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**SENATE BILL 5844**

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**State of Washington 64th Legislature 2015 Regular Session**

**By** Senators Rivers, Liias, Rolfes, Braun, Warnick, Hewitt, Angel, Parlette, and Conway

AN ACT Relating to ensuring that fishing opportunities in Washington are consistent with the economic contributions provided by the fishing user groups; amending RCW 77.04.012, 77.04.055, and 77.12.047; reenacting and amending RCW 77.12.170; and creating a new section.

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

NEW SECTION. **Sec.**  (1) The legislature finds that the state of Washington has the weather, infrastructure, amenities, location, and fisheries resources to become a world class sports fishing and tourism destination that attracts out-of-state tourism money to rural communities.

(2) The legislature further finds that the cool, clean waters of Washington produces a world-class quality bounty of harvestable fish, including prized species of salmon and steelhead. Washington's fisheries resources are known worldwide for their high quality, culinary attributes, flavor, and dietary healthfulness. These attributes not only attract in-state and out-of-state sports fishers to Washington's waters, but can be enjoyed by Washingtonians through the sizable commercial markets served by tribal fishers.

(3) The legislature further finds that sports fishing tourism spending will occur annually in the most desirable and competitive locations, whether here in Washington or in other states or countries. The state of Washington should adopt the necessary policies to ensure that the tourism spending occurs here and Washington benefits from the associated economic development opportunities, such as in the hospitality industry and with outfitters, guides, restaurants, car rental companies, retail stores, boat builders, and others.

(4) The legislature further finds that Washington will not be able to grow its sports fishing tourism industry, and compete with other popular sports fishing destinations, unless the fish and wildlife commission prioritizes recreational harvest opportunities and establishes predictable and stable recreational fishing seasons that enable both state residents and visitors from around the country and around the globe to make long-term trip planning and tourism spending decisions that lead them to Washington's rural communities.

(5) The legislature further finds that recreational fisheries are capable of avoiding the harvest of endangered fish species through selective harvest practices, thereby often increasing access to harvestable populations. Current state policies often result in fisheries management decisions that constrain recreational fishing opportunities and seasons in favor of nontribal commercial fisheries incapable of selective harvest practices, thereby harming too many endangered fish and limiting access to harvestable populations.

(6) The legislature further finds that sports fishing is a billion dollar industry in Washington and the single largest source of funding to the department of fish and wildlife. The seventy-one million dollars generated by the buyers of recreational fishing licenses in the 2013-2015 fiscal biennium represents over nineteen percent of the department of fish and wildlife's total budget. By comparison, the commercial fishing industry only generated one and one-half million dollars in funding over the same time period to the department of fish and wildlife, which amounts to less than one-half of one percent of the agency's overall budget.

**Sec.**  RCW 77.04.012 and 2000 c 107 s 2 are each amended to read as follows:

(1) Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters.

(2) The department shall conserve the wildlife and food fish, game fish, and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to ((~~maintain the economic well-being and stability of the fishing industry in the state~~)) optimize the economic value of the state's fishery resource.

(3) The department shall promote orderly fisheries and shall ((~~enhance and improve recreational and commercial fishing in this state~~)), when making fisheries management determinations and setting fishing seasons, maximize recreational fishing opportunity within available harvests before determining commercial fishing opportunity.

(4) The commission may authorize the taking of wildlife, food fish, game fish, and shellfish only at times or places, or in manners or quantities, as in the judgment of the commission does not impair the supply of these resources.

(5) The commission shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including juveniles, ((~~disabled~~)) individuals with disabilities, and senior citizens.

(6) Recognizing that the management of our state wildlife, food fish, game fish, and shellfish resources depends heavily on the assistance of volunteers, the department shall work cooperatively with volunteer groups and individuals to achieve the goals of this title to the greatest extent possible.

(7) Nothing in this title shall be construed to infringe on the right of a private property owner to control the owner's private property.

**Sec.**  RCW 77.04.055 and 2000 c 107 s 204 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, fish, and wildlife and fish habitat, the commission shall meet annually with the governor to:

(a) Review and prescribe basic goals and objectives related to those policies; and

(b) Review the performance of the department in implementing fish and wildlife policies.

(2)(a) The commission shall maximize fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(b) The commission, when utilizing hatcheries to enhance fishing opportunities, shall, consistent with all tribal treaty obligations, prioritize production at hatcheries based on their contribution to recreational fisheries.

((~~(2)~~)) (3) The commission shall establish hunting, trapping, and fishing seasons, consistent with RCW 77.04.012, and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

((~~(3)~~)) (4) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 77.12.047.

((~~(4)~~)) (5) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

((~~(5)~~)) (6) The commission shall adopt rules to implement the state's fish and wildlife laws.

((~~(6)~~)) (7) The commission shall have final approval authority for the department's budget proposals.

((~~(7)~~)) (8) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.

**Sec.**  RCW 77.12.047 and 2001 c 253 s 14 are each amended to read as follows:

(1) The commission may adopt, amend, or repeal rules as follows:

(a) Specifying, consistent with RCW 77.04.012, the times when the taking of wildlife, fish, or shellfish is lawful or unlawful.

(b) Specifying, consistent with RCW 77.04.012, the areas and waters in which the taking and possession of wildlife, fish, or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take wildlife, fish, or shellfish, and, consistent with RCW 77.04.012, specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife, fish, shellfish, or seaweed within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting wildlife, fish, or shellfish.

(f) Regulating the size, sex, species, and quantities of wildlife, fish, or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishers, dealers, boathouses, or processors of wildlife, fish, or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of wildlife, fish, and shellfish that may be used for purposes other than human consumption.

(j) Regulating the taking, sale, possession, and distribution of wildlife, fish, shellfish, or deleterious exotic wildlife.

(k) Establishing game reserves and closed areas where hunting for wild animals or wild birds may be prohibited.

(l) Regulating the harvesting of fish, shellfish, and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

(m) Authorizing issuance of permits to release, plant, or place fish or shellfish in state waters.

(n) Governing the possession of fish, shellfish, or wildlife so that the size, species, or sex can be determined visually in the field or while being transported.

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

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

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

((~~(3)~~)) (4) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products.

**Sec.**  RCW 77.12.170 and 2011 c 339 s 3, 2011 c 320 s 23, and 2011 c 171 s 112 are each reenacted and amended to read as follows:

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

(a) Rentals or concessions of the department;

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

(c) The assessment of administrative penalties;

(d) The sale of licenses, permits, tags, and stamps required by chapter 77.32 RCW, RCW 77.65.490, and application fees;

(e) Fees for informational materials published by the department;

(f) Fees for personalized vehicle, Wild on Washington, and Endangered Wildlife license plates and Washington's Wildlife license plate collection as provided in chapter 46.17 RCW;

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

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

(i) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

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

(k) The sale of watchable wildlife decals under RCW 77.32.560; ((~~and~~))

(l) Moneys received from the recreation access pass account created in RCW 79A.80.090 must be dedicated to stewardship, operations, and maintenance of department lands used for public recreation purposes; and

(m) Donations received by the director under RCW 77.12.039.

(2) All license fees and tax revenues deposited into the state wildlife account that are received from specific user groups, including hunters, recreational fishers, and commercial fishers, may only be appropriated to, and used for, activities that directly support or benefit the user group from which the funds were received.

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

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