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HOUSE BILL 2940

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Schmick, Kretz, and Warnick

Read first time 01/19/10. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to deleterious feral animals; amending RCW  
2 77.08.010 and 77.12.240; adding a new section to chapter 36.01 RCW;  
3 adding a new section to chapter 77.12 RCW; and providing an effective  
4 date.

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

6 **Sec. 1.** RCW 77.08.010 and 2009 c 333 s 12 are each amended to read  
7 as follows:

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

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

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

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

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

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

10 (6) "Closed season" means all times, manners of taking, and places  
11 or waters other than those established by rule of the commission as an  
12 open season. "Closed season" also means all hunting, fishing, taking,  
13 or possession of game animals, game birds, game fish, food fish, or  
14 shellfish that do not conform to the special restrictions or physical  
15 descriptions established by rule of the commission as an open season or  
16 that have not otherwise been deemed legal to hunt, fish, take, harvest,  
17 or possess by rule of the commission as an open season.

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

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

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

23 (10) "Concurrent waters of the Columbia river" means those waters  
24 of the Columbia river that coincide with the Washington-Oregon state  
25 boundary.

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

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

31 (13) "Department" means the department of fish and wildlife.

32 (14) "Director" means the director of fish and wildlife.

33 (15) "Endangered species" means wildlife designated by the  
34 commission as seriously threatened with extinction.

35 (16) "Ex officio fish and wildlife officer" means a commissioned  
36 officer of a municipal, county, state, or federal agency having as its  
37 primary function the enforcement of criminal laws in general, while the  
38 officer is in the appropriate jurisdiction. The term "ex officio fish

1 and wildlife officer" includes special agents of the national marine  
2 fisheries service, state parks commissioned officers, United States  
3 fish and wildlife special agents, department of natural resources  
4 enforcement officers, and United States forest service officers, while  
5 the agents and officers are within their respective jurisdictions.

6 (17) "Fish" includes all species classified as game fish or food  
7 fish by statute or rule, as well as all fin fish not currently  
8 classified as food fish or game fish if such species exist in state  
9 waters. The term "fish" includes all stages of development and the  
10 bodily parts of fish species.

11 (18) "Fish and wildlife officer" means a person appointed and  
12 commissioned by the director, with authority to enforce this title and  
13 rules adopted pursuant to this title, and other statutes as prescribed  
14 by the legislature. Fish and wildlife officer includes a person  
15 commissioned before June 11, 1998, as a wildlife agent or a fisheries  
16 patrol officer.

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

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

23 (21) "Freshwater" means all waters not defined as saltwater  
24 including, but not limited to, rivers upstream of the river mouth,  
25 lakes, ponds, and reservoirs.

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

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

30 (24) "Game birds" means wild birds that shall not be hunted except  
31 as authorized by the commission.

32 (25) "Game farm" means property on which wildlife is held or raised  
33 for commercial purposes, trade, or gift. The term "game farm" does not  
34 include publicly owned facilities.

35 (26) "Game reserve" means a closed area where hunting for all wild  
36 animals and wild birds is prohibited.

37 (27) "Illegal items" means those items unlawful to be possessed.

1 (28) "Invasive species" means a plant species or a nonnative animal  
2 species that either:  
3 (a) Causes or may cause displacement of, or otherwise threatens,  
4 native species in their natural communities;  
5 (b) Threatens or may threaten natural resources or their use in the  
6 state;  
7 (c) Causes or may cause economic damage to commercial or  
8 recreational activities that are dependent upon state waters; or  
9 (d) Threatens or harms human health.

10 (29) "License year" means the period of time for which a  
11 recreational license is valid. The license year begins April 1st, and  
12 ends March 31st.

13 (30) "Limited-entry license" means a license subject to a license  
14 limitation program established in chapter 77.70 RCW.

15 (31) "Money" means all currency, script, personal checks, money  
16 orders, or other negotiable instruments.

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

19 (33) "Offshore waters" means marine waters of the Pacific Ocean  
20 outside the territorial boundaries of the state, including the marine  
21 waters of other states and countries.

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

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

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

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

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

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

8 (40) "Prohibited aquatic animal species" means an invasive species  
9 of the animal kingdom that has been classified as a prohibited aquatic  
10 animal species by the commission.

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

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

18 (43) "Recreational and commercial watercraft" includes the boat, as  
19 well as equipment used to transport the boat, and any auxiliary  
20 equipment such as attached or detached outboard motors.

21 (44) "Regulated aquatic animal species" means a potentially  
22 invasive species of the animal kingdom that has been classified as a  
23 regulated aquatic animal species by the commission.

24 (45) "Resident" means:

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

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

33 (46) "Retail-eligible species" means commercially harvested salmon,  
34 crab, and sturgeon.

35 (47) "Saltwater" means those marine waters seaward of river mouths.

36 (48) "Seaweed" means marine aquatic plant species that are  
37 dependent upon the marine aquatic or tidal environment, and exist in

1 either an attached or free floating form, and includes but is not  
2 limited to marine aquatic plants in the classes Chlorophyta,  
3 Phaeophyta, and Rhodophyta.

4 (49) "Senior" means a person seventy years old or older.

5 (50) "Shellfish" means those species of marine and freshwater  
6 invertebrates that have been classified and that shall not be taken  
7 except as authorized by rule of the commission. The term "shellfish"  
8 includes all stages of development and the bodily parts of shellfish  
9 species.

10 (51) "State waters" means all marine waters and fresh waters within  
11 ordinary high water lines and within the territorial boundaries of the  
12 state.

13 (52) "To fish," "to harvest," and "to take," and their derivatives  
14 means an effort to kill, injure, harass, or catch a fish or shellfish.

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

17 (54) "To process" and its derivatives mean preparing or preserving  
18 fish, wildlife, or shellfish.

19 (55) "To trap" and its derivatives means a method of hunting using  
20 devices to capture wild animals or wild birds.

21 (56) "Trafficking" means offering, attempting to engage, or  
22 engaging in sale, barter, or purchase of fish, shellfish, wildlife, or  
23 deleterious exotic wildlife.

24 (57) "Unclaimed" means that no owner of the property has been  
25 identified or has requested, in writing, the release of the property to  
26 themselves nor has the owner of the property designated an individual  
27 to receive the property or paid the required postage to effect delivery  
28 of the property.

29 (58) "Unlisted aquatic animal species" means a nonnative animal  
30 species that has not been classified as a prohibited aquatic animal  
31 species, a regulated aquatic animal species, or an unregulated aquatic  
32 animal species by the commission.

33 (59) "Unregulated aquatic animal species" means a nonnative animal  
34 species that has been classified as an unregulated aquatic animal  
35 species by the commission.

36 (60) "Wholesale fish dealer" means a person who, acting for  
37 commercial purposes, takes possession or ownership of fish or shellfish  
38 and sells, barter, or exchanges or attempts to sell, barter, or

1 exchange fish or shellfish that have been landed into the state of  
2 Washington or entered the state of Washington in interstate or foreign  
3 commerce.

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

9 (62) "Wild birds" means those species of the class Aves whose  
10 members exist in Washington in a wild state.

11 (63) "Wildlife" means all species of the animal kingdom whose  
12 members exist in Washington in a wild state. This includes but is not  
13 limited to mammals, birds, reptiles, amphibians, fish, and  
14 invertebrates. Except as otherwise provided in this title for  
15 deleterious feral animals, the term "wildlife" does not include feral  
16 domestic mammals, old world rats and mice of the family Muridae of the  
17 order Rodentia, or those fish, shellfish, and marine invertebrates  
18 classified as food fish or shellfish by the director. The term  
19 "wildlife" includes all stages of development and the bodily parts of  
20 wildlife members.

21 (64) "Youth" means a person fifteen years old for fishing and under  
22 sixteen years old for hunting.

23 (65) "Deleterious feral animals" means any animal, other than a  
24 house cat (*Felis domesticus*) or dog (*Canis familiaris*), that either  
25 itself has escaped or been released from domestication and returned  
26 partially or wholly to a wild state or is a descendent, born outside of  
27 domestication, of an animal that escaped or was released from  
28 domestication that is causing or threatening to cause damage to  
29 property, possessions, agricultural crops, or wildlife habitat.

30 NEW SECTION. Sec. 2. A new section is added to chapter 36.01 RCW  
31 to read as follows:

32 (1) The legislative authority of any county may determine that a  
33 population of deleterious feral animals, as that term is defined in RCW  
34 77.08.010, has been established either countywide or in identified  
35 portions of a county if a finding is made by the county legislative  
36 authority that the conditions supporting the legislative finding are  
37 consistent with the definition of deleterious feral animals.

1 (2) If a finding is made by a county legislative authority, then  
2 the county is responsible for transmitting that information to the  
3 director of the department of fish and wildlife.

4 NEW SECTION. **Sec. 3.** A new section is added to chapter 77.12 RCW  
5 to read as follows:

6 (1) If the department is notified under section 2 of this act that  
7 a county legislative authority has identified a population of  
8 deleterious feral animals, then the department must develop and  
9 initiate the implementation of a management plan designed to eliminate  
10 or minimize the damage caused by the deleterious feral animals.

11 (2) The management plans developed under this section must  
12 prioritize any specific parcels identified by the appropriate county  
13 legislative authority, if any, as long as the owner of the parcel or  
14 parcels is willing to allow the department the necessary access to  
15 control the deleterious feral animals.

16 **Sec. 4.** RCW 77.12.240 and 2009 c 333 s 63 are each amended to read  
17 as follows:

18 (1) The department may authorize or engage in the removal or  
19 killing of wildlife or deleterious feral animals that is destroying or  
20 injuring property, or when it is necessary for wildlife management or  
21 research or the implementation of a deleterious feral animal management  
22 plan developed under section 3 of this act.

23 (2) The department shall dispose of wildlife taken or possessed by  
24 them under this title in the manner determined by the director to be in  
25 the best interest of the state. Proceeds from sales shall be deposited  
26 in the state treasury to be credited to the state wildlife account  
27 created in RCW 77.12.170.

28 NEW SECTION. **Sec. 5.** This act takes effect July 1, 2010.

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