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**SENATE BILL 5721**

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**State of Washington****67th Legislature****2022 Regular Session****By** Senators Van De Wege and Salomon

Prefiled 01/06/22.

1 AN ACT Relating to consolidating natural resource management  
2 under the commissioner of public lands; amending RCW 43.17.020,  
3 43.30.105, 77.04.013, 77.04.020, 77.04.030, 77.04.040, 77.04.055,  
4 77.75.040, 79A.05.015, 79A.05.070, 79A.05.075, 77.04.012, 77.04.060  
5 77.04.080, 77.04.090, 77.04.130, 77.04.140, 77.04.150, 77.08.010,  
6 77.08.020, 77.08.022, 77.08.030, 77.12.010, 77.12.020, 77.12.035,  
7 77.12.037, 77.12.045, 77.12.047, 77.12.077, 77.12.085, 77.12.140,  
8 77.12.150, 77.12.152, 77.12.170, 77.12.210, 77.12.220, 77.12.275,  
9 77.12.285, 77.12.320, 77.12.325, 77.12.330, 77.12.420, 77.12.455,  
10 77.12.560, 77.12.570, 77.12.722, 77.12.760, 77.12.800, 77.15.065,  
11 77.15.096, 77.15.120, 77.15.130, 77.15.135, 77.15.245, 77.15.382,  
12 77.15.395, 77.15.420, 77.15.425, 77.15.460, 77.15.520, 77.15.522,  
13 77.15.530, 77.15.554, 77.15.590, 77.15.700, 77.15.710, 77.15.720,  
14 77.18.060, 77.32.007, 77.32.010, 77.32.025, 77.32.050, 77.32.070,  
15 77.32.090, 77.32.155, 77.32.237, 77.32.370, 77.32.430, 77.32.440,  
16 77.32.450, 77.32.470, 77.32.500, 77.32.525, 77.32.530, 77.32.535,  
17 77.32.550, 77.32.560, 77.32.565, 77.32.570, 77.36.030, 77.36.100,  
18 77.36.110, 77.36.130, 77.50.010, 77.50.020, 77.50.040, 77.50.050,  
19 77.50.070, 77.50.090, 77.50.100, 77.50.110, 77.55.191, 77.60.020,  
20 77.60.030, 77.60.100, 77.65.480, 77.65.590, 77.65.610, 77.70.450,  
21 77.70.460, 77.70.470, 77.70.510, 77.75.020, 77.75.100, 77.75.140,  
22 77.95.020, 77.95.090, 77.95.100, 77.95.320, 77.100.060, 77.100.080,  
23 77.105.020, 77.115.010, 79A.05.010, 79A.05.025, 79A.05.030,

1 79A.05.040, 79A.05.175, 79A.05.178, and 79A.05.180; adding a new  
2 section to chapter 77.04 RCW; and creating a new section.

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

4 **PART 1**

5 **DUTIES OF THE COMMISSIONER OF PUBLIC LANDS**

6 NEW SECTION. **Sec. 1001.** The legislature finds that management  
7 of Washington state's natural resources requires clear, efficient,  
8 and coordinated management that is accountable to the public.  
9 Therefore, the legislature finds that consolidating management of  
10 natural resources under the commissioner of public lands by having  
11 the commissioner appoint the directors of the department of fish and  
12 wildlife and the state parks and recreation commission would create  
13 an efficient decision-making structure and provide for public  
14 accountability. The legislature further finds that having the  
15 commissioner of public lands appoint the members of the fish and  
16 wildlife advisory commission and the state parks and recreation  
17 advisory committee and having the commission and committee serve in  
18 an advisory role to the directors of the relevant agencies would  
19 maintain strong public input into natural resource management issues  
20 while establishing a centralized and accountable structure for  
21 securing, managing, and enhancing the state's natural resources.

22 **Sec. 1002.** RCW 43.17.020 and 2017 3rd sp.s. c 6 s 110 are each  
23 amended to read as follows:

24 There shall be a chief executive officer of each department to be  
25 known as: (1) The secretary of social and health services, (2) the  
26 director of ecology, (3) the director of labor and industries, (4)  
27 the director of agriculture, (5) the director of fish and wildlife,  
28 (6) the secretary of transportation, (7) the director of licensing,  
29 (8) the director of enterprise services, (9) the director of  
30 commerce, (10) the director of veterans affairs, (11) the director of  
31 revenue, (12) the director of retirement systems, (13) the secretary  
32 of corrections, (14) the secretary of health, (15) the director of  
33 financial institutions, (16) the director of the department of  
34 archaeology and historic preservation, (17) the secretary of  
35 children, youth, and families, and (18) the executive director of the  
36 Puget Sound partnership.

1 Such officers, except the director of fish and wildlife, shall be  
2 appointed by the governor, with the consent of the senate, and hold  
3 office at the pleasure of the governor. The director of fish and  
4 wildlife shall be appointed by the (~~fish and wildlife commission~~)  
5 commissioner of public lands as prescribed by RCW (~~77.04.055~~)  
6 43.30.105 and 77.04.055(6).

7 **Sec. 1003.** RCW 43.30.105 and 1965 c 8 s 43.30.050 are each  
8 amended to read as follows:

9 (1) The commissioner of public lands shall be the administrator  
10 of the department.

11 (2) The commissioner of public lands shall appoint the director  
12 of the department of fish and wildlife as prescribed in RCW 43.17.020  
13 and 77.04.055(6) and appoint the members of the fish and wildlife  
14 advisory commission as prescribed in RCW 77.04.030.

15 (3) The commissioner of public lands shall appoint the director  
16 of the state parks and recreation commission as prescribed in RCW  
17 79A.05.070(8) and shall appoint the members of the state parks and  
18 recreation advisory committee as prescribed in RCW 79A.05.015.

19 **Sec. 1004.** RCW 77.04.013 and 1995 1st sp.s. c 2 s 1 are each  
20 amended to read as follows:

21 (~~The legislature supports the recommendations of the state fish~~  
22 ~~and wildlife commission with regard to the commission's~~  
23 ~~responsibilities in the merged department of fish and wildlife. It is~~  
24 ~~the intent of the legislature that, beginning July 1, 1996, the~~  
25 ~~commission assume regulatory authority for food fish and shellfish in~~  
26 ~~addition to its existing authority for game fish and wildlife. It is~~  
27 ~~also the intent of the legislature to provide to the commission the~~  
28 ~~authority to review and approve department agreements, to review and~~  
29 ~~approve the department's budget proposals, to adopt rules for the~~  
30 ~~department, and to select commission staff and the director of the~~  
31 ~~department.))~~

32 The legislature finds that all fish, shellfish, and wildlife  
33 species should be managed under a single comprehensive set of goals,  
34 policies, and objectives, and that the decision-making authority  
35 should rest with the (~~fish and wildlife commission~~) department. The  
36 (~~commission acts in an open and deliberative process that encourages~~  
37 ~~public involvement and~~) commissioner of public lands is a separately  
38 elected official dedicated to managing, maintaining, and protecting

1 natural resources and is directly accountable to voters, which  
2 increases public confidence in department decision making.

3 **Sec. 1005.** RCW 77.04.020 and 2000 c 107 s 202 are each amended  
4 to read as follows:

5 The department consists of the state department of fish and  
6 wildlife (~~((commission))~~) and the director. The (~~((commission))~~)  
7 commissioner of public lands may delegate to the director any of the  
8 powers and duties vested in the (~~((commission))~~) department.

9 **Sec. 1006.** RCW 77.04.030 and 2001 c 155 s 1 are each amended to  
10 read as follows:

11 The fish and wildlife advisory commission consists of nine  
12 registered voters of the state. In January of each odd-numbered year,  
13 the (~~((governor))~~) commissioner of public lands shall appoint with the  
14 advice and consent of the senate three registered voters to the  
15 commission to serve for terms of six years from that January or until  
16 their successors are appointed and qualified. If a vacancy occurs on  
17 the advisory commission prior to the expiration of a term, the  
18 (~~((governor))~~) commissioner of public lands shall appoint a registered  
19 voter within sixty days to complete the term. Three members shall be  
20 residents of that portion of the state lying east of the summit of  
21 the Cascade mountains, and three shall be residents of that portion  
22 of the state lying west of the summit of the Cascade mountains. Three  
23 additional members shall be appointed at large. No two members may be  
24 residents of the same county. (~~((The legal office of the commission is~~  
25 ~~at the administrative office of the department in Olympia.))~~)

26 **Sec. 1007.** RCW 77.04.040 and 1995 1st sp.s. c 2 s 3 are each  
27 amended to read as follows:

28 Persons eligible for appointment as members of the advisory  
29 commission shall have general knowledge of the habits and  
30 distribution of fish and wildlife and shall not hold another state,  
31 county, or municipal elective or appointive office. In making these  
32 appointments, the (~~((governor))~~) commissioner of public lands shall  
33 seek to maintain a balance reflecting all aspects of fish and  
34 wildlife, including representation recommended by organized groups  
35 representing sportfishers, commercial fishers, hunters, private  
36 landowners, and environmentalists. Persons eligible for appointment

1 as fish and wildlife advisory commissioners shall comply with the  
2 provisions of chapters 42.52 and ((42.17)) 42.56 RCW.

3 NEW SECTION. Sec. 1008. A new section is added to chapter 77.04  
4 RCW to read as follows:

5 The fish and wildlife advisory commission has the following  
6 responsibilities and duties:

7 (1) In consultation with all affected stakeholders, advise the  
8 director regarding fish and wildlife policies and proposed rules that  
9 govern hunting, fishing, wildlife viewing, habitat protection and  
10 restoration, and the use of department-owned and managed lands;

11 (2) Advise the director on department agreements relating to fish  
12 and wildlife harvest with tribal, interstate, international, and  
13 other parties;

14 (3) Advise the director prior to the director determining the  
15 status of threatened or endangered species; and

16 (4) Advise the director in developing long-term funding  
17 strategies to carry out the department's mission and delivery of  
18 programs to the public.

19 Sec. 1009. RCW 77.04.055 and 2000 c 107 s 204 are each amended  
20 to read as follows:

21 (1) In establishing policies to preserve, protect, and perpetuate  
22 wildlife, fish, and wildlife and fish habitat, the ((~~commission~~))  
23 director shall meet annually with the ((~~governor~~)) commissioner of  
24 public lands to:

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

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

29 The ((~~commission~~)) department shall maximize fishing, hunting,  
30 and outdoor recreational opportunities compatible with healthy and  
31 diverse fish and wildlife populations.

32 (2) The ((~~commission~~)) department shall establish hunting,  
33 trapping, and fishing seasons and prescribe the time, place, manner,  
34 and methods that may be used to harvest or enjoy game fish and  
35 wildlife.

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

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

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

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

8 ~~(7))~~ The ~~((commission shall select its own staff and))~~  
9 commissioner of public lands shall appoint the director of the  
10 department. ~~((The director and commission staff shall serve at the  
11 pleasure of the commission.))~~ The commissioner of public lands shall  
12 seek recommendations from the fish and wildlife advisory commission  
13 on the qualifications, skills, and experience necessary to discharge  
14 the duties of the position. The director shall serve at the pleasure  
15 of the commissioner of public lands.

16 **Sec. 1010.** RCW 77.75.040 and 1995 1st sp.s. c 2 s 20 are each  
17 amended to read as follows:

18 A member selected by or a designee of the ~~((fish and wildlife  
19 commission))~~ department, ex officio, and two appointees of the  
20 ~~((governor))~~ commissioner of public lands representing the fishing  
21 industry shall act as the representatives of this state on the  
22 Pacific Marine Fisheries Commission. The appointees of the  
23 ~~((governor))~~ commissioner of public lands are subject to confirmation  
24 by the state senate.

25 **Sec. 1011.** RCW 79A.05.015 and 1999 c 249 s 201 are each amended  
26 to read as follows:

27 (1) There is hereby created ~~((a "state parks and recreation  
28 commission"))~~ the state parks and recreation advisory committee  
29 consisting of seven citizens of the state. The members of the  
30 ~~((commission))~~ advisory committee shall be appointed by the  
31 ~~((governor))~~ commissioner of public lands by and with the advice and  
32 consent of the senate and shall serve for a term of six years,  
33 expiring on December 31st of even-numbered years, and until their  
34 successors are appointed. In case of a vacancy, the ~~((governor))~~  
35 commissioner of public lands shall fill the vacancy for the unexpired  
36 term of the ~~((commissioner))~~ advisory committee member whose office  
37 has become vacant.

1       (2) In making the appointments to the (~~commission~~) advisory  
2 committee, the (~~governor~~) commissioner of public lands shall choose  
3 citizens who understand park and recreation needs and interests. No  
4 person shall serve if he or she holds any elective or full-time  
5 appointive state, county, or municipal office. Members of the  
6 (~~commission shall be compensated in accordance with RCW 43.03.240~~  
7 ~~and in addition~~) advisory committee shall be allowed their travel  
8 expenses incurred while absent from their usual places of residence  
9 in accordance with RCW 43.03.050 and 43.03.060.

10       (3) Payment of expenses pertaining to the operation of the  
11 (~~commission~~) advisory committee shall be made upon vouchers  
12 certified to by such persons as shall be designated by the  
13 (~~commission~~) director.

14       (4) The state parks and recreation advisory committee shall make  
15 recommendations to the director for the proper use, care, and  
16 administration of state parks and parkways including:

17       (a) Providing a forum to involve the public to review and make  
18 recommendations regarding state parks' issues; and

19       (b) Review and make recommendations regarding the performance of  
20 the department in implementing park policies.

21       **Sec. 1012.** RCW 79A.05.070 and 2012 c 261 s 8 are each amended to  
22 read as follows:

23       The commission may:

24       (1) Make rules and regulations for the proper administration of  
25 its duties;

26       (2) Accept any grants of funds made with or without a matching  
27 requirement by the United States, or any agency thereof, for purposes  
28 in keeping with the purposes of this chapter; accept gifts, bequests,  
29 devises and endowments for purposes in keeping with such purposes;  
30 enter into cooperative agreements with and provide for private  
31 nonprofit groups to use state park property and facilities to raise  
32 money to contribute gifts, grants, and support to the commission for  
33 the purposes of this chapter. The commission may assist the nonprofit  
34 group in a cooperative effort by providing necessary agency personnel  
35 and services, if available. However, none of the moneys raised may  
36 inure to the benefit of the nonprofit group, except in furtherance of  
37 its purposes to benefit the commission as provided in this chapter.  
38 The agency and the private nonprofit group must agree on the nature  
39 of any project to be supported by such gift or grant prior to the use

1 of any agency property or facilities for raising money. Any such  
2 gifts may be in the form of recreational facilities developed or  
3 built in part or in whole for public use on agency property, provided  
4 that the facility is consistent with the purposes of the agency;

5 (3) Require certification by the commission of all parks and  
6 recreation workers employed in state aided or state controlled  
7 programs;

8 (4) Act jointly, when advisable, with the United States, any  
9 other state agencies, institutions, departments, boards, or  
10 commissions in order to carry out the objectives and responsibilities  
11 of this chapter;

12 (5) Grant franchises and easements for any legitimate purpose on  
13 parks or parkways, for such terms and subject to such conditions and  
14 considerations as the commission shall specify;

15 (6) Charge fees for services, utilities, and use of facilities as  
16 the commission shall deem proper. The commission may utilize  
17 unstaffed collection stations to collect any fees or distribute any  
18 permits necessary for access to state parks, including discover  
19 passes and day-use permits as those terms are defined in RCW  
20 79A.80.010;

21 (7) Enter into agreements whereby individuals or companies may  
22 rent undeveloped parks or parkway land for grazing, agricultural, or  
23 mineral development purposes upon such terms and conditions as the  
24 commission shall deem proper, for a term not to exceed forty years;

25 (8) ~~((Determine))~~ The commissioner of public lands shall  
26 determine the qualifications of and employ a director of parks and  
27 recreation who must receive a salary as fixed by the governor in  
28 accordance with the provisions of RCW 43.03.040 and determine the  
29 qualifications and salary of and employ such other persons as may be  
30 needed to carry out the provisions hereof; and

31 (9) Utilize such other powers as ~~((in the judgment of a majority~~  
32 ~~of its members))~~ are deemed necessary to effectuate the purposes of  
33 this chapter. However, the commission does not have power to  
34 supervise directly any local park or recreation district, and no  
35 funds shall be made available for such purpose.

36 **Sec. 1013.** RCW 79A.05.075 and 1999 c 249 s 306 are each amended  
37 to read as follows:

38 No provision of law relating to the state parks and recreation  
39 commission shall prevent the ~~((commission))~~ commissioner of public

1 lands from delegating to the director such powers and duties of the  
2 commission as they may deem proper.

3 **PART 2**

4 **MODIFICATIONS TO THE FISH AND WILDLIFE CODE**

5 **Sec. 2001.** RCW 77.04.012 and 2000 c 107 s 2 are each amended to  
6 read as follows:

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

11 The department shall conserve the wildlife and food fish, game  
12 fish, and shellfish resources in a manner that does not impair the  
13 resource. In a manner consistent with this goal, the department shall  
14 seek to maintain the economic well-being and stability of the fishing  
15 industry in the state. The department shall promote orderly fisheries  
16 and shall enhance and improve recreational and commercial fishing in  
17 this state.

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

23 The (~~commission~~) department shall attempt to maximize the  
24 public recreational game fishing and hunting opportunities of all  
25 citizens, including juvenile, (~~disabled~~) individuals with  
26 disabilities, and senior citizens.

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

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

34 **Sec. 2002.** RCW 77.04.060 and 2013 c 23 s 238 are each amended to  
35 read as follows:

36 The fish and wildlife advisory commission shall hold at least one  
37 regular meeting during the first two months of each calendar quarter,

1 and special meetings when called by the chair and by five members.  
2 Five members constitute a quorum for the transaction of business.

3 The advisory commission at a meeting in each odd-numbered year  
4 shall elect one of its members as chair and another member as vice  
5 chair, each of whom shall serve for a term of two years or until a  
6 successor is elected and qualified.

7 Members of the advisory commission (~~((shall be compensated in  
8 accordance with RCW 43.03.250. In addition, members))~~) are allowed  
9 their travel expenses incurred while absent from their usual places  
10 of residence in accordance with RCW 43.03.050 and 43.03.060.

11 **Sec. 2003.** RCW 77.04.080 and 2000 c 107 s 205 are each amended  
12 to read as follows:

13 Persons eligible for appointment as director shall have practical  
14 knowledge of the habits and distribution of fish and wildlife. The  
15 director shall supervise the administration and operation of the  
16 department and perform the duties prescribed by law (~~((and delegated  
17 by the commission))~~). The director shall carry out the basic goals and  
18 objectives prescribed under RCW 77.04.055. The director may appoint  
19 and employ necessary personnel. The director may delegate, in  
20 writing, to department personnel the duties and powers necessary for  
21 efficient operation and administration of the department.

22 Only persons having general knowledge of the fisheries and  
23 wildlife resources and of the commercial and recreational fishing  
24 industry in this state are eligible for appointment as director. The  
25 director shall not have a financial interest in the fishing industry  
26 or a directly related industry. The director shall receive the salary  
27 fixed by the governor under RCW 43.03.040.

28 (~~((The director is the ex officio secretary of the commission and  
29 shall attend its meetings and keep a record of its business.))~~)

30 **Sec. 2004.** RCW 77.04.090 and 1996 c 267 s 35 are each amended to  
31 read as follows:

32 The (~~commission~~) department shall adopt permanent rules and  
33 amendments to or repeals of existing rules (~~((by approval of a  
34 majority of the members by resolution, entered and recorded in the  
35 minutes of the commission: PROVIDED, That the commission))~~). However,  
36 the department may not adopt rules after July 23, 1995, that are  
37 based solely on a section of law stating a statute's intent or  
38 purpose, on the enabling provisions of the statute establishing the

1 agency, or on any combination of such provisions, for statutory  
2 authority to adopt any rule. The (~~commission shall adopt emergency~~  
3 ~~rules by approval of a majority of the members. The commission,~~)  
4 department may adopt emergency rules and, when adopting emergency  
5 rules under RCW 77.12.150, shall adopt rules in conformance with  
6 chapter 34.05 RCW. Judicial notice shall be taken of the rules filed  
7 and published as provided in RCW 34.05.380 and 34.05.210.

8 A copy of an emergency rule, certified as a true copy by (~~a~~  
9 ~~member of the commission,~~) the director, or by a person authorized  
10 in writing by the director to make the certification, is admissible  
11 in court as prima facie evidence of the adoption and validity of the  
12 rule.

13 **Sec. 2005.** RCW 77.04.130 and 1995 1st sp.s. c 2 s 12 are each  
14 amended to read as follows:

15 (1) Rules of the (~~commission~~) department shall be adopted by  
16 the (~~commission~~) director or a designee in accordance with chapter  
17 34.05 RCW.

18 (2) Rules of the (~~commission~~) department shall be admitted as  
19 evidence in the courts of the state when accompanied by an affidavit  
20 from the (~~commission~~) director or a designee certifying that the  
21 rule has been lawfully adopted and the affidavit is prima facie  
22 evidence of the adoption of the rule.

23 (3) The (~~commission~~) director may designate department  
24 employees to act on the (~~commission's~~) department's behalf in the  
25 adoption and certification of rules.

26 **Sec. 2006.** RCW 77.04.140 and 1995 1st sp.s. c 2 s 13 are each  
27 amended to read as follows:

28 Provisions of this title or rules of the (~~commission~~)  
29 department shall not be printed in a pamphlet unless the pamphlet is  
30 clearly marked as an unofficial version. This section does not apply  
31 to printings approved by the (~~commission~~) department.

32 **Sec. 2007.** RCW 77.04.150 and 2008 c 294 s 1 are each amended to  
33 read as follows:

34 (1) The (~~commission~~) department must appoint an advisory  
35 committee to generally represent the interests of hunters and fishers  
36 with disabilities on matters including, but not limited to, special  
37 hunts, modified sporting equipment, access to public land, and

1 hunting and fishing opportunities. The advisory committee is composed  
2 of seven members, each being an individual with a disability. The  
3 advisory committee members must represent the entire state. The  
4 members must be appointed so that each of the six department  
5 administrative regions, as they existed on January 1, 2007, are  
6 represented with one resident on the advisory committee. One  
7 additional member must be appointed at large. The chair of the  
8 advisory committee must be a member of the advisory committee and  
9 shall be selected by the members of the advisory committee.

10 (2) For the purposes of this section, an individual with a  
11 disability includes but is not limited to:

12 (a) An individual with a permanent disability who is not  
13 ambulatory over natural terrain without a prosthesis or assistive  
14 device;

15 (b) An individual with a permanent disability who is unable to  
16 walk without the use of assistance from a brace, cane, crutch,  
17 wheelchair, scooter, walker, or other assistive device;

18 (c) An individual who has a cardiac condition to the extent that  
19 the individual's functional limitations are severe;

20 (d) An individual who is restricted by lung disease to the extent  
21 that the individual's functional limitations are severe;

22 (e) An individual who is totally blind or visually impaired; or

23 (f) An individual with a permanent disability with upper or lower  
24 extremity impairments who does not have the use of one or both upper  
25 or lower extremities.

26 (3) The members of the advisory committee are appointed for a  
27 four-year term. If a vacancy occurs on the advisory committee prior  
28 to the expiration of a term, the (~~commission~~) department must  
29 appoint a replacement within sixty days to complete the term.

30 (4) The advisory committee must meet at least semiannually, and  
31 may meet at other times as requested by a majority of the advisory  
32 committee members for any express purpose that directly relates to  
33 the duties set forth in subsection (1) of this section. A majority of  
34 members currently serving on the advisory committee constitutes a  
35 quorum. The department must provide staff support for all official  
36 advisory committee meetings.

37 (5) Each member of the advisory committee shall serve without  
38 compensation but may be reimbursed for travel expenses as authorized  
39 in RCW 43.03.050 and 43.03.060.

1 (6) The members of the advisory committee, or individuals acting  
2 on their behalf, are immune from civil liability for official acts  
3 performed in the course of their duties.

4 (7) Beginning December 1, 2011, and again at least once every  
5 four years, the (~~commission~~) department shall present a report to  
6 the appropriate legislative committees detailing the effectiveness of  
7 the advisory committee including, but not limited to, the  
8 participation levels, general interest, quality of advice, and  
9 recommendations as to the advisory committee's continuance or  
10 modification.

11 **Sec. 2008.** RCW 77.08.010 and 2017 3rd sp.s. c 8 s 2 are each  
12 amended to read as follows:

13 The definitions in this section apply throughout this title or  
14 rules adopted under this title unless the context clearly requires  
15 otherwise.

16 (1) "Angling gear" means a line attached to a rod and reel  
17 capable of being held in hand while landing the fish or a handheld  
18 line operated without rod or reel.

19 (2) "Bag limit" means the maximum number of game animals, game  
20 birds, or game fish which may be taken, caught, killed, or possessed  
21 by a person, as specified by rule of the (~~commission~~) department  
22 for a particular period of time, or as to size, sex, or species.

23 (3) "Building" means a private domicile, garage, barn, or public  
24 or commercial building.

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

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

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

38 (7) "Commercial" means related to or connected with buying,  
39 selling, or bartering.

1           (8) (~~"Commission" means the state fish and wildlife commission.~~  
2           ~~(9)~~) "Concurrent waters of the Columbia river" means those  
3 waters of the Columbia river that coincide with the Washington-Oregon  
4 state boundary.

5           (~~(10)~~) (9) "Contraband" means any property that is unlawful to  
6 produce or possess.

7           (~~(11)~~) (10) "Covered animal species" means any species of  
8 elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine  
9 turtle, shark, or ray either: (a) Listed in appendix I or appendix II  
10 of the convention on international trade in endangered species of  
11 wild flora and fauna; or (b) listed as critically endangered,  
12 endangered, or vulnerable on the international union for conservation  
13 of nature and natural resources red list of threatened species.

14           (~~(12)~~) (11) "Covered animal species part or product" means any  
15 item that contains, or is wholly or partially made from, any covered  
16 animal species.

17           (~~(13)~~) (12) "Deleterious exotic wildlife" means species of the  
18 animal kingdom not native to Washington and designated as dangerous  
19 to the environment or wildlife of the state.

20           (~~(14)~~) (13) "Department" means the department of fish and  
21 wildlife.

22           (~~(15)~~) (14) "Director" means the director of fish and wildlife.

23           (~~(16)~~) (15) "Distribute" or "distribution" means either a  
24 change in possession for consideration or a change in legal  
25 ownership.

26           (~~(17)~~) (16) "Endangered species" means wildlife designated by  
27 the (~~commission~~) department as seriously threatened with  
28 extinction.

29           (~~(18)~~) (17) "Ex officio fish and wildlife officer" means:  
30           (a) A commissioned officer of a municipal, county, or state  
31 agency having as its primary function the enforcement of criminal  
32 laws in general, while the officer is acting in the respective  
33 jurisdiction of that agency;

34           (b) An officer or special agent commissioned by one of the  
35 following: The national marine fisheries service; the Washington  
36 state parks and recreation commission; the United States fish and  
37 wildlife service; the Washington state department of natural  
38 resources; the United States forest service; or the United States  
39 parks service, if the agent or officer is in the respective  
40 jurisdiction of the primary commissioning agency and is acting under

1 a mutual law enforcement assistance agreement between the department  
2 and the primary commissioning agency;

3 (c) A commissioned fish and wildlife peace officer from another  
4 state who meets the training standards set by the Washington state  
5 criminal justice training commission pursuant to RCW 10.93.090,  
6 43.101.080, and 43.101.200, and who is acting under a mutual law  
7 enforcement assistance agreement between the department and the  
8 primary commissioning agency; or

9 (d) A Washington state tribal police officer who successfully  
10 completes the requirements set forth under RCW 43.101.157, is  
11 employed by a tribal nation that has complied with RCW 10.92.020(2)  
12 (a) and (b), and is acting under a mutual law enforcement assistance  
13 agreement between the department and the tribal government.

14 ~~((19))~~ (18) "Fish" includes all species classified as game fish  
15 or food fish by statute or rule, as well as all finfish not currently  
16 classified as food fish or game fish if such species exist in state  
17 waters. The term "fish" includes all stages of development and the  
18 bodily parts of fish species.

19 ~~((20))~~ (19) "To fish" and its derivatives means an effort to  
20 kill, injure, harass, harvest, or capture a fish or shellfish.

21 ~~((21))~~ (20) "Fish and wildlife officer" means a person  
22 appointed and commissioned by the director, with authority to enforce  
23 this title and rules adopted pursuant to this title, and other  
24 statutes as prescribed by the legislature. Fish and wildlife officer  
25 includes a person commissioned before June 11, 1998, as a wildlife  
26 agent or a fisheries patrol officer.

27 ~~((22))~~ (21) "Fish broker" means a person who facilitates the  
28 sale or purchase of raw or frozen fish or shellfish on a fee or  
29 commission basis, without assuming title to the fish or shellfish.

30 ~~((23))~~ (22) "Fish dealer" means a person who engages in any  
31 activity that triggers the need to obtain a fish dealer license under  
32 RCW 77.65.280.

33 ~~((24))~~ (23) "Fishery" means the taking of one or more  
34 particular species of fish or shellfish with particular gear in a  
35 particular geographical area.

36 ~~((25))~~ (24) "Food, food waste, or other substance" includes  
37 human and pet food or other waste or garbage that could attract large  
38 wild carnivores.

1        ~~((26))~~ (25) "Fresh water" means all waters not defined as salt  
2 water including, but not limited to, rivers upstream of the river  
3 mouth, lakes, ponds, and reservoirs.

4        ~~((27))~~ (26) "Fur-bearing animals" means game animals that shall  
5 not be trapped except as authorized by the ~~((commission))~~ department.

6        ~~((28))~~ (27) "Fur dealer" means a person who purchases,  
7 receives, or resells raw furs for commercial purposes.

8        ~~((29))~~ (28) "Game animals" means wild animals that shall not be  
9 hunted except as authorized by the ~~((commission))~~ department.

10       ~~((30))~~ (29) "Game birds" means wild birds that shall not be  
11 hunted except as authorized by the ~~((commission))~~ department.

12       ~~((31))~~ (30) "Game farm" means property on which wildlife is  
13 held, confined, propagated, hatched, fed, or otherwise raised for  
14 commercial purposes, trade, or gift. The term "game farm" does not  
15 include publicly owned facilities.

16       ~~((32))~~ (31) "Game reserve" means a closed area where hunting  
17 for all wild animals and wild birds is prohibited.

18       ~~((33))~~ (32) "To hunt" and its derivatives means an effort to  
19 kill, injure, harass, harvest, or capture a wild animal or wild bird.

20       ~~((34))~~ (33) "Illegal items" means those items unlawful to be  
21 possessed.

22       ~~((35))~~ (34)(a) "Intentionally feed, attempt to feed, or  
23 attract" means to purposefully or knowingly provide, leave, or place  
24 in, on, or about any land or building any food, food waste, or other  
25 substance that attracts or could attract large wild carnivores to  
26 that land or building.

27       (b) "Intentionally feed, attempt to feed, or attract" does not  
28 include keeping food, food waste, or other substance in an enclosed  
29 garbage receptacle or other enclosed container unless specifically  
30 directed by a fish and wildlife officer or animal control authority  
31 to secure the receptacle or container in another manner.

32       ~~((36))~~ (35) "Large wild carnivore" includes wild bear, cougar,  
33 and wolf.

34       ~~((37))~~ (36) "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       ~~((38))~~ (37) "Limited-entry license" means a license subject to  
38 a license limitation program established in chapter 77.70 RCW.

39       ~~((39))~~ (38) "Limited fish seller" means a licensed commercial  
40 fisher who sells his or her fish or shellfish to anyone other than a

1 wholesale fish buyer thereby triggering the need to obtain a limited  
2 fish seller endorsement under RCW 77.65.510.

3 ~~((40))~~ (39) "Money" means all currency, script, personal  
4 checks, money orders, or other negotiable instruments.

5 ~~((41))~~ (40) "Natural person" means a human being.

6 ~~((42))~~ (41)(a) "Negligently feed, attempt to feed, or attract"  
7 means to provide, leave, or place in, on, or about any land or  
8 building any food, food waste, or other substance that attracts or  
9 could attract large wild carnivores to that land or building, without  
10 the awareness that a reasonable person in the same situation would  
11 have with regard to the likelihood that the food, food waste, or  
12 other substance could attract large wild carnivores to the land or  
13 building.

14 (b) "Negligently feed, attempt to feed, or attract" does not  
15 include keeping food, food waste, or other substance in an enclosed  
16 garbage receptacle or other enclosed container unless specifically  
17 directed by a fish and wildlife officer or animal control authority  
18 to secure the receptacle or container in another manner.

19 ~~((43))~~ (42) "Nonresident" means a person who has not fulfilled  
20 the qualifications of a resident.

21 ~~((44))~~ (43) "Offshore waters" means marine waters of the  
22 Pacific Ocean outside the territorial boundaries of the state,  
23 including the marine waters of other states and countries.

24 ~~((45))~~ (44) "Open season" means those times, manners of taking,  
25 and places or waters established by rule of the ~~((commission))~~  
26 department for the lawful hunting, fishing, taking, or possession of  
27 game animals, game birds, game fish, food fish, or shellfish that  
28 conform to the special restrictions or physical descriptions  
29 established by rule of the ~~((commission))~~ department or that have  
30 otherwise been deemed legal to hunt, fish, take, or possess by rule  
31 of the ~~((commission))~~ department. "Open season" includes the first  
32 and last days of the established time.

33 ~~((46))~~ (45) "Owner" means the person in whom is vested the  
34 ownership dominion, or title of the property.

35 ~~((47))~~ (46) "Person" means and includes an individual; a  
36 corporation; a public or private entity or organization; a local,  
37 state, or federal agency; all business organizations, including  
38 corporations and partnerships; or a group of two or more individuals  
39 acting with a common purpose whether acting in an individual,  
40 representative, or official capacity.

1       (~~(48)~~) (47) "Personal property" or "property" includes both  
2 corporeal and incorporeal personal property and includes, among other  
3 property, contraband and money.

4       (~~(49)~~) (48) "Personal use" means for the private use of the  
5 individual taking the fish or shellfish and not for sale or barter.

6       (~~(50)~~) (49) "Predatory birds" means wild birds that may be  
7 hunted throughout the year as authorized by the (~~commission~~)  
8 department.

9       (~~(51)~~) (50) "To process" and its derivatives mean preparing or  
10 preserving fish, wildlife, or shellfish.

11       (~~(52)~~) (51) "Protected wildlife" means wildlife designated by  
12 the (~~commission~~) department that shall not be hunted or fished.

13       (~~(53)~~) (52) "Raffle" means an activity in which tickets bearing  
14 an individual number are sold for not more than twenty-five dollars  
15 each and in which a permit or permits are awarded to hunt or for  
16 access to hunt big game animals or wild turkeys on the basis of a  
17 drawing from the tickets by the person or persons conducting the  
18 raffle.

19       (~~(54)~~) (53) "Resident" has the same meaning as defined in RCW  
20 77.08.075.

21       (~~(55)~~) (54) "Salt water" means those marine waters seaward of  
22 river mouths.

23       (~~(56)~~) (55) "Seaweed" means marine aquatic plant species that  
24 are dependent upon the marine aquatic or tidal environment, and exist  
25 in 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       (~~(57)~~) (56) "Senior" means a person seventy years old or older.

29       (~~(58)~~) (57) "Shark fin" means a raw, dried, or otherwise  
30 processed detached fin or tail of a shark.

31       (~~(59)~~) (58)(a) "Shark fin derivative product" means any product  
32 intended for use by humans or animals that is derived in whole or in  
33 part from shark fins or shark fin cartilage.

34       (b) "Shark fin derivative product" does not include a drug  
35 approved by the United States food and drug administration and  
36 available by prescription only or medical device or vaccine approved  
37 by the United States food and drug administration.

38       (~~(60)~~) (59) "Shellfish" means those species of marine and  
39 freshwater invertebrates that have been classified and that shall not  
40 be taken or possessed except as authorized by rule of the

1 (~~(commission)~~) department. The term "shellfish" includes all stages  
2 of development and the bodily parts of shellfish species.

3 (~~(61)~~) (60) "State waters" means all marine waters and fresh  
4 waters within ordinary high water lines and within the territorial  
5 boundaries of the state.

6 (~~(62)~~) (61) "To take" and its derivatives means to kill,  
7 injure, harvest, or capture a fish, shellfish, wild animal, bird, or  
8 seaweed.

9 (~~(63)~~) (62) "Taxidermist" means a person who, for commercial  
10 purposes, creates lifelike representations of fish and wildlife using  
11 fish and wildlife parts and various supporting structures.

12 (~~(64)~~) (63) "Trafficking" means offering, attempting to engage,  
13 or engaging in sale, barter, or purchase of fish, shellfish,  
14 wildlife, or deleterious exotic wildlife.

15 (~~(65)~~) (64) "To trap" and its derivatives means a method of  
16 hunting using devices to capture wild animals or wild birds.

17 (~~(66)~~) (65) "Unclaimed" means that no owner of the property has  
18 been identified or has requested, in writing, the release of the  
19 property to themselves nor has the owner of the property designated  
20 an individual to receive the property or paid the required postage to  
21 effect delivery of the property.

22 (~~(67)~~) (66) "Unclassified wildlife" means wildlife existing in  
23 Washington in a wild state that have not been classified as big game,  
24 game animals, game birds, predatory birds, protected wildlife,  
25 endangered wildlife, or deleterious exotic wildlife.

26 (~~(68)~~) (67) "To waste" or "to be wasted" means to allow any  
27 edible portion of any game bird, food fish, game fish, shellfish, or  
28 big game animal other than cougar to be rendered unfit for human  
29 consumption, or to fail to retrieve edible portions of such a game  
30 bird, food fish, game fish, shellfish, or big game animal other than  
31 cougar from the field. For purposes of this chapter, edible portions  
32 of game birds must include, at a minimum, the breast meat of those  
33 birds. Entrails, including the heart and liver, of any wildlife  
34 species are not considered edible.

35 (~~(69)~~) (68) "Wholesale fish buyer" means a person who engages  
36 in any fish buying or selling activity that triggers the need to  
37 obtain a wholesale fish buyer endorsement under RCW 77.65.340.

38 (~~(70)~~) (69) "Wild animals" means those species of the class  
39 Mammalia whose members exist in Washington in a wild state. The term

1 "wild animal" does not include feral domestic mammals or old world  
2 rats and mice of the family Muridae of the order Rodentia.

3 ~~((71))~~ (70) "Wild birds" means those species of the class Aves  
4 whose members exist in Washington in a wild state.

5 ~~((72))~~ (71) "Wildlife" means all species of the animal kingdom  
6 whose members exist in Washington in a wild state. This includes but  
7 is not limited to mammals, birds, reptiles, amphibians, fish, and  
8 invertebrates. The term "wildlife" does not include feral domestic  
9 mammals, old world rats and mice of the family Muridae of the order  
10 Rodentia, or those fish, shellfish, and marine invertebrates  
11 classified as food fish or shellfish by the director. The term  
12 "wildlife" includes all stages of development and the bodily parts of  
13 wildlife members.

14 ~~((73))~~ (72) "Wildlife meat cutter" means a person who packs,  
15 cuts, processes, or stores wildlife for consumption for another for  
16 commercial purposes.

17 ~~((74))~~ (73) "Youth" means a person fifteen years old for  
18 fishing and under sixteen years old for hunting.

19 **Sec. 2009.** RCW 77.08.020 and 1989 c 218 s 2 are each amended to  
20 read as follows:

21 (1) As used in this title or rules of the ~~((commission))~~  
22 department, "game fish" means those species of the class Osteichthyes  
23 that shall not be fished for except as authorized by rule of the  
24 ~~((commission))~~ department and includes:

	<b>Scientific Name</b>	<b>Common Name</b>
25		
26	Ambloplites rupestris	rock bass
27	Coregonus clupeaformis	lake white fish
28	Ictalurus furcatus	blue catfish
29	Ictalurus melas	black bullhead
30	Ictalurus natalis	yellow bullhead
31	Ictalurus nebulosus	brown bullhead
32	Ictalurus punctatus	channel catfish
33	Lepomis cyanellus	green sunfish
34	Lepomis gibbosus	pumpkinseed
35	Lepomis gulosus	warmouth
36	Lepomis macrochirus	bluegill
37	Lota lota	burbot or freshwater ling

1	Micropterus dolomieu	smallmouth bass
2	Micropterus salmoides	largemouth bass
3	Oncorhynchus nerka (in its	kokanee or silver trout
4	landlocked form)	
5	Perca flavescens	yellow perch
6	Pomixis annularis	white crappie
7	Pomixis nigromaculatus	black crappie
8	Prosopium williamsoni	mountain white fish
9	Oncorhynchus aquabonita	golden trout
10	Oncorhynchus clarkii	cutthroat trout
11	Oncorhynchus mykiss	rainbow or steelhead trout
12	Salmo salar (in its	Atlantic salmon
13	landlocked form)	
14	Salmo trutta	brown trout
15	Salvelinus fontinalis	eastern brook trout
16	Salvelinus malma	Dolly Varden trout
17	Salvelinus namaycush	lake trout
18	Stizostedion vitreum	Walleye
19	Thymallus articus	arctic grayling

20 (2) Private sector cultured aquatic products as defined in RCW  
21 15.85.020 are not game fish.

22 **Sec. 2010.** RCW 77.08.022 and 2000 c 107 s 208 are each amended  
23 to read as follows:

24 "Food fish" means those species of the classes Osteichthyes,  
25 Agnatha, and Chondrichthyes that have been classified and that shall  
26 not be fished for except as authorized by rule of the (~~commission~~)  
27 department. The term "food fish" includes all stages of development  
28 and the bodily parts of food fish species.

29 **Sec. 2011.** RCW 77.08.030 and 1980 c 78 s 11 are each amended to  
30 read as follows:

31 As used in this title or rules of the (~~commission~~) department,  
32 "big game" means the following species:

33	<b>Scientific Name</b>	<b>Common Name</b>
34	Cervus canadensis	elk or wapiti

1	Odocoileus hemionus	blacktail deer or mule deer
2	Odocoileus virginianus	whitetail deer
3	Alces americana	moose
4	Oreamnos americanus	mountain goat
5	Rangifer caribou	caribou
6	Ovis canadensis	mountain sheep
7	Antilocapra americana	pronghorn antelope
8	Felis concolor	cougar or mountain lion
9	Euarctos americana	black bear
10	Ursus horribilis	grizzly bear

11       **Sec. 2012.** RCW 77.12.010 and 2000 c 107 s 210 are each amended  
12 to read as follows:

13       The ((~~commission~~)) department shall not adopt rules that  
14 categorically prohibit fishing with bait or artificial lures in  
15 streams, rivers, beaver ponds, and lakes except that the  
16 ((~~commission~~)) department may adopt rules and regulations restricting  
17 fishing methods upon a determination by the director that an  
18 individual body of water or part thereof clearly requires a fishing  
19 method prohibition to conserve or enhance the fisheries resource or  
20 to provide selected fishing alternatives.

21       **Sec. 2013.** RCW 77.12.020 and 2014 c 202 s 302 are each amended  
22 to read as follows:

23       (1) The director shall investigate the habits and distribution of  
24 the various species of wildlife native to or adaptable to the  
25 habitats of the state. The ((~~commission~~)) department shall determine  
26 whether a species should be managed by the department and, if so,  
27 classify it under this section.

28       (2) The ((~~commission~~)) department may classify by rule wild  
29 animals as game animals and game animals as fur-bearing animals.

30       (3) The ((~~commission~~)) department may classify by rule wild birds  
31 as game birds or predatory birds. All wild birds not otherwise  
32 classified are protected wildlife.

33       (4) In addition to those species listed in RCW 77.08.020, the  
34 ((~~commission~~)) department may classify by rule as game fish other  
35 species of the class Osteichthyes that are commonly found in fresh  
36 water except those classified as food fish by the director.

1 (5) The director may recommend (~~(to the commission)~~) that a  
2 species of wildlife should not be hunted or fished. (~~(The commission~~  
3 ~~may designate species of wildlife as protected.)~~)

4 (6) If the director determines that a species of wildlife is  
5 seriously threatened with extinction in the state of Washington, the  
6 director may (~~(request its designation as an endangered species. The~~  
7 ~~commission may)~~) designate it as an endangered species.

8 (7) If the director determines that a species of the animal  
9 kingdom, not native to Washington, is dangerous to the environment or  
10 wildlife of the state, the director (~~(may request its designation as~~  
11 ~~deleterious exotic wildlife. The commission)~~) may designate it as  
12 deleterious exotic wildlife.

13 (8) (~~(Upon recommendation by the director, the commission)~~) The  
14 director may develop a work plan to eradicate native aquatic species  
15 that threaten human health. Priority shall be given to water bodies  
16 that the department of health has classified as representing a threat  
17 to human health based on the presence of a native aquatic species.

18 **Sec. 2014.** RCW 77.12.035 and 2000 c 107 s 211 are each amended  
19 to read as follows:

20 The (~~commission~~) director shall protect grizzly bears and  
21 develop management programs on publicly owned lands that will  
22 encourage the natural regeneration of grizzly bears in areas with  
23 suitable habitat. Grizzly bears shall not be transplanted or  
24 introduced into the state. Only grizzly bears that are native to  
25 Washington state may be utilized by the department for management  
26 programs. The department is directed to fully participate in all  
27 discussions and negotiations with federal and state agencies relating  
28 to grizzly bear management and shall fully communicate, support, and  
29 implement the policies of this section.

30 **Sec. 2015.** RCW 77.12.037 and 2000 c 107 s 4 are each amended to  
31 read as follows:

32 The (~~commission~~) department may acquire by gift, easement,  
33 purchase, lease, or condemnation lands, buildings, water rights,  
34 rights-of-way, or other necessary property, and construct and  
35 maintain necessary facilities for purposes consistent with this  
36 title. The (~~commission may authorize the~~) director (~~(to)~~) may  
37 acquire property under this section, but the power of condemnation  
38 may only be exercised by the director when an appropriation has been

1 made by the legislature for the acquisition of a specific property,  
2 except to clear title and acquire access rights-of-way.

3 The (~~commission~~) department may sell, lease, convey, or grant  
4 concessions upon real or personal property under the control of the  
5 department.

6 **Sec. 2016.** RCW 77.12.045 and 2001 c 253 s 13 are each amended to  
7 read as follows:

8 Consistent with federal law, the (~~commission's~~) department's  
9 authority extends to all areas and waters within the territorial  
10 boundaries of the state, to the offshore waters, and to the  
11 concurrent waters of the Columbia river.

12 Consistent with federal law, the (~~commission's~~) department's  
13 authority extends to fishing in offshore waters by residents of this  
14 state.

15 The (~~commission~~) department may adopt rules consistent with the  
16 regulations adopted by the United States department of commerce for  
17 the offshore waters. The (~~commission~~) department may adopt rules  
18 consistent with the recommendations or regulations of the Pacific  
19 marine fisheries commission, Columbia river compact, the Pacific  
20 salmon commission as provided in chapter 77.75 RCW, or the  
21 international Pacific halibut commission.

22 **Sec. 2017.** RCW 77.12.047 and 2018 c 179 s 10 are each amended to  
23 read as follows:

24 (1) The (~~commission~~) department may adopt, amend, or repeal  
25 rules as follows:

26 (a) Specifying the times when the taking of wildlife, fish, or  
27 shellfish is lawful or unlawful.

28 (b) Specifying the areas and waters in which the taking and  
29 possession of wildlife, fish, or shellfish is lawful or unlawful.

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

34 (d) Regulating the importation, transportation, possession,  
35 disposal, landing, and sale of wildlife, fish, shellfish, or seaweed  
36 within the state, whether acquired within or without the state.  
37 However, this authority must be exercised consistent with RCW  
38 77.125.050 and 77.125.060. Additionally, the rules of the department

1 must prohibit any person, including department staff, from  
2 translocating a live elk from an area with elk affected by hoof  
3 disease to any other location except:

4 (i) Consistent with a process developed by the department with  
5 input from the affected federally recognized tribes for translocation  
6 for monitoring or hoof disease management purposes; or

7 (ii) Within an elk herd management plan area affected by hoof  
8 disease.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 **Sec. 2018.** RCW 77.12.077 and 2019 c 226 s 1 are each amended to  
9 read as follows:

10 (1) The (~~commission~~) department shall adopt by rule a process  
11 and criteria to select persons who may act as agents of the state for  
12 the purpose of using one or more dogs to hunt or pursue black bear,  
13 cougar, or bobcat to protect livestock, domestic animals, private  
14 property, or the public safety. The (~~commission~~) department rule  
15 must outline the requirements an applicant must comply with when  
16 applying for the program including, but not limited to, a criminal  
17 background check.

18 (2) The department shall administer a training program to enable  
19 persons who have been selected pursuant to subsection (1) of this  
20 section to train dogs for use consistent with this section. The  
21 purpose of this program is to provide dog training opportunities  
22 using nonlethal pursuit.

23 **Sec. 2019.** RCW 77.12.085 and 2019 c 290 s 2 are each amended to  
24 read as follows:

25 The (~~commission~~) department shall adopt rules to liberalize bag  
26 limits for bass, walleye, and channel catfish in all anadromous  
27 waters of the state in order to reduce the predation risk to salmon  
28 smolts.

29 **Sec. 2020.** RCW 77.12.140 and 1987 c 506 s 23 are each amended to  
30 read as follows:

31 The director (~~(, acting in a manner not inconsistent with criteria~~  
32 ~~established by the commission,)~~) may obtain by purchase, gift, or  
33 exchange and may sell or transfer wildlife and their eggs for  
34 stocking, research, or propagation.

35 **Sec. 2021.** RCW 77.12.150 and 2003 c 385 s 2 are each amended to  
36 read as follows:

1 (1) By emergency rule only, (~~and in accordance with criteria~~  
2 ~~established by the commission,~~) the director may close or shorten a  
3 season for game animals, game birds, or game fish, and after a season  
4 has been closed or shortened, may reopen it and reestablish bag  
5 limits on game animals, game birds, or game fish during that season.  
6 The director (~~shall advise the commission of the adoption of~~) may  
7 adopt emergency rules. A copy of an emergency rule, certified as a  
8 true copy by the director or by a person authorized in writing by the  
9 director to make the certification, is admissible in court as prima  
10 facie evidence of the adoption and validity of the rule.

11 (2) (a) If the director finds that game animals have increased in  
12 numbers in an area of the state so that they are damaging public or  
13 private property or over-utilizing their habitat, the (~~commission~~)  
14 department may establish a special hunting season and designate the  
15 time, area, and manner of taking and the number and sex of the  
16 animals that may be killed or possessed by a licensed hunter. The  
17 director shall include notice of the special season in the rules  
18 establishing open seasons.

19 (b) When the department receives six complaints concerning damage  
20 to commercial agricultural and horticultural crop production by  
21 wildlife from the owner or tenant of real property, or from several  
22 owners or tenants in a locale, the (~~commission~~) department shall  
23 conduct a special hunt or special hunts or take remedial action to  
24 reduce the potential for the damage, and shall authorize either one  
25 or two permits per hunter. Each complaint must be confirmed by  
26 qualified department staff, or their designee.

27 (c) The director shall determine by random selection the identity  
28 of hunters who may hunt within the area of the special hunt and shall  
29 determine the conditions and requirements of the selection process.  
30 Within this process, the department must maintain a list of all  
31 persons holding valid wildlife hunting licenses, arranged by county  
32 of residence, who may hunt deer or elk that are causing damage to  
33 crops. The department must update the list annually and utilize the  
34 list when contacting persons to assist in controlling game damage to  
35 crops. The department must make all reasonable efforts to contact  
36 individuals residing within the county where the hunting of deer or  
37 elk will occur before contacting a person who is not a resident of  
38 that county. The department must randomize the names of people on the  
39 list in order to provide a fair distribution of the hunting  
40 opportunities. Hunters who participate in hunts under this section

1 must report any kills to the department. The department must include  
2 a summary of the wildlife harvested in these hunts in the annual game  
3 management reports it makes available to the public.

4 **Sec. 2022.** RCW 77.12.152 and 1995 1st sp.s. c 2 s 14 are each  
5 amended to read as follows:

6 The (~~commission~~) department may designate the boundaries of  
7 fishing areas by driving piling or by establishing monuments or by  
8 description of landmarks or section lines and directional headings.

9 **Sec. 2023.** RCW 77.12.170 and 2020 c 148 s 5 are each amended to  
10 read as follows:

11 (1) There is established in the state treasury the limited fish  
12 and wildlife account which consists of moneys received from:

13 (a) Fees for personalized vehicle, Wild on Washington, and  
14 Endangered Wildlife license plates, Washington's Wildlife license  
15 plate collection, and Washington's fish license plate collection as  
16 provided in chapter 46.17 RCW;

17 (b) The department's share of revenues from auctions and raffles  
18 authorized by the (~~commission~~) department;

19 (c) The sale of watchable wildlife decals under RCW 77.32.560;

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

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

25 (f) Those portions of the sale of licenses, permits, tags,  
26 stamps, endorsements, and application fees that are specified for a  
27 limited purpose within chapters 77.32, 77.65, and 77.70 RCW; and

28 (g) Income directed to the limited fish and wildlife account by  
29 any other statute not listed in this subsection.

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

33 (3) There is established in the state treasury the fish,  
34 wildlife, and conservation account that consists of moneys received  
35 from:

36 (a) Rentals or concessions of the department;

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

4 (c) The assessment of administrative penalties;

5 (d) Those portions of the sale of licenses, permits, tags,  
6 stamps, endorsements, and application fees that are not specified for  
7 a limited purpose within chapters 77.32, 77.65, and 77.70 RCW;

8 (e) Articles or wildlife sold by the director under RCW  
9 77.12.140;

10 (f) Excise tax on anadromous game fish collected under chapter  
11 82.27 RCW;

12 (g) Donations received by the director under RCW 77.12.039;

13 (h) Income directed to the fish, wildlife, and conservation  
14 account by any other statute not listed in this subsection.

15 (4) State and county officers receiving any moneys listed in  
16 subsection (3) of this section shall deposit them in the state  
17 treasury to be credited to the fish, wildlife, and conservation  
18 account.

19 (5) Compensation for damage to department property or wildlife  
20 losses or contributions, gifts, or grants received under RCW  
21 77.12.320 must be deposited into the special wildlife account created  
22 in RCW 77.12.323. However, this excludes fish and shellfish overages  
23 and court-ordered restitution or donations associated with any fish,  
24 shellfish, or wildlife enforcement action, as such moneys must be  
25 deposited in the enforcement reward account pursuant to RCW  
26 77.15.425.

27 **Sec. 2024.** RCW 77.12.210 and 2020 c 148 s 9 are each amended to  
28 read as follows:

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

34 The (~~commission may authorize the~~) director (~~to~~) may sell,  
35 lease, convey, or grant concessions upon real or personal property  
36 under the control of the department. This includes the authority to  
37 sell timber, gravel, sand, and other materials or products from real  
38 property held by the department, and to sell or lease the  
39 department's real or personal property or grant concessions or

1 rights-of-way for roads or utilities in the property. Oil and gas  
2 resources owned by the state which lie below lands owned, leased, or  
3 held by the department shall be offered for lease by the commissioner  
4 of public lands pursuant to chapter 79.14 RCW with the proceeds being  
5 deposited in the fish, wildlife, and conservation account created in  
6 RCW 77.12.170(3): PROVIDED, That the commissioner of public lands  
7 shall condition such leases at the request of the department to  
8 protect wildlife and its habitat.

9 If the (~~commission~~) director determines that real or personal  
10 property held by the department cannot be used advantageously by the  
11 department, the director may dispose of that property if it is in the  
12 public interest.

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

21 Proceeds from the sales shall be deposited in the fish, wildlife,  
22 and conservation account created in RCW 77.12.170(3).

23 **Sec. 2025.** RCW 77.12.220 and 2000 c 107 s 219 are each amended  
24 to read as follows:

25 For purposes of this title, the (~~commission~~) department may  
26 make agreements to obtain real or personal property or to transfer or  
27 convey property held by the state to the United States or its  
28 agencies or instrumentalities, units of local government of this  
29 state, public service companies, or other persons, if in the judgment  
30 of the (~~commission~~) department and the attorney general the  
31 transfer and conveyance is consistent with public interest. For  
32 purposes of this section, "local government" means any city, town,  
33 county, special district, municipal corporation, or quasi-municipal  
34 corporation.

35 If the (~~commission~~) department agrees to a transfer or  
36 conveyance under this section or to a sale or return of real property  
37 under RCW 77.12.210, the director shall certify, with the attorney  
38 general, to the governor that the agreement has been made. The  
39 certification shall describe the real property. The governor then may

1 execute and the secretary of state attest and deliver to the  
2 appropriate entity or person the instrument necessary to fulfill the  
3 agreement.

4 **Sec. 2026.** RCW 77.12.275 and 1995 1st sp.s. c 2 s 7 are each  
5 amended to read as follows:

6 The (~~commission~~) department may negotiate agreements with the  
7 United States department of defense to coordinate fishing in state  
8 waters over which the department of defense has assumed control.

9 **Sec. 2027.** RCW 77.12.285 and 2000 c 107 s 6 are each amended to  
10 read as follows:

11 (1) The (~~commission~~) department may enter into agreements with  
12 and receive funds from the United States for the construction,  
13 maintenance, and operation of fish cultural stations, laboratories,  
14 and devices in the Columbia river basin for improvement of feeding  
15 and spawning conditions for fish, for the protection of migratory  
16 fish from irrigation projects and for facilitating free migration of  
17 fish over obstructions.

18 (2) The director and the department may acquire by gift,  
19 purchase, lease, easement, or condemnation the use of lands where the  
20 construction or improvement is to be carried on by the United States.

21 **Sec. 2028.** RCW 77.12.320 and 2021 c 182 s 1 are each amended to  
22 read as follows:

23 (1) The (~~commission~~) department may make agreements with  
24 persons, political subdivisions of this state, or the United States  
25 or its agencies or instrumentalities, regarding fish, shellfish, and  
26 wildlife-oriented recreation and the propagation, protection,  
27 conservation, and control of fish, shellfish, and wildlife.

28 (2) The director may make written agreements with the owners or  
29 lessees of real or personal property to provide for the use of the  
30 property for fish, shellfish, and wildlife-oriented recreation. The  
31 director may adopt rules governing the conduct of persons in or on  
32 the real property.

33 (3) The director may accept compensation for fish, shellfish, and  
34 wildlife losses or gifts or grants of personal property for use by  
35 the department.

1 (4) The (~~commission~~) director may indemnify the United States  
2 and its agencies as a condition of securing federal funds for  
3 purposes of fish, shellfish, and wildlife projects.

4 **Sec. 2029.** RCW 77.12.325 and 2001 c 253 s 20 are each amended to  
5 read as follows:

6 The (~~commission~~) department may cooperate with the Oregon fish  
7 and wildlife commission in the adoption of rules to ensure an annual  
8 yield of fish, shellfish, and wildlife on the Columbia river and to  
9 prevent the taking of fish, shellfish, and wildlife at places or  
10 times that might endanger fish, shellfish, and wildlife.

11 **Sec. 2030.** RCW 77.12.330 and 1980 c 78 s 53 are each amended to  
12 read as follows:

13 The (~~commission~~) department may establish by rule exclusive  
14 fishing waters for minors within specified ages.

15 **Sec. 2031.** RCW 77.12.420 and 1987 c 506 s 46 are each amended to  
16 read as follows:

17 The director may spend moneys to improve natural growing  
18 conditions for fish by constructing fishways, installing screens, and  
19 removing obstructions to migratory fish. The eradication of  
20 undesirable fish shall be authorized by the (~~commission~~)  
21 department. The director may enter into cooperative agreements with  
22 state, county, municipal, and federal agencies, and with private  
23 individuals for these purposes.

24 **Sec. 2032.** RCW 77.12.455 and 2001 c 253 s 22 are each amended to  
25 read as follows:

26 The (~~commission~~) department may prohibit the introduction,  
27 transportation or transplanting of fish, shellfish, organisms,  
28 material, or other equipment which in the (~~commission's~~)  
29 department's judgment may transmit any disease or pests affecting  
30 fish or shellfish.

31 **Sec. 2033.** RCW 77.12.560 and 1980 c 78 s 127 are each amended to  
32 read as follows:

33 The (~~commission~~) department may adopt rules regarding the use  
34 of the tidelands as shooting grounds.

1       **Sec. 2034.** RCW 77.12.570 and 1987 c 506 s 49 are each amended to  
2 read as follows:

3       The (~~commission~~) department shall establish the qualifications  
4 and conditions for issuing a game farm license. The director shall  
5 adopt rules governing the operation of game farms. Private sector  
6 cultured aquatic products as defined in RCW 15.85.020 are exempt from  
7 regulation under this section.

8       **Sec. 2035.** RCW 77.12.722 and 2000 c 107 s 259 are each amended  
9 to read as follows:

10       For the purposes of establishing a season or bag limit  
11 restriction on Canada goose hunting, the (~~commission~~) department  
12 shall not consider leg length or bill length of dusky Canada geese  
13 (*Branta canadensis occidentalis*).

14       **Sec. 2036.** RCW 77.12.760 and 2013 c 23 s 241 are each amended to  
15 read as follows:

16       Steelhead trout shall be managed solely as a recreational fishery  
17 for non-Indian fishers under the rule-setting authority of the (~~fish  
18 and wildlife commission~~) department.

19       Commercial non-Indian steelhead fisheries are not authorized.

20       **Sec. 2037.** RCW 77.12.800 and 1997 c 422 s 3 are each amended to  
21 read as follows:

22       The (~~commission~~) department must establish special pheasant  
23 hunting opportunities for juvenile hunters in eastern Washington for  
24 the 1998 season and future seasons.

25       **Sec. 2038.** RCW 77.15.065 and 1996 c 267 s 9 are each amended to  
26 read as follows:

27       If the prosecuting attorney of the county in which a violation of  
28 this title or rule of the department occurs fails to file an  
29 information against the alleged violator, the attorney general upon  
30 request of the (~~commission~~) department may file an information in  
31 the superior court of the county and prosecute the case in place of  
32 the prosecuting attorney. The (~~commission~~) department may request  
33 prosecution by the attorney general if thirty days have passed since  
34 the (~~commission~~) department informed the county prosecuting  
35 attorney of the alleged violation.

1       **Sec. 2039.** RCW 77.15.096 and 2017 3rd sp.s. c 8 s 5 are each  
2 amended to read as follows:

3       (1) Fish and wildlife officers may inspect without warrant at  
4 reasonable times and in a reasonable manner:

5       (a) The premises, containers, fishing equipment, fish, seaweed,  
6 shellfish, and wildlife of any commercial fisher or wholesale dealer  
7 or fish dealer; and

8       (b) Records required by the department of any commercial fisher  
9 or wholesale fish buyer or fish dealer.

10       (2) Fish and wildlife officers and ex officio fish and wildlife  
11 officers may inspect without warrant at reasonable times and in a  
12 reasonable manner:

13       (a) The premises, containers, fishing equipment, fish, shellfish,  
14 wildlife, or covered animal species of any person trafficking or  
15 otherwise distributing or receiving fish, shellfish, wildlife, or  
16 covered animal species;

17       (b) Records required by the department of any person trafficking  
18 or otherwise distributing or receiving fish, shellfish, wildlife, or  
19 covered animal species;

20       (c) Any cold storage plant that a fish and wildlife officer has  
21 probable cause to believe contains fish, shellfish, or wildlife;

22       (d) The premises, containers, fish, shellfish, wildlife, or  
23 covered animal species of any taxidermist or fur buyer; or

24       (e) The records required by the department of any taxidermist or  
25 fur buyer.

26       (3) Fish and wildlife officers may inspect without warrant, at  
27 reasonable times and in a reasonable manner, the records required by  
28 the department of any retail outlet selling fish, shellfish, or  
29 wildlife, and, if the officers have probable cause to believe a  
30 violation of this title or rules of the (~~commission~~) department has  
31 occurred, they may inspect without warrant the premises, containers,  
32 and fish, shellfish, and wildlife of any retail outlet selling fish,  
33 shellfish, or wildlife.

34       (4) Authority granted under this section does not extend to  
35 quarters in a boat, building, or other property used exclusively as a  
36 private domicile, does not extend to transitory residences in which a  
37 person has a reasonable expectation of privacy, and does not allow  
38 search and seizure without a warrant if the thing or place is  
39 protected from search without warrant within the meaning of Article  
40 I, section 7 of the state Constitution.

1       **Sec. 2040.** RCW 77.15.120 and 2014 c 48 s 5 are each amended to  
2 read as follows:

3       (1) A person is guilty of unlawful taking of endangered fish or  
4 wildlife in the second degree if:

5       (a) The person hunts for, fishes for, possesses, maliciously  
6 harasses, or kills fish or wildlife, or possesses or intentionally  
7 destroys the nests or eggs of fish or wildlife;

8       (b) The fish or wildlife is designated by the (~~commission~~)  
9 department as endangered; and

10       (c) The taking of the fish or wildlife or the destruction of the  
11 nests or eggs has not been authorized by rule of the (~~commission~~)  
12 department, a permit issued by the department, or a permit issued  
13 pursuant to the federal endangered species act.

14       (2) A person is guilty of unlawful taking of endangered fish or  
15 wildlife in the first degree if the person has been:

16       (a) Convicted under subsection (1) of this section or convicted  
17 of any crime under this title involving the taking, possessing, or  
18 malicious harassment of endangered fish or wildlife; and

19       (b) Within five years of the date of the prior conviction the  
20 person commits the act described by subsection (1) of this section.

21       (3)(a) Unlawful taking of endangered fish or wildlife in the  
22 second degree is a gross misdemeanor.

23       (b) Unlawful taking of endangered fish or wildlife in the first  
24 degree is a class C felony. The department shall revoke any licenses  
25 or tags used in connection with the crime and order the person's  
26 privileges to hunt, fish, trap, or obtain licenses under this title  
27 to be suspended for two years.

28       **Sec. 2041.** RCW 77.15.130 and 2014 c 48 s 6 are each amended to  
29 read as follows:

30       (1) A person is guilty of unlawful taking of protected fish or  
31 wildlife if:

32       (a) The person hunts for, fishes for, maliciously takes,  
33 harasses, or possesses fish or wildlife, or the person possesses or  
34 maliciously destroys the eggs or nests of fish or wildlife designated  
35 by the (~~commission~~) department as protected, other than species  
36 designated as threatened or sensitive, and the taking has not been  
37 authorized by rule of the (~~commission~~) department or by a permit  
38 issued by the department;

1 (b) The person violates any rule of the (~~commission~~) department  
2 regarding the taking, harassing, possession, or transport of  
3 protected fish or wildlife; or

4 (c)(i) The person hunts for, fishes for, intentionally takes,  
5 harasses, or possesses fish or wildlife, or the person possesses or  
6 intentionally destroys the nests or eggs of fish or wildlife  
7 designated by the (~~commission~~) department as threatened or  
8 sensitive; and

9 (ii) The taking of the fish or wildlife, or the destruction of  
10 the nests or eggs, has not been authorized by rule of the  
11 (~~commission~~) department, a permit issued by the department, or a  
12 permit issued pursuant to the federal endangered species act.

13 (2) Unlawful taking of protected fish or wildlife is a  
14 misdemeanor.

15 (3) In addition to the penalties set forth in subsection (2) of  
16 this section, if a person is convicted of violating this section and  
17 the violation results in the death of protected wildlife listed in  
18 this subsection, the court shall require payment of the following  
19 amounts for each animal taken or possessed. This is a criminal  
20 wildlife penalty assessment that must be paid to the clerk of the  
21 court and distributed each month to the state treasurer for deposit  
22 in the fish and wildlife enforcement reward account created in RCW  
23 77.15.425:

24 (a) Ferruginous hawk, two thousand dollars;

25 (b) Common loon, two thousand dollars;

26 (c) Bald eagle, two thousand dollars;

27 (d) Golden eagle, two thousand dollars; and

28 (e) Peregrine falcon, two thousand dollars.

29 (4) If two or more persons are convicted under subsection (1) of  
30 this section, and subsection (3) of this section is applicable, the  
31 criminal wildlife penalty assessment must be imposed against the  
32 persons jointly and severally.

33 (5)(a) The criminal wildlife penalty assessment under subsection  
34 (3) of this section must be imposed regardless of and in addition to  
35 any sentence, fines, or costs otherwise provided for violating any  
36 provision of this section. The criminal wildlife penalty assessment  
37 must be included by the court in any pronouncement of sentence and  
38 may not be suspended, waived, modified, or deferred in any respect.

1 (b) This subsection may not be construed to abridge or alter  
2 alternative rights of action or remedies in equity or under common  
3 law or statutory law, criminal or civil.

4 (6) A defaulted criminal wildlife penalty assessment authorized  
5 under subsection (3) of this section may be collected by any means  
6 authorized by law for the enforcement of orders of the court or  
7 collection of a fine or costs, including but not limited to vacation  
8 of a deferral of sentencing or vacation of a suspension of sentence.

9 (7) The department shall revoke the hunting license and suspend  
10 the hunting privileges of a person assessed a criminal wildlife  
11 penalty assessment under this section until the penalty assessment is  
12 paid through the registry of the court in which the penalty  
13 assessment was assessed.

14 (8) The criminal wildlife penalty assessments provided in  
15 subsection (3) of this section must be doubled in the following  
16 instances:

17 (a) When a person commits a violation that requires payment of a  
18 criminal wildlife penalty assessment within five years of a prior  
19 gross misdemeanor or felony conviction under this title; or

20 (b) When the trier of fact determines that the person took or  
21 possessed the protected wildlife in question with the intent of  
22 bartering, selling, or otherwise deriving economic profit from the  
23 wildlife or wildlife parts.

24 **Sec. 2042.** RCW 77.15.135 and 2016 c 2 s 3 are each amended to  
25 read as follows:

26 (1) Except as authorized in subsections (2) and (3) of this  
27 section, it is unlawful for a person to sell, offer to sell,  
28 purchase, trade, barter for, or distribute any covered animal species  
29 part or product.

30 (2) The prohibitions set forth in subsection (1) of this section  
31 do not apply if any of the following conditions (~~(is—[are])~~) are  
32 satisfied:

33 (a) The covered animal species part or product is part of a bona  
34 fide antique, provided the antique status of such an antique is  
35 established by the owner or seller thereof with historical  
36 documentation evidencing provenance and showing the antique to be not  
37 less than one hundred years old, and the covered animal species part  
38 or product is less than fifteen percent by volume of such an antique;

1 (b) The distribution of the covered animal species part or  
2 product is for a bona fide educational or scientific purpose, or to  
3 or from a museum;

4 (c) The distribution of the covered animal species part or  
5 product is to a legal beneficiary of an estate, trust, or other  
6 inheritance, upon the death of the owner of the covered animal  
7 species part or product;

8 (d) The covered animal species part or product is less than  
9 fifteen percent by volume of a musical instrument, including, without  
10 limitation, string instruments and bows, wind and percussion  
11 instruments, and pianos; or

12 (e) The intrastate sale, offer for sale, purchase, trade, barter  
13 for, or distribution of the covered animal species part or product is  
14 expressly authorized by federal law or permit.

15 (3) The prohibitions set forth in subsection (1) of this section  
16 do not apply to an employee or agent of a federal, state, or local  
17 government undertaking any law enforcement activity pursuant to  
18 federal, state, or local law or any mandatory duty required by  
19 federal, state, or local law.

20 (4)(a) Except as otherwise provided in this section, a person is  
21 guilty of unlawful trafficking in species threatened with extinction  
22 in the second degree if the person commits the act described in  
23 subsection (1) of this section and the violation involves covered  
24 animal species parts or products with a total market value of less  
25 than two hundred fifty dollars.

26 (b) Except as otherwise provided in this section, a person is  
27 guilty of unlawful trafficking in species threatened with extinction  
28 in the first degree if the person commits the act described by  
29 subsection (1) of this section and the violation:

30 (i) Involves covered animal species parts or products with a  
31 total market value of two hundred fifty dollars or more;

32 (ii) Occurs after entry of a prior conviction under this section;  
33 or

34 (iii) Occurs within five years of entry of a prior conviction for  
35 any other gross misdemeanor or felony under this chapter.

36 (c) Unlawful trafficking in species threatened with extinction in  
37 the second degree is a gross misdemeanor.

38 (d) Unlawful trafficking in species threatened with extinction in  
39 the first degree is a class C felony.

1 (e) If a person commits the act described by subsection (1) of  
2 this section and such an act also would be a violation of any other  
3 criminal provision of this title, the prosecuting authority has  
4 discretion as to which crime or crimes the person is charged as long  
5 as the charges are consistent with any limitations in the state and  
6 federal Constitutions.

7 (5) In addition to the penalties set forth in subsection (4) of  
8 this section, if a person is convicted of violating this section, the  
9 court shall require payment of a criminal wildlife penalty assessment  
10 in the amount of two thousand dollars that must be paid to the clerk  
11 of the court and distributed each month to the state treasurer for  
12 deposit in the fish and wildlife enforcement reward account created  
13 in RCW 77.15.425.

14 (6) If two or more people are convicted under subsection (1) of  
15 this section, the criminal wildlife penalty assessment under this  
16 section must be imposed against each person jointly and severally.

17 (7) The criminal wildlife penalty assessment provided in this  
18 section must be doubled if the person is convicted of unlawful  
19 trafficking in species threatened with extinction in the first  
20 degree.

21 (8) By January 1, 2017, and thereafter annually, the director  
22 shall provide a comprehensive report outlining current and future  
23 enforcement activities and strategies related to chapter 2, Laws of  
24 2016, including recommendations regarding any necessary changes, to  
25 the relevant policy and fiscal committees of the senate and house of  
26 representatives.

27 (9) The (~~commission~~) department may adopt rules necessary for  
28 the implementation and enforcement of chapter 2, Laws of 2016.

29 **Sec. 2043.** RCW 77.15.245 and 2019 c 226 s 2 are each amended to  
30 read as follows:

31 (1) Notwithstanding the provisions of RCW 77.12.240, 77.36.030,  
32 or any other provisions of law, it is unlawful to take, hunt, or  
33 attract black bear with the aid of bait.

34 (a) Nothing in this subsection shall be construed to prohibit the  
35 killing of black bear with the aid of bait by employees or agents of  
36 county, state, or federal agencies while acting in their official  
37 capacities for the purpose of protecting livestock, domestic animals,  
38 private property, or the public safety.

1 (b) Nothing in this subsection shall be construed to prevent the  
2 establishment and operation of feeding stations for black bear in  
3 order to prevent damage to commercial timberland.

4 (c) Nothing in this subsection shall be construed to prohibit the  
5 director from issuing a permit or memorandum of understanding to a  
6 public agency, university, or scientific or educational institution  
7 for the use of bait to attract black bear for scientific purposes.

8 (d) As used in this subsection, "bait" means a substance placed,  
9 exposed, deposited, distributed, scattered, or otherwise used for the  
10 purpose of attracting black bears to an area where one or more  
11 persons hunt or intend to hunt them.

12 (2) Notwithstanding RCW 77.12.240, 77.36.030, or any other  
13 provisions of law, it is unlawful to hunt or pursue black bear,  
14 cougar, or bobcat with the aid of a dog or dogs.

15 (a) Nothing in this subsection shall be construed to prohibit the  
16 hunting of black bear, cougar, or bobcat with the aid of a dog or  
17 dogs by employees or agents of county, state, or federal agencies  
18 while acting in their official capacities for the purpose of  
19 protecting livestock, domestic animals, private property, or the  
20 public safety. A dog or dogs may be used by the owner or tenant of  
21 real property consistent with a permit issued and conditioned by the  
22 director.

23 (b) Nothing in this subsection shall be construed to prohibit the  
24 director from issuing a permit or memorandum of understanding to a  
25 public agency, university, or scientific or educational institution  
26 for the use of a dog or dogs for the pursuit, capture and relocation,  
27 of black bear, cougar, or bobcat for scientific purposes.

28 (c) Nothing in this subsection shall be construed to prohibit the  
29 director from issuing a permit or memorandum of understanding to a  
30 public agency, university, or scientific or educational institution  
31 for the use of a dog or dogs for the killing of black bear, cougar,  
32 or bobcat, for the protection of a state and/or federally listed  
33 threatened or endangered species.

34 (d) Nothing in this subsection may be construed to prohibit  
35 nonlethal pursuit training of dogs by persons selected through the  
36 process established in RCW 77.12.077 for future use for the purpose  
37 of protecting livestock, domestic animals, private property, or the  
38 public safety.

39 (3) Notwithstanding subsection (2) of this section, the  
40 (~~commission~~) department may authorize the use of dogs only in

1 selected areas within a game management unit to address a public  
2 safety need presented by one or more cougar. This authority may only  
3 be exercised after the (~~commission~~) department has determined that  
4 no other practical alternative to the use of dogs exists, and after  
5 the (~~commission~~) department has adopted rules describing the  
6 conditions in which dogs may be used. Conditions that may warrant the  
7 use of dogs within a game management unit include, but are not  
8 limited to, confirmed cougar/human safety incidents, confirmed  
9 cougar/livestock and cougar/pet depredations, and the number of  
10 cougar capture attempts and relocations.

11 (4) A person who violates subsection (1) or (2) of this section  
12 is guilty of a gross misdemeanor. In addition to appropriate criminal  
13 penalties, the department shall revoke the hunting license of a  
14 person who violates subsection (1) or (2) of this section and order  
15 the suspension of wildlife hunting privileges for a period of five  
16 years following the revocation. Following a subsequent violation of  
17 subsection (1) or (2) of this section by the same person, a hunting  
18 license shall not be issued to the person at any time.

19 **Sec. 2044.** RCW 77.15.382 and 2010 c 193 s 2 are each amended to  
20 read as follows:

21 (1) A person is guilty of the unlawful use of shellfish gear for  
22 personal use purposes if the person:

23 (a) Takes, fishes for, or possesses crab, shrimp, or crawfish for  
24 personal use purposes with shellfish gear that is constructed or  
25 altered in a manner that violates any rule of the (~~commission~~)  
26 department relating to required gear design specifications; or

27 (b) Is found in possession of, upon any vessel located on the  
28 waters of the state, shellfish gear that is constructed or altered in  
29 a manner that violates any rule of the (~~commission~~) department  
30 relating to required gear design specifications, unless a person  
31 holds a valid crab pot removal permit under RCW 77.70.500 and is in  
32 the process of transporting removed crab pots as part of the  
33 Dungeness crab pot removal program.

34 (2) The unlawful use of shellfish gear for personal use purposes  
35 is a misdemeanor.

36 **Sec. 2045.** RCW 77.15.395 and 2019 c 58 s 1 are each amended to  
37 read as follows:

1 (1) For the purpose of hunter safety, the ((~~commission~~))  
2 department must adopt rules determining the times and manner when a  
3 person hunting must wear either fluorescent orange or fluorescent  
4 pink clothing or both. The rules must allow a person hunting to wear  
5 either fluorescent orange or fluorescent pink clothing, or both, in  
6 order to meet a visible clothing requirement when hunting.

7 (2) A violation of this section is an infraction punishable under  
8 RCW 77.15.160.

9 **Sec. 2046.** RCW 77.15.420 and 2016 c 64 s 3 are each amended to  
10 read as follows:

11 (1) If an adult offender is convicted of violating RCW 77.15.410  
12 and that violation results in the death of wildlife listed in this  
13 section, the court shall require payment of the following amounts for  
14 each animal taken or possessed. This shall be a criminal wildlife  
15 penalty assessment that shall be paid to the clerk of the court and  
16 distributed each month to the state treasurer for deposit in the fish  
17 and wildlife enforcement reward account created in RCW 77.15.425.

- 18 (a) Moose, mountain sheep, mountain  
19 goat, and all wildlife species  
20 classified as endangered by  
21 rule of the ((~~commission~~))  
22 department, except for  
23 mountain caribou and grizzly  
24 bear as listed under (d) of this  
25 subsection. .... \$4,000
- 26 (b) Elk, deer, black bear, and cougar. . \$2,000
- 27 (c) Trophy animal elk and deer. .... \$6,000
- 28 (d) Mountain caribou, grizzly bear, and  
29 trophy animal mountain  
30 sheep. .... \$12,000

31 (2) (a) For the purpose of this section a "trophy animal" is:  
32 (i) A buck deer with four or more antler points on both sides,  
33 not including eyeguards;  
34 (ii) A bull elk with five or more antler points on both sides,  
35 not including eyeguards; or  
36 (iii) A mountain sheep with a horn curl of three-quarter curl or  
37 greater.

1 (b) For purposes of this subsection, "eyeguard" means an antler  
2 protrusion on the main beam of the antler closest to the eye of the  
3 animal.

4 (3) If two or more persons are convicted of illegally possessing  
5 wildlife in subsection (1) of this section, the criminal wildlife  
6 penalty assessment shall be imposed on them jointly and severally.

7 (4) The criminal wildlife penalty assessment shall be imposed  
8 regardless of and in addition to any sentence, fines, or costs  
9 otherwise provided for violating any provision of this title. The  
10 criminal wildlife penalty assessment shall be included by the court  
11 in any pronouncement of sentence and may not be suspended, waived,  
12 modified, or deferred in any respect. This section may not be  
13 construed to abridge or alter alternative rights of action or  
14 remedies in equity or under common law or statutory law, criminal or  
15 civil.

16 (5) A defaulted criminal wildlife penalty assessment may be  
17 collected by any means authorized by law for the enforcement of  
18 orders of the court or collection of a fine or costs, including but  
19 not limited to vacation of a deferral of sentencing or vacation of a  
20 suspension of sentence.

21 (6) A person assessed a criminal wildlife penalty assessment  
22 under this section shall have his or her hunting license revoked and  
23 all hunting privileges suspended until the penalty assessment is paid  
24 through the registry of the court in which the penalty assessment was  
25 assessed. This revocation and suspension is in addition to and runs  
26 concurrently with any revocation and suspension required by law.

27 (7) The criminal wildlife penalty assessments provided in  
28 subsection (1) of this section shall be doubled in the following  
29 instances:

30 (a) When a person is convicted of spotlighting big game under RCW  
31 77.15.450;

32 (b) When a person commits a violation that requires payment of a  
33 wildlife penalty assessment within five years of a prior gross  
34 misdemeanor or felony conviction under this title;

35 (c) When the trier of fact determines that the person took or  
36 possessed the animal in question with the intent of bartering,  
37 selling, or otherwise deriving economic profit from the animal or the  
38 animal's parts; or

39 (d) When the trier of fact determines that the person took the  
40 animal under the supervision of a licensed guide.

1       **Sec. 2047.** RCW 77.15.425 and 2016 c 2 s 6 are each amended to  
2 read as follows:

3       The fish and wildlife enforcement reward account is created in  
4 the custody of the state treasurer. Deposits to the account include:  
5 Receipts from fish and shellfish overages as a result of a department  
6 enforcement action; fees for hunter education deferral applications;  
7 fees for master hunter applications and master hunter certification  
8 renewals; all receipts from criminal wildlife penalty assessments  
9 under this chapter; all receipts of court-ordered restitution or  
10 donations associated with any fish, shellfish, or wildlife  
11 enforcement action; and proceeds from forfeitures and evidence  
12 pursuant to RCW 77.15.070 and 77.15.100. The department may accept  
13 money or personal property from persons under conditions requiring  
14 the property or money to be used consistent with the intent of  
15 expenditures from the fish and wildlife enforcement reward account.  
16 Expenditures from the account may be used only for investigation and  
17 prosecution of fish and wildlife offenses, to provide rewards to  
18 persons informing the department about violations of this title and  
19 rules adopted under this title, to offset department-approved costs  
20 incurred to administer the hunter education deferral program and the  
21 master hunter permit program, and for other valid enforcement uses as  
22 determined by the (~~commission~~) department. Only the director or the  
23 director's designee may authorize expenditures from the account. The  
24 account is subject to allotment procedures under chapter 43.88 RCW,  
25 but an appropriation is not required for expenditures.

26       **Sec. 2048.** RCW 77.15.460 and 2018 c 168 s 1 are each amended to  
27 read as follows:

28       (1) A person is guilty of unlawful possession of a loaded rifle  
29 or shotgun in a motor vehicle, as defined in RCW 46.04.320, or upon  
30 an off-road vehicle, as defined in RCW 46.04.365, if:

31       (a) The person carries, transports, conveys, possesses, or  
32 controls a rifle or shotgun in a motor vehicle, or upon an off-road  
33 vehicle, except as allowed by department rule; and

34       (b) The rifle or shotgun contains shells or cartridges in the  
35 magazine or chamber, or is a muzzle-loading firearm that is loaded  
36 and capped or primed.

37       (2) A person is guilty of unlawful use of a loaded firearm if:

38       (a) The person negligently discharges a firearm from, across, or  
39 along the maintained portion of a public highway; or

1 (b) The person discharges a firearm from within a moving motor  
2 vehicle or from upon a moving off-road vehicle.

3 (3) Unlawful possession of a loaded rifle or shotgun in a motor  
4 vehicle or upon an off-road vehicle, and unlawful use of a loaded  
5 firearm are misdemeanors.

6 (4) This section does not apply if the person:

7 (a) Is a law enforcement officer who is authorized to carry a  
8 firearm and is on duty within the officer's respective jurisdiction;

9 (b) Has been granted a disability designation as provided by RCW  
10 77.32.237 and complies with all rules of the department concerning  
11 hunting by persons with disabilities; or

12 (c) Discharges the rifle or shotgun from upon a nonmoving motor  
13 vehicle, as long as the engine is turned off and the motor vehicle is  
14 not parked on or beside the maintained portion of a public road,  
15 except as authorized by the (~~commission~~) department by rule. This  
16 subsection (4)(c) does not apply to off-road vehicles, which are  
17 unlawful to use for hunting under RCW 46.09.480, unless the person  
18 has a department permit issued under RCW 77.32.237.

19 (5) For purposes of subsection (1) of this section, a rifle or  
20 shotgun shall not be considered loaded if the detachable clip or  
21 magazine is not inserted in or attached to the rifle or shotgun.

22 **Sec. 2049.** RCW 77.15.520 and 2010 c 193 s 4 are each amended to  
23 read as follows:

24 (1) Except for actions involving shellfish gear punishable under  
25 RCW 77.15.522, a person is guilty of commercial fishing using  
26 unlawful gear or methods if the person acts for commercial purposes  
27 and takes or fishes for any fish or shellfish using any gear or  
28 method in violation of a rule of the (~~commission~~) department  
29 specifying, regulating, or limiting the gear or method for taking,  
30 fishing, or harvesting of such fish or shellfish.

31 (2) Commercial fishing using unlawful gear or methods is a gross  
32 misdemeanor.

33 **Sec. 2050.** RCW 77.15.522 and 2010 c 193 s 1 are each amended to  
34 read as follows:

35 (1) A person is guilty of the unlawful use of shellfish gear for  
36 commercial purposes if the person:

37 (a) Takes, fishes for, or possesses crab, shrimp, or crawfish for  
38 commercial purposes with shellfish gear that is constructed or

1 altered in a manner that violates any rule of the (~~commission~~)  
2 department relating to required gear design specifications; or

3 (b) Is found in possession of, upon any vessel located on the  
4 waters of the state, shellfish gear that is constructed or altered in  
5 a manner that violates any rule of the (~~commission~~) department  
6 relating to required gear design specifications, unless a person  
7 holds a valid crab pot removal permit under RCW 77.70.500 and is in  
8 the process of transporting removed crab pots as part of the  
9 Dungeness crab pot removal program.

10 (2) The unlawful use of shellfish gear for commercial purposes is  
11 a gross misdemeanor.

12 **Sec. 2051.** RCW 77.15.530 and 2000 c 107 s 249 are each amended  
13 to read as follows:

14 (1) A person who holds a fishery license required by chapter  
15 77.65 RCW, or who holds an operator's license and is designated as an  
16 alternate operator on a fishery license required by chapter 77.65  
17 RCW, is guilty of unlawful use of a nondesignated vessel if the  
18 person takes, fishes for, or delivers from that fishery using a  
19 vessel not designated on the person's license, when vessel  
20 designation is required by chapter 77.65 RCW.

21 (2) Unlawful use of a nondesignated vessel is a gross  
22 misdemeanor.

23 (3) A nondesignated vessel may be used, subject to appropriate  
24 notification to the department and in accordance with rules  
25 established by the (~~commission~~) department, when a designated  
26 vessel is inoperative because of accidental damage or mechanical  
27 breakdown.

28 (4) If the person commits the act described by subsection (1) of  
29 this section and the vessel designated on the person's fishery  
30 license was used by any person in the fishery on the same day, then  
31 the violation for using a nondesignated vessel is a class C felony.  
32 Upon conviction the department shall order revocation and suspension  
33 of all commercial fishing privileges under chapter 77.65 RCW for a  
34 period of one year.

35 **Sec. 2052.** RCW 77.15.554 and 2003 c 386 s 4 are each amended to  
36 read as follows:

37 (1) The license suspension review committee is created. The  
38 license suspension review committee may only hear appeals from

1 commercial fishers who have had a license revoked or suspended  
2 pursuant to RCW 77.15.552.

3 (2) (a) The license suspension review committee is composed of  
4 five voting members and up to four alternates.

5 (b) Two of the members must be appointed by the director and may  
6 be department employees.

7 (c) Three members, and up to four alternates, must be peer-group  
8 members, who are individuals owning a commercial fishing license  
9 issued by the department. If a peer-group member appears before the  
10 license suspension review committee because of a qualifying  
11 commercial fishing violation, the member must recuse himself or  
12 herself from the proceedings relating to that violation. No two  
13 voting peer-group members may reside in the same county. All peer-  
14 group members must be appointed by the (~~commission~~) department, who  
15 may accept recommendations from professional organizations that  
16 represent commercial fishing interests or from the legislative  
17 authority of any Washington county.

18 (d) All license suspension review committee members serve a two-  
19 year renewable term.

20 (e) The (~~commission~~) department may develop minimum member  
21 standards for service on the license suspension review committee, and  
22 standards for terminating a member before the expiration of his or  
23 her term.

24 (3) The license suspension review committee must convene and  
25 deliver an opinion on a license renewal suspension within three  
26 months of appeal or of referral from the department. The director  
27 shall consider the committee's opinion and make a decision and may  
28 issue, not issue, or modify the license suspension.

29 (4) The license suspension review committee shall collect the  
30 information and hear the testimony that it feels necessary to deliver  
31 an opinion on the proper length, if any, of a suspension of a  
32 commercial license. The opinion may be based on extenuating  
33 circumstances presented by the individual convicted of the qualifying  
34 commercial fishing violation or considerations of the type and  
35 magnitude of violations that have been committed by the individual.  
36 The maximum length of any suspension may not exceed one year.

37 (5) All opinions of the license suspension review committee must  
38 be by a majority vote of all voting members. Alternate committee  
39 members may only vote when one of the voting members is unavailable,  
40 has been recused, or has decided not to vote on the case before the

1 committee. Nonvoting alternates may be present and may participate at  
2 all license suspension review committee meetings.

3 (6) Members of the license suspension review committee serve as  
4 volunteers, and are not eligible for compensation other than travel  
5 expenses pursuant to RCW 43.03.050 and 43.03.060.

6 (7) Staff of the license suspension review committee must be  
7 provided by the department.

8 **Sec. 2053.** RCW 77.15.590 and 1998 c 190 s 51 are each amended to  
9 read as follows:

10 (1) A person is guilty of unlawful use of a commercial fishing  
11 vessel, except as may be authorized by rule of the (~~commission~~)  
12 department, for recreational or charter fishing if the person uses,  
13 operates, or controls a vessel on the same day for both:

14 (a) Charter or recreational fishing; and

15 (b) Commercial fishing or shellfish harvesting.

16 (2) Unlawful use of a commercial fishing vessel for recreational  
17 or charter fishing is a gross misdemeanor.

18 **Sec. 2054.** RCW 77.15.700 and 2020 c 38 s 4 are each amended to  
19 read as follows:

20 (1) The department shall revoke a person's recreational license  
21 or licenses and suspend a person's recreational license privileges in  
22 the following circumstances:

23 (a) Upon conviction, if directed by statute for an offense.

24 (b) Upon conviction, failure to appear at a hearing to contest an  
25 infraction or criminal charge, or an unvacated payment of a fine or a  
26 finding of committed as a final disposition for any infraction, if  
27 the department finds that actions of the defendant demonstrated a  
28 willful or wanton disregard for conservation of fish or wildlife.  
29 Suspension of privileges under this subsection is permanent.

30 (c) If a person is convicted, fails to appear at a hearing to  
31 contest an infraction or criminal citation, or has an unvacated  
32 payment of a fine or a finding of committed as a final disposition  
33 for any infraction, twice within ten years for a violation involving  
34 unlawful hunting, killing, or possessing big game. Revocation and  
35 suspension under this subsection must be ordered for all hunting  
36 privileges for at least two years and up to ten years.

37 (d) If a person violates, three times or more in a ten-year  
38 period, recreational hunting or fishing laws or rules for which the

1 person: (i) Is convicted of an offense; (ii) has an unvacated payment  
2 of a fine or a finding of committed as a final disposition for any  
3 infraction; or (iii) fails to appear at a hearing to contest an  
4 infraction or a criminal citation. Revocation and suspension under  
5 this subsection must be ordered of all recreational hunting and  
6 fishing privileges for at least two years and up to ten years.

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

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

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

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

18 (3) If either the deferred education licensee or the required  
19 nondeferred accompanying person, hunting under the authority of RCW  
20 77.32.155(2), is convicted of a violation of this title, fails to  
21 appear at a hearing to contest a fish and wildlife infraction or a  
22 criminal citation, or has an unvacated payment of a fine or a finding  
23 of committed as a final disposition for any fish and wildlife  
24 infraction, except for a violation of RCW 77.15.400 (1) through (4),  
25 the department may revoke all hunting licenses and tags and may order  
26 a suspension of either or both the deferred education licensee's and  
27 the nondeferred accompanying person's hunting privileges for one  
28 year.

29 (4) A person who has a recreational license revoked and  
30 privileges suspended under this section may file an appeal with the  
31 department pursuant to chapter 34.05 RCW. An appeal must be filed  
32 within twenty days of notice of license revocation and privilege  
33 suspension. If an appeal is filed, the revocation and suspension  
34 issued by the department do not take effect until twenty-one days  
35 after the department has delivered an opinion. If no appeal is filed  
36 within twenty days of notice of license revocation and suspension,  
37 the right to an appeal is waived, and the revocation and suspension  
38 take effect twenty-one days following the notice of revocation and  
39 suspension.

1 (5) A recreational license revoked and privilege suspended under  
2 this section is in addition to the statutory penalties assigned to  
3 the underlying violation.

4 **Sec. 2055.** RCW 77.15.710 and 2000 c 107 s 257 are each amended  
5 to read as follows:

6 (1) The (~~commission~~) department shall revoke all hunting,  
7 fishing, or other licenses issued under this title and order a ten-  
8 year suspension of all privileges extended under the authority of the  
9 department of a person convicted of assault on a fish and wildlife  
10 officer, ex officio officer, employee, agent, or personnel acting for  
11 the department, if the employee assaulted was on duty at the time of  
12 the assault and carrying out the provisions of this title. The  
13 suspension shall be continued beyond this period if any damages to  
14 the victim have not been paid by the suspended person.

15 (2) For the purposes of this section, the definition of assault  
16 includes:

- 17 (a) RCW 9A.32.030; murder in the first degree;
- 18 (b) RCW 9A.32.050; murder in the second degree;
- 19 (c) RCW 9A.32.060; manslaughter in the first degree;
- 20 (d) RCW 9A.32.070; manslaughter in the second degree;
- 21 (e) RCW 9A.36.011; assault in the first degree;
- 22 (f) RCW 9A.36.021; assault in the second degree; and
- 23 (g) RCW 9A.36.031; assault in the third degree.

24 **Sec. 2056.** RCW 77.15.720 and 2012 c 176 s 36 are each amended to  
25 read as follows:

26 (1)(a) If a person discharges a firearm, bow, or crossbow while  
27 hunting and in a manner that injures, or that a reasonable person  
28 would believe is likely to injure, another person, the director shall  
29 revoke all of the shooter's hunting licenses and suspend all hunting  
30 privileges for three years. If the shooting kills or results in the  
31 death of another person, then the director shall revoke all of the  
32 shooter's hunting licenses and suspend all of the person's hunting  
33 privileges for ten years.

34 (b) If a person, with malice, discharges a firearm, bow, or  
35 crossbow while hunting and in a manner that kills or causes  
36 substantial bodily harm to livestock belonging to another person, the  
37 director shall revoke all of the shooter's hunting licenses and  
38 suspend all hunting privileges for three years. For the purposes of

1 this subsection (1)(b), "malice" has the same meaning as provided in  
2 RCW 9A.04.110 but applies to acts against livestock.

3 (2) A suspension under subsection (1) of this section shall be  
4 continued beyond the applicable periods if damages owed to the victim  
5 or livestock owner have not been paid by the suspended person. In  
6 such a case, no hunting license shall be reissued to the suspended  
7 person unless authorized by the director.

8 (3) A person who is notified of a license revocation under this  
9 section may request an appeal hearing under chapter 34.05 RCW.

10 (4) The (~~commission~~) department may by rule authorize petitions  
11 for reinstatement of administrative suspensions and define  
12 circumstances under which such a reinstatement will be allowed.

13 **Sec. 2057.** RCW 77.18.060 and 2005 c 87 s 1 are each amended to  
14 read as follows:

15 The (~~fish and wildlife commission in consultation with the~~)  
16 department is authorized to determine which waters of the state are  
17 appropriate for this use. In making this determination, the  
18 (~~commission~~) department shall seek geographic distribution to  
19 assure opportunity to fishers statewide.

20 The (~~commission in consultation with the~~) department will  
21 determine the maximum number of fish that may be planted into state  
22 waters so as not to compete with the wild populations of fish species  
23 in the water body.

24 **Sec. 2058.** RCW 77.32.007 and 1984 c 240 s 8 are each amended to  
25 read as follows:

26 For the purposes of this chapter "special hunting season" means a  
27 hunting season established by rule of the (~~commission~~) department  
28 for the purpose of taking specified wildlife under a special hunting  
29 permit.

30 **Sec. 2059.** RCW 77.32.010 and 2019 c 290 s 3 are each amended to  
31 read as follows:

32 (1) Except as otherwise provided in this chapter or department  
33 rule, a recreational license issued by the director is required to  
34 hunt, fish, or take wildlife or seaweed. A recreational fishing or  
35 shellfish license is not required for carp, freshwater smelt, and  
36 crawfish, and a hunting license is not required for bullfrogs.

1 (2) A pass or permit issued under RCW 79A.80.020, 79A.80.030, or  
2 79A.80.040 is required to park or operate a motor vehicle on a  
3 recreation site or lands, as defined in RCW 79A.80.010.

4 (3) The (~~commission~~) department may, by rule, indicate that a  
5 fishing permit issued to a nontribal member by the Colville Tribes  
6 shall satisfy the license requirements in subsection (1) of this  
7 section on the waters of Lake Rufus Woods and on the north shore of  
8 Lake Rufus Woods, and that a Colville Tribes tribal member  
9 identification card shall satisfy the license requirements in  
10 subsection (1) of this section on all waters of Lake Rufus Woods.

11 **Sec. 2060.** RCW 77.32.025 and 1998 c 191 s 9 are each amended to  
12 read as follows:

13 Notwithstanding RCW 77.32.010, the (~~commission~~) department may  
14 adopt rules designating times and places for the purposes of family  
15 fishing days when licenses and catch record cards are not required to  
16 fish or to harvest shellfish.

17 **Sec. 2061.** RCW 77.32.050 and 2020 c 148 s 17 are each amended to  
18 read as follows:

19 (1) All recreational and commercial licenses, permits, tags,  
20 stamps, and raffle tickets shall be issued under the authority of the  
21 (~~commission~~) department. The (~~commission~~) department shall adopt  
22 rules for the issuance of licenses, permits, tags, stamps, and raffle  
23 tickets, and for the collection, payment, and handling of license  
24 fees, including terms and conditions to govern dealers, and dealer  
25 fees. A transaction fee on commercial and recreational documents  
26 issued through an automated licensing system may be set by the  
27 (~~commission~~) department and collected from licensees. The  
28 department may authorize all or part of such fee to be paid directly  
29 to a contractor providing automated licensing system services. The  
30 department and dealers shall collect and retain dealer fees of at  
31 least two dollars for purchase of a standard hunting or fishing  
32 recreational license document or commercial license document, except  
33 that the (~~commission~~) department may set a lower dealer fee for  
34 issuance of tags or when a licensee buys a license that involves a  
35 stamp or display card format rather than a standard department  
36 licensing document form. Dealer fees must be uniform throughout the  
37 state.

1 (2) The application fee is waived for all commercial license  
2 documents that are issued through the automated licensing system.

3 **Sec. 2062.** RCW 77.32.070 and 2008 c 244 s 1 are each amended to  
4 read as follows:

5 (1) Applicants for a license, permit, tag, or stamp shall furnish  
6 the information required by the director. However, the director may  
7 not require the purchaser of a razor clam license under RCW 77.32.520  
8 to provide any personal information except for proof of residency.  
9 The (~~commission~~) department may adopt rules requiring licensees or  
10 permittees to keep records and make reports concerning the taking of  
11 or effort to harvest fish, shellfish, and wildlife. The reporting  
12 requirement may be waived where, for any reason, the department is  
13 not able to receive the report. The department must provide  
14 reasonable options for a licensee to submit information to a live  
15 operator prior to the reporting deadline.

16 (2) The (~~commission~~) department may, by rule, set an  
17 administrative penalty for failure to comply with rules requiring the  
18 reporting of taking or effort to harvest wildlife. The (~~commission~~)  
19 department may also adopt rules requiring hunters who have not  
20 reported for the previous license year to complete a report and pay  
21 the assessed administrative penalty before a new hunting license is  
22 issued.

23 (a) The total administrative penalty per hunter set by the  
24 (~~commission~~) department must not exceed ten dollars.

25 (b) By December 31st of each year, the department shall report  
26 the rate of hunter compliance with the harvest reporting requirement,  
27 the administrative penalty imposed for failing to report, and the  
28 amount of administrative penalties collected during that year to the  
29 appropriate fiscal and policy committees of the senate and house of  
30 representatives.

31 (3) The (~~commission~~) department may, by rule, set an  
32 administrative penalty for failure to comply with rules requiring the  
33 reporting of data from catch record cards officially endorsed for  
34 Puget Sound Dungeness crab. The (~~commission~~) department may also  
35 adopt rules requiring fishers who possessed a catch record card  
36 officially endorsed for Puget Sound Dungeness crab and who have not  
37 reported for the previous license year to complete a report and pay  
38 the assessed administrative penalty before a new catch record card  
39 officially endorsed for Puget Sound Dungeness crab is issued.

1 (a) The total administrative penalty per fisher set by the  
2 (~~commission~~) department must not exceed ten dollars.

3 (b) By December 31st of each year, the department shall report  
4 the rate of fisher compliance with the Puget Sound Dungeness crab  
5 catch record card reporting requirement, the administrative penalty  
6 imposed for failing to report, and the amount of administrative  
7 penalties collected during that year to the appropriate fiscal and  
8 policy committees of the senate and house of representatives.

9 **Sec. 2063.** RCW 77.32.090 and 2000 c 107 s 267 are each amended  
10 to read as follows:

11 The (~~commission~~) department may adopt rules pertaining to the  
12 form, period of validity, use, possession, and display of licenses,  
13 permits, tags, stamps, and raffle tickets required by this chapter.

14 **Sec. 2064.** RCW 77.32.155 and 2017 c 255 s 1 are each amended to  
15 read as follows:

16 (1)(a) When purchasing any hunting license, persons under the age  
17 of eighteen shall present certification of completion of a course of  
18 instruction of at least ten hours in the safe handling of firearms,  
19 safety, conservation, and sporting/hunting behavior. All persons  
20 purchasing any hunting license for the first time, if born after  
21 January 1, 1972, shall present such certification.

22 (b)(i) The director may establish a program for training persons  
23 in the safe handling of firearms, conservation, and sporting/hunting  
24 behavior and shall prescribe the type of instruction and the  
25 qualifications of the instructors. The director shall, as part of  
26 establishing the training program, exempt the following individuals  
27 from the firearms skills portion of any instruction course completed  
28 over the internet:

29 (A) Members of the United States military;

30 (B) Current or retired general authority Washington peace  
31 officers as defined in RCW 10.93.020;

32 (C) Current or retired limited authority Washington peace  
33 officers as defined in RCW 10.93.020, if the officer is or was duly  
34 authorized by his or her employer to carry a concealed pistol;

35 (D) Current or retired specially commissioned Washington peace  
36 officers as defined in RCW 10.93.020, if the officer is or was duly  
37 authorized by his or her commissioning agency to carry a concealed  
38 pistol; and

1 (E) Current or retired Washington peace officers as defined in  
2 RCW 43.101.010 who have met the requirements of RCW 43.101.095 or  
3 43.101.157 and whose certification is in good standing or has not  
4 been revoked.

5 (ii) The director may cooperate with the national rifle  
6 association, organized sports/outdoor enthusiasts' groups, or other  
7 public or private organizations when establishing the training  
8 program.

9 (c) Upon the successful completion of a course established under  
10 this section, the trainee shall receive a hunter education  
11 certificate signed by an authorized instructor. The certificate is  
12 evidence of compliance with this section.

13 (d) The director may accept certificates from other states that  
14 persons have successfully completed firearm safety, hunter education,  
15 or similar courses as evidence of compliance with this section.

16 (2)(a) The director may authorize a once in a lifetime, one  
17 license year deferral of hunter education training for individuals  
18 who are accompanied by a nondeferred Washington-licensed hunter who  
19 has held a Washington hunting license for the prior three years and  
20 is over eighteen years of age. The (~~commission~~) department shall  
21 adopt rules for the administration of this subsection to avoid  
22 potential fraud and abuse.

23 (b) The director is authorized to collect an application fee, not  
24 to exceed twenty dollars, for obtaining the once in a lifetime, one  
25 license year deferral of hunter education training from the  
26 department. This fee must be deposited into the fish and wildlife  
27 enforcement reward account and must be used exclusively to administer  
28 the deferral program created in this subsection.

29 (c) For the purposes of this subsection, "accompanied" means to  
30 go along with another person while staying within a range of the  
31 other person that permits continual unaided visual and auditory  
32 communication.

33 (3) To encourage the participation of an adequate number of  
34 instructors for the training program, the (~~commission~~) department  
35 shall develop nonmonetary incentives available to individuals who  
36 commit to serving as an instructor. The incentives may include  
37 additional hunting opportunities for instructors.

38 **Sec. 2065.** RCW 77.32.237 and 2018 c 168 s 2 are each amended to  
39 read as follows:

1       The ((~~commission~~)) department shall enhance the fish, shellfish,  
2 and wildlife-related recreational opportunities for a person with a  
3 disability. The ((~~commission~~)) department shall authorize the  
4 director to grant a disability designation to a person with a  
5 disability who meets eligibility criteria established by the  
6 ((~~commission~~)) department by rule. The ((~~commission~~)) department  
7 shall adopt rules defining who is a person with a disability for  
8 purposes of eligibility for disability designation. A person granted  
9 a disability designation is eligible for reasonable accommodations,  
10 determined by the director, to allow the person to participate in  
11 fish, shellfish, and wildlife-related recreational activities. The  
12 ((~~commission~~)) department shall adopt rules governing the conduct of  
13 a person with a disability participating in fish, shellfish, and  
14 wildlife-related recreational activities and the conduct of  
15 companions permitted, as a reasonable accommodation, to assist such a  
16 person in fish, shellfish, and wildlife-related recreational  
17 opportunities.

18       **Sec. 2066.** RCW 77.32.370 and 2011 c 339 s 8 are each amended to  
19 read as follows:

20       (1) A special hunting season permit is required to hunt in each  
21 special season.

22       (2) Persons may apply for special hunting season permits as  
23 provided by rule of the ((~~commission~~)) department.

24       (3) The application fee to enter a drawing for a special hunting  
25 season permit or authorization is:

26       (a) Six dollars for residents, or one hundred dollars for  
27 nonresidents, for the permits in categories designated by the  
28 ((~~commission~~)) department for deer or elk, female big game, or for  
29 small game;

30       (b) Twelve dollars for residents, or one hundred dollars for  
31 nonresidents, for the permits that the ((~~commission~~)) department  
32 designates as "quality" hunts that allow the harvest of buck deer,  
33 bull elk, or allow the harvest of male big game species that are only  
34 available for hunting by special permit;

35       (c) Twelve dollars for residents and nonresidents to apply for  
36 special authorizations to hunt for migratory birds; and

37       (d) Three dollars for youth for any special hunt drawing or  
38 special authorization.

1       **Sec. 2067.** RCW 77.32.430 and 2020 c 148 s 18 are each amended to  
2 read as follows:

3       (1) Catch record card information is necessary for proper  
4 management of the state's food fish and game fish species and  
5 shellfish resources. Catch record card administration shall be under  
6 rules adopted by the (~~commission~~) department. Except as provided in  
7 this section, there is no charge for an initial catch record card.  
8 Each subsequent or duplicate catch record card costs eleven dollars.

9       (2) A license to take and possess Dungeness crab is only valid in  
10 Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has  
11 in possession a valid catch record card officially endorsed for  
12 Dungeness crab. The endorsement shall cost no more than seven dollars  
13 and fifty cents when purchased for a personal use saltwater,  
14 combination, or shellfish and seaweed license. The endorsement shall  
15 cost no more than three dollars when purchased for a temporary  
16 combination fishing license authorized under RCW 77.32.470(3)(a).

17       (3) Catch record cards issued with affixed temporary short-term  
18 charter stamp licenses are neither subject to the ten-dollar charge  
19 nor to the Dungeness crab endorsement fee provided for in this  
20 section. Charter boat or guide operators issuing temporary short-term  
21 charter stamp licenses shall affix the stamp to each catch record  
22 card issued before fishing commences. Catch record cards issued with  
23 a temporary short-term charter stamp are valid for one day.

24       (4) A catch record card for halibut may not cost more than five  
25 dollars when purchased with an annual saltwater or combination  
26 fishing license and must be provided at no cost for those who  
27 purchase a one-day temporary saltwater fishing license or one-day  
28 temporary charter stamp.

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

32       (6)(a) The funds received from the sale of catch record cards,  
33 catch card penalty fees, and the Dungeness crab endorsement must be  
34 deposited into the limited fish and wildlife account created in RCW  
35 77.12.170(1).

36       (i)(A) One dollar of the funds received from the sale of each  
37 Dungeness crab endorsement must be used for the removal and disposal  
38 of derelict shellfish gear either directly by the department or under  
39 contract with a third party. The department is required to maintain a

1 separate accounting of these funds and provide an annual report to  
2 ((~~the commission and~~)) the legislature by January 1st of every year.

3 (B) The remaining portion of the funds received from the sale of  
4 each Dungeness crab endorsement must be used for education, sampling,  
5 monitoring, and management of catch associated with the Dungeness  
6 crab recreational fisheries.

7 (ii) Funds received from the sale of halibut catch record cards  
8 must be used for monitoring and management of recreational halibut  
9 fisheries, including expanding opportunities for recreational  
10 anglers.

11 (b) Moneys allocated under this section shall supplement and not  
12 supplant other federal, state, and local funds used for Dungeness  
13 crab recreational fisheries management.

14 **Sec. 2068.** RCW 77.32.440 and 1999 c 235 s 2 are each amended to  
15 read as follows:

16 (1) The ((~~commission~~)) department shall adopt rules to continue  
17 funding current enhancement programs at levels equal to the  
18 participation of licensees in each of the individual enhancement  
19 programs. All enhancement funding will continue to be deposited  
20 directly into the individual accounts created for each enhancement.

21 (2) In implementing subsection (1) of this section with regard to  
22 warm water game fish, the department shall deposit in the warm water  
23 game fish account the sum of one million two hundred fifty thousand  
24 dollars each fiscal year during the fiscal years 1999 and 2000, based  
25 on two hundred fifty thousand warm water anglers. Beginning in fiscal  
26 year 2001, and each year thereafter, the deposit to the warm water  
27 game fish account established in this subsection shall be adjusted  
28 annually to reflect the actual numbers of license holders fishing for  
29 warm water game fish based on an annual survey of licensed anglers  
30 from the previous year conducted by the department beginning with the  
31 April 1, 1999, to March 31, 2000, license year survey.

32 **Sec. 2069.** RCW 77.32.450 and 2011 c 339 s 10 are each amended to  
33 read as follows:

34 (1) A big game hunting license is required to hunt for big game.  
35 A big game license allows the holder to hunt for forest grouse,  
36 unclassified wildlife, and the individual species identified within a  
37 specific big game combination license package. Each big game license  
38 includes one transport tag for each species purchased in that

1 package. A hunter may not purchase more than one license for each big  
2 game species except as authorized by rule of the (~~commission~~)  
3 department. The fees for annual big game combination packages are as  
4 follows:

5 (a) Big game number 1: Deer, elk, bear, and cougar. The fee for  
6 this license is eighty-five dollars for residents, seven hundred  
7 eighty dollars for nonresidents, and forty dollars for youth.

8 (b) Big game number 2: Deer and elk. The fee for this license is  
9 seventy-five dollars for residents, six hundred seventy dollars for  
10 nonresidents, and thirty-five dollars for youth.

11 (c) Big game number 3: Deer. The fee for this license is thirty-  
12 nine dollars for residents, three hundred ninety-three dollars for  
13 nonresidents, and eighteen dollars for youth.

14 (d) Big game number 4: Elk. The fee for this license is forty-  
15 four dollars for residents, four hundred fifty dollars for  
16 nonresidents, and eighteen dollars for youth.

17 (e) Big game number 5: Bear. The fee for this license is twenty  
18 dollars for residents, two hundred dollars for nonresidents, and ten  
19 dollars for youth.

20 (f) Big game number 6: Cougar. The fee for this license is twenty  
21 dollars for residents, two hundred dollars for nonresidents, and ten  
22 dollars for youth.

23 (2) In the event that the (~~commission~~) department authorizes a  
24 two animal big game limit, the fees for the second animal are as  
25 follows:

26 (a) Elk: The fee is sixty dollars for residents, three hundred  
27 fifty dollars for nonresidents, and twenty dollars for youth.

28 (b) Deer: The fee is sixty dollars for residents, two hundred  
29 fifty dollars for nonresidents, and twenty dollars for youth.

30 (3) In the event that the (~~commission~~) department authorizes a  
31 special permit hunt for goat, sheep, moose, or other big game species  
32 not specified the permit fees are three hundred dollars for  
33 residents, one thousand five hundred dollars for nonresidents, and  
34 fifty dollars for youth.

35 (4) Multiple season big game permit: The (~~commission~~)  
36 department may, by rule, offer permits for hunters to hunt deer or  
37 elk during more than one general season. Only one deer or elk may be  
38 harvested annually under a multiple season big game permit. The fee  
39 is one hundred sixty-five dollars.

1 (5) Authorization to hunt the species set out under subsection  
2 (3) of this section is by special permit issued under RCW 77.32.370.

3 **Sec. 2070.** RCW 77.32.470 and 2020 c 148 s 20 are each amended to  
4 read as follows:

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

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

11 (a) A combination license allows the holder to fish for or  
12 possess fish, shellfish, and seaweed from state waters or offshore  
13 waters. The fee for this license is forty-five dollars for residents,  
14 one hundred eight dollars for nonresidents, and five dollars for  
15 youth. There is an additional fifty-cent surcharge for this license,  
16 to be deposited in the rockfish research account created in RCW  
17 77.12.702.

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

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

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

32 (i) One day - Eight dollars for residents and sixteen dollars for  
33 nonresidents;

34 (ii) Two days - Twelve dollars for residents and twenty-four  
35 dollars for nonresidents; and

36 (iii) Three days - Fifteen dollars for residents and thirty  
37 dollars for nonresidents.

1 (b) The fee for a charter stamp is eight 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) Except for active duty military personnel serving in any  
5 branch of the United States armed forces, the temporary combination  
6 fishing license is not valid on game fish species for an eight-  
7 consecutive-day period beginning on the opening day of the lowland  
8 lake fishing season as defined by rule of the ~~((commission))~~  
9 department.

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

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

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

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

30 (6) The ~~((commission))~~ department may adopt rules to allow the  
31 use of two fishing poles per fishing license holder for use on  
32 selected state waters. If authorized by the ~~((commission))~~  
33 department, license holders must purchase a two-pole stamp to use a  
34 second pole. The proceeds from the sale of the two-pole stamp must be  
35 deposited into the limited fish and wildlife account created in RCW  
36 77.12.170(1) and used for the operation and maintenance of state-  
37 owned fish hatcheries. The fee for a two-pole stamp is thirteen  
38 dollars for residents and nonresidents, and five dollars for seniors.

1       **Sec. 2071.** RCW 77.32.500 and 1998 c 191 s 41 are each amended to  
2 read as follows:

3       In order to simplify fishing license requirements in transition  
4 areas between salt water and fresh water, the (~~commission~~)  
5 department may adopt rules designating specific waters where either a  
6 fresh water or a salt water license is valid.

7       **Sec. 2072.** RCW 77.32.525 and 1987 c 506 s 48 are each amended to  
8 read as follows:

9       The director shall administer rules adopted by the (~~commission~~)  
10 department governing the time, place, and manner of holding hunting  
11 and fishing contests and competitive field trials involving live  
12 wildlife for hunting dogs. The department shall prohibit contests and  
13 field trials that are not in the best interests of wildlife.

14       **Sec. 2073.** RCW 77.32.530 and 2020 c 148 s 21 are each amended to  
15 read as follows:

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

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

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

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

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

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

12 **Sec. 2074.** RCW 77.32.535 and 2001 c 253 s 52 are each amended to  
13 read as follows:

14 If a private entity has a private lands wildlife management area  
15 agreement in effect with the department, the (~~commission~~)  
16 department may authorize the private entity to conduct raffles for  
17 access to hunt for big game animals and wild turkeys to meet the  
18 conditions of the agreement. The private entity shall comply with all  
19 applicable rules adopted under RCW 77.32.530 for the implementation  
20 of raffles; however, raffle hunts conducted pursuant to this section  
21 shall not be counted toward the number of raffle hunts the  
22 (~~commission~~) department may authorize under RCW 77.32.530. The  
23 director shall establish the procedures for the hunts, which shall  
24 require any participants to obtain any required license, permit, or  
25 tag. Representatives of the department may participate in the hunt  
26 upon the request of the (~~commission~~) department to ensure that the  
27 animals to be killed are properly identified.

28 **Sec. 2075.** RCW 77.32.550 and 2015 c 98 s 1 are each amended to  
29 read as follows:

30 (1) A group fishing permit allows a group of individuals to fish,  
31 and harvest shellfish, without individual licenses or the payment of  
32 individual license fees. The department must also provide, without  
33 charge, any applicable catch record cards.

34 (2) The director must issue a group fishing permit on a seasonal  
35 basis to: A state-operated facility or state-licensed nonprofit  
36 facility or program for persons with physical or mental disabilities,  
37 hospital patients, seriously or terminally ill persons, persons who  
38 are dependent on the state because of emotional or physical

1 developmental disabilities, or senior citizens who are in the care of  
2 the facility; or a state or local agency or nonprofit organization  
3 operating a program for at-risk youth. The permit is valid only for  
4 use during open season.

5 (3) The director may set conditions and issue a group fishing  
6 permit to groups working in partnership with and participating in  
7 department outdoor education programs. At the discretion of the  
8 director, a processing fee may be applied.

9 (4) The (~~commission~~) department may adopt rules that provide  
10 the conditions under which a group fishing permit is issued.

11 **Sec. 2076.** RCW 77.32.560 and 2020 c 148 s 22 are each amended to  
12 read as follows:

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

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

28 (3) The (~~commission~~) department must adopt by rule the cost of  
29 the watchable wildlife decal. A person may, at their discretion,  
30 contribute more than the cost as set by the (~~commission~~) department  
31 by rule for the watchable wildlife decal in order to support  
32 watchable wildlife activities.

33 **Sec. 2077.** RCW 77.32.565 and 2008 c 10 s 1 are each amended to  
34 read as follows:

35 (1) In order to facilitate hunting and fishing opportunities for  
36 a terminally ill person, the director may provide any licenses, tags,  
37 permits, stamps, and other fees without charge including transaction  
38 and dealer fees.

1 (2) The director may accept special permits or other special  
2 hunting opportunities, including raffle tags, auction tags, and  
3 multiple season opportunities from donors seeking to facilitate  
4 hunting opportunities for a terminally ill person. The director shall  
5 distribute these donations pursuant to rules adopted under subsection  
6 (4) of this section.

7 (3) The director may take other actions consistent with  
8 facilitating hunting and fishing opportunities for a terminally ill  
9 person. These actions may include, but are not limited to, entering  
10 into agreements with willing landowners pursuant to RCW 77.12.320.

11 (4) In addition to rules required under subsection (2) of this  
12 section, the (~~commission~~) department may adopt rules as necessary  
13 to effectuate the purpose and policies of this section.

14 **Sec. 2078.** RCW 77.32.570 and 2009 c 333 s 15 are each amended to  
15 read as follows:

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

23 (2) A master hunter permit is required to participate in  
24 controlled hunts to eliminate problem animals that damage property or  
25 threaten public safety. The (~~commission~~) department may establish  
26 by rule the requirements an applicant must comply with when applying  
27 for or renewing a master hunter permit, including but not limited to  
28 a criminal background check. The director may establish an advisory  
29 group to assist the department with administering the master hunter  
30 (~~permit~~) permit 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  
33 not exceed twenty-five dollars. Funds generated under this section  
34 must be deposited into the fish and wildlife enforcement reward  
35 account established in RCW 77.15.425, and the funds must be used  
36 exclusively to administer the master hunter (~~permit~~) permit  
37 program.

1       **Sec. 2079.** RCW 77.36.030 and 2009 c 333 s 61 are each amended to  
2 read as follows:

3       (1) Subject to limitations and conditions established by the  
4 (~~commission~~) department, the owner, the owner's immediate family  
5 member, the owner's documented employee, or a tenant of real property  
6 may trap, consistent with RCW 77.15.194, or kill wildlife that is  
7 threatening human safety or causing property damage on that property,  
8 without the licenses required under RCW 77.32.010 or authorization  
9 from the director under RCW 77.12.240.

10       (2) The (~~commission~~) department shall establish the limitations  
11 and conditions of this section by rule. The rules must include:

12       (a) Appropriate protection for threatened or endangered species;

13       (b) Instances when verbal or written permission is required to  
14 kill wildlife;

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

16       (d) Requirements for the disposal of wildlife trapped or killed  
17 under this section.

18       (3) In establishing the limitations and conditions of this  
19 section, the (~~commission~~) department shall take into consideration  
20 the recommendations of the Washington state wolf conservation and  
21 management plan.

22       **Sec. 2080.** RCW 77.36.100 and 2013 c 329 s 4 are each amended to  
23 read as follows:

24       (1)(a) Except as limited by RCW 77.36.070, 77.36.080, 77.36.170,  
25 and 77.36.180, the department shall offer to distribute money  
26 appropriated to pay claims to the owner of commercial crops for  
27 damage caused by wild deer or elk or to the owners of livestock that  
28 has been killed by bears, wolves, or cougars, or injured by bears,  
29 wolves, or cougars to such a degree that the market value of the  
30 livestock has been diminished. Payments for claims for damage to  
31 livestock are not subject to the limitations of RCW 77.36.070 and  
32 77.36.080, but may not, except as provided in RCW 77.36.170 and  
33 77.36.180, exceed the total amount specifically appropriated  
34 therefor.

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

37       (i) The commercial crop owner satisfies the definition of  
38 "eligible farmer" in RCW 82.08.855;

39       (ii) The conditions of RCW 77.36.110 have been satisfied; and

1 (iii) The damage caused to the commercial crop or livestock  
2 satisfies the criteria for damage established by the (~~commission~~)  
3 department under (c) of this subsection.

4 (c) The (~~commission~~) department shall adopt and maintain by  
5 rule criteria that clarifies the damage to commercial crops and  
6 livestock qualifying for compensation under this subsection. An owner  
7 of a commercial crop or livestock must satisfy the criteria prior to  
8 receiving compensation under this subsection. The criteria for damage  
9 adopted under this subsection must include, but not be limited to, a  
10 required minimum economic loss to the owner of the commercial crop or  
11 livestock, which may not be set at a value of less than five hundred  
12 dollars.

13 (2)(a) Subject to the availability of nonstate funds, nonstate  
14 resources other than cash, or amounts appropriated for this specific  
15 purpose, the department may offer to provide compensation to offset  
16 wildlife interactions to a person who applies to the department for  
17 compensation for damage to property other than commercial crops or  
18 livestock that is the result of a mammalian or avian species of  
19 wildlife on a case-specific basis if the conditions of RCW 77.36.110  
20 have been satisfied and if the damage satisfies the criteria for  
21 damage established by the (~~commission~~) department under (b) of this  
22 subsection.

23 (b) The (~~commission~~) department shall adopt and maintain by  
24 rule criteria for damage to property other than a commercial crop or  
25 livestock that is damaged by wildlife and may be eligible for  
26 compensation under this subsection, including criteria for filing a  
27 claim for compensation under this subsection.

28 (3)(a) To prevent or offset wildlife interactions, the department  
29 may offer materials or services to a person who applies to the  
30 department for assistance in providing mitigating actions designed to  
31 reduce wildlife interactions if the actions are designed to address  
32 damage that satisfies the criteria for damage established by the  
33 (~~commission~~) department under this section.

34 (b) The (~~commission~~) department shall adopt and maintain by  
35 rule criteria for mitigating actions designed to address wildlife  
36 interactions that may be eligible for materials and services under  
37 this section, including criteria for submitting an application under  
38 this section.

1 (4) An owner who files a claim under this section may appeal the  
2 decision of the department pursuant to rules adopted by the  
3 (~~commission~~) department if the claim:

4 (a) Is denied; or

5 (b) Is disputed by the owner and the owner disagrees with the  
6 amount of compensation determined by the department.

7 (5) The (~~commission~~) department shall adopt rules setting  
8 limits and conditions for the department's expenditures on claims and  
9 assessments for commercial crops, livestock, other property, and  
10 mitigating actions.

11 **Sec. 2081.** RCW 77.36.110 and 2009 c 333 s 56 are each amended to  
12 read as follows:

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

16 (a) Utilized applicable legal and practicable self-help  
17 preventive measures available to prevent the damage, including the  
18 use of nonlethal methods and department-provided materials and  
19 services when available under RCW 77.36.100; and

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

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

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

28 (b) Normal agricultural practices, animal husbandry practices,  
29 recognized standard management techniques, and other industry-  
30 recognized management practices may represent adequate preventative  
31 efforts.

32 (c) Under certain circumstances, as determined by the department,  
33 wildlife may not logistically or practicably be managed by nonlethal  
34 efforts.

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

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

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

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

7 (4) The (~~commission~~) department shall adopt rules implementing  
8 this section, including requirements that owners document nonlethal  
9 preventive efforts undertaken and all permits issued by the  
10 department under RCW 77.12.240 and 77.12.150.

11 **Sec. 2082.** RCW 77.36.130 and 2013 c 329 s 5 are each amended to  
12 read as follows:

13 (1) Except as otherwise provided in this section and as limited  
14 by RCW 77.36.100, 77.36.070, 77.36.080, 77.36.170, and 77.36.180, the  
15 cash compensation portion of each claim by the department under this  
16 chapter is limited to the lesser of:

17 (a) The value of the damage to the property by wildlife, reduced  
18 by the amount of compensation provided to the claimant by any  
19 nonprofit organizations that provide compensation to private property  
20 owners due to financial losses caused by wildlife interactions. The  
21 value of killed or injured livestock may be no more than the market  
22 value of the lost livestock subject to the conditions and criteria  
23 established by rule of the (~~commission~~) department; or

24 (b) Ten thousand dollars.

25 (2) The department may offer to pay a claim for an amount in  
26 excess of ten thousand dollars to the owners of commercial crops or  
27 livestock filing a claim under RCW 77.36.100 only if the outcome of  
28 an appeal filed by the claimant under RCW 77.36.100 determines a  
29 payment higher than ten thousand dollars.

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

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

35 **Sec. 2083.** RCW 77.50.010 and 2002 c 311 s 2 are each amended to  
36 read as follows:

37 (1) The (~~commission~~) department may authorize commercial  
38 fishing for sockeye salmon within the waters described in subsection

1 (2) of this section only during the period June 10th to July 25th and  
2 for other salmon only from the second Monday of September through  
3 November 30th, except during the hours between 4:00 p.m. of Friday  
4 and 4:00 p.m. of the following Sunday.

5 (2) All waters east and south of a line commencing at a concrete  
6 monument on Angeles Point in Clallam county near the mouth of the  
7 Elwha River on which is inscribed "Angeles Point Monument" (latitude  
8  $48^{\circ} 9' 3''$  north, longitude  $123^{\circ} 33' 01''$  west of Greenwich Meridian);  
9 thence running east on a line  $81^{\circ} 30'$  true across the flashlight and  
10 bell buoy off Partridge Point and thence continued to longitude  $122^{\circ}$   
11  $40'$  west; thence north to the southerly shore of Sinclair Island;  
12 thence along the southerly shore of the island to the most easterly  
13 point of the island; thence  $46^{\circ}$  true to Carter Point, the most  
14 southerly point of Lummi Island; thence northwesterly along the  
15 westerly shore line of Lummi Island to where the shore line  
16 intersects line of longitude  $122^{\circ} 40'$  west; thence north to the  
17 mainland, including: The southerly portion of Hale Passage,  
18 Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay,  
19 Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound,  
20 Admiralty Inlet, Hood Canal, Puget Sound, and their inlets, passages,  
21 waters, waterways, and tributaries.

22 (3) The (~~commission~~) department may authorize commercial  
23 fishing for salmon with gill net, purse seine, and other lawful gear  
24 prior to the second Monday in September within the waters of Hale  
25 Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes  
26 Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly  
27 and easterly of a line commencing at Stanwood, thence along the south  
28 shore of Skagit Bay to Rocky Point on Camano Island; thence northerly  
29 to Polnell Point on Whidbey Island.

30 (4) Whenever the (~~commission~~) department determines that a  
31 stock or run of salmon cannot be harvested in the usual manner, and  
32 that the stock or run of salmon may be in danger of being wasted and  
33 surplus to natural or artificial spawning requirements, the  
34 (~~commission~~) department may authorize units of gill net and purse  
35 seine gear in any number or equivalents, by time and area, to fully  
36 utilize the harvestable portions of these salmon runs for the  
37 economic well being of the citizens of this state. Gill net and purse  
38 seine gear other than emergency and test gear authorized by the  
39 director shall not be used in Lake Washington.

1 (5) The (~~commission~~) department may authorize commercial  
2 fishing for pink salmon in each odd-numbered year from August 1st  
3 through September 1st in the waters lying inside of a line commencing  
4 at the most easterly point of Dungeness Spit and thence projected to  
5 Point Partridge on Whidbey Island and a line commencing at Olele  
6 Point and thence projected easterly to Bush Point on Whidbey Island.

7 **Sec. 2084.** RCW 77.50.020 and 1998 c 190 s 76 are each amended to  
8 read as follows:

9 (1) The (~~commission~~) department may authorize commercial  
10 fishing for coho salmon in the Pacific Ocean and the Straits of Juan  
11 de Fuca only from June 16th through October 31st.

12 (2) The (~~commission~~) department may authorize commercial  
13 fishing for chinook salmon in the Pacific Ocean and the Straits of  
14 Juan de Fuca only from March 15th through October 31st.

15 **Sec. 2085.** RCW 77.50.040 and 1998 c 190 s 78 are each amended to  
16 read as follows:

17 (1) The (~~commission~~) department shall adopt rules defining  
18 geographical boundaries of the following Columbia river tributaries  
19 and sloughs:

- 20 (a) Washougal river;
- 21 (b) Camas slough;
- 22 (c) Lewis river;
- 23 (d) Kalama river;
- 24 (e) Cowlitz river;
- 25 (f) Elokomin river;
- 26 (g) Elokomin sloughs;
- 27 (h) Skamokawa sloughs;
- 28 (i) Grays river;
- 29 (j) Deep river;
- 30 (k) Grays bay.

31 (2) The (~~commission~~) department may authorize commercial net  
32 fishing for salmon in the tributaries and sloughs from September 1st  
33 to November 30th only, if the time, areas, and level of effort are  
34 regulated in order to maximize the recreational fishing opportunity  
35 while minimizing excess returns of fish to hatcheries. The  
36 (~~commission~~) department shall not authorize commercial net fishing  
37 if a significant catch of steelhead would occur.

1       **Sec. 2086.** RCW 77.50.050 and 1998 c 190 s 79 are each amended to  
2 read as follows:

3       The (~~commission~~) department shall not authorize use of reef net  
4 fishing gear except in the reef net areas described in this section.

5       (1) Point Roberts reef net fishing area includes those waters  
6 within 250 feet on each side of a line projected 129° true from a  
7 point at longitude 123° 01' 15" W. latitude 48° 58' 38" N. to a point  
8 one mile distant, as such description is shown upon the United States  
9 Coast and Geodetic Survey map numbered 6300, published September,  
10 1941, in Washington, D.C., eleventh edition.

11       (2) Cherry Point reef net fishing area includes those waters  
12 inland and inside the 10-fathom line between lines projected 205°  
13 true from points on the mainland at longitude 122° 44' 54" latitude  
14 48° 51' 48" and longitude 122° 44' 18" latitude 48° 51' 33", (~~a~~  
15 ~~as~~) as such descriptions are shown upon the United States Coast  
16 and Geodetic Survey map numbered 6380, published March, 1947, in  
17 Washington, D.C., eighth edition.

18       (3) Lummi Island reef net fishing area includes those waters  
19 inland and inside a line projected from Village Point 208° true to a  
20 point 900 yards distant, thence 129° true to the point of  
21 intersection with a line projected 259° true from the shore of Lummi  
22 Island 122° 40' 42" latitude 48° 41' 32", as such descriptions are  
23 shown upon the United States Coast and Geodetic Survey map numbered  
24 6380, published March, 1947, in Washington, D.C., eighth edition,  
25 revised 11-25-57, save and except that there shall be excluded  
26 therefrom all waters lying inside of a line projected 259° true from  
27 a point at 122° 40' 42" latitude 48° 41' 32" to a point 300 yards  
28 distant from high tide, thence in a northerly direction to the United  
29 States Coast and Geodetic Survey reference mark number 2, 1941-1950,  
30 located on that point on Lummi Island known as Lovers Point, as such  
31 descriptions are shown upon the United States Coast and Geodetic  
32 Survey map number 6380 as aforesaid. The term "Village Point" as used  
33 herein shall be construed to mean a point of location on Village  
34 Point, Lummi Island, at the mean high tide line on a true bearing of  
35 43° 53' a distance of 457 feet to the center of the chimney of a wood  
36 frame house on the east side of the county road. Said chimney and  
37 house being described as Village Point Chimney on page 612 of the  
38 United States Coast and Geodetic Survey list of geographic positions  
39 No. G-5455, Rosario Strait.

1 (4) Sinclair Island reef net fishing area includes those waters  
2 inland and inside a line projected from the northern point of  
3 Sinclair Island to Boulder reef, thence 200° true to the  
4 northwesterly point of Sinclair Island, as such descriptions are  
5 shown upon the United States Coast and Geodetic Survey map numbered  
6 6380, published March, 1947, in Washington, D.C., eighth edition.

7 (5) Flat Point reef net fishing area includes those waters within  
8 a radius of 175 feet of a point off Lopez Island located at longitude  
9 122° 55' 24" latitude 48° 32' 33", as such description is shown upon  
10 the United States Coast and Geodetic Survey map numbered 6380,  
11 published March, 1947, in Washington, D.C., eighth edition.

12 (6) Lopez Island reef net fishing area includes those waters  
13 within 400 yards of shore between lines projected true west from  
14 points on the shore of Lopez Island at longitude 122° 55' 04"  
15 latitude 48° 31' 59" and longitude 122° 55' 54" latitude 48° 30' 55",  
16 as such descriptions are shown upon the United States Coast and  
17 Geodetic Survey map numbered 6380, published March, 1947, in  
18 Washington, D.C., eighth edition.

19 (7) Iceberg Point reef net fishing area includes those waters  
20 inland and inside a line projected from Davis Point on Lopez Island  
21 to the west point of Long Island, thence to the southern point of  
22 Hall Island, thence to the eastern point at the entrance to Jones  
23 Bay, and thence to the southern point at the entrance to Mackaye  
24 Harbor on Lopez Island; and those waters inland and inside a line  
25 projected 320° from Iceberg Point light on Lopez Island, a distance  
26 of 400 feet, thence easterly to the point on Lopez Island at  
27 longitude 122° 53' 00" latitude 48° 25' 39", as such descriptions are  
28 shown upon the United States Coast and Geodetic Survey map numbered  
29 6380, published March, 1947, in Washington, D.C., eighth edition.

30 (8) Aleck Bay reef net fishing area includes those waters inland  
31 and inside a line projected from the southwestern point at the  
32 entrance to Aleck Bay on Lopez Island at longitude 122° 51' 11"  
33 latitude 48° 25' 14" southeasterly 800 yards to the submerged rock  
34 shown on U.S.G.S. map number 6380, thence northerly to the cove on  
35 Lopez Island at longitude 122° 50' 49" latitude 48° 25' 42", as such  
36 descriptions are shown upon the United States Coast and Geodetic  
37 Survey map numbered 6380, published March, 1947, in Washington, D.C.,  
38 eighth edition.

39 (9) Shaw Island reef net fishing area number 1 includes those  
40 waters within 300 yards of shore between lines projected true south

1 from points on Shaw Island at longitude 122° 56' 14" latitude 48° 33'  
2 28" and longitude 122° 57' 29" latitude 48° 32' 58", as such  
3 descriptions are shown upon the United States Coast and Geodetic  
4 Survey map numbered 6380, published March, 1947, in Washington, D.C.,  
5 eighth edition.

6 (10) Shaw Island reef net fishing area number 2 includes those  
7 waters inland and inside a line projected from Point George on Shaw  
8 Island to the westerly point of Neck Point on Shaw Island, as such  
9 description is shown upon the United States Coast and Geodetic Survey  
10 map numbered 6380, published March, 1947, in Washington, D.C., eighth  
11 edition.

12 (11) Stuart Island reef net fishing area number 1 includes those  
13 waters within 600 feet of the shore of Stuart Island between lines  
14 projected true east from points at longitude 123° 10' 47" latitude  
15 48° 39' 47" and longitude 123° 10' 47" latitude 48° 39' 33", as such  
16 descriptions are shown upon the United States Coast and Geodetic  
17 Survey map numbered 6380, published March, 1947, in Washington, D.C.,  
18 eighth edition.

19 (12) Stuart Island reef net fishing area number 2 includes those  
20 waters within 250 feet of Gossip Island, also known as Happy Island,  
21 as such description is shown upon the United States Coast and  
22 Geodetic Survey map numbered 6380, published March, 1947, in  
23 Washington, D.C., eighth edition.

24 (13) Johns Island reef net fishing area includes those waters  
25 inland and inside a line projected from the eastern point of Johns  
26 Island to the northwestern point of Little Cactus Island, thence  
27 northwesterly to a point on Johns Island at longitude 123° 09' 24"  
28 latitude 48° 39' 59", as such descriptions are shown upon the United  
29 States Coast and Geodetic Survey map numbered 6380, published March,  
30 1947, in Washington, D.C., eighth edition.

31 (14) Battleship Island reef net fishing area includes those  
32 waters lying within 350 feet of Battleship Island, as such  
33 description is shown upon the United States Coast and Geodetic Survey  
34 map numbered 6380, published March, 1947, in Washington, D.C., eighth  
35 edition.

36 (15) Open Bay reef net fishing area includes those waters lying  
37 within 150 feet of shore between lines projected true east from a  
38 point on Henry Island at longitude 123° 11' 34 1/2" latitude 48° 35'  
39 27 1/2" at a point 250 feet south, as such descriptions are shown

1 upon the United States Coast and Geodetic Survey map numbered 6380,  
2 published March, 1947, in Washington, D.C., eighth edition.

3 (16) Mitchell Reef net fishing area includes those waters within  
4 a line beginning at the rock shown on U.S.G.S. map number 6380 at  
5 longitude 123° 10' 56" latitude 48° 34' 49 1/2", and projected 50  
6 feet northwesterly, thence southwesterly 250 feet, thence  
7 southeasterly 300 feet, thence northeasterly 250 feet, thence to the  
8 point of beginning, as such descriptions are shown upon the United  
9 States Coast and Geodetic Survey map numbered 6380, published March,  
10 1947, in Washington, D.C., eighth edition.

11 (17) Smugglers Cove reef fishing area includes those waters  
12 within 200 feet of shore between lines projected true west from  
13 points on the shore of San Juan Island at longitude 123° 10' 29"  
14 latitude 48° 33' 50" and longitude 123° 10' 31" latitude 48° 33' 45",  
15 as such descriptions are shown upon the United States Coast and  
16 Geodetic Survey map numbered 6380, published March, 1947, in  
17 Washington, D.C., eighth edition.

18 (18) Andrews Bay reef net fishing area includes those waters  
19 lying within 300 feet of the shore of San Juan Island between a line  
20 projected true south from a point at the northern entrance of Andrews  
21 Bay at longitude 123° 09' 53 1/2" latitude 48° 33' 00" and the cable  
22 crossing sign in Andrews Bay, at longitude 123° 09' 45" latitude 48°  
23 33' 04", as such descriptions are shown upon the United States Coast  
24 and Geodetic Survey map numbered 6380, published March, 1947, in  
25 Washington, D.C., eighth edition.

26 (19) Orcas Island reef net fishing area includes those waters  
27 inland and inside a line projected true west a distance of 1,000  
28 yards from the shore of Orcas Island at longitude 122° 57' 40"  
29 latitude 48° 41' 06" thence northeasterly to a point 500 feet true  
30 west of Point Doughty, then true east to Point Doughty, as such  
31 descriptions are shown upon the United States Coast and Geodetic  
32 Survey map numbered 6380, published March, 1947, in Washington, D.C.,  
33 eighth edition.

34 **Sec. 2087.** RCW 77.50.070 and 1998 c 190 s 80 are each amended to  
35 read as follows:

36 (1) Except as provided in subsection (2) of this section, the  
37 (~~commission~~) department shall not authorize gear other than troll  
38 gear or angling gear for taking salmon within the offshore waters or  
39 the waters of the Pacific Ocean over which the state has jurisdiction

1 lying west of the following line: Commencing at the point of  
2 intersection of the international boundary line in the Strait of Juan  
3 de Fuca and a line drawn between the lighthouse on Tatoosh Island in  
4 Clallam County and Bonilla Point on Vancouver Island; thence  
5 southerly to the lighthouse on Tatoosh Island; thence southerly to  
6 the most westerly point of Cape Flattery; thence southerly along the  
7 state shoreline of the Pacific Ocean, crossing any river mouths at  
8 their most westerly points of land, to Point Brown at the entrance to  
9 Grays Harbor; thence southerly to Point Chehalis Light on Point  
10 Chehalis; thence southerly from Point Chehalis along the state  
11 shoreline of the Pacific Ocean to the Cape Shoalwater tower at the  
12 entrance to Willapa Bay; thence southerly to Leadbetter Point; thence  
13 southerly along the state shoreline of the Pacific Ocean to the  
14 inshore end of the North jetty at the entrance to the Columbia River;  
15 thence southerly to the knuckle of the South jetty at the entrance to  
16 said river.

17 (2) The (~~commission~~) department may authorize the use of nets  
18 for taking salmon in the waters described in subsection (1) of this  
19 section for scientific investigations.

20 **Sec. 2088.** RCW 77.50.090 and 1998 c 190 s 82 are each amended to  
21 read as follows:

22 The (~~commission~~) department shall not authorize commercial  
23 bottom trawling for food fish and shellfish in all areas of Hood  
24 Canal south of a line projected from Tala Point to Foulweather Bluff  
25 and in Puget Sound south of a line projected from Foulweather Bluff  
26 to Double Bluff and including all marine waters east of Whidbey  
27 Island and Camano Island.

28 **Sec. 2089.** RCW 77.50.100 and 1998 c 190 s 83 are each amended to  
29 read as follows:

30 The (~~commission~~) department shall not authorize any commercial  
31 fisher to use more than fifty shrimp pots while commercially fishing  
32 for shrimp in that portion of Hood Canal lying south of the Hood  
33 Canal floating bridge.

34 **Sec. 2090.** RCW 77.50.110 and 1998 c 190 s 84 are each amended to  
35 read as follows:

36 The (~~commission~~) department shall not authorize angling gear or  
37 other personal use gear for commercial salmon fishing.

1       **Sec. 2091.** RCW 77.55.191 and 2005 c 146 s 506 are each amended  
2 to read as follows:

3       (1) Except for the north fork of the Lewis river and the White  
4 Salmon river, all streams and rivers tributary to the Columbia river  
5 downstream from McNary dam are established as an anadromous fish  
6 sanctuary. This sanctuary is created to preserve and develop the food  
7 fish and game fish resources in these streams and rivers and to  
8 protect them against undue industrial encroachment.

9       (2) Within the sanctuary area:

10       (a) The department shall not issue a permit to construct a dam  
11 greater than twenty-five feet high within the migration range of  
12 anadromous fish as determined by the department.

13       (b) A person shall not divert water from rivers and streams in  
14 quantities that will reduce the respective streamflow below the  
15 annual average low flow, based upon data published in United States  
16 geological survey reports.

17       (3) The (~~commission~~) department may acquire and abate a dam or  
18 other obstruction, or acquire any water right vested on a sanctuary  
19 stream or river, which is in conflict with the provisions of  
20 subsection (2) of this section.

21       (4) Subsection (2)(a) of this section does not apply to the  
22 sediment retention structure to be built on the North Fork Toutle  
23 river by the United States army corps of engineers.

24       **Sec. 2092.** RCW 77.60.020 and 1995 1st sp.s. c 2 s 28 are each  
25 amended to read as follows:

26       Only upon recommendation of the (~~commission~~) department may the  
27 state oyster reserves be sold, leased, or otherwise disposed of by  
28 the department of natural resources.

29       **Sec. 2093.** RCW 77.60.030 and 2000 c 107 s 22 are each amended to  
30 read as follows:

31       It is the policy of the state to improve state oyster reserves so  
32 that they are productive and yield a revenue sufficient for their  
33 maintenance. In fixing the price of oysters and other shellfish sold  
34 from the reserves, the director shall take into consideration this  
35 policy. It is also the policy of the state to maintain the oyster  
36 reserves to furnish shellfish to growers and processors and to stock  
37 public beaches.

1 Shellfish may be harvested from state oyster reserves for  
2 personal use as prescribed by rule of the director.

3 The director shall periodically inventory the state oyster  
4 reserves and assign the reserve lands into management categories:

5 (1) Native Olympia oyster broodstock reserves;

6 (2) Commercial shellfish harvesting zones;

7 (3) Commercial shellfish propagation zones designated for long-  
8 term leasing to private aquaculturists;

9 (4) Public recreational shellfish harvesting zones;

10 (5) Unproductive land.

11 The director shall manage each category of oyster reserve land to  
12 maximize the sustained yield production of shellfish consistent with  
13 the purpose for establishment of each management category.

14 The (~~commission~~) department shall develop an oyster reserve  
15 management plan, to include recommendations for leasing reserve  
16 lands, in coordination with the shellfish industry, by January 1,  
17 1986.

18 The director shall protect, reseed, improve the habitat of, and  
19 replant state oyster reserves. The director shall also issue cultch  
20 permits and oyster reserve fishery licenses.

21 **Sec. 2094.** RCW 77.60.100 and 2000 c 107 s 26 are each amended to  
22 read as follows:

23 The (~~commission~~) department may examine the clam, mussel, and  
24 oyster beds located on aquatic lands belonging to the state and  
25 request the commissioner of public lands to withdraw these lands from  
26 sale and lease for the purpose of establishing reserves or public  
27 beaches. The director shall conserve, protect, and develop these  
28 reserves and the oyster, shrimp, clam, and mussel beds on state  
29 lands.

30 **Sec. 2095.** RCW 77.65.480 and 2018 c 235 s 12 are each amended to  
31 read as follows:

32 (1) A taxidermy license allows the holder to practice taxidermy  
33 for commercial purposes, as that term is defined in RCW 77.15.110.  
34 The fee for this license is one hundred eighty dollars. The  
35 application fee is seventy dollars.

36 (2) A fur dealer's license allows the holder to purchase,  
37 receive, or resell raw furs for commercial purposes, as that term is

1 defined in RCW 77.15.110. The fee for this license is one hundred  
2 eighty dollars. The application fee is seventy dollars.

3 (3) (a) A game fish guide license allows the holder to offer or  
4 perform the services of a game fish guide in the taking of game fish.  
5 The fee for this license is three hundred five dollars for a resident  
6 and six hundred ninety dollars for a nonresident. The application fee  
7 is seventy dollars. An application for a game fish guide license must  
8 include the information required in RCW 77.65.560.

9 (b) A game fish guide license purchased by a person, firm, or  
10 business on behalf of an employee is subject to RCW 77.65.600.

11 (4) A game farm license allows the holder to operate a game farm  
12 to acquire, breed, grow, keep, and sell wildlife under conditions  
13 prescribed by the rules adopted pursuant to this title. The fee for  
14 this license is seventy-two dollars for the first year and forty-  
15 eight dollars for each following year. The application fee is seventy  
16 dollars.

17 (5) A game fish stocking permit allows the holder to release game  
18 fish into the waters of the state as prescribed by rule of the  
19 (~~commission~~) department. The fee for this permit is twenty-four  
20 dollars. The application fee is seventy dollars.

21 (6) A fishing or field trial permit allows the holder to promote,  
22 conduct, hold, or sponsor a fishing or field trial contest in  
23 accordance with rules of the (~~commission~~) department. The fee for a  
24 fishing contest permit is twenty-four dollars. The fee for a field  
25 trial contest permit is twenty-four dollars. The application fee is  
26 seventy dollars.

27 **Sec. 2096.** RCW 77.65.590 and 2017 3rd sp.s. c 8 s 44 are each  
28 amended to read as follows:

29 (1) A fish guide combination license allows the holder to offer  
30 or perform the services of a food fish guide and game fish guide.

31 (2) The (~~commission~~) department must adopt rules to create and  
32 sell a fish guide combination license. The cost of the fish guide  
33 combination license or licenses must be below a fee equal to the  
34 total cost of the individual licenses contained within the  
35 combination.

36 **Sec. 2097.** RCW 77.65.610 and 2021 c 46 s 1 are each amended to  
37 read as follows:

1 (1) (a) An individual age sixteen and older who works on board any  
2 vessel while operating in a commercial fishery regulated by the state  
3 must obtain a crewmember license from the department. However, an  
4 individual on the vessel designated as the primary or alternate  
5 operator on the commercial fishing license and an individual on the  
6 vessel licensed and working as a geoduck diver or geoduck tender do  
7 not also need a crewmember license. Crewmembers working for licensed  
8 charters or guides are not required to have a crewmember license.

9 (b) A crewmember license is required for each individual who  
10 participates in the operation of the vessel or the harvest. For the  
11 purposes of this section, the term "harvest" includes participation  
12 in tending, deploying, retrieving, or baiting fishing gear,  
13 harvesting, or placing fish or shellfish in holds.

14 (c) Each individual required to have a crewmember license as set  
15 forth in this section must have in their possession at least one  
16 piece of identifying documentation as specified in RCW 46.20.035(1)  
17 (a) through (f) that contains the signature and a photograph of the  
18 individual and produce the documentation at the request of a fish and  
19 wildlife officer or ex officio fish and wildlife officer.

20 (d) An albacore tuna crewmember license satisfies the  
21 requirements specified in (a) and (b) of this subsection on vessels  
22 fishing for albacore tuna or baitfish lampara.

23 (2) A crewmember license must be purchased in the name of the  
24 individual working as the crewmember. The license holder may use the  
25 license aboard any commercial fishing vessel, except an albacore tuna  
26 crewmember license is only valid for participating in the albacore  
27 tuna fishery or baitfish lampara fishery. A crewmember license  
28 purchased by a crewmember may not be transferred to another  
29 individual.

30 (3) Up to two crewmember licenses may be purchased and held by a  
31 commercial fishing license holder for use by any individual working  
32 on the vessel named in the commercial fishing license, as long as the  
33 individual is not prohibited from obtaining a crewmember license.  
34 Each crewmember license held by a commercial fishing license holder  
35 covers one crewmember per trip, but the same crewmember license may  
36 be used to authorize a different individual to act as a crewmember on  
37 a subsequent trip. The (~~commission~~) department may adopt fishery  
38 specific rules that:

39 (a) Increase the number of crewmember licenses that may be held  
40 by a commercial fishing license holder;

1 (b) Pertain to the issuance, period of validity, use, possession,  
2 and display of the licenses.

3 (4) The fee for an annual crewmember license is thirty-five  
4 dollars for residents and one hundred ten dollars for nonresidents.  
5 The fee for an annual albacore tuna crewmember license is thirty-five  
6 dollars for residents and nonresidents. Additional application fees  
7 and surcharges do not apply except that if the license is purchased  
8 through the automated licensing system the fees authorized in RCW  
9 77.32.050 apply.

10 (5) The licenses must be available through the automated  
11 licensing system and transaction fees and dealer fees apply, except  
12 as provided in subsection (4) of this section. The annual crewmember  
13 license is valid for a calendar year.

14 (6) Family members of the commercial license holder or alternate  
15 operators are exempt from the requirements of this section. For  
16 purposes of this section, family members include children,  
17 grandchildren, spouse, parents, or siblings of the commercial license  
18 holder.

19 **Sec. 2098.** RCW 77.70.450 and 2003 c 174 s 1 are each amended to  
20 read as follows:

21 The commercial fisheries buyback account is created in the  
22 custody of the state treasurer. All receipts from money collected by  
23 the ((commission)) department under RCW 77.70.460, moneys  
24 appropriated for the purposes of this section, and other gifts,  
25 grants, or donations specifically made to the fund must be deposited  
26 into the account. Expenditures from the account may be used only for  
27 the purpose of repaying moneys advanced by the federal government  
28 under a groundfish fleet reduction program established by the federal  
29 government, or for other fleet reduction efforts, commercial fishing  
30 license buyback programs, or similar programs designed to reduce the  
31 harvest capacity in a commercial fishery. Only the director of the  
32 department or the director's designee may authorize expenditures from  
33 the account. The account is subject to allotment procedures under  
34 chapter 43.88 RCW, but an appropriation is not required for  
35 expenditures.

36 **Sec. 2099.** RCW 77.70.460 and 2003 c 174 s 2 are each amended to  
37 read as follows:

1           (1) The (~~commission~~) department shall collect a fee upon all  
2 deliveries of fish or shellfish from persons holding: (a) A federal  
3 pacific groundfish limited entry permit with a trawl endorsement; (b)  
4 an ocean pink shrimp delivery license issued under RCW 77.65.390; (c)  
5 a Dungeness crab—coastal fishery license issued under RCW 77.70.280;  
6 (d) a food fish delivery license issued under RCW 77.65.200; or (e) a  
7 shrimp trawl license under RCW 77.65.220, to repay the federal  
8 government for moneys advanced by the federal government under a  
9 groundfish fleet reduction program established by the federal  
10 government.

11           (2) The (~~commission~~) director shall adopt a fee schedule by  
12 rule for the collection of the fee required by subsection (1) of this  
13 section. The fee schedule adopted shall limit the total amount of  
14 moneys collected through the fee to the minimum amount necessary to  
15 repay the moneys advanced by the federal government, but be  
16 sufficient to repay the debt obligation of each fishery. The fee  
17 charged to the holders of a Dungeness crab—coastal fishery license  
18 may not exceed two percent of the total ex-vessel value of annual  
19 landings, and the fee charged to all other eligible license holders  
20 may not exceed five percent of the total ex-vessel value of annual  
21 landings. The (~~commission~~) department may adjust the fee schedule  
22 as necessary to ensure that the funds collected are adequate to repay  
23 the debt obligation of each fishery.

24           (3) The (~~commission~~) department shall deposit moneys collected  
25 under this section in the commercial fisheries buyback account  
26 created in RCW 77.70.450.

27           **Sec. 2100.** RCW 77.70.470 and 2003 c 174 s 3 are each amended to  
28 read as follows:

29           The (~~commission~~) department may not assess the fee specified  
30 under RCW 77.70.460 until after the federal government creates a  
31 groundfish fleet reduction program.

32           **Sec. 2101.** RCW 77.70.510 and 2011 c 147 s 2 are each amended to  
33 read as follows:

34           (1) A Washington-coastal spot shrimp pot fishery license:  
35           (a) May only be issued to a natural person who held a coastal  
36 spot shrimp experimental emerging commercial fishery license and  
37 coastal spot shrimp fishery permit in 2010 or had the license  
38 transferred to him or her, under RCW 77.65.020 and 77.65.040, by a

1 person who held a coastal spot shrimp experimental emerging  
2 commercial fishery license and coastal spot shrimp fishery permit in  
3 2010;

4 (b) Must be renewed annually by December 31st of the calendar  
5 year to remain active; and

6 (c) Subject to the restrictions of subsection (7) of this section  
7 and to RCW 77.65.020 and 77.65.040, is transferable to a natural  
8 person beginning January 1, 2012.

9 (2) When a person fails to obtain a Washington-coastal spot  
10 shrimp pot fishery license during the previous year because of a  
11 license suspension, the person may qualify for a license by  
12 establishing that the person held such a license during the last year  
13 in which the license was not suspended.

14 (3) The annual fee for a Washington-coastal spot shrimp pot  
15 fishery license is as specified in RCW 77.65.220.

16 (4) Beginning in 2013, after taking into consideration the status  
17 of the coastal spot shrimp population, the market for spot shrimp,  
18 and the number of active fishers, both nontreaty and treaty, the  
19 director may issue a Washington-coastal spot shrimp pot fishery  
20 license to a natural person if the issuance would not raise the  
21 number of active spot shrimp pot fishery licenses to more than eight.

22 (5) Beginning 2012, a Washington-coastal spot shrimp pot fishery  
23 license holder is prohibited from designating, on the Washington-  
24 coastal spot shrimp pot fishery license:

25 (a) A vessel whose surveyed length overall is more than ten feet  
26 longer than the surveyed length overall of the vessel designated on  
27 the licensee's coastal spot shrimp experimental emerging commercial  
28 fishery license as of March 31, 2003; and

29 (b) A vessel whose surveyed length overall exceeds ninety feet.

30 (6) In the event the Washington-coastal spot shrimp pot fishery  
31 license is transferred by sale, lease, inheritance, or lottery, and  
32 pursuant to subsection (4) of this section, the vessel length  
33 restriction associated with that license must remain attached to the  
34 license.

35 (7) A natural person may not own or hold an ownership interest in  
36 more than one Washington-coastal spot shrimp pot fishery license at a  
37 time.

38 (8) Only a person who owns or is designated as an operator of the  
39 vessel designated on the license may hold a Washington-coastal spot  
40 shrimp pot fishery license.

1 (9) Nothing in this section:

2 (a) Requires the (~~commission~~) department to open a commercial  
3 coastal spot shrimp fishery in any given year;

4 (b) Prohibits the (~~commission~~) department from closing or  
5 limiting an opened commercial coastal spot shrimp fishery for any  
6 reason; or

7 (c) Confers any right of compensation to the holder of a  
8 Washington-coastal spot shrimp pot fishery license if the license is  
9 revoked, limited, or modified by the legislature.

10 (10) Issuance of a Washington-coastal spot shrimp pot fishery  
11 license does not create, and may not be construed to create, any  
12 right, title, or interest in the coastal spot shrimp resource.

13 (11) The legislature recognizes that Washington-coastal spot  
14 shrimp pot fishery licenses may be revoked by future legislatures if  
15 the fishery is found to have jeopardized the sustainability of the  
16 coastal spot shrimp resource or the marine ecosystem.

17 **Sec. 2102.** RCW 77.75.020 and 2000 c 107 s 86 are each amended to  
18 read as follows:

19 The (~~commission~~) department may give to the state of Oregon  
20 such consent and approbation of the state of Washington as is  
21 necessary under the compact set out in RCW 77.75.010. For the  
22 purposes of RCW 77.75.010, the states of Washington and Oregon have  
23 concurrent jurisdiction in the concurrent waters of the Columbia  
24 river.

25 **Sec. 2103.** RCW 77.75.100 and 1980 c 78 s 62 are each amended to  
26 read as follows:

27 The (~~commission~~) department may cooperate with the Idaho fish  
28 and game commission in the adoption and enforcement of rules  
29 regarding wildlife on that portion of the Snake river forming the  
30 boundary between Washington and Idaho.

31 **Sec. 2104.** RCW 77.75.140 and 1995 1st sp.s. c 2 s 21 are each  
32 amended to read as follows:

33 The (~~commission~~) department may adopt and enforce the  
34 provisions of the treaty between the government of the United States  
35 and the government of Canada concerning Pacific salmon, treaty  
36 document number 99-2, entered into force March 18, 1985, at Quebec

1 City, Canada, and the regulations of the ((~~commission~~)) department  
2 adopted under authority of the treaty.

3 **Sec. 2105.** RCW 77.95.020 and 1995 1st sp.s. c 2 s 34 are each  
4 amended to read as follows:

5 (1) The ((~~commission~~)) department shall develop long-term  
6 regional policy statements regarding the salmon fishery resources  
7 before December 1, 1985. The ((~~commission~~)) department shall consider  
8 the following in formulating and updating regional policy statements:

9 (a) Existing resource needs;

10 (b) Potential for creation of new resources;

11 (c) Successful existing programs, both within and outside the  
12 state;

13 (d) Balanced utilization of natural and hatchery production;

14 (e) Desires of the fishing interest;

15 (f) Need for additional data or research;

16 (g) Federal court orders; and

17 (h) Salmon advisory council recommendations.

18 (2) The ((~~commission~~)) department shall review and update each  
19 policy statement at least once each year.

20 **Sec. 2106.** RCW 77.95.090 and 2009 c 340 s 4 are each amended to  
21 read as follows:

22 The dedicated regional fisheries enhancement group account is  
23 created in the custody of the state treasurer. Only the ((~~commission~~  
24 ~~or the commission's designee~~)) department may authorize expenditures  
25 from the account. The account is subject to allotment procedures  
26 under chapter 43.88 RCW, but no appropriation is required for  
27 expenditures.

28 A portion of each recreational fishing license fee shall be used  
29 as provided in RCW 77.32.440. A surcharge of one hundred dollars  
30 shall be collected on each commercial salmon fishery license, each  
31 salmon delivery license, and each salmon charter license sold in the  
32 state. All receipts shall be placed in the regional fisheries  
33 enhancement group account and shall be used exclusively for regional  
34 fisheries enhancement group projects for the purposes of RCW  
35 77.95.110. Except as provided in RCW 77.95.320, funds from the  
36 regional fisheries enhancement group account shall not serve as  
37 replacement funding for department operated salmon projects that  
38 exist on January 1, 1991.

1 All revenue from the department's sale of salmon carcasses and  
2 eggs that return to group facilities shall be deposited in the  
3 regional fisheries enhancement group account for use by the regional  
4 fisheries enhancement group that produced the surplus. The  
5 (~~commission~~) department shall adopt rules to implement this section  
6 pursuant to chapter 34.05 RCW.

7 **Sec. 2107.** RCW 77.95.100 and 2010 1st sp.s. c 7 s 82 are each  
8 amended to read as follows:

9 The department may provide start-up funds to regional fisheries  
10 enhancement groups for costs associated with any enhancement project.  
11 The (~~commission~~) department shall develop guidelines for providing  
12 funds to the regional fisheries enhancement groups.

13 **Sec. 2108.** RCW 77.95.320 and 2013 c 93 s 1 are each amended to  
14 read as follows:

15 (1) The department shall establish a program that utilizes  
16 department-partner agreements for the resumption or continued  
17 operation and management of state-owned salmonid hatcheries that are  
18 located in the Hood Canal basin. To implement the program, the  
19 department shall accept and review applications to determine the  
20 appropriateness of the partner to manage and operate selected  
21 salmonid hatcheries. The department shall accelerate the application  
22 process relating to any hatchery currently in operation to avoid  
23 cessation of ongoing salmon production.

24 (2)(a) To select a partner, the department shall develop and  
25 apply criteria identifying the appropriateness of a potential  
26 partner. The criteria must seek to ensure that the partner has a  
27 long-range business plan, which may include the sale of hatchery  
28 surplus salmon, including eggs and carcasses, to ensure the long-  
29 range future solvency of the partnership. The business plan may also  
30 allow the partner to harvest hatchery chum salmon in a designated  
31 area through persons under contract with the partner as provided  
32 under a permit from the department or by rule of the (~~commission~~)  
33 department. All chum salmon harvested must be sold at prices  
34 commensurate with the current market and all funds must be utilized  
35 by the partner to operate the hatchery.

36 (b) Partners under this section must be:

37 (i) Qualified under section 501(c)(3) of the internal revenue  
38 code;

1 (ii) A for-profit private entity; or

2 (iii) A federally recognized tribe.

3 (3) The department shall place a higher priority on applications  
4 from partners that provide for the maximum resumption or continuation  
5 of existing hatchery production in a manner consistent with the  
6 mandate contained in RCW 77.04.012 to maintain the economic well-  
7 being and stability of the fishing industry.

8 (4) (a) Agreements entered into with partners under this section  
9 must be consistent with existing federally recognized tribal rights,  
10 state laws, agency rules, collective bargaining agreements, hatchery  
11 management policy involving species listed under the federal  
12 endangered species act, or, in the case of a tribal partner, any  
13 applicable tribal hatchery management policy or recreational and  
14 commercial harvest policy.

15 (b) Agreements under this section must also require that partners  
16 give preference to retaining classified employees whenever possible.  
17 In circumstances where it is not possible, partners conducting  
18 hatchery operations must maintain staff with comparable  
19 qualifications to those identified in the class specifications for  
20 the department's fish hatchery personnel.

21 (5) All partnership agreements entered into under this section  
22 must contain a provision that requires the partner to hold harmless  
23 the department and the state for any civil liability arising from the  
24 partner's participation in the agreement or activities at the subject  
25 hatchery or hatcheries.

26 (6) All partnership agreements entered into under this section  
27 must identify any maintenance or improvements to be made to the  
28 hatchery facility, and the source of funding for such maintenance or  
29 improvements. If funding for the maintenance or improvements is to  
30 come from state funds or revenue sources previously received by the  
31 department, the work must be performed either by employees in the  
32 classified service or in compliance with the contracting procedures  
33 set forth in RCW 41.06.142.

34 **Sec. 2109.** RCW 77.100.060 and 2001 c 337 s 4 are each amended to  
35 read as follows:

36 The (~~commission~~) department shall establish by rule:

37 (1) The procedure for entering a cooperative agreement and the  
38 application forms for a permit to release fish or wildlife required  
39 by RCW 77.12.457. The procedure shall indicate the information

1 required from the volunteer group as well as the process of review by  
2 the department. The process of review shall include the means to  
3 coordinate with other agencies and Indian tribes when appropriate and  
4 to coordinate the review of any necessary hydraulic permit approval  
5 applications.

6 (2) The procedure for providing within forty-five days of receipt  
7 of a proposal a written response to the volunteer group indicating  
8 the date by which an acceptance or rejection of the proposal can be  
9 expected, the reason why the date was selected, and a written summary  
10 of the process of review. The response should also include any  
11 suggested modifications to the proposal which would increase its  
12 likelihood of approval and the date by which such modified proposal  
13 could be expected to be accepted. If the proposal is rejected, the  
14 department must provide in writing the reasons for rejection. The  
15 volunteer group may request the director or the director's designee  
16 to review information provided in the response.

17 (3) The priority of the uses to which eggs, seed, juveniles, or  
18 brood stock are put. Use by cooperative projects shall be second in  
19 priority only to the needs of programs of the department or of other  
20 public agencies within the territorial boundaries of the state. Sales  
21 of eggs, seed, juveniles, or brood stock have a lower priority than  
22 use for cooperative projects. The rules must identify and implement  
23 appropriate protocols for brood stock handling, including the  
24 outplanting of adult fish, spawning, incubation, rearing, and release  
25 and establish a prioritized schedule for implementation of chapter  
26 337, Laws of 2001, and shall include directives for allowing more  
27 hatchery salmon to spawn naturally in areas where progeny of hatchery  
28 fish have spawned, including the outplanting of adult fish, in order  
29 to increase the number of viable salmon eggs and restore healthy  
30 numbers of fish within the state.

31 (4) The procedure for the director to notify a volunteer group  
32 that the agreement for the project is being revoked for cause and the  
33 procedure for revocation. Revocation shall be documented in writing  
34 to the volunteer group. Cause for revocation may include: (a) The  
35 unavailability of adequate biological or financial resources; (b) the  
36 development of unacceptable biological or resource management  
37 conflicts; or (c) a violation of agreement provisions. Notice of  
38 cause to revoke for a violation of agreement provisions may specify a  
39 reasonable period of time within which the volunteer group must  
40 comply with any violated provisions of the agreement.

1 (5) An appropriate method of distributing among volunteer groups  
2 fish, bird, or animal food or other supplies available for the  
3 program.

4 **Sec. 2110.** RCW 77.100.080 and 2000 c 107 s 113 are each amended  
5 to read as follows:

6 (1) The volunteer group shall:

7 (a) Provide care and diligence in conducting the cooperative  
8 project; and

9 (b) Maintain accurately the required records of the project on  
10 forms provided by the department.

11 (2) The volunteer group shall acknowledge that fish and game  
12 reared in cooperative projects are public property and must be  
13 handled and released for the benefit of all citizens of the state.  
14 The fish and game are to remain public property until reduced to  
15 private ownership under rules of the (~~commission~~) department.

16 **Sec. 2111.** RCW 77.105.020 and 2011 c 266 s 2 are each amended to  
17 read as follows:

18 (1) Consistent with available revenue, (~~commission~~) department  
19 policies, tribal comanager agreements, and limitations of the  
20 endangered species act, the department, in consultation with the  
21 oversight committee created in RCW 77.105.160, shall adaptively  
22 manage the Puget Sound recreational salmon and marine fish  
23 enhancement program to maximize the benefits to the Puget Sound  
24 recreational fishery.

25 (2) The department has the following duties:

26 (a) The department shall utilize a program of hatchery-based  
27 salmon enhancement and solicit support from cooperative projects,  
28 regional enhancement groups, and other supporting organizations to  
29 improve recreational salmon fishing in Puget Sound.

30 (b) The department may conduct comprehensive research on resident  
31 and migratory salmon production opportunities on marine bottomfish  
32 production limitations, and on methods for artificial propagation of  
33 depleted marine bottomfish.

34 (c) The program must facilitate continued and improved  
35 recreational fishing opportunities in Puget Sound and Lake Washington  
36 as measured by increased angler trips of participation. The  
37 coordinator, as identified in RCW 77.105.010, shall assist the  
38 oversight committee with development of recommendations for outcome-

1 based goals and objectives to assess the effectiveness of the  
2 program.

3 (d) The director shall meet with the oversight committee each  
4 year to review and approve these goals and objectives.

5 (e) The ((director—and)) oversight committee shall report  
6 annually to the ((commission)) department on the goals of the program  
7 and the effectiveness of the program in meeting those goals.  
8 Objectives include, but are not limited to, an increase in salmon and  
9 bottomfish angler trips.

10 (f) The department and the oversight committee shall seek to  
11 reach consensus regarding program activities and expenditures. The  
12 department shall provide the oversight committee with a written  
13 explanation when the department expends funds from the recreational  
14 fisheries enhancement account that differs substantially from  
15 oversight committee recommendations.

16 (g) Consistent with RCW 43.01.036, the department and oversight  
17 committee shall make a joint report to the legislature on the  
18 effectiveness of this program in biennial reports. Reports must  
19 include the goals and objectives of the previous biennium and a  
20 determination of whether the goals and objectives were met and an  
21 explanation if the department did not meet these specific objectives.

22 **Sec. 2112.** RCW 77.115.010 and 2018 c 179 s 6 are each amended to  
23 read as follows:

24 (1) The director of agriculture and the director shall jointly  
25 develop a program of disease inspection and control for aquatic  
26 farmers as defined in RCW 15.85.020. The program shall be  
27 administered by the department under rules established under this  
28 section. The purpose of the program is to protect the aquaculture  
29 industry and wildstock fisheries from a loss of productivity due to  
30 aquatic diseases or maladies. As used in this section "diseases"  
31 means, in addition to its ordinary meaning, infestations of parasites  
32 or pests. The disease program may include, but is not limited to, the  
33 following elements:

- 34 (a) Disease diagnosis;
- 35 (b) Import and transfer requirements;
- 36 (c) Provision for certification of stocks;
- 37 (d) Classification of diseases by severity;
- 38 (e) Provision for treatment of selected high-risk diseases;

1 (f) Provision for containment and eradication of high-risk  
2 diseases;

3 (g) Provision for destruction of diseased cultured aquatic  
4 products;

5 (h) Provision for quarantine of diseased cultured aquatic  
6 products;

7 (i) Provision for coordination with state and federal agencies;

8 (j) Provision for development of preventative or control  
9 measures;

10 (k) Provision for cooperative consultation service to aquatic  
11 farmers; and

12 (l) Provision for disease history records.

13 (2) The (~~commission~~) department shall adopt rules implementing  
14 this section. However, such rules shall have the prior approval of  
15 the director of agriculture and shall provide therein that the  
16 director of agriculture has provided such approval. The director of  
17 agriculture or the director's designee shall attend the rule-making  
18 hearings conducted under chapter 34.05 RCW and shall assist in  
19 conducting those hearings. The authorities granted the department by  
20 these rules and by RCW 77.12.047(1)(g), 77.60.060, 77.60.080,  
21 77.65.210, 77.115.030, and 77.115.040 constitute the only authorities  
22 of the department to regulate private sector cultured aquatic  
23 products and aquatic farmers as defined in RCW 15.85.020. Except as  
24 provided in subsection (3) of this section, no action may be taken  
25 against any person to enforce these rules unless the department has  
26 first provided the person an opportunity for a hearing. In such a  
27 case, if the hearing is requested, no enforcement action may be taken  
28 before the conclusion of that hearing.

29 (3) The rules adopted under this section shall specify the  
30 emergency enforcement actions that may be taken by the department,  
31 and the circumstances under which they may be taken, without first  
32 providing the affected party with an opportunity for a hearing.  
33 Neither the provisions of this subsection nor the provisions of  
34 subsection (2) of this section shall preclude the department from  
35 requesting the initiation of criminal proceedings for violations of  
36 the disease inspection and control rules.

37 (4) A person shall not violate the rules adopted under subsection  
38 (2) or (3) of this section or violate RCW 77.115.040.

1 (5) In administering the program established under this section,  
2 the department shall use the services of a pathologist licensed to  
3 practice veterinary medicine.

4 (6) The director in administering the program shall not place  
5 constraints on or take enforcement actions in respect to the  
6 aquaculture industry that are more rigorous than those placed on the  
7 department or other fish-rearing entities.

8 (7) The department must implement this section consistent with  
9 RCW 77.125.050.

10 **PART 3**

11 **MODIFICATIONS TO THE STATE PARKS AND RECREATION CODE**

12 **Sec. 3001.** RCW 79A.05.010 and 1999 c 249 s 101 are each amended  
13 to read as follows:

14 The definitions in this section apply throughout this title  
15 unless the context clearly requires otherwise.

16 (1) "Commission" means the state parks and recreation  
17 (~~commission~~) department.

18 (2) "Chair" means the member of the (~~commission~~) state parks  
19 and recreation advisory committee created in RCW 79A.05.015 elected  
20 pursuant to RCW 79A.05.025.

21 (3) "Director" and "director of the state parks and recreation  
22 commission" mean the director of parks and recreation or the  
23 director's designee.

24 (4) "Recreation" means those activities of a voluntary and  
25 leisure time nature that aid in promoting entertainment, pleasure,  
26 play, relaxation, or instruction.

27 (5) "Natural forest" means a forest that faithfully represents,  
28 or is meant to become representative of, its unaltered state.

29 (6) "State parks and recreation commission" means the state parks  
30 and recreation department.

31 **Sec. 3002.** RCW 79A.05.025 and 2020 c 123 s 1 are each amended to  
32 read as follows:

33 (1) The (~~commission~~) state parks and recreation advisory  
34 committee created in RCW 79A.05.015 shall elect one of its members as  
35 chair. The (~~commission~~) state parks and recreation advisory  
36 committee may be convened at such times as the chair deems necessary,

1 and a majority shall constitute a quorum for the transaction of  
2 business.

3 (2) (a) Except as provided in (b) of this subsection, the lease of  
4 parkland or property for a period exceeding twenty years requires the  
5 ~~((affirmative vote of at least five members of the commission))~~  
6 approval of the director.

7 (b) With the ~~((affirmative vote of at least five members of the  
8 commission))~~ approval of the director, the commission may enter into  
9 a lease for up to sixty-two years for property at Saint Edward state  
10 park. The commission may only enter into a lease under the provisions  
11 of this subsection (2) (b) if the commission finds that the department  
12 of commerce study required by section 3, chapter 103, Laws of 2016  
13 fails to identify an economically viable public or nonprofit use for  
14 the property that is consistent with the state parks and recreation  
15 commission's mission and could proceed on a reasonable timeline. The  
16 lease at Saint Edward state park may only include the following:

- 17 (i) The main seminary building;
- 18 (ii) The pool building;
- 19 (iii) The gymnasium;
- 20 (iv) The parking lot located in between locations identified in  
21 (b) (i), (ii), and (iii) of this subsection;
- 22 (v) The parking lot immediately north of the gymnasium; and
- 23 (vi) Associated property immediately adjacent to the areas listed  
24 in (b) (i) through (v) of this subsection.

25 **Sec. 3003.** RCW 79A.05.030 and 2020 c 123 s 2 are each amended to  
26 read as follows:

27 The commission shall:

28 (1) Have the care, charge, control, and supervision of all parks  
29 and parkways acquired or set aside by the state for park or parkway  
30 purposes.

31 (2) Adopt policies, and adopt, issue, and enforce rules  
32 pertaining to the use, care, and administration of state parks and  
33 parkways. The commission shall cause a copy of the rules to be kept  
34 posted in a conspicuous place in every state park to which they are  
35 applicable, but failure to post or keep any rule posted shall be no  
36 defense to any prosecution for the violation thereof.

37 (3) Permit the use of state parks and parkways by the public  
38 under such rules as shall be adopted.

1 (4) Clear, drain, grade, seed, and otherwise improve or beautify  
2 parks and parkways, and erect structures, buildings, fireplaces, and  
3 comfort stations and build and maintain paths, trails, and roadways  
4 through or on parks and parkways.

5 (5) Grant concessions or leases in state parks and parkways upon  
6 such rentals, fees, or percentage of income or profits and for such  
7 terms, in no event longer than eighty years, except for a lease  
8 associated with land or property described in RCW 79A.05.025(2)(b)  
9 which may not exceed sixty-two years, and upon such conditions as  
10 shall be approved by the commission.

11 (a) Leases exceeding a twenty-year term, or the amendment or  
12 modification of these leases, shall require a vote consistent with  
13 RCW 79A.05.025(2).

14 (b) If, during the term of any concession or lease, it is the  
15 opinion of the commission that it would be in the best interest of  
16 the state, the commission may, with the consent of the concessionaire  
17 or lessee, alter and amend the terms and conditions of such  
18 concession or lease.

19 (c) Television station leases shall be subject to the provisions  
20 of RCW 79A.05.085.

21 (d) The rates of concessions or leases shall be renegotiated at  
22 five-year intervals. No concession shall be granted which will  
23 prevent the public from having free access to the scenic attractions  
24 of any park or parkway.

25 (6) Employ such assistance as it deems necessary. Commission  
26 expenses relating to its use of volunteer assistance shall be limited  
27 to premiums or assessments for the insurance of volunteers by the  
28 department of labor and industries, compensation of staff who assist  
29 volunteers, materials and equipment used in authorized volunteer  
30 projects, training, reimbursement of volunteer travel as provided in  
31 RCW 43.03.050 and 43.03.060, and other reasonable expenses relating  
32 to volunteer recognition. The commission, at its discretion, may  
33 waive commission fees otherwise applicable to volunteers. The  
34 commission shall not use volunteers to replace or supplant classified  
35 positions. The use of volunteers may not lead to the elimination of  
36 any employees or permanent positions in the bargaining unit.

37 (7) (~~By majority vote of its authorized membership,~~) The  
38 director may select and purchase or obtain options upon, lease, or  
39 otherwise acquire for and in the name of the state such tracts of  
40 land, including shore and tide lands, for park and parkway purposes

1 as it deems proper. If the commission cannot acquire any tract at a  
2 price it deems reasonable, it may(~~(, by majority vote of its~~  
3 ~~authorized membership,)~~) obtain title thereto, or any part thereof,  
4 by condemnation proceedings conducted by the attorney general as  
5 provided for the condemnation of rights-of-way for state highways.  
6 Option agreements executed under authority of this subsection shall  
7 be valid only if:

8 (a) The cost of the option agreement does not exceed one dollar;  
9 and

10 (b) Moneys used for the purchase of the option agreement are from  
11 (i) funds appropriated therefor, or (ii) funds appropriated for  
12 undesignated land acquisitions, or (iii) funds deemed by the  
13 commission to be in excess of the amount necessary for the purposes  
14 for which they were appropriated; and

15 (c) The maximum amount payable for the property upon exercise of  
16 the option does not exceed the appraised value of the property.

17 (8) Cooperate with the United States, or any county or city of  
18 this state, in any matter pertaining to the acquisition, development,  
19 redevelopment, renovation, care, control, or supervision of any park  
20 or parkway, and enter into contracts in writing to that end. All  
21 parks or parkways, to which the state contributed or in whose care,  
22 control, or supervision the state participated pursuant to the  
23 provisions of this section, shall be governed by the provisions  
24 hereof.

25 (9) Within allowable resources, maintain policies that increase  
26 the number of people who have access to free or low-cost recreational  
27 opportunities for physical activity, including noncompetitive  
28 physical activity.

29 (10) Adopt rules establishing the requirements for a criminal  
30 history record information search for the following: Job applicants,  
31 volunteers, and independent contractors who have unsupervised access  
32 to children or vulnerable adults, or who will be responsible for  
33 collecting or disbursing cash or processing credit/debit card  
34 transactions. These background checks will be done through the  
35 Washington state patrol criminal identification section and may  
36 include a national check from the federal bureau of investigation,  
37 which shall be through the submission of fingerprints. A permanent  
38 employee of the commission, employed as of July 24, 2005, is exempt  
39 from the provisions of this subsection.

1       **Sec. 3004.** RCW 79A.05.040 and 1999 c 249 s 401 are each amended  
2 to read as follows:

3       (~~In addition to other duties the commission may from time to~~  
4 ~~time impose, it~~) It is the duty of the director to:

5       (1) Ensure the control of weeds in parks to the extent required  
6 by RCW 17.04.160 and 17.10.205; and

7       (2) Participate in the operations of the environmental  
8 enhancement and job creation task force under chapter 43.21J RCW.

9       The director has the power reasonably necessary to carry out  
10 these duties.

11       **Sec. 3005.** RCW 79A.05.175 and 2007 c 145 s 1 are each amended to  
12 read as follows:

13       Whenever the commission finds that any land under its control  
14 cannot advantageously be used for park purposes, it is authorized to  
15 dispose of such land by the method provided in this section or by the  
16 method provided in RCW 79A.05.170. If such lands are school or other  
17 grant lands, control thereof shall be relinquished by resolution of  
18 the commission to the proper state officials. If such lands were  
19 acquired under restrictive conveyances by which the state may hold  
20 them only so long as they are used for park purposes, they may be  
21 returned to the donor or grantors by the commission. All other such  
22 lands may be either sold by the commission to the highest bidder or  
23 exchanged for other lands of equal value by the commission, and all  
24 conveyance documents shall be executed by the governor. All such  
25 exchanges shall be accompanied by a transfer fee, to be set by the  
26 commission and paid by the other party to the transfer; such fee  
27 shall be paid into the parkland acquisition account established under  
28 RCW 79A.05.170. The commission may accept sealed bids, electronic  
29 bids, or oral bids at auction. Bids on all sales shall be solicited  
30 at least twenty days in advance of the sale date by an advertisement  
31 appearing at least once a week for two consecutive weeks in a  
32 newspaper of general circulation in the county in which the land to  
33 be sold is located. If the commission feels that no bid received  
34 adequately reflects the fair value of the land to be sold, it may  
35 reject all bids, and may call for new bids. All proceeds derived from  
36 the sale of such park property shall be paid into the parkland  
37 acquisition account. All land considered for exchange shall be  
38 evaluated by the commission to determine its adaptability to park  
39 usage. The equal value of all lands exchanged shall first be

1 determined by the appraisals to the satisfaction of the commission.  
2 (~~No sale or exchange of state parklands shall be made without the~~  
3 ~~unanimous consent of the commission.~~)

4 **Sec. 3006.** RCW 79A.05.178 and 2000 c 42 s 1 are each amended to  
5 read as follows:

6 (1) Notwithstanding any other provision of this chapter, the  
7 commission may directly dispose of up to ten contiguous acres of real  
8 property, without public auction, to resolve trespass, property  
9 ownership disputes, and boundary adjustments with adjacent private  
10 property owners. Real property to be disposed of under this section  
11 may be disposed of only after appraisal and for at least fair market  
12 value, and only if the transaction is in the best interest of the  
13 state. The commission shall cooperate with potential purchasers to  
14 arrive at a mutually agreeable sales price. If necessary,  
15 determination of fair market value may include the use of separate  
16 independent appraisals by each party and the review of the  
17 appraisals, as agreed upon by the parties. All conveyance documents  
18 shall be executed by the governor. All proceeds from the disposal of  
19 the property shall be paid into the parkland acquisition account.  
20 (~~No disposal of real property may be made without the unanimous~~  
21 ~~consent of the commission.~~)

22 (2) Prior to the disposal of any real property under subsection  
23 (1) of this section, the commission shall hold a public hearing on  
24 the proposal in the county where the real property, or the greatest  
25 portion of the real property, is located. At least ten days, but not  
26 more than twenty-five days, prior to the hearing, the commission  
27 shall publish a paid public notice of reasonable size in display  
28 advertising form, setting forth the date, time, and place of the  
29 hearing, at least once in one or more daily newspapers of general  
30 circulation in the county and at least once in one or more weekly  
31 newspapers circulated in the area where the real property is located.  
32 A news release concerning the public hearing must be disseminated  
33 among print and electronic media in the area where the real property  
34 is located. The public notice and news release shall also identify  
35 the real property involved in the proposed disposal and describe the  
36 purpose of the proposed disposal. A summary of the testimony  
37 presented at the public hearing shall be prepared for the  
38 commission's consideration when reviewing the proposed disposal of  
39 real property.

1 (3) If there is a failure to substantially comply with the  
2 procedures set out under this section, then the agreement to dispose  
3 of the real property is subject to being declared invalid by a court  
4 of competent jurisdiction. Such a suit must be brought within one  
5 year of the date of the real property disposal agreement.

6 **Sec. 3007.** RCW 79A.05.180 and 1998 c 42 s 2 are each amended to  
7 read as follows:

8 (~~Before the director of parks and recreation presents a proposed~~  
9 ~~exchange to the parks and recreation commission involving~~) Prior to  
10 an exchange of state land pursuant to this chapter, the director  
11 shall hold a public hearing on the proposal in the county where the  
12 state lands or the greatest proportion thereof is located. Ten days  
13 but not more than twenty-five days prior to such hearing, the  
14 director shall publish a paid public notice of reasonable size in  
15 display advertising form, setting forth the date, time, and place of  
16 the hearing, at least once in one or more daily newspapers of general  
17 circulation in the county and at least once in one or more weekly  
18 newspapers circulated in the area where the state owned land is  
19 located. A news release pertaining to the hearing shall be  
20 disseminated among printed and electronic media in the area where the  
21 state land is located. The public notice and news release also shall  
22 identify lands involved in the proposed exchange and describe the  
23 purposes of the exchange and proposed use of the lands involved. A  
24 summary of the testimony presented at the hearings shall be prepared  
25 for the commission's consideration when reviewing the director's  
26 exchange proposal. If there is a failure to substantially comply with  
27 the procedures set forth in this section, then the exchange agreement  
28 shall be subject to being declared invalid by a court. Any such suit  
29 must be brought within one year from the date of the exchange  
30 agreement.

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