
HOUSE BILL 1685

State of Washington

69th Legislature

2025 Regular Session

By Representatives Springer, Fitzgibbon, Parshley, and Bernbaum

Read first time 01/29/25. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to restructuring fish and wildlife governance;
2 amending RCW 77.04.080, 77.04.012, 77.04.055, and 77.04.090; adding a
3 new section to chapter 77.04 RCW; creating new sections; repealing
4 RCW 43.300.040, 77.04.013, 77.04.130, and 77.04.140; providing an
5 effective date; and providing an expiration date.

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

7 NEW SECTION. **Sec. 1.** The legislature intends to create a more
8 accountable, transparent, and effective department of fish and
9 wildlife by consolidating the executive and administrative power of
10 the department into the hands of a director appointed by the governor
11 with the consent of the senate. This structure will facilitate
12 improved government-to-government communication with the tribes and
13 allow for increased collaboration with other state agencies, while
14 retaining the value of the fish and wildlife commission as an
15 advisory body that will provide transparency and an avenue for public
16 input and participation.

17 **Sec. 2.** RCW 77.04.080 and 2000 c 107 s 205 are each amended to
18 read as follows:

19 ~~((Persons eligible for appointment as director shall have
20 practical knowledge of the habits and distribution of fish and~~

1 ~~wildlife. The director shall supervise the administration and~~
2 ~~operation of the department and perform the duties prescribed by law~~
3 ~~and delegated by the commission. The director shall carry out the~~
4 ~~basic goals and objectives prescribed under RCW 77.04.055.)) The
5 director shall be the executive and administrative head of the
6 department. The governor shall appoint the director with the consent
7 of the senate. The director has complete charge of and supervisory
8 powers over the department. The director will be paid a salary fixed
9 by the governor in accordance with RCW 43.03.040. If a vacancy occurs
10 in the position of director while the senate is not in session, the
11 governor shall make a temporary appointment until the next meeting of
12 the senate, at which time he or she shall present to that body his or
13 her nomination for the position. The director may appoint and employ
14 necessary personnel. The director may delegate, in writing, to
15 department personnel the duties and powers necessary for efficient
16 operation and administration of the department.~~

17 ~~((Only persons having general knowledge of the fisheries and~~
18 ~~wildlife resources and of the commercial and recreational fishing~~
19 ~~industry in this state are eligible for appointment as director. The~~
20 ~~director shall not have a financial interest in the fishing industry~~
21 ~~or a directly related industry. The director shall receive the salary~~
22 ~~fixed by the governor under RCW 43.03.040.~~

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

25 NEW SECTION. Sec. 3. (1) The director of the department of fish
26 and wildlife shall convene a work group comprised of representatives
27 from state agencies and organizations whose work significantly
28 impacts fish and wildlife, to improve interagency cooperation and
29 collaboration on fish and wildlife issues. This work group must
30 include, at a minimum, the following people or their designees: The
31 commissioner of public lands, the director of the department of
32 ecology, the director of the department of commerce, the director of
33 the parks and recreation commission, the secretary of the department
34 of transportation, the director of the Puget Sound partnership, and a
35 representative of the governor's office of Indian affairs. The
36 director shall keep the public regularly apprised of the activities
37 of the work group.

38 (2) The director of the department of fish and wildlife shall
39 deliver a report to the appropriate committees of the legislature by

1 August 1, 2026, identifying the areas in which other state agencies
2 impact fish and wildlife and suggesting ways to improve interagency
3 collaboration, cooperation, efficiency, and effectiveness on fish and
4 wildlife issues.

5 (3) This section expires August 31, 2026.

6 **Sec. 4.** RCW 77.04.012 and 2000 c 107 s 2 are each amended to
7 read as follows:

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

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

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

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

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

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

35 **Sec. 5.** RCW 77.04.055 and 2000 c 107 s 204 are each amended to
36 read as follows:

37 (1) In (~~establishing~~) advising the director on rules and
38 policies to preserve, protect, and perpetuate wildlife, fish, and

1 wildlife and fish habitat, the commission shall ~~((meet annually with~~
2 ~~the governor to:~~

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

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

7 ~~The commission shall maximize fishing, hunting, and outdoor~~
8 ~~recreational opportunities compatible with healthy and diverse fish~~
9 ~~and wildlife populations.~~

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

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

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

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

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

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

25 (a) Submit public written recommendations to the director on
26 proposed rules, high-level department policies and plans, tribal,
27 interstate, and international agreements relating to fish and
28 wildlife, and other issues that the commission deems to be of
29 significant public interest or importance. These written
30 recommendations may be from the commission as a whole or from a
31 subset of commissioners, and groups of commissioners or individual
32 commissioners may submit concurring or dissenting recommendations.
33 The recommendations must describe how they are consistent with the
34 agency's mandate, strategic plan, and other applicable high-level
35 policies and plans, and the department's responsibility as a public
36 trustee of fish and wildlife;

37 (b) Hold regular public meetings to receive general public input
38 on department rules, policies, and activities, and conduct hearings
39 to consider fish and wildlife issues of significant public interest
40 or importance, including rules proposed by the department and through

1 citizen rule-making petitions, and high-level policies or plans.
2 Public hearings on proposed rules shall be held in conformance with
3 RCW 34.05.325. The director or the director's designee shall attend
4 the public hearings and is responsible for digesting public input for
5 consideration during decision making;

6 (c) Exercise authority to obtain information from the director on
7 behalf of the public regarding the department's proposals, plans,
8 policies, activities, and scientific findings, including by making
9 reasonable requests for written summaries, copies of documents, or
10 briefings from department staff during public commission meetings;
11 and

12 (d) Exercise authority and discretion to convene panels of
13 experts both within and from outside the department to discuss issues
14 of significant public interest or importance including, but not
15 limited to, issues implicated by proposed rules.

16 (2) Communications between commissioners to facilitate the
17 development of written public recommendations do not constitute an
18 action or meeting for purposes of chapter 42.30 RCW.

19 (3) The director shall consider public input and recommendations
20 from commissioners when deliberating upon rules, high-level
21 department policies and plans, and other matters of significant
22 public interest or importance. The director shall respond to public
23 input and commission recommendations in writing, explaining why those
24 recommendations were or were not followed, and describing how the
25 chosen course of action is consistent with the department's mandate,
26 strategic plan, other applicable high-level policies and plans, any
27 applicable laws, and the department's responsibility as a public
28 trustee of fish and wildlife.

29 **Sec. 6.** RCW 77.04.090 and 1996 c 267 s 35 are each amended to
30 read as follows:

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

1 ~~majority of the members. The commission))~~ in conformance with chapter
2 34.05 RCW, and after taking into consideration written
3 recommendations from the commission following public hearings. The
4 department, when adopting emergency rules under RCW 77.12.150, shall
5 adopt rules in conformance with chapter 34.05 RCW.

6 Judicial notice shall be taken of the rules filed and published
7 as provided in RCW 34.05.380 and 34.05.210.

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

13 NEW SECTION. Sec. 7. The following acts or parts of acts are
14 each repealed:

15 (1) RCW 43.300.040 (Director's duties) and 1996 c 267 s 33 & 1993
16 sp.s. c 2 s 5;

17 (2) RCW 77.04.013 (Findings and intent) and 1995 1st sp.s. c 2 s
18 1;

19 (3) RCW 77.04.130 (Adoption and certification of rules) and 1995
20 1st sp.s. c 2 s 12, 1983 1st ex.s. c 46 s 16, 1973 c 93 s 1, & 1955 c
21 12 s 75.08.090; and

22 (4) RCW 77.04.140 (Unofficial printings of laws or rules—Approval
23 required) and 1995 1st sp.s. c 2 s 13, 1983 1st ex.s. c 46 s 17, &
24 1955 c 12 s 75.08.110.

25 NEW SECTION. Sec. 8. The office of the code reviser is directed
26 to correct all references to the state fish and wildlife commission
27 in chapter 77.12 RCW to the department of fish and wildlife.

28 NEW SECTION. Sec. 9. A new section is added to chapter 77.04
29 RCW to read as follows:

30 (1) By January 15, 2026, members of the state fish and wildlife
31 commission shall be given the opportunity to continue as
32 commissioners following the effective date of this section until the
33 end of their terms. The governor shall appoint replacements as soon
34 as practicable, for commissioners who decline to continue.

35 (2) The governor shall consult with the commission in shaping the
36 search for a director of fish and wildlife whenever that position is
37 open. The commission shall interview final candidates for the

1 position, and the commission shall provide written recommendations to
2 the governor regarding the appointment.

3 NEW SECTION. **Sec. 10.** This act takes effect January 15, 2026.

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