

---

SENATE BILL 5844

---

State of Washington

64th Legislature

2015 Regular Session

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

Read first time 02/05/15. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to ensuring that fishing opportunities in  
2 Washington are consistent with the economic contributions provided by  
3 the fishing user groups; amending RCW 77.04.012, 77.04.055, and  
4 77.12.047; reenacting and amending RCW 77.12.170; and creating a new  
5 section.

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

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

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

20 (3) The legislature further finds that sports fishing tourism  
21 spending will occur annually in the most desirable and competitive

1 locations, whether here in Washington or in other states or  
2 countries. The state of Washington should adopt the necessary  
3 policies to ensure that the tourism spending occurs here and  
4 Washington benefits from the associated economic development  
5 opportunities, such as in the hospitality industry and with  
6 outfitters, guides, restaurants, car rental companies, retail stores,  
7 boat builders, and others.

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

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

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

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

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

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

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

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

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

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

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

28       **Sec. 3.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to  
29 read as follows:

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

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

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

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

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

5        ~~((2))~~ (3) The commission shall establish hunting, trapping, and  
6 fishing seasons, consistent with RCW 77.04.012, and prescribe the  
7 time, place, manner, and methods that may be used to harvest or enjoy  
8 game fish and wildlife.

9        ~~((3))~~ (4) The commission shall establish provisions regulating  
10 food fish and shellfish as provided in RCW 77.12.047.

11        ~~((4))~~ (5) The commission shall have final approval authority  
12 for tribal, interstate, international, and any other department  
13 agreements relating to fish and wildlife.

14        ~~((5))~~ (6) The commission shall adopt rules to implement the  
15 state's fish and wildlife laws.

16        ~~((6))~~ (7) The commission shall have final approval authority  
17 for the department's budget proposals.

18        ~~((7))~~ (8) The commission shall select its own staff and shall  
19 appoint the director of the department. The director and commission  
20 staff shall serve at the pleasure of the commission.

21        **Sec. 4.** RCW 77.12.047 and 2001 c 253 s 14 are each amended to  
22 read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 ~~((+3))~~ (4) Except for subsection (1)(g) of this section, this  
35 section does not apply to private sector cultured aquatic products as  
36 defined in RCW 15.85.020. Subsection (1)(g) of this section does  
37 apply to such products.

38 **Sec. 5.** RCW 77.12.170 and 2011 c 339 s 3, 2011 c 320 s 23, and  
39 2011 c 171 s 112 are each reenacted and amended to read as follows:

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

3 (a) Rentals or concessions of the department;

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

7 (c) The assessment of administrative penalties;

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

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

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

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

15 (h) Compensation for damage to department property or wildlife  
16 losses or contributions, gifts, or grants received under RCW  
17 77.12.320. However, this excludes fish and shellfish overages, and  
18 court-ordered restitution or donations associated with any fish,  
19 shellfish, or wildlife enforcement action, as such moneys must be  
20 deposited pursuant to RCW 77.15.425;

21 (i) Excise tax on anadromous game fish collected under chapter  
22 82.27 RCW;

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

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

26 ((and))

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

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

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

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

--- END ---