
HOUSE BILL 1337

State of Washington

63rd Legislature

2013 Regular Session

By Representatives Kretz, Blake, and Short

Read first time 01/23/13. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to conditioning the classification of the gray wolf
2 by the fish and wildlife commission; amending RCW 77.12.020; adding a
3 new section to chapter 77.12 RCW; and creating a new section.

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

5 **Sec. 1.** RCW 77.12.020 and 2002 c 281 s 3 are each amended to read
6 as follows:

7 (1) The director shall investigate the habits and distribution of
8 the various species of wildlife native to or adaptable to the habitats
9 of the state. The commission shall determine whether a species should
10 be managed by the department and, if so, classify it under this
11 section.

12 (2) The commission may classify by rule wild animals as game
13 animals and game animals as fur-bearing animals.

14 (3) The commission may classify by rule wild birds as game birds or
15 predatory birds. All wild birds not otherwise classified are protected
16 wildlife.

17 (4) In addition to those species listed in RCW 77.08.020, the
18 commission may classify by rule as game fish other species of the class

1 Osteichthyes that are commonly found in freshwater except those
2 classified as food fish by the director.

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

6 (6) Except as provided in section 2 of this act, if the director
7 determines that a species of wildlife is seriously threatened with
8 extinction in the state of Washington, the director may request its
9 designation as an endangered species. The commission may designate an
10 endangered species.

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

16 (8) Upon recommendation by the director, the commission may
17 classify nonnative aquatic animal species according to the following
18 categories:

19 (a) Prohibited aquatic animal species: These species are
20 considered by the commission to have a high risk of becoming an
21 invasive species and may not be possessed, imported, purchased, sold,
22 propagated, transported, or released into state waters except as
23 provided in RCW 77.15.253;

24 (b) Regulated aquatic animal species: These species are considered
25 by the commission to have some beneficial use along with a moderate,
26 but manageable risk of becoming an invasive species, and may not be
27 released into state waters, except as provided in RCW 77.15.253. The
28 commission shall classify the following commercial aquaculture species
29 as regulated aquatic animal species, and allow their release into state
30 waters pursuant to rule of the commission: Pacific oyster (*Crassostrea*
31 *gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster
32 (*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam
33 (*Tapes philippinarum*), blue mussel (*Mytilus galloprovincialis*), and
34 suminoe oyster (*Crassostrea ariankensis*);

35 (c) Unregulated aquatic animal species: These species are
36 considered by the commission as having some beneficial use along with
37 a low risk of becoming an invasive species, and are not subject to
38 regulation under this title;

1 (d) Unlisted aquatic animal species: These species are not
2 designated as a prohibited aquatic animal species, regulated aquatic
3 animal species, or unregulated aquatic animal species by the
4 commission, and may not be released into state waters. Upon request,
5 the commission may determine the appropriate category for an unlisted
6 aquatic animal species and classify the species accordingly;

7 (e) This subsection (8) does not apply to the transportation or
8 release of nonnative aquatic animal species by ballast water or ballast
9 water discharge.

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

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 77.12 RCW
16 to read as follows:

17 The commission may not classify, or maintain a classification for,
18 the gray wolf as endangered or threatened in any area of the state
19 where a similar listing is not simultaneously in effect for the same
20 species under the federal endangered species act. This section only
21 applies to the gray wolf (*Canis lupus*).

22 NEW SECTION. **Sec. 3.** The fish and wildlife commission must
23 immediately amend WAC 232-12-014, as it existed on the effective date
24 of this section, to conform with the provisions of section 2 of this
25 act.

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