction to the highest and best bidder for cash in the manner
30 hereinafter provided;

31 (2) Retain the property for the use of the department subject to
32 giving notice in the manner prescribed in RCW 63.35.030 and the right
33 of the owner, or the owner's legal representative, to reclaim the
34 property within one year after receipt of notice, without compensation
35 for ordinary wear and tear if, in the opinion of the director, the
36 property consists of firearms or other items specifically usable in law
37 enforcement work. At the end of each calendar year during which there

1 has been such a retention, the department shall provide the office of
2 financial management and retain for public inspection a list of such
3 retained items and an estimation of each item's replacement value;

4 (3) Destroy an item of personal property at the discretion of the
5 director if the director determines that the following circumstances
6 have occurred:

7 (a) The property has no substantial commercial value or the
8 probable cost of sale exceeds the value of the property;

9 (b) The item has been unclaimed by any person after notice
10 procedures have been met, as prescribed in this section; and

11 (c) The director has determined that the item is illegal to possess
12 or sell or unsafe and unable to be made safe for use by any member of
13 the general public;

14 (4) If the item is not unsafe or illegal to possess or sell, such
15 item, after satisfying the notice requirements as prescribed in this
16 section may be offered by the director to bona fide dealers, in trade
17 for law enforcement equipment, which equipment must be treated as
18 retained property for the purpose of annual listing requirements of
19 subsection (2) of this section; or

20 (5) At the end of one year, any unclaimed firearm must be disposed
21 of pursuant to RCW 9.41.098(2). Any other item that is not unsafe or
22 illegal to possess or sell, but has been, or may be used, in the
23 judgment of the director, in a manner that is illegal, may be
24 destroyed.

25 NEW SECTION. **Sec. 45.** Before the personal property shall be sold,
26 a notice of such a sale fixing the time and place thereof which shall
27 be at a suitable place, which will be noted in the advertisement for
28 sale, and containing a description of the property to be sold must be
29 published at least once in a newspaper of general circulation in the
30 county in which the property is to be sold at least ten days prior to
31 the date fixed for the auction. The notice must be signed by the
32 director. If the owner fails to reclaim the property prior to the time
33 fixed for the sale in such a notice, the director shall conduct the
34 sale and sell the property described in the notice at public auction to
35 the highest and best bidder for cash, and upon payment of the amount of
36 the bid shall deliver the property to the bidder.

1 NEW SECTION. **Sec. 46.** The moneys arising from sales under the
2 provisions of this chapter must be first applied to the payment of the
3 costs and expenses of the sale and then to the payment of lawful
4 charges and expenses for the keep of the personal property and the
5 balance, if any, must be forwarded to the state treasurer to be
6 deposited into the fish and wildlife enforcement reward account under
7 RCW 77.15.425.

8 NEW SECTION. **Sec. 47.** If the owner of the personal property so
9 sold, or the owner's legal representative, shall, at any time within
10 three years after the money has been deposited in the fish and wildlife
11 enforcement reward account, furnish satisfactory evidence to the state
12 treasurer of the ownership of the personal property, the owner or the
13 owner's legal representative is entitled to receive from the fish and
14 wildlife enforcement reward account the amount so deposited, with
15 interest.

16 NEW SECTION. **Sec. 48.** (1) Chapter 63.24 RCW, unclaimed property
17 in hands of bailee, does not apply to personal property in the
18 possession of the department.

19 (2) The uniform unclaimed property act, chapter 63.29 RCW, does not
20 apply to personal property in the possession of the department.

21 NEW SECTION. **Sec. 49.** In addition to any other method of
22 disposition of unclaimed property provided under this chapter, the
23 department may donate unclaimed personal property to nonprofit
24 charitable organizations. A nonprofit charitable organization
25 receiving personal property donated under this section must use the
26 property, or its proceeds, to benefit needy persons. The charitable
27 organization must qualify for tax-exempt status under 26 U.S.C. Sec.
28 501(c)(3) of the federal internal revenue code.

29 NEW SECTION. **Sec. 50.** Sections 44 through 49 of this act
30 constitute a new chapter in Title 77 RCW.

31 NEW SECTION. **Sec. 51.** RCW 77.12.065 (Wildlife viewing tourism)
32 and 2003 c 183 s 1 are each repealed.

1 **Sec. 52.** RCW 77.12.820 and 1997 c 422 s 5 are each amended to read
2 as follows:

3 The eastern Washington pheasant enhancement account is created in
4 the custody of the state treasurer. All receipts under RCW 77.12.810
5 must be deposited in the account. Moneys in the account are subject to
6 legislative appropriation and shall be used for the purpose of funding
7 the eastern Washington pheasant enhancement program. The department
8 may use moneys from the account to improve pheasant habitat or to
9 purchase or produce pheasants. (~~Not less than eighty percent of~~
10 ~~expenditures from the account must be used to purchase or produce~~
11 ~~pheasants.)) The department must continue to release rooster pheasants
12 in eastern Washington. The eastern Washington pheasant enhancement
13 account funds must not be used for the purchase of land. The account
14 may be used to offer grants to improve pheasant habitat on public or
15 private lands that are open to public hunting. The department may
16 enter partnerships with private landowners, nonprofit corporations,
17 cooperative groups, and federal or state agencies for the purposes of
18 pheasant habitat enhancement in areas that will be available for public
19 hunting. The department shall submit an annual report to the
20 appropriate committees of the legislature by December 1st regarding the
21 department's eastern Washington pheasant activities.~~

22 ***NEW SECTION.** **Sec. 53.** ***(1) The legislature finds that healthy***
23 ***wildlife populations are a valuable and treasured public resource to***
24 ***the people of the state of Washington. However, the legislature also***
25 ***finds that as the human population increases and encroaches on wildlife***
26 ***habitat, interactions between humans and wildlife will become more***
27 ***frequent.***

28 ***(2) The legislature further finds that interactions between humans***
29 ***and wildlife can have significant financial impacts on the affected***
30 ***landowner. Although the resulting wildlife damage is felt most closely***
31 ***by the landowner, the general public, as beneficiaries and stewards of***
32 ***healthy wildlife populations, should bear some responsibility, as***
33 ***outlined in and limited by this act, for providing a measure of***
34 ***restitution to the impacted landowner, provided that the landowner has***
35 ***exhausted all legal, practicable self-help methods available to prevent***
36 ***wildlife damage from occurring.***

1 (3) The legislature further finds that the commercial agriculture,
2 horticulture, and livestock industries are important components of the
3 state economy that can be negatively impacted by interactions with
4 wildlife. However, the legislature also finds that other landowners,
5 both commercial and residential, may be faced with wildlife
6 interactions that result in property damage. It is the intent of the
7 legislature to craft a solution whereby all property owners have a
8 potential avenue to petition the state for some mitigation of the
9 damages caused by wildlife.

10 (4) The legislature further finds that it is in the best interests
11 of the state for the department of fish and wildlife to respond quickly
12 to wildlife damage complaints and to work with those affected to
13 prevent and minimize negative interactions while maintaining healthy
14 wildlife populations.

15 (5) The legislature further finds that negative wildlife
16 interactions can be best reduced by encouraging landowners to
17 contribute, through their land management practices, to healthy
18 wildlife populations and to provide access for related recreation.

**Sec. 53 was vetoed. See message at end of chapter.*

19 **Sec. 54.** RCW 77.36.010 and 1996 c 54 s 2 are each amended to read
20 as follows:

21 ~~((Unless otherwise specified,))~~ The ~~((following))~~ definitions in
22 this section apply throughout this chapter~~((+))~~ unless the context
23 clearly requires otherwise.

24 (1) "Claim" means an application to the department for compensation
25 under this chapter.

26 (2) "Commercial crop" means a ~~((commercially raised))~~ horticultural
27 ~~((and/or))~~ or agricultural product ~~((and includes)), including the~~
28 growing or harvested product ~~((but does not include livestock))~~. For
29 the purposes of this chapter all parts of horticultural trees shall be
30 considered a commercial crop and shall be eligible for claims.

31 ~~((+)) - "Emergency" - means - an - unforeseen - circumstance - beyond - the~~
32 ~~control of the landowner or tenant that presents a real and immediate~~
33 ~~threat to crops, domestic animals, or fowl.))~~

34 (3) "Commercial livestock" means cattle, sheep, and horses held or
35 raised by a person for sale.

36 (4) "Compensation" means a cash payment, materials, or service.

37 (5) "Damage" means economic losses caused by wildlife interactions.

1 (6) "Immediate family member" means spouse, state registered
2 domestic partner, brother, sister, grandparent, parent, child, or
3 grandchild.

4 (7) "Owner" means a person who has a legal right to commercial
5 crops, commercial livestock, or other property that was damaged during
6 a wildlife interaction.

7 (8) "Wildlife interaction" means the negative interaction and the
8 resultant damage between wildlife and commercial crops, commercial
9 livestock, or other property.

10 NEW SECTION. **Sec. 55.** A new section is added to chapter 77.36 RCW
11 to read as follows:

12 (1)(a) Except as limited by RCW 77.36.070 and 77.36.080, the
13 department shall offer to distribute money appropriated to pay claims
14 to the owner of commercial crops for damage caused by wild deer or elk
15 or to the owners of commercial livestock that has been killed by bears,
16 wolves, or cougars, or injured by bears, wolves, or cougars to such a
17 degree that the market value of the commercial livestock has been
18 diminished. Payments for claims for damage to commercial livestock are
19 not subject to the limitations of RCW 77.36.070 and 77.36.080, but may
20 not exceed the total amount specifically appropriated therefor.

21 (b) Owners of commercial crops or commercial livestock are only
22 eligible for a claim under this subsection if:

23 (i) The owner satisfies the definition of "eligible farmer" in RCW
24 82.08.855;

25 (ii) The conditions of section 56 of this act have been satisfied;
26 and

27 (iii) The damage caused to the commercial crop or commercial
28 livestock satisfies the criteria for damage established by the
29 commission under this subsection.

30 (c) The commission shall adopt and maintain by rule criteria that
31 clarifies the damage to commercial crops and commercial livestock
32 qualifying for compensation under this subsection. An owner of a
33 commercial crop or commercial livestock must satisfy the criteria prior
34 to receiving compensation under this subsection. The criteria for
35 damage adopted under this subsection must include, but not be limited
36 to, a required minimum economic loss to the owner of the commercial

1 crop or commercial livestock, which may not be set at a value of less
2 than five hundred dollars.

3 (2)(a) The department may offer to provide noncash compensation
4 only to offset wildlife interactions to a person who applies to the
5 department for compensation for damage to property other than
6 commercial crops or commercial livestock that is the result of a
7 mammalian or avian species of wildlife on a case-specific basis if the
8 conditions of section 56 of this act have been satisfied and if the
9 damage satisfies the criteria for damage established by the commission
10 under this subsection.

11 (b) The commission shall adopt and maintain by rule criteria for
12 damage to property other than a commercial crop or commercial livestock
13 that is damaged by wildlife and may be eligible for compensation under
14 this subsection, including criteria for filing a claim for compensation
15 under this subsection.

16 (3)(a) To prevent or offset wildlife interactions, the department
17 may offer materials or services to a person who applies to the
18 department for assistance in providing mitigating actions designed to
19 reduce wildlife interactions if the actions are designed to address
20 damage that satisfies the criteria for damage established by the
21 commission under this subsection.

22 (b) The commission shall adopt and maintain by rule criteria for
23 mitigating actions designed to address wildlife interactions that may
24 be eligible for materials and services under this section, including
25 criteria for submitting an application under this section.

26 (4) An owner who files a claim under this section may appeal the
27 decision of the department pursuant to rules adopted by the commission
28 if the claim:

- 29 (a) Is denied; or
- 30 (b) Is disputed by the owner and the owner disagrees with the
31 amount of compensation determined by the department.

32 NEW SECTION. **Sec. 56.** A new section is added to chapter 77.36 RCW
33 to read as follows:

34 (1) No owner may receive compensation for wildlife interactions
35 under this chapter unless the owner has, as determined by the
36 department, first:

1 (a) Utilized applicable legal and practicable self-help preventive
2 measures available to prevent the damage, including the use of
3 nonlethal methods and department-provided materials and services when
4 available under section 55 of this act; and

5 (b) Exhausted all available compensation options available from
6 nonprofit organizations that provide compensation to private property
7 owners due to financial losses caused by wildlife interactions.

8 (2) In determining if the requirements of this section have been
9 satisfied, the department may recognize and consider the following:

10 (a) Property losses may occur without future or anticipated
11 knowledge of potential problems resulting in an owner being unable to
12 take preemptive measures.

13 (b) Normal agricultural practices, animal husbandry practices,
14 recognized standard management techniques, and other industry-
15 recognized management practices may represent adequate preventative
16 efforts.

17 (c) Under certain circumstances, as determined by the department,
18 wildlife may not logistically or practicably be managed by nonlethal
19 efforts.

20 (d) Not all available legal preventative efforts are cost-effective
21 for the owner to practicably employ.

22 (e) There are certain effective preventative control options not
23 available due to federal or state restrictions.

24 (f) Under certain circumstances, as determined by the department,
25 permitting public hunting may not be a practicable self-help method due
26 to the size and nature of the property, the property's setting, or the
27 ability of the landowner to accommodate public access.

28 (3) An owner is not eligible to receive compensation if the damages
29 are covered by insurance.

30 (4) The commission shall adopt rules implementing this section,
31 including requirements that owners document nonlethal preventive
32 efforts undertaken and all permits issued by the department under RCW
33 77.12.240 and 77.12.150.

34 NEW SECTION. **Sec. 57.** A new section is added to chapter 77.36 RCW
35 to read as follows:

36 The department shall establish:

1 (1) The form of affidavits or proof required to accompany all
2 claims under this chapter;

3 (2) The process, time, and methods used to identify and assess
4 damage, including the anticipated timeline for the initiation and
5 conclusion of department action;

6 (3) How claims will be prioritized when available funds for
7 reimbursement are limited;

8 (4) Timelines after the discovery of damage by which an owner must
9 file a claim or notify the department;

10 (5) Protocols for an owner to follow if the owner wishes to
11 undertake activities that would complicate the determination of
12 damages, such as harvesting damaged crops;

13 (6) The process for determining damage assessments, including the
14 role and selection of professional damage assessors and the
15 responsibility for reimbursing third-party assessors for their
16 services;

17 (7) Timelines for a claimant to accept, reject, or appeal a
18 determination made by the department;

19 (8) The identification of instances when an owner would be
20 ineligible for compensation;

21 (9) An appeals process for an owner eligible for compensation under
22 section 55 of this act who is denied a claim or feels the compensation
23 is insufficient; and

24 (10) Other policies necessary for administering this chapter.

25 NEW SECTION. **Sec. 58.** A new section is added to chapter 77.36 RCW
26 to read as follows:

27 (1) Except as otherwise provided in this section and as limited by
28 section 55 of this act and RCW 77.36.070 and 77.36.080, the cash
29 compensation portion of each claim by the department under this chapter
30 is limited to the lesser of:

31 (a) The value of the damage to the property by wildlife reduced by
32 the amount of compensation provided to the claimant by any nonprofit
33 organizations that provide compensation to private property owners due
34 to financial losses caused by wildlife interactions, except that,
35 subject to appropriation to pay compensation for damage to commercial
36 livestock, the value of killed or injured commercial livestock may be

1 no more than two hundred dollars per sheep, one thousand five hundred
2 dollars per head of cattle, and one thousand five hundred dollars per
3 horse; or

4 (b) Ten thousand dollars.

5 (2) The department may offer to pay a claim for an amount in excess
6 of ten thousand dollars to the owners of commercial crops or commercial
7 livestock filing a claim under section 55 of this act only if the
8 outcome of an appeal filed by the claimant under section 55 of this act
9 determines a payment higher than ten thousand dollars.

10 (3) All payments of claims by the department under this chapter
11 must be paid to the owner of the damaged property and may not be
12 assigned to a third party.

13 (4) The burden of proving all property damage, including damage to
14 commercial crops and commercial livestock, belongs to the claimant.

15 **Sec. 59.** RCW 77.36.070 and 1996 c 54 s 8 are each amended to read
16 as follows:

17 The department may pay no more than one hundred twenty thousand
18 dollars per fiscal year from the state wildlife ((fund)) account
19 created in RCW 77.12.170 for claims ~~((under RCW 77.36.040 and for~~
20 ~~assessment costs and compromise of claims. Such money shall be used to~~
21 ~~pay animal damage claims only if the claim meets the conditions of RCW~~
22 ~~77.36.040 and the damage occurred in a place where the opportunity to~~
23 ~~hunt was not restricted or prohibited by a county, municipality, or~~
24 ~~other public entity during the season prior to the occurrence of the~~
25 ~~damage)) and assessment costs for damage to commercial crops caused by~~
26 wild deer or elk submitted under section 55 of this act.

27 **Sec. 60.** RCW 77.36.080 and 1996 c 54 s 9 are each amended to read
28 as follows:

29 (1) Unless the legislature declares an emergency under this
30 section, the department may pay no more than thirty thousand dollars
31 per fiscal year from the general fund for claims ~~((under RCW 77.36.040~~
32 ~~and for assessment costs and compromise of claims unless the~~
33 ~~legislature declares an emergency. Such money shall be used to pay~~
34 ~~animal damage claims only if the claim meets the conditions of RCW~~
35 ~~77.36.040 and the damage occurred in a place where the opportunity to~~
36 ~~hunt was restricted or prohibited by a county, municipality, or other~~

1 ~~public entity during the season prior to the occurrence of the damage)~~
2 and assessment costs for damage to commercial crops caused by wild deer
3 or elk submitted under section 55 of this act.

4 (2)(a) The legislature may declare an emergency(~~(, defined for the~~
5 ~~purposes of this section as any happening arising from)~~) if weather,
6 fire, or other natural (~~(conditions, or fire that causes unusually~~
7 ~~great)~~) events result in deer or elk causing excessive damage to
8 (~~(commercially raised agricultural or horticultural)~~) commercial crops
9 (~~(by deer or elk)~~). (~~In~~)

10 (b) After an emergency declaration, the department may pay as much
11 as may be subsequently appropriated, in addition to the funds
12 authorized under subsection (1) of this section, for claims and
13 assessment costs under (~~(RCW 77.36.040 and for assessment and~~
14 ~~compromise of claims)~~) section 55 of this act. Such money shall be
15 used to pay (~~(animal damage)~~) wildlife interaction claims only if the
16 claim meets the conditions of (~~(RCW 77.36.040)~~) section 55 of this act
17 and the department has expended all funds authorized under RCW
18 77.36.070 or subsection (1) of this section.

19 **Sec. 61.** RCW 77.36.030 and 1996 c 54 s 4 are each amended to read
20 as follows:

21 (1) Subject to (~~(the following)~~) limitations and conditions
22 established by the commission, the owner, the owner's immediate family
23 member, the owner's documented employee, or a tenant of real property
24 may trap, consistent with RCW 77.15.194, or kill wildlife that is
25 threatening human safety or causing property damage on that property,
26 without the licenses required under RCW 77.32.010 or authorization from
27 the director under RCW 77.12.240(~~(, wild animals or wild birds that are~~
28 ~~damaging crops, domestic animals, or fowl~~);

29 ~~(a) Threatened or endangered species shall not be hunted, trapped,~~
30 ~~or killed;~~

31 ~~(b) Except in an emergency situation, deer, elk, and protected~~
32 ~~wildlife shall not be killed without a permit issued and conditioned by~~
33 ~~the director or the director's designee. In an emergency, the~~
34 ~~department may give verbal permission followed by written permission to~~
35 ~~trap or kill any deer, elk, or protected wildlife that is damaging~~
36 ~~crops, domestic animals, or fowl; and~~

1 ~~(c) On privately owned cattle ranching lands, the land owner or~~
2 ~~lessee may declare an emergency only when the department has not~~
3 ~~responded within forty eight hours after having been contacted by the~~
4 ~~land owner or lessee regarding damage caused by wild animals or wild~~
5 ~~birds. In such an emergency, the owner or lessee may trap or kill any~~
6 ~~deer, elk, or other protected wildlife that is causing the damage but~~
7 ~~deer and elk may only be killed if such lands were open to public~~
8 ~~hunting during the previous hunting season, or the closure to public~~
9 ~~hunting was coordinated with the department to protect property and~~
10 ~~livestock)).~~

11 ~~((Except for coyotes and Columbian ground squirrels,))~~ The
12 commission shall establish the limitations and conditions of this
13 section by rule. The rules must include:

14 (a) Appropriate protection for threatened or endangered species;
15 (b) Instances when verbal or written permission is required to kill
16 wildlife;

17 (c) Species that may be killed under this section; and

18 (d) Requirements for the disposal of wildlife trapped or killed
19 under this section ~~((remain the property of the state, and the person~~
20 ~~trapping or killing the wildlife shall notify the department~~
21 ~~immediately. The department shall dispose of wildlife so taken within~~
22 ~~three days of receiving such a notification and in a manner determined~~
23 ~~by the director to be in the best interest of the state))).~~

24 (3) In establishing the limitations and conditions of this section,
25 the commission shall take into consideration the recommendations of the
26 Washington state wolf conservation and management plan.

27 NEW SECTION. Sec. 62. A new section is added to chapter 77.36 RCW
28 to read as follows:

29 This chapter represents the exclusive remedy against the state for
30 damage caused by wildlife interactions.

31 Sec. 63. RCW 77.12.240 and 1989 c 197 s 1 are each amended to read
32 as follows:

33 (1) The ((director)) department may authorize the removal or
34 killing of wildlife that is destroying or injuring property, or when it
35 is necessary for wildlife management or research.

1 (2) The (~~director or other employees of the~~) department shall
2 dispose of wildlife taken or possessed by them under this title in the
3 manner determined by the director to be in the best interest of the
4 state. Proceeds from sales shall be deposited in the state treasury to
5 be credited to the state wildlife (~~fund~~) account created in RCW
6 77.12.170.

7 NEW SECTION. Sec. 64. The fish and wildlife commission shall
8 formally review the rules and policies adopted under sections 53
9 through 66 of this act. If, in the process of reviewing the rules, the
10 fish and wildlife commission identifies recommended statutory changes
11 related to the subject of sections 53 through 66 of this act and to the
12 ability of the fish and wildlife commission to fulfill the intent of
13 sections 53 through 66 of this act, those recommendations must be
14 forwarded to the appropriate policy committees of the legislature
15 during the regularly scheduled 2014 legislative session.

16 NEW SECTION. Sec. 65. The following acts or parts of acts are
17 each repealed:

- 18 (1) RCW 77.36.005 (Findings) and 1996 c 54 s 1;
- 19 (2) RCW 77.36.020 (Game damage control--Special hunt/remedial
20 action) and 2003 c 385 s 1 & 1996 c 54 s 3;
- 21 (3) RCW 77.36.040 (Payment of claims for damages--Procedure--
22 Limitations) and 1996 c 54 s 5;
- 23 (4) RCW 77.36.050 (Claimant refusal--Excessive claims) and 1996 c
24 54 s 6;
- 25 (5) RCW 77.36.060 (Claim refused--Posted property) and 1996 c 54 s
26 7; and
- 27 (6) RCW 77.12.260 (Agreements to prevent damage to private
28 property) and 1987 c 506 s 34, 1980 c 78 s 43, & 1955 c 36 s 77.12.260.

29 NEW SECTION. Sec. 66. The following sections are each decodified:
30 RCW 77.36.900; and
31 RCW 77.36.901.

32 NEW SECTION. Sec. 67. Sections 53 through 66 of this act apply
33 prospectively only and not retroactively. Sections 53 through 66 of
34 this act apply only to claims that arise on or after July 1, 2010.

1 Claims under chapter 77.36 RCW that arise prior to July 1, 2010, must
2 be adjudicated under chapter 77.36 RCW as it existed prior to July 1,
3 2010.

4 NEW SECTION. **Sec. 68.** The fish and wildlife commission shall
5 complete all initial rule-making activities that are required in order
6 to allow sections 53 through 66 of this act to take effect on July 1,
7 2010.

8 NEW SECTION. **Sec. 69.** Sections 53 through 66 of this act take
9 effect July 1, 2010.

10 NEW SECTION. **Sec. 70.** Section 64 of this act expires July 30,
11 2014.

12 **Sec. 71.** RCW 77.32.050 and 2003 c 389 s 1 are each amended to read
13 as follows:

14 (1) All recreational licenses, permits, tags, and stamps required
15 by this title and raffle tickets authorized under chapter 77.12 RCW
16 shall be issued under the authority of the commission. The commission
17 shall adopt rules for the issuance of recreational licenses, permits,
18 tags, stamps, and raffle tickets, and for the collection, payment, and
19 handling of license fees, terms and conditions to govern dealers, and
20 dealers' fees. A transaction fee on recreational documents issued
21 through an automated licensing system may be set by the commission and
22 collected from licensees. The department may authorize all or part of
23 such fee to be paid directly to a contractor providing automated
24 licensing system services. Fees retained by dealers shall be uniform
25 throughout the state. The department shall authorize dealers to
26 collect and retain dealer fees of at least two dollars for purchase of
27 a standard hunting or fishing recreational license document, except
28 that the commission may set a lower dealer fee for issuance of tags or
29 when a licensee buys a license that involves a stamp or display card
30 format rather than a standard department licensing document form.

31 (2) For the 2009-2011 biennium, the department shall charge an
32 additional transaction fee of ten percent on all recreational licenses,
33 permits, tags, stamps, or raffle tickets. These transaction fees must

1 be deposited into the state wildlife account, created in RCW 77.12.170,
2 for funding fishing and hunting opportunities for recreational license
3 holders.

4 **Sec. 72.** RCW 77.32.350 and 2002 c 283 s 1 are each amended to read
5 as follows:

6 In addition to a small game hunting license, a supplemental permit
7 or stamp is required to hunt for (~~western Washington pheasant or~~)
8 migratory birds.

9 (~~1) (A western Washington pheasant permit is required to hunt for~~
10 ~~pheasant in western Washington. Western Washington pheasant permits~~
11 ~~must contain numbered spaces for recording the location and date of~~
12 ~~harvest of each western Washington pheasant.~~

13 (~~2) The permit shall be available as a season option, a youth full~~
14 ~~season option, or a three day option. The fee for this permit is:~~

15 (~~a) For the resident and nonresident full season option, thirty six~~
16 ~~dollars;~~

17 (~~b) For the youth full season option, eighteen dollars;~~

18 (~~c) For the three day option, twenty dollars.~~

19 (~~3~~)) A migratory bird validation is required for all persons
20 sixteen years of age or older to hunt migratory birds. The fee for the
21 validation for hunters is ten dollars for residents and nonresidents.
22 The fee for the stamp for collectors is ten dollars.

23 (~~(4)~~) (2) The migratory bird license must be validated at the
24 time of signature of the licensee.

25 NEW SECTION. **Sec. 73.** A new section is added to chapter 77.32 RCW
26 to read as follows:

27 (1) A western Washington pheasant permit is required to hunt for
28 pheasant in western Washington.

29 (2) The permit is available as a season option, a youth full season
30 option, or a three-day option. The fee for the permit is:

31 (a) For the resident full season option, seventy-five dollars;

32 (b) For the nonresident full season option, one hundred fifty
33 dollars;

34 (c) For the youth full season option, thirty-five dollars;

35 (d) For the three-day option for a resident, thirty-five dollars
36 and for a nonresident, seventy dollars.

1 NEW_SECTION. **Sec. 74.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

 Passed by the House April 20, 2009.

 Passed by the Senate April 14, 2009.

 Approved by the Governor May 5, 2009, with the exception of
 certain items that were vetoed.

 Filed in Office of Secretary of State May 8, 2009.

 Note: Governor's explanation of partial veto is as follows:

"I have approved, except for Section 53, Substitute House Bill 1778
entitled:

 "AN ACT Relating to modernizing certain provisions in Title 77 RCW
regarding fish and wildlife."

 Section 53 provides the legislative intent and findings for the
wildlife interactions portion of this bill. I am concerned that this
section of the bill is overly broad and may lead to unintended
consequences regarding expectations of the wildlife interaction
program modified by this act. I do not believe that vetoing this
section will in any way hinder the implementation of this program.

 For these reasons, I have vetoed Section 53 of Substitute House Bill
1778. With the exception of Section 53, Substitute House Bill 1778 is
approved."