H-3078.4

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**HOUSE BILL 2859**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Representatives Walsh and Haler

AN ACT Relating to modifying the management of the state's fisheries by creating the department of fisheries separate from the department of wildlife; amending RCW 77.08.022, 77.08.024, 77.12.010, 77.12.275, 77.12.420, 77.12.455, 77.12.560, 77.12.760, 77.12.850, 77.12.858, 77.12.860, 77.12.865, 77.15.300, 77.15.310, 77.15.320, 77.15.350, 77.15.370, 77.15.380, 77.15.382, 77.15.390, 77.15.500, 77.15.520, 77.15.522, 77.15.530, 77.15.540, 77.15.552, 77.15.554, 77.15.565, 77.15.570, 77.15.590, 77.15.620, 77.15.640, 77.15.803, 77.15.813, 77.15.805, 77.15.809, 77.15.811, 77.18.050, 77.18.060, 77.50.010, 77.50.020, 77.50.040, 77.50.050, 77.50.070, 77.50.080, 77.50.090, 77.50.100, 77.50.110, 77.50.120, 77.55.021, 77.55.041, 77.55.081, 77.55.111, 77.55.121, 77.55.131, 77.55.141, 77.55.151, 77.55.161, 77.55.181, 77.55.191, 77.55.241, 77.55.251, 77.55.261, 77.55.291, 77.55.331, 77.57.040, 77.57.060, 77.60.020, 77.60.030, 77.60.050, 77.60.100, 77.60.150, 77.60.160, 77.60.170, 77.80.030, 77.80.040, 77.80.060, 77.85.010, 77.85.020, 77.85.030, 77.85.040, 77.85.060, 77.85.080, 77.85.090, 77.85.110, 77.85.120, 77.85.130, 77.85.140, 77.85.200, 77.85.220, 77.85.230, 77.95.020, 77.95.030, 77.95.040, 77.95.060, 77.95.070, 77.95.090, 77.95.100, 77.95.140, 77.95.160, 77.95.170, 77.95.180, 77.95.185, 77.95.210, 77.95.270, 77.95.320, 77.105.010, 77.105.020, 77.105.140, 77.105.150, 77.105.160, 77.115.010, 77.115.030, 77.135.010, 77.135.020, 77.135.050, 77.135.060, 77.135.070, 77.135.080, 77.135.100, 77.135.110, 77.135.120, 77.135.130, 77.135.140, 77.135.200, 77.135.210, 77.135.220, 77.135.230, 77.135.240, 77.04.012, 77.04.020, 77.04.030, 77.04.040, 77.04.055, 77.04.080, 77.04.150, 77.08.010, 77.12.020, 77.12.039, 77.12.045, 77.12.047, 77.12.150, 77.12.154, 77.12.184, 77.12.204, 77.12.262, 77.12.264, 77.12.320, 77.12.325, 77.12.475, 77.12.610, 77.12.620, 77.12.630, 77.15.040, 77.15.070, 77.15.075, 77.15.085, 77.15.090, 77.15.092, 77.15.094, 77.15.096, 77.15.098, 77.15.100, 77.15.110, 77.15.120, 77.15.130, 77.15.150, 77.15.180, 77.15.210, 77.15.240, 77.15.245, 77.15.250, 77.15.260, 77.15.265, 77.15.270, 77.15.280, 77.15.290, 77.15.470, 77.15.480, 77.15.670, 77.15.710, 77.15.750, 77.15.780, 77.15.790, 77.15.900, 77.32.010, 77.32.014, 77.32.050, 77.32.070, 77.32.240, 77.32.256, 77.32.440, 77.32.480, 77.32.525, 77.32.540, 77.32.565, 77.75.070, 77.75.110, 77.75.120, 77.130.010, 77.130.020, 77.130.050, 77.130.060, 43.17.010, 43.17.020, 43.300.010, 43.300.020, and 79A.80.090; reenacting and amending RCW 77.55.011, 77.120.010, 77.15.080, and 77.15.160; adding a new Title to the Revised Code of Washington to be codified as Title 75A RCW; creating new sections; recodifying RCW 77.04.120, 77.04.160, 77.04.170, 77.08.020, 77.08.022, 77.08.024, 77.12.043, 77.12.068, 77.12.275, 77.12.285, 77.12.330, 77.12.420, 77.12.451, 77.12.453, 77.12.455, 77.12.459, 77.12.465, 77.12.550, 77.12.702, 77.12.712, 77.12.714, 77.12.716, 77.12.718, 77.12.732, 77.12.734, 77.12.755, 77.12.760, 77.12.765, 77.12.850, 77.12.852, 77.12.854, 77.12.858, 77.12.860, 77.12.865, 77.12.870, 77.15.300, 77.15.310, 77.15.320, 77.15.350, 77.15.370, 77.15.380, 77.15.382, 77.15.390, 77.15.500, 77.15.510, 77.15.520, 77.15.522, 77.15.530, 77.15.540, 77.15.550, 77.15.552, 77.15.554, 77.15.565, 77.15.568, 77.15.570, 77.15.580, 77.15.590, 77.15.620, 77.15.630, 77.15.640, 77.15.740, 77.15.770, 77.15.805, 77.15.807, 77.15.809, 77.15.811, 77.15.813, 77.18.050, 77.18.060, 77.32.410, 77.32.520, 77.44.005, 77.44.007, 77.44.010, 77.44.030, 77.44.040, 77.44.050, 77.44.060, 77.44.070, 77.50.010, 77.50.020, 77.50.030, 77.50.040, 77.50.050, 77.50.060, 77.50.070, 77.50.080, 77.50.090, 77.50.100, 77.50.110, 77.50.120, 77.55.011, 77.55.021, 77.55.031, 77.55.041, 77.55.051, 77.55.061, 77.55.081, 77.55.091, 77.55.101, 77.55.111, 77.55.121, 77.55.131, 77.55.141, 77.55.151, 77.55.161, 77.55.171, 77.55.181, 77.55.191, 77.55.201, 77.55.211, 77.55.221, 77.55.231, 77.55.241, 77.55.251, 77.55.261, 77.55.271, 77.55.281, 77.55.291, 77.55.331, 77.55.341, 77.55.351, 77.55.361, 77.55.371, 77.57.010, 77.57.020, 77.57.030, 77.57.040, 77.57.050, 77.57.060, 77.57.070, 77.57.080, 77.60.010, 77.60.020, 77.60.030, 77.60.040, 77.60.050, 77.60.060, 77.60.070, 77.60.080, 77.60.090, 77.60.100, 77.60.150, 77.60.160, 77.60.170, 77.65.010, 77.65.020, 77.65.030, 77.65.040, 77.65.050, 77.65.060, 77.65.070, 77.65.080, 77.65.090, 77.65.100, 77.65.110, 77.65.120, 77.65.130, 77.65.140, 77.65.150, 77.65.160, 77.65.170, 77.65.180, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.240, 77.65.250, 77.65.260, 77.65.270, 77.65.280, 77.65.310, 77.65.320, 77.65.330, 77.65.340, 77.65.350, 77.65.370, 77.65.380, 77.65.390, 77.65.400, 77.65.410, 77.65.420, 77.65.430, 77.65.440, 77.65.450, 77.65.460, 77.65.480, 77.65.490, 77.65.500, 77.65.510, 77.65.530, 77.65.550, 77.65.560, 77.65.570, 77.65.580, 77.65.590, 77.65.600, 77.65.610, 77.70.005, 77.70.010, 77.70.020, 77.70.040, 77.70.050, 77.70.060, 77.70.070, 77.70.080, 77.70.090, 77.70.100, 77.70.110, 77.70.120, 77.70.130, 77.70.140, 77.70.150, 77.70.160, 77.70.170, 77.70.180, 77.70.190, 77.70.200, 77.70.210, 77.70.220, 77.70.230, 77.70.240, 77.70.250, 77.70.260, 77.70.280, 77.70.290, 77.70.300, 77.70.310, 77.70.320, 77.70.330, 77.70.340, 77.70.350, 77.70.360, 77.70.370, 77.70.390, 77.70.400, 77.70.410, 77.70.420, 77.70.430, 77.70.440, 77.70.442, 77.70.450, 77.70.460, 77.70.470, 77.70.480, 77.70.490, 77.70.500, 77.70.510, 77.80.020, 77.80.030, 77.80.040, 77.80.050, 77.80.060, 77.85.005, 77.85.010, 77.85.020, 77.85.030, 77.85.040, 77.85.050, 77.85.060, 77.85.080, 77.85.090, 77.85.110, 77.85.120, 77.85.130, 77.85.135, 77.85.140, 77.85.150, 77.85.160, 77.85.170, 77.85.180, 77.85.190, 77.85.200, 77.85.220, 77.85.230, 77.85.240, 77.95.010, 77.95.020, 77.95.030, 77.95.040, 77.95.050, 77.95.060, 77.95.070, 77.95.080, 77.95.090, 77.95.100, 77.95.130, 77.95.140, 77.95.150, 77.95.160, 77.95.170, 77.95.180, 77.95.185, 77.95.190, 77.95.200, 77.95.210, 77.95.220, 77.95.230, 77.95.240, 77.95.250, 77.95.260, 77.95.270, 77.95.280, 77.95.290, 77.95.300, 77.95.310, 77.95.320, 77.95.330, 77.95.340, 77.105.005, 77.105.010, 77.105.020, 77.105.030, 77.105.050, 77.105.140, 77.105.150, 77.105.160, 77.105.170, 77.110.010, 77.110.020, 77.110.030, 77.110.040, 77.110.900, 77.115.010, 77.115.030, 77.115.040, 77.120.005, 77.120.010, 77.120.020, 77.120.030, 77.120.040, 77.120.050, 77.120.070, 77.120.100, 77.120.110, 77.120.120, 77.120.130, 77.120.140, 77.125.010, 77.125.020, 77.125.030, 77.125.040, 77.135.010, 77.135.020, 77.135.030, 77.135.040, 77.135.050, 77.135.060, 77.135.070, 77.135.080, 77.135.090, 77.135.100, 77.135.110, 77.135.120, 77.135.130, 77.135.140, 77.135.150, 77.135.160, 77.135.170, 77.135.180, 77.135.200, 77.135.210, 77.135.220, 77.135.230, and 77.135.240; repealing RCW 77.15.005, 43.300.005, and 77.04.013; prescribing penalties; providing an effective date; and providing an expiration date.

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

**PART ONE**

**DEPARTMENT OF FISHERIES CREATED**

NEW SECTION. **Sec.**  It is in the interest of the people of the state to have dynamic agencies that have flexibility to modernize and provide better service. Washington's fisheries management were consolidated with the department of wildlife late last century. It is again time for the department to reconfigure and adjust its resources. The legislature is creating this opportunity by providing a clear change of department structure to invest in management of fisheries.

NEW SECTION. **Sec.**  The definitions in this section apply throughout this title or rules adopted under this title unless the context clearly requires otherwise.

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

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

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

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

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

(6) "Commercial" means related to or connected with buying, selling, or bartering.

(7) "Contraband" means any property that is unlawful to produce or possess.

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

(9) "Covered animal species part or product" means any item that contains, or is wholly or partially made from, any covered animal species.

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

(11) "Department" means the department of fisheries.

(12) "Director" means the director of fisheries.

(13) "Distribute" or "distribution" means either a change in possession for consideration or a change in legal ownership.

(14) "Endangered species" means wildlife designated by the department as seriously threatened with extinction.

(15) "Ex officio fish and wildlife officer" means:

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

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

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

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

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

(18) "Fish dealer" means a person who engages in any activity that triggers the need to obtain a fish dealer license under RCW 77.65.280 (as recodified by this act).

(19) "Fisheries patrol officer" means a person appointed and commissioned by the director, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

(20) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

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

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

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

(24) "Limited-entry license" means a license subject to a license limitation program established in chapter 77.70 RCW (as recodified by this act).

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

(26) "Natural person" means a human being.

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

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

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

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

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

(32) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

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

(34) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the department.

(35) "Protected wildlife" means wildlife designated by the department that shall not be hunted or fished.

(36) "Resident" has the same meaning as defined in RCW 77.08.075.

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

(38) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

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

(40) "Shark fin" means a raw, dried, or otherwise processed detached fin or tail of a shark.

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

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

(42) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken or possessed except as authorized by rule of the department. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

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

(44) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

(45) "To take" and its derivatives means to kill, injure, harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.

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

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

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

(49) "Wholesale fish buyer" means a person who engages in any fish buying or selling activity that triggers the need to obtain a wholesale fish buyer endorsement under RCW 77.65.340 (as recodified by this act).

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

(51) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

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

NEW SECTION. **Sec.**  The department shall preserve, protect, perpetuate, and manage the food fish, game fish, and shellfish in state waters and offshore waters. The department shall conserve the food fish and shellfish resources in a manner that does not impair the resource. In a manner consistent with this goal, the department shall seek to maintain the economic well-being and stability of the fishing industry in the state. The department shall promote orderly fisheries and shall enhance and improve recreational and commercial fishing in this state.

NEW SECTION. **Sec.**  (1) Except as provided in subsection (2) of this section, the director of fisheries must be elected at the time and in the manner that other state officers are elected.

(2)(a) The governor must appoint an acting director who meets the qualifications in (b) of this subsection to serve upon the creation of the department of fisheries. The acting director shall continue in office until his or her successor is duly elected and qualified.

(b) Only persons having general knowledge of the fisheries resources and commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry.

(3) The director shall supervise the administration and operation of the department of fisheries and perform the duties prescribed by law. The director may appoint and employ necessary personnel, and may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

NEW SECTION. **Sec.**  (1) The director shall investigate the habits and distribution of the various species of fish and aquatic wildlife native to or adaptable to the habitats of the state. The director shall determine whether a species should be managed by the department and, if so, classify it under this section.

(2) In addition to those species listed in RCW 77.08.020 (as recodified by this act), the director may classify by rule as game fish other species of the class Osteichthyes that are commonly found in freshwater except those classified as food fish by the director.

(3) The director may determine that a species of fish or aquatic wildlife should not be hunted or fished and may designate such a species as protected.

(4) If the director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may designate it as an endangered species.

(5) If the director determines that a species of fish or aquatic wildlife, not native to Washington, is dangerous to the environment or wildlife of the state, the director may designate it as deleterious exotic wildlife.

(6) The director may develop a work plan to eradicate native aquatic species that threaten human health. Priority shall be given to water bodies that the department of health has classified as representing a threat to human health based on the presence of a native aquatic species.

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

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

**Sec.**  RCW 77.08.024 and 2000 c 107 s 209 are each amended to read as follows:

"Salmon" means all species of the genus Oncorhynchus, except those classified as game fish in RCW 77.08.020 (as recodified by this act), and includes:

|  |  |
| --- | --- |
| **Scientific Name** | **Common Name** |
| Oncorhynchus tshawytscha | Chinook salmon |
| Oncorhynchus kisutch | Coho salmon |
| Oncorhynchus keta | Chum salmon |
| Oncorhynchus gorbuscha | Pink salmon |
| Oncorhynchus nerka | Sockeye salmon |

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

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

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

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

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

The director may:

(1) Spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, and removing obstructions to migratory fish((~~.~~));

(2) Authorize the eradication of undesirable fish ((~~shall be authorized by the commission. The director may~~)); and

(3) Enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes.

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

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

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

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

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

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

Commercial non-Indian steelhead fisheries are not authorized.

**Sec.**  RCW 77.12.850 and 2011 1st sp.s. c 21 s 20 are each amended to read as follows:

The definitions in this section apply throughout RCW 77.12.850 through 77.12.860 (as recodified by this act) unless the context clearly requires otherwise.

(1) "Salmon" means all species of the genus Oncorhynchus, except those classified as game fish in this title, and includes:

|  |  |
| --- | --- |
| **Scientific Name** | **Common Name** |
| Oncorhynchus tshawytscha | Chinook salmon |
| Oncorhynchus kisutch | Coho salmon |
| Oncorhynchus keta | Chum salmon |
| Oncorhynchus gorbuscha | Pink salmon |
| Oncorhynchus nerka | Sockeye salmon |

(2) "Department" means the department of ((~~fish and wildlife~~)) fisheries.

(3) "Stamp" means the stamp created under the Washington salmon stamp program and the Washington junior salmon stamp program, created in RCW 77.12.850 through 77.12.860 (as recodified by this act).

**Sec.**  RCW 77.12.858 and 2000 c 107 s 230 are each amended to read as follows:

All receipts from the salmon stamp program created under RCW 77.12.850 through 77.12.860 (as recodified by this act) must be deposited into the regional fisheries enhancement salmonid recovery account created under RCW 77.95.130 (as recodified by this act). Expenditures from the account may be used only for the purposes specified in RCW 77.95.130 (as recodified by this act) and chapter 342, Laws of 1999. The department shall report biennially to the legislature on the amount of money the salmon stamp program has generated.

**Sec.**  RCW 77.12.860 and 1999 c 342 s 7 are each amended to read as follows:

The department ((~~is granted the authority to~~)) may establish by rule the method for selecting appropriate designs for the Washington salmon stamp program and Washington junior salmon stamp program. The stamp shall be designed and produced in accordance with department rules.

**Sec.**  RCW 77.12.865 and 2010 c 193 s 7 are each amended to read as follows:

(1) As used in this section and RCW 77.12.870 (as recodified by this act), "derelict fishing gear" includes lost or abandoned fishing nets, fishing lines, and other commercial and recreational fishing equipment. The term does not include lost or abandoned vessels or shellfish pots.

(2) The department, in partnership with the Northwest straits commission, the department of natural resources, and other interested parties, must publish guidelines for the safe removal and disposal of derelict fishing gear. The guidelines may be updated as deemed necessary by the department. The guidelines must be made available to any person interested in derelict fishing gear removal.

(3) Derelict fishing gear removal conducted in accordance with the guidelines prepared in subsection (2) of this section is not subject to permitting under RCW 77.55.021 (as recodified by this act).

NEW SECTION. **Sec.**  (1) Fisheries officers may inspect without warrant at reasonable times and in a reasonable manner:

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

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

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

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

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

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

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

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

(3) Fisheries officers may inspect without warrant, at reasonable times and in a reasonable manner, the records required by the department of any retail outlet selling fish, shellfish, or wildlife, and, if the officers have probable cause to believe a violation of this title or rules of the department has occurred, they may inspect without warrant the premises, containers, and fish, shellfish, and wildlife of any retail outlet selling fish, shellfish, or wildlife.

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

**Sec.**  RCW 77.15.300 and 2000 c 107 s 239 are each amended to read as follows:

(1) A person is guilty of unlawfully undertaking hydraulic project activities if the person constructs any form of hydraulic project or performs other work on a hydraulic project and:

(a) Fails to have a hydraulic project approval required under chapter 77.55 RCW (as recodified by this act) for such construction or work; or

(b) Violates any requirements or conditions of the hydraulic project approval for such construction or work.

(2) Unlawfully undertaking hydraulic project activities is a gross misdemeanor.

**Sec.**  RCW 77.15.310 and 2009 c 333 s 3 are each amended to read as follows:

(1) A person is guilty of unlawful failure to use or maintain an approved fish guard on a diversion device if the person owns, controls, or operates a device used for diverting or conducting water from a lake, river, or stream and:

(a) The device is not equipped with a fish guard, screen, or bypass approved by the director as required by RCW 77.57.010 or 77.57.070 (as recodified by this act); or

(b) The person knowingly fails to maintain or operate an approved fish guard, screen, or bypass so as to effectively screen or prevent fish from entering the intake.

(2) Unlawful failure to use or maintain an approved fish guard, screen, or bypass on a diversion device is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day that a diversion device is operated without an approved or maintained fish guard, screen, or bypass is a separate offense.

**Sec.**  RCW 77.15.320 and 2009 c 333 s 4 are each amended to read as follows:

(1) A person is guilty of unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction if the person owns, operates, or controls a dam or other obstruction to fish passage on a river or stream and:

(a) The dam or obstruction is not provided with a durable and efficient fishway approved by the director as required by RCW 77.57.030 (as recodified by this act);

(b) Fails to maintain a fishway in efficient operating condition; or

(c) Fails to continuously supply a fishway with a sufficient supply of water to allow the free passage of fish.

(2) Unlawful failure to provide, maintain, or operate a fishway for dam or other obstruction is a gross misdemeanor. Following written notification to the person from the department that there is a violation, each day of unlawful failure to provide, maintain, or operate a fishway is a separate offense.

**Sec.**  RCW 77.15.350 and 2000 c 107 s 242 are each amended to read as follows:

(1) A person is guilty of violating a rule regarding inspection and disease control of aquatic farms if the person:

(a) Violates any rule adopted under chapter 77.115 RCW (as recodified by this act) regarding the inspection and disease control program for an aquatic farm; or

(b) Fails to register or report production from an aquatic farm as required by chapter 77.115 RCW (as recodified by this act).

(2) A violation of a rule regarding inspection and disease control of aquatic farms is a misdemeanor.

**Sec.**  RCW 77.15.370 and 2016 c 64 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the first degree if:

(a) The person takes or possesses two times or more than the bag limit or possession limit of fish or shellfish allowed by any rule of the director ((~~or commission~~)) setting the amount of food fish, game fish, or shellfish that can be taken or possessed for noncommercial use;

(b) The person fishes in a fishway;

(c) The person shoots, gaffs, snags, snares, spears, dipnets, or stones fish or shellfish in state waters, or possesses fish or shellfish taken by such means, unless such means are authorized by express department rule;

(d) The person fishes for or possesses a fish listed as threatened or endangered in 50 C.F.R. Sec. 223.102 (2006) or Sec. 224.101 (2010), unless fishing for or possessing such fish is specifically allowed under federal or state law;

(e) The person possesses a white sturgeon measuring in excess of the maximum size limit as established by rules adopted by the department;

(f) The person possesses a green sturgeon of any size; or

(g)(i) The person possesses a wild salmon or wild steelhead during a season closed for wild salmon or wild steelhead.

(ii) For the purposes of this subsection:

(A) "Wild salmon" means a salmon with an unclipped adipose fin, regardless of whether the salmon's ventral fin is clipped. A salmon is considered to have an unclipped adipose fin if it does not have a healed scar at the location of the clipped adipose fin.

(B) "Wild steelhead" means a steelhead with no fins clipped.

(2) Unlawful recreational fishing in the first degree is a gross misdemeanor.

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

(a) White sturgeon longer than fifty-five inches in fork length, two thousand dollars;

(b) Green sturgeon, two thousand dollars; and

(c) Wild salmon or wild steelhead, five hundred dollars.

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

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

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

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

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

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

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

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

**Sec.**  RCW 77.15.380 and 2014 c 48 s 14 are each amended to read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for fish or shellfish and, whether or not the person possesses fish or shellfish, the person has not purchased the appropriate fishing or shellfishing license and catch record card issued to Washington residents or nonresidents under ((~~chapter 77.32 RCW~~)) sections 1083 through 1103 of this act.

(2) A person is guilty of unlawful recreational fishing in the second degree if the person takes or possesses fish or shellfish and:

(a) The person owns, but does not have in the person's possession, the license or the catch record card required by ((~~chapter 77.32 RCW~~)) sections 1083 through 1103 of this act for such activity; or

(b) The action violates any department rule regarding seasons, bag or possession limits but less than two times the bag or possession limit, closed areas, closed times, or any other rule addressing the manner or method of fishing for, taking, or possessing fish or shellfish. This section does not apply to use of a net to take fish under RCW 77.15.580 (as recodified by this act) or the unlawful use of shellfish gear for personal use under RCW 77.15.382 (as recodified by this act).

(3) Unlawful recreational fishing in the second degree is a misdemeanor.

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

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

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

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

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

**Sec.**  RCW 77.15.390 and 2014 c 48 s 15 are each amended to read as follows:

(1) A person is guilty of unlawful taking of seaweed if the person takes or possesses seaweed and:

(a) The person has not purchased a personal use shellfish and seaweed license issued to Washington residents or nonresidents under chapter ((~~77.32~~)) 75A.--- RCW (the new chapter created in section 1202 of this act); or

(b) The person takes or possesses seaweed in an amount that is two times or more of the daily possession limit of seaweed.

(2) Unlawful taking of seaweed is a misdemeanor. This does not affect rights of the state to recover civilly for trespass, conversion, or theft of state-owned valuable materials.

**Sec.**  RCW 77.15.500 and 2017 3rd sp.s. c 8 s 10 are each amended to read as follows:

(1) A person is guilty of commercial fishing without a license in the second degree if the person fishes for, takes, or delivers fish or shellfish while acting for commercial purposes and:

(a) The person does not hold a fishery license or delivery license under chapter 77.65 RCW (as recodified by this act) for the fish or shellfish;

(b) The person is not a licensed operator designated as an alternate operator on a fishery or delivery license under chapter 77.65 RCW (as recodified by this act) for the fish or shellfish; or

(c) The person does not hold a crewmember license when required under RCW 77.65.610 (as recodified by this act).

(2) A person is guilty of commercial fishing without a license in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The violation involves taking, delivery, or possession of fish or shellfish with a value of two hundred fifty dollars or more; or

(b) The violation involves taking, delivery, or possession of fish or shellfish from an area that was closed to the taking of the fish or shellfish by any statute or rule.

(3)(a) Commercial fishing without a license in the second degree is a gross misdemeanor.

(b) Commercial fishing without a license in the first degree is a class C felony.

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 77.15.540 and 2000 c 107 s 250 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 77.65 RCW (as recodified by this act), or who holds an operator's license and is designated as an alternate operator on a fishery license required by chapter 77.65 RCW (as recodified by this act), is guilty of unlawful use of a commercial fishery license if the person:

(a) Does not have the commercial fishery license or operator's license in possession during fishing or delivery; or

(b) Violates any rule of the department regarding the use, possession, display, or presentation of the person's license, decals, or vessel numbers.

(2) Unlawful use of a commercial fishery license is a misdemeanor.

**Sec.**  RCW 77.15.552 and 2003 c 386 s 3 are each amended to read as follows:

(1) If a person is convicted of two or more qualifying commercial fishing violations within a three-year period, the person's privileges to participate in the commercial fishery to which the violations applied may be suspended by the director for up to one year. A commercial fishery license that is suspended under this section may not be transferred after the director issues a notice of suspension, or used by an alternative operator or transferred during the period of suspension, if the person who is the subject of the suspension notice is the person who owns the commercial fishery license.

(2) For the purposes of this section only, "qualifying commercial fishing violation" means either:

(a) A conviction under RCW 77.15.500, 77.15.510, 77.15.520, 77.15.530, 77.15.550(1)(a), 77.15.570, 77.15.580, or 77.15.590 (as recodified by this act);

(b) A gross misdemeanor or felony involving commercial fish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold fish, other than shellfish, groundfish, or coastal pelagic species of baitfish totals greater than six percent, by weight, of the harvest available for inspection at the time of citation and the cumulative value of the unlawfully harvested fish is more than two hundred fifty dollars at the time of citation;

(c) A gross misdemeanor or felony involving commercial groundfish or coastal pelagic baitfish harvest, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued under this title, if: (i) The quantity of unlawfully harvested, possessed, bought, or sold groundfish or coastal pelagic baitfish totals greater than ten percent, by weight, of the harvest available for inspection at the time of citation and has a cumulative value greater than five hundred dollars; or (ii) the quantity, by weight, of the unlawfully commercially harvested groundfish or coastal pelagic baitfish is ten percent greater than the landing allowances provided under rules adopted by the department for species categorized as over-fished by the national marine fisheries service; or

(d) A gross misdemeanor or felony involving commercial shellfish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold shellfish: (i) Totals greater than six percent of the harvest available for inspection at the time of citation; and (ii) totals fifty or more individual shellfish.

(3)(a) The director may refer a person convicted of one qualifying commercial fishing violation to the license suspension review committee if the director feels that the qualifying commercial fishing violation was of a severe enough magnitude to justify suspension of the individual's license renewal privileges.

(b) The director may refer any person convicted of one egregious shellfish violation to the license suspension review committee.

(c) For the purposes of this section only, "egregious shellfish violation" means a gross misdemeanor or felony involving commercial shellfish harvesting, buying, or selling that is unlawful under the terms of the license, this title, or the rules issued pursuant to this title, if the quantity of unlawfully harvested, possessed, bought, or sold shellfish: (i) Totals more than twenty percent of the harvest available for inspection at the time of citation; (ii) totals five hundred or more individual shellfish; and (iii) is valued at two thousand five hundred dollars or more.

(4) A person who has a commercial fishing license suspended or revoked under this section may file an appeal with the license suspension review committee pursuant to RCW 77.15.554 (as recodified by this act). An appeal must be filed within thirty-one days of notice of license suspension or revocation. If an appeal is filed, the suspension or revocation issued by the department does not take effect until after the license suspension review committee has delivered an opinion. If no appeal is filed within thirty-one days of notice of license suspension or revocation, the right to an appeal is considered waived. All suspensions ordered under this section take effect either thirty-one days following the conviction for the second qualifying commercial fishing violation, or upon a decision pursuant to RCW 77.15.554 (as recodified by this act), whichever is later.

(5) A fishing privilege suspended under this section is in addition to the statutory penalties assigned to the underlying crime.

(6) For the purposes of this section only, the burden is on the state to show the dollar amount or the percent of a harvest that is comprised of unlawfully harvested, bought, or sold individual fish or shellfish.

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

(1) The license suspension review committee is created. The license suspension review committee may only hear appeals from commercial fishers who have had a license revoked or suspended pursuant to RCW 77.15.552 (as recodified by this act).

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

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

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

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

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

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

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

(5) All opinions of the license suspension review committee must be by a majority vote of all voting members. Alternate committee members may only vote when one of the voting members is unavailable, has been recused, or has decided not to vote on the case before the committee. Nonvoting alternates may be present and may participate at all license suspension review committee meetings.

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

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

**Sec.**  RCW 77.15.565 and 2017 3rd sp.s. c 8 s 11 are each amended to read as follows:

Since violation of the rules of the department relating to the accounting of the commercial harvest of fish and shellfish results in damage to the resources of the state, liability for damage to fish and shellfish resources is imposed on a wholesale fish buyer or a limited fish seller for violation of a provision in chapters 77.65 and 77.70 RCW (as recodified by this act) or a rule of the department related to the accounting of the commercial harvest of fish and shellfish and shall be for the actual damages or for damages imposed as follows:

(1) For violation of rules requiring the timely presentation to the department of documents relating to the accounting of commercial harvest, fifty dollars for each of the first fifteen documents in a series and ten dollars for each subsequent document in the same series. If documents relating to the accounting of commercial harvest of fish and shellfish are lost or destroyed and the wholesale fish buyer or limited fish seller notifies the department in writing within seven days of the loss or destruction, the director shall waive the requirement for timely presentation of the documents.

(2) For violation of rules requiring accurate and legible information relating to species, value, harvest area, or amount of harvest, twenty-five dollars for each of the first five violations of this subsection per calendar year, and fifty dollars for each violation after the first five violations.

(3) For violations of rules requiring certain signatures, fifty dollars for each of the first two violations and one hundred dollars for each subsequent violation. For the purposes of this subsection, each signature is a separate requirement.

(4) For other violations of rules relating to the accounting of the commercial harvest, fifty dollars for each separate violation.

**Sec.**  RCW 77.15.570 and 2013 c 23 s 242 are each amended to read as follows:

(1) Except as provided in subsection (3) of this section, it is unlawful for a person who is not a treaty Indian fisher to participate in the taking of fish or shellfish in a treaty Indian fishery, or to be on board a vessel, or associated equipment, operating in a treaty Indian fishery. A violation of this subsection is a gross misdemeanor.

(2) A person who violates subsection (1) of this section with the intent of acting for commercial purposes, including any sale of catch, control of catch, profit from catch, or payment for fishing assistance, is guilty of a class C felony. Upon conviction, the department shall order revocation of any license and a one-year suspension of all commercial fishing privileges requiring a license under chapter 77.65 or 77.70 RCW (as recodified by this act).

(3)(a) The spouse, forebears, siblings, children, and grandchildren of a treaty Indian fisher may assist the fisher in exercising treaty Indian fishing rights when the treaty Indian fisher is present at the fishing site.

(b) Other treaty Indian fishers with off-reservation treaty fishing rights in the same usual and accustomed places, whether or not the fishers are members of the same tribe or another treaty tribe, may assist a treaty Indian fisher in exercising treaty Indian fishing rights when the treaty Indian fisher is present at the fishing site.

(c) Biologists approved by the department may be on board a vessel operating in a treaty Indian fishery.

(4) For the purposes of this section:

(a) "Treaty Indian fisher" means a person who may exercise treaty Indian fishing rights as determined under United States v. Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohappy v. Smith, 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those courts;

(b) "Treaty Indian fishery" means a fishery open to only treaty Indian fishers by tribal or federal regulation;

(c) "To participate" and its derivatives mean an effort to operate a vessel or fishing equipment, provide immediate supervision in the operation of a vessel or fishing equipment, or otherwise assist in the fishing operation, to claim possession of a share of the catch, or to represent that the catch was lawfully taken in an Indian fishery.

(5) A violation of this section constitutes illegal fishing and is subject to the suspensions provided for commercial fishing violations.

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

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

(a) Charter or recreational fishing; and

(b) Commercial fishing or shellfish harvesting.

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

**Sec.**  RCW 77.15.620 and 2017 3rd sp.s. c 8 s 12 are each amended to read as follows:

(1) A person is guilty of engaging in fish dealing activity without a license in the second degree if the activity involves fish or shellfish worth less than two hundred fifty dollars and the person:

(a) Engages in any fish dealing activity requiring a fish dealer license under RCW 77.65.280 (as recodified by this act) without first obtaining the license;

(b) Engages in any fish buying or selling activity requiring a wholesale fish buyer endorsement under RCW 77.65.340 (as recodified by this act) without first obtaining the endorsement; or

(c) Engages in any fish selling activity as a fisher that requires a limited fish seller endorsement under RCW 77.65.510 (as recodified by this act) without first obtaining the endorsement.

(2) A person is guilty of engaging in fish dealing activity without a license in the first degree if the person commits the act described by subsection (1) of this section and the violation involves fish or shellfish worth two hundred fifty dollars or more.

(3)(a) Engaging in fish dealing activity without a license in the second degree is a gross misdemeanor.

(b) Engaging in fish dealing activity without a license in the first degree is a class C felony.

**Sec.**  RCW 77.15.640 and 2017 3rd sp.s. c 8 s 14 are each amended to read as follows:

(1) A person who holds a fish dealer license required by RCW 77.65.280 (as recodified by this act), a wholesale fish buyer endorsement required by RCW 77.65.340 (as recodified by this act), or a limited fish seller endorsement under RCW 77.65.510 (as recodified by this act) is guilty of unlawful wholesale fish buying and dealing if the person:

(a) Fails to possess or display his or her license when engaged in any act requiring the license; or

(b) Fails to display or uses the license in violation of any department rule.

(2) Unlawful wholesale fish buying and dealing is a gross misdemeanor.

**Sec.**  RCW 77.15.803 and 2014 c 202 s 201 are each amended to read as follows:

(1) Based upon reasonable suspicion that a person possesses an aquatic conveyance that has not been cleaned and drained or carries or contains aquatic invasive species in violation of this title, ((~~fish and wildlife~~)) fisheries officers or ex officio fish and wildlife officers may temporarily stop the person and inspect the aquatic conveyance for compliance with the requirements of this title.

(2) Unless the context clearly requires otherwise, the definitions in ((~~both~~)) RCW 77.08.010 ((~~and~~)), 77.135.010 (as recodified by this act), and section 1002 of this act apply throughout this section.

**Sec.**  RCW 77.15.813 and 2015 c 90 s 1 are each amended to read as follows:

(1) A person is guilty of unlawfully engaging in fishing guide activity if the person holds a game fish guide license issued under RCW 77.65.480 (as recodified by this act) or has a license issued under RCW 77.65.010 (as recodified by this act) to operate a charter boat or act as a food fish guide, and the person:

(a) Fails to perform any duty of a charter boat or guide operator established in ((~~RCW 77.32.430~~)) section 1093 of this act; or

(b) Violates any rule of the ((~~commission or director~~)) department regarding the sale, possession, issuance, or reporting of temporary fishing licenses, temporary short-term charter stamps, or catch record cards.

(2) Unlawfully engaging in fishing guide activity is a gross misdemeanor.

NEW SECTION. **Sec.**  A person is not guilty of a crime under this chapter if the person is an officer, employee, or agent of the department lawfully acting in the course of his or her authorized duties.

NEW SECTION. **Sec.**  (1) If the director has authority to adopt a rule that is punishable as a crime under this chapter, then the director may provide that violation of the rule shall be punished with notice of infraction under RCW 7.84.030. The director does not have the authority to adopt a rule providing that a violation punishable as an infraction shall be a crime.

(2) The director may, under the provisions of RCW 7.84.140, enter into an agreement allowing employees of the state parks and recreation commission, the department of wildlife, and the department of natural resources to enforce certain civil infractions created under this title.

NEW SECTION. **Sec.**  Except as provided in section 1065(2)(b) of this act, where it is unlawful to hunt, take, fish, possess, or traffic in big game or protected or endangered fish or wildlife, then each individual animal unlawfully taken or possessed is a separate offense.

NEW SECTION. **Sec.**  District courts have jurisdiction concurrent with superior courts for misdemeanors and gross misdemeanors committed in violation of this chapter and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this chapter. Venue for offenses occurring in offshore waters shall be in a county bordering on the Pacific Ocean, or the county where fish or aquatic wildlife from the offense are landed.

NEW SECTION. **Sec.**  (1) Unless the context clearly requires otherwise, as used in this chapter, "conviction" means a final conviction in a state or municipal court.

(2) A plea of guilty or a finding of guilt for a violation of this title or department rule constitutes a conviction regardless of whether the imposition of sentence is deferred or the penalty is suspended.

NEW SECTION. **Sec.**  Crimes defined by this chapter shall be punished as infractions, misdemeanors, gross misdemeanors, or felonies, based on the classification of crimes set out in chapters 7.84 and 9A.20 RCW.

NEW SECTION. **Sec.**  If the prosecuting attorney of the county in which a violation of this title or rule of the department occurs fails to file an information against the alleged violator, the attorney general upon request of the director may file an information in the superior court of the county and prosecute the case in place of the prosecuting attorney. The director may request prosecution by the attorney general if thirty days have passed since the director informed the county prosecuting attorney of the alleged violation.

NEW SECTION. **Sec.**  (1) Fisheries officers and ex officio fish and wildlife officers may seize without warrant boats, airplanes, vehicles, motorized implements, conveyances, gear, appliances, or other articles they have probable cause to believe have been held with intent to violate or used in violation of this title or rule of the director. However, fisheries officers or ex officio fish and wildlife officers may not seize any item or article, other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the state under this section regardless of ownership. Property seized may be recovered by its owner by depositing with the department or into court a cash bond or equivalent security equal to the value of the seized property but not more than one hundred thousand dollars. Such cash bond or security is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the state.

(4) If any person timely serves the director with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars. The department may settle a person's claim of ownership prior to the administrative hearing.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in chapter 34.05 RCW, the administrative procedure act. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to violate or was used in violation of this title or rule of the department. The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

(a) That the property was not held with intent to violate or used in violation of this title; or

(b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission. No security interest in seized property may be perfected after seizure.

(7) If seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the fish and wildlife enforcement reward account created in RCW 77.15.425.

NEW SECTION. **Sec.**  (1) Fisheries officers shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally. Fisheries officers are general authority Washington peace officers.

(2) An applicant for a fisheries officer position must be a citizen of the United States of America who can read and write the English language. Before a person may be appointed to act as a fisheries officer, the person shall meet the minimum standards for employment with the department, including successful completion of a psychological examination and polygraph examination or similar assessment procedure administered in accordance with the requirements of RCW 43.101.095(2).

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a fisheries officer rests with the department unless the fisheries officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) The department may utilize the services of a volunteer chaplain as provided under chapter 41.22 RCW.

NEW SECTION. **Sec.**  Based upon articulable facts that a person is engaged in fishing or harvesting activities, fisheries officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all fish, shellfish, seaweed, and wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. Fisheries officers and ex officio fish and wildlife officers also may request that the person write his or her signature for comparison with the signature on his or her fishing or harvesting license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. Fisheries officers and ex officio fish and wildlife officers may require the person, if age sixteen or older, to exhibit a driver's license or other photo identification.

NEW SECTION. **Sec.**  Fisheries officers and ex officio fish and wildlife officers may seize without a warrant fish, shellfish, and covered animal species parts and products they have probable cause to believe have been taken, transported, or possessed in violation of this title or rule of the department.

NEW SECTION. **Sec.**  On a showing of probable cause that there has been a violation of any fish, seaweed, shellfish, or wildlife law of the state of Washington, or upon a showing of probable cause to believe that evidence of such violation may be found at a place, a court shall issue a search warrant or arrest warrant. Fisheries officers may execute any such arrest or search warrant reasonably necessary to their duties under this title and may seize fish, seaweed, shellfish, and wildlife or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have a building, enclosure, vehicle, vessel, container, or receptacle opened or entered and the contents examined.

NEW SECTION. **Sec.**  Fisheries officers and ex officio fish and wildlife officers may arrest without warrant persons found violating the law or rules adopted pursuant to this title.

NEW SECTION. **Sec.**  Fisheries officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessel, conveyances, vehicles, containers, packages, or other receptacles for fish, seaweed, shellfish, and wildlife which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title and seize evidence as needed for law enforcement. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution. Seizure of property as evidence of a crime does not preclude seizure of the property for forfeiture as authorized by law.

NEW SECTION. **Sec.**  (1) An authorized state, county, or municipal officer may be subject to civil liability under section 1048 of this act for willful misconduct or gross negligence in the performance of his or her duties.

(2) The director or the department may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with fish or wildlife offenses.

NEW SECTION. **Sec.**  (1) Fish, shellfish, and wildlife are property of the state under RCW 77.04.012. Fisheries officers may sell seized, commercially taken or possessed fish and shellfish to a wholesale buyer and deposit the proceeds into the fish and wildlife enforcement reward account under RCW 77.15.425. Seized, recreationally taken or possessed fish, shellfish, and wildlife may be donated to nonprofit charitable organizations. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

(2) Fisheries officers may dispose of any covered animal species part or product seized through the enforcement of RCW 77.15.135 through a donation to a bona fide educational or scientific institution, solely for the purposes of raising awareness of the trafficking and threatened nature of endangered animals, as allowed under state, federal, and international law.

(3) Unless otherwise provided in this title, fish, shellfish, wildlife, or any covered animal species part or product taken or possessed in violation of this title or department rule shall be forfeited to the state upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions. For criminal cases resulting in other types of dispositions, the fish, shellfish, wildlife, or covered animal species part or product may be returned, or its equivalent value paid, if the fish, shellfish, wildlife, or covered animal species part or product have already been donated or sold.

NEW SECTION. **Sec.**  (1) A person is guilty of unlawful taking of endangered fish in the second degree if:

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

(b) The fish is designated by the department as endangered; and

(c) The taking of the fish or the destruction of the eggs has not been authorized by rule of the department, a permit issued by the department, or a permit issued pursuant to the federal endangered species act.

(2) A person is guilty of unlawful taking of endangered fish in the first degree if:

(a) The person has been convicted under subsection (1) of this section or convicted of any crime under this title involving the taking, possessing, or malicious harassment of endangered fish or wildlife; and

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

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

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

NEW SECTION. **Sec.**  (1) A person is guilty of unlawful taking of protected fish or aquatic wildlife if:

(a) The person hunts for, fishes for, maliciously takes, harasses, or possesses fish or aquatic wildlife, or the person possesses or maliciously destroys the eggs of fish or aquatic wildlife designated by the department as protected, other than species designated as threatened or sensitive, and the taking has not been authorized by a permit issued by the department;

(b) The person violates any rule of the department regarding the taking, harassing, possession, or transport of protected fish or aquatic wildlife; or

(c)(i) The person hunts for, fishes for, intentionally takes, harasses, or possesses fish or aquatic wildlife, or the person possesses or intentionally destroys the eggs of fish or aquatic wildlife designated by the department as threatened or sensitive; and

(ii) The taking of the fish or aquatic wildlife, or the destruction of the eggs, has not been authorized by a permit issued by the department, or a permit issued pursuant to the federal endangered species act.

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

NEW SECTION. **Sec.**  (1) A person is guilty of unlawful use of poison or explosives if:

(a) The person lays out, sets out, or uses a drug, poison, or other deleterious substance that kills, injures, harms, or endangers fish, shellfish, or aquatic wildlife, except if the person is using the substance in compliance with federal and state laws and label instructions; or

(b) The person lays out, sets out, or uses an explosive that kills, injures, harms, or endangers fish, shellfish, or aquatic wildlife, except if authorized by law or permit of the director.

(2) Unlawful use of poison or explosives is a gross misdemeanor.

NEW SECTION. **Sec.**  The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW:

(1) Fishing and shellfishing infractions:

(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.

(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by section 1093 of this act or department rule.

(c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.

(d) Recreational fishing: Fishing for fish or shellfish and, without yet possessing fish or shellfish, the person:

(i) Owns, but fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 (as recodified by this act) or the unlawful use of shellfish gear for personal use under RCW 77.15.382 (as recodified by this act).

(e) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:

(i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or

(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.

(f) Unclassified fish or shellfish: Taking unclassified fish or shellfish in violation of any department rule by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish.

(g) Wasting fish or shellfish: Killing, taking, or possessing fish or shellfish having a value of less than two hundred fifty dollars and allowing the fish or shellfish to be wasted.

(2) Limited fish seller infraction: Failure of a holder of a limited fish seller endorsement to satisfy the food safety requirements to consumers under RCW 77.65.510(2) (as recodified by this act).

(3)(a) Invasive species management infractions:

(i) Out-of-state certification: Entering Washington in possession of an aquatic conveyance that does not meet certificate of inspection requirements as provided under RCW 77.135.100 (as recodified by this act);

(ii) Clean and drain requirements: Possessing an aquatic conveyance that does not meet clean and drain requirements under RCW 77.135.110 (as recodified by this act);

(iii) Clean and drain orders: Possessing an aquatic conveyance and failing to obey a clean and drain order under RCW 77.135.110 or 77.135.120 (as recodified by this act); and

(iv) Transporting aquatic plants: Transporting aquatic plants on any state or public road, including forest roads. However, this subsection does not apply to plants that are:

(A) Being transported to the department or to another designation designated by the director, in a manner designated by the department, for purposes of identifying a species or reporting the presence of a species;

(B) Legally obtained for aquarium use, wetland or lakeshore restoration, or ornamental purposes;

(C) Located within or on a commercial aquatic plant harvester that is being transported to a suitable location to remove aquatic plants;

(D) Being transported in a manner that prevents their unintentional dispersal, to a suitable location for disposal, research, or educational purposes; or

(E) Being transported in such a way as the department may otherwise prescribe.

(b) Unless the context clearly requires otherwise, the definitions in section 1002 of this act and RCW 77.135.010 (as recodified by this act) apply throughout this subsection (3).

(4) Other infractions:

(a) Contests: Conducting, holding, or sponsoring a hunting contest, a fishing contest involving game fish, or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting or fishing on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Scientific permits: Using a scientific permit issued by the director for fish, shellfish, or wildlife, but not including big game or big game parts, and the person:

(i) Violates any terms or conditions of the scientific permit; or

(ii) Violates any department rule applicable to the issuance or use of scientific permits.

NEW SECTION. **Sec.**  (1) A person is guilty of obstructing the taking of fish, shellfish, or wildlife if the person:

(a) Harasses, drives, or disturbs fish, shellfish, or aquatic wildlife with the intent of disrupting lawful pursuit or taking thereof; or

(b) Harasses, intimidates, or interferes with an individual engaged in the lawful taking of fish, shellfish, or aquatic wildlife or lawful predator control with the intent of disrupting lawful pursuit or taking thereof.

(2) Obstructing the taking of fish, shellfish, or aquatic wildlife is a gross misdemeanor.

(3) It is an affirmative defense to a prosecution for obstructing the taking of fish, shellfish, or aquatic wildlife that the person charged was:

(a) Interfering with a person engaged in hunting outside the legally established hunting season; or

(b) Preventing or attempting to prevent unauthorized trespass on private property.

(4) The person raising a defense under subsection (3) of this section has the burden of proof by a preponderance of the evidence.

NEW SECTION. **Sec.**  Any person who is damaged by any act prohibited in section 1061 of this act may bring a civil action to enjoin further violations, and recover damages sustained, including a reasonable attorneys' fee. The trial court may increase the award of damages to an amount not to exceed three times the damages sustained. A party seeking civil damages under this section may recover upon proof of a violation by a preponderance of the evidence. The state of Washington may bring a civil action to enjoin violations of this section.

NEW SECTION. **Sec.**  (1) A person is guilty of unlawful use of department lands or facilities if the person enters upon, uses, or remains upon department-owned or department-controlled lands or facilities in violation of any rule of the department.

(2) Unlawful use of department lands or facilities is a misdemeanor.

NEW SECTION. **Sec.**  (1)(a) A person is guilty of unlawfully releasing, planting, possessing, or placing fish, shellfish, or aquatic wildlife if the person knowingly releases, plants, possesses, or places live fish, shellfish, aquatic wildlife, or aquatic plants within the state in violation of this title or rule of the department, and the fish, shellfish, or aquatic wildlife have not been classified as deleterious wildlife. This subsection does not apply to a release of game fish into private waters for which a game fish stocking permit has been obtained, or the planting of fish or shellfish by permit of the department.

(b) A violation of this subsection is a gross misdemeanor. In addition, the department shall order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, aquatic plants, aquatic wildlife, or progeny unlawfully released, planted, possessed, or placed. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, or controlling the fish, shellfish, aquatic plants, aquatic wildlife, or progeny unlawfully released, planted, possessed, or placed, or the costs of habitat restoration necessitated by the unlawful release, planting, possession, or placing.

(2)(a) A person is guilty of unlawfully releasing, planting, possessing, or placing deleterious exotic wildlife if the person knowingly releases, plants, possesses, or places live fish, shellfish, or aquatic wildlife within the state in violation of this title or rule of the department, and the fish, shellfish, or aquatic wildlife have been classified as deleterious exotic wildlife by rule of the department.

(b) A violation of this subsection is a class C felony. In addition, the department shall order the person to pay all costs the department incurred in capturing, killing, or controlling the fish, shellfish, aquatic wildlife, or progeny unlawfully released, planted, possessed, or placed. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, or controlling the fish, shellfish, aquatic wildlife, or progeny unlawfully released, planted, possessed, or placed, or the costs of habitat restoration necessitated by the unlawful release, planting, possession, or placing.

NEW SECTION. **Sec.**  (1) A person is guilty of unlawful trafficking in fish, shellfish, or aquatic wildlife in the second degree if the person traffics in fish, shellfish, or aquatic wildlife with a wholesale value of less than two hundred fifty dollars and:

(a) The fish, shellfish, or aquatic wildlife is classified as game, food fish, shellfish, game fish, or protected wildlife and the trafficking is not authorized by statute or department rule; or

(b) The fish, shellfish, or aquatic wildlife is unclassified and the trafficking violates any department rule.

(2)(a) A person is guilty of unlawful trafficking in fish, shellfish, or aquatic wildlife in the first degree if the person commits the act described by subsection (1) of this section and:

(i) The fish, shellfish, or aquatic wildlife has a value of two hundred fifty dollars or more; or

(ii) The fish, shellfish, or aquatic wildlife is designated as an endangered species or deleterious exotic wildlife and such trafficking is not authorized by any statute or department rule.

(b) For purposes of this subsection (2), whenever any series of transactions that constitute unlawful trafficking would, when considered separately, constitute unlawful trafficking in the second degree due to the value of the fish, shellfish, or aquatic wildlife, and the series of transactions are part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all the transactions considered when determining the degree of unlawful trafficking involved.

(3)(a) Unlawful trafficking in fish, shellfish, or aquatic wildlife in the second degree is a class C felony.

(b) Unlawful trafficking in fish, shellfish, or aquatic wildlife in the first degree is a class B felony.

NEW SECTION. **Sec.**  (1) It is unlawful for any person to possess in Washington any fish, shellfish, or aquatic wildlife that the person knows was taken in another state or country in violation of that state's or country's laws or regulations relating to licenses or tags, seasons, areas, methods, or bag or possession limits.

(2) As used in this section, the terms "fish," "shellfish," and "wildlife" have the meaning ascribed to those terms in the applicable law or regulation of the state or country of the fish's, shellfish's, or wildlife's origin.

(3) Unlawful possession of fish, shellfish, or aquatic wildlife taken or possessed in violation of another state's or country's laws or regulations is a gross misdemeanor.

NEW SECTION. **Sec.**  (1) A person is guilty of providing false information regarding fish, shellfish, or aquatic wildlife if the person knowingly provides false or misleading information required by any statute or rule to be provided to the department regarding the taking, delivery, possession, transportation, sale, transfer, or any other use of fish, shellfish, or aquatic wildlife.

(2) Providing false information regarding fish, shellfish, or aquatic wildlife is a gross misdemeanor.

NEW SECTION. **Sec.**  (1) A person is guilty of violating rules requiring reporting of fish or wildlife harvest if the person fails to make a harvest log report of a commercial fish or shellfish catch in violation of any department rule.

(2) Violating rules requiring reporting of fish or wildlife harvest is a misdemeanor.

NEW SECTION. **Sec.**  (1) A person is guilty of unlawful transportation of fish or aquatic wildlife in the second degree if the person knowingly imports, moves within the state, or exports fish, shellfish, or aquatic wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or aquatic wildlife and the transportation does not involve big game, endangered fish or wildlife, deleterious exotic wildlife, or fish, shellfish, or aquatic wildlife having a value greater than two hundred fifty dollars.

(2) A person is guilty of unlawful transportation of fish or aquatic wildlife in the first degree if the person:

(a) Knowingly imports, moves within the state, or exports fish, shellfish, or aquatic wildlife in violation of any department rule governing the transportation or movement of fish, shellfish, or aquatic wildlife and the transportation involves big game, endangered fish or aquatic wildlife, deleterious exotic wildlife, or fish, shellfish, or aquatic wildlife with a value of two hundred fifty dollars or more; or

(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title.

(3)(a) Unlawful transportation of fish or aquatic wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of fish or aquatic wildlife in the first degree is a gross misdemeanor.

(4) This section does not apply to invasive species.

NEW SECTION. **Sec.**  (1) A person is guilty of unlawful interfering in department operations if the person prevents department employees from carrying out duties authorized by this title, including but not limited to interfering:

(a) In the operation of department vehicles, vessels, or aircraft;

(b) With the collection of samples of tissue, fluids, or other bodily parts of fish, wildlife, and shellfish under RCW 77.12.071; or

(c) With actions authorized by a warrant issued under RCW 77.135.170 or 77.15.807 (as recodified by this act).

(2) Unlawful interfering in department operations is a gross misdemeanor.

NEW SECTION. **Sec.**  Articles or devices unlawfully used, possessed, or maintained for taking, harassing, attracting, or decoying aquatic wildlife, fish, and shellfish are public nuisances. If necessary, fisheries officers and ex officio fish and wildlife officers may seize, abate, or destroy these public nuisances without warrant or process.

NEW SECTION. **Sec.**  (1) If any crime in this chapter is punishable by a suspension of privileges, then the department shall issue an order that specifies the privileges suspended and period when such suspension shall begin and end. The department has no authority to issue licenses, permits, tags, or stamps for the suspended activity until the suspension ends and any license, tag, stamp, or other permission obtained in violation of an order of suspension is void and ineffective.

(2) A court sentence may include a suspension of privileges only if grounds are provided by statute. There is no right to seek reinstatement of privileges from the department during a period of court-ordered suspension.

(3) If this chapter makes revocation or suspension of privileges mandatory, then the department shall impose the punishment in addition to any other punishments authorized by law.

NEW SECTION. **Sec.**  (1) Upon any conviction of any violation of this chapter, the department may revoke any license, tag, or stamp, or other permit involved in the violation or held by the person convicted, in addition to other penalties provided by law.

(2) If the department orders that a license, tag, stamp, or other permit be revoked, that order is effective upon entry of the order and any such revoked license, tag, stamp, or other permit is void as a result of such order of revocation. The department shall order such license, tag, stamp, or other permit turned over to the department, and shall order the person not to acquire a replacement or duplicate for the remainder of the period for which the revoked license, tag, stamp, or other permit would have been valid. During this period when a license is revoked, the person is subject to punishment under this chapter. If the person appeals the sentence by the court, the revocation shall be effective during the appeal.

(3) If an existing license, tag, stamp, or other permit is voided and revoked under this chapter, the department and its agents shall not be required to refund or restore any fees, costs, or money paid for the license, nor shall any person have any right to bring a collateral appeal under chapter 34.05 RCW to attack the department order.

NEW SECTION. **Sec.**  (1) The department shall revoke a person's recreational license or licenses and suspend a person's recreational license privileges in the following circumstances:

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

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

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

(d) If a person violates, three times or more in a ten-year period, recreational hunting or fishing laws or rules for which the person: (i) Is convicted of an offense; (ii) has an unvacated payment of a fine or a finding of committed as a final disposition for any infraction; or (iii) fails to appear at a hearing to contest an infraction or a criminal citation. Revocation and suspension under this subsection must be ordered of all recreational hunting and fishing privileges for two years.

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

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

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

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

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

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

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

NEW SECTION. **Sec.**  (1) The department shall revoke all licenses issued under this title and order a ten-year suspension of all privileges extended under the authority of the department of a person convicted of assault on a fisheries officer, ex officio officer, employee, agent, or personnel acting for the department, if the employee assaulted was on duty at the time of the assault and carrying out the provisions of this title. The suspension shall be continued beyond this period if any damages to the victim have not been paid by the suspended person.

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

(a) RCW 9A.32.030; murder in the first degree;

(b) RCW 9A.32.050; murder in the second degree;

(c) RCW 9A.32.060; manslaughter in the first degree;

(d) RCW 9A.32.070; manslaughter in the second degree;

(e) RCW 9A.36.011; assault in the first degree;

(f) RCW 9A.36.021; assault in the second degree; and

(g) RCW 9A.36.031; assault in the third degree.

NEW SECTION. **Sec.**  When seized property, other than fish, shellfish, and wildlife, is judicially forfeited to the department, the department may: (1) Retain it for official use unless the property is required to be destroyed; (2) upon application by any law enforcement agency of the state, release the property to the agency for use in enforcing this title; (3) donate the property as provided under RCW 77.130.060; or (4) sell the property and deposit the proceeds into the fish and wildlife enforcement reward account created in RCW 77.15.425. Any sale of the property must be done in accordance with RCW 77.130.010(1) and 77.130.020. However, the requirement in those sections for notice to owners does not apply.

**Sec.**  RCW 77.15.805 and 2014 c 202 s 202 are each amended to read as follows:

(1) Upon a showing of probable cause that there has been a violation of an invasive species law of the state of Washington, or upon a showing of probable cause to believe that evidence of such a violation may be found at a place, a court must issue a search warrant or arrest warrant. ((~~Fish and wildlife~~)) Fisheries officers or ex officio fish and wildlife officers may execute any such search or arrest warrant reasonably necessary to carry out their duties under this title with regard to an invasive species law and may seize invasive species or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have property opened or entered and the contents examined.

(2) Seizure of property as evidence of a crime does not preclude seizure of the property for forfeiture as authorized by law.

**Sec.**  RCW 77.15.809 and 2014 c 202 s 205 are each amended to read as follows:

(1) A person is guilty of unlawful use of invasive species in the second degree if the person:

(a) Fails to stop at a mandatory check station or to return to the mandatory check station for inspection if directed to do so by a ((~~fish and wildlife~~)) fisheries officer or ex officio fish and wildlife officer;

(b) Fails to allow an aquatic conveyance stopped at a mandatory check station to be inspected for clean and drain requirements or aquatic invasive species;

(c) Fails to comply with a decontamination order;

(d) Possesses, except in the case of trafficking, a prohibited level 1 or level 2 species without department authorization, a permit, or as otherwise provided by rule;

(e) Possesses, introduces on or into a water body or property, or traffics in a prohibited level 3 species without department authorization, a permit, or as otherwise provided by rule;

(f) Introduces on or into a water body or property a regulated type A, type B, or type C species without department authorization, a permit, or as otherwise provided by rule;

(g) Fails to readily and clearly identify in writing by taxonomic species name or subspecies name a regulated type B species used for commercial purposes; or

(h) Knowingly violates a quarantine declaration under RCW 77.135.050 (as recodified by this act).

(2) A violation of subsection (1) of this section is a gross misdemeanor. In addition to criminal penalties, a court may order the person to pay all costs in capturing, killing, or controlling the invasive species, including its progeny. This subsection does not affect the authority of the department to bring a separate civil action to recover habitat restoration costs necessitated by the person's unlawful use of invasive species.

(3) This section does not apply to:

(a) A person who complies with the department directives pursuant to RCW 77.135.120 (as recodified by this act) for mandatory check stations. Such a person is exempt from criminal penalties under this section or RCW 77.15.811 (as recodified by this act), and forfeiture under this chapter, unless the person has a prior conviction under those sections within the past five years;

(b) A person who possesses an aquatic invasive species, if the person is in the process of:

(i) Removing it from the aquatic conveyance in a manner specified by the department; or

(ii) Releasing it if caught while fishing and immediately returning it to the water body from which it came;

(c) Possessing or introducing nonnative aquatic animal species by ballast water held or discharged by vessels regulated under chapter 77.120 RCW (as recodified by this act); or

(d) Possessing or introducing nonnative aquatic animal species through private sector shellfish aquaculture operations, transfers, or conveyances regulated under chapter ((~~77.115~~)) 75A.--- RCW (the new chapter created in section 1215 of this act).

(4) Unless the context clearly requires otherwise, the definitions in both ((~~RCW 77.08.010~~)) section 1002 of this act and RCW 77.135.010 (as recodified by this act) apply throughout this section.

**Sec.**  RCW 77.15.811 and 2014 c 202 s 206 are each amended to read as follows:

(1) A person is guilty of unlawful use of invasive species in the first degree if the person:

(a) Traffics or introduces on or into a water body or property a prohibited level 1 or level 2 species without department authorization, a permit, or as otherwise provided by rule; or

(b) Commits a subsequent violation of unlawful use of invasive species in the second degree within five years of the date of a prior conviction under RCW 77.15.809 (as recodified by this act).

(2) A violation of this section is a class C felony. In addition to criminal penalties, a court may order the person to pay all costs in managing the invasive species, including the species' progeny. This subsection does not affect the authority of the department to bring a separate civil action to recover habitat restoration costs necessitated by the person's unlawful use of invasive species.

(3) This section does not apply to:

(a) A person who complies with department directives pursuant to RCW 77.135.120 for mandatory check stations, and who is exempt from criminal penalties under this section and forfeiture under this chapter, unless the person has a prior conviction under this section or RCW 77.15.809 (as recodified by this act) within the past five years; or

(b) A person who possesses an aquatic invasive species, if the person is in the process of:

(i) Removing it from the aquatic conveyance in a manner specified by the department; or

(ii) Releasing it if caught while fishing and is immediately returning it to the water body from which it came.

(4) Unless the context clearly requires otherwise, the definitions in both RCW ((~~77.08.010 and~~)) 77.135.010 (as recodified by this act) and section 1002 of this act apply throughout this section.

NEW SECTION. **Sec.**  This chapter may be known and cited as the fisheries enforcement code.

**Sec.**  RCW 77.18.050 and 1999 c 363 s 1 are each amended to read as follows:

(1) The legislature finds that it is beneficial to improve opportunities for trout fishing in order to satisfy the public's demand for recreational fishing during a time of declining opportunities to catch anadromous salmon and steelhead trout.

(2) Fish farmers can produce trout in a triploid genetic configuration for the purpose of certifying that the fish are sterile and that they cannot interbreed with wild trout. These fish are ideally suited to planting into public lakes and ponds to provide immediate recreational fishing at a reasonable cost. The fish continue to grow throughout their life cycle and have the potential to grow to trophy size.

(3) Planting of these catchable trout can provide increased angler participation, increased fishing license sales, increased tourism activities, and a boost to local economies.

(4) The department ((~~of fish and wildlife is authorized to~~)) may purchase these privately produced fish to supplement existing department trout hatchery production. The planting of these catchable trout in water bodies with water quality sufficient to support fish life must not have an adverse impact on the wild trout population.

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

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

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

NEW SECTION. **Sec.**  (1) Except as otherwise provided in this chapter or department rule, a recreational license issued by the director is required to fish or take wildlife or seaweed. A recreational fishing or shellfish license is not required for carp, smelt, and crawfish.

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

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

NEW SECTION. **Sec.**  Licenses, tags, and stamps issued pursuant to this chapter shall be revoked and the privileges suspended for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order. Fisheries officers and ex officio fish and wildlife officers shall enforce this section through checks of the department of licensing's computer database. A listing on the department of licensing's database that an individual's license is currently suspended pursuant to RCW 46.20.291(8) shall be prima facie evidence that the individual is in noncompliance with a support order. Presentation of a written release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order.

NEW SECTION. **Sec.**  Notwithstanding section 1083 of this act, the director may adopt rules designating times and places for the purposes of family fishing days when licenses and catch record cards are not required to fish or to harvest shellfish.

NEW SECTION. **Sec.**  (1) All recreational and commercial licenses, permits, tags, stamps, and raffle tickets shall be issued under the authority of the director. The department shall adopt rules for the issuance of licenses, permits, tags, stamps, and raffle tickets, and for the collection, payment, and handling of license fees, including terms and conditions to govern dealers, and dealer fees. A transaction fee on commercial and recreational documents issued through an automated licensing system may be set by the director and collected from licensees. The department may authorize all or part of such fee to be paid directly to a contractor providing automated licensing system services. The department and dealers shall collect and retain dealer fees of at least two dollars for purchase of a standard hunting or fishing recreational license document or commercial license document, except that the department may set a lower dealer fee for issuance of tags or when a licensee buys a license that involves a stamp or display card format rather than a standard department licensing document form. Dealer fees must be uniform throughout the state.

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

NEW SECTION. **Sec.**  (1) Applicants for a license, permit, tag, or stamp shall furnish the information required by the director. However, the director may not require the purchaser of a razor clam license under RCW 77.32.520 (as recodified by this act) to provide any personal information except for proof of residency. The department may adopt rules requiring licensees or permittees to keep records and make reports concerning the taking of or effort to harvest fish and shellfish. The reporting requirement may be waived where, for any reason, the department is not able to receive the report. The department must provide reasonable options for a licensee to submit information to a live operator prior to the reporting deadline.

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

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

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

NEW SECTION. **Sec.**  The department may adopt rules pertaining to the form, period of validity, use, possession, and display of licenses, permits, tags, stamps, and raffle tickets required by this chapter.

NEW SECTION. **Sec.**  (1) A scientific permit allows the holder to collect for research or display food fish, game fish, and shellfish as required in section 1083 of this act, under conditions prescribed by the director. Before a permit is issued, the applicant shall demonstrate to the director their qualifications and establish the need for the permit. The director may require a bond of up to one thousand dollars to ensure compliance with the permit. Permits are valid for the time specified, unless sooner revoked.

(2) Holders of permits may exchange specimens with the approval of the director.

(3) A permit holder who violates this section shall forfeit the permit and bond and shall not receive a similar permit for one year. The fee for a scientific permit is twelve dollars. The application fee is one hundred five dollars.

NEW SECTION. **Sec.**  Except as authorized in section 1102 of this act, licenses, permits, tags, and stamps required by this chapter and raffle tickets authorized under this chapter shall not be transferred.

NEW SECTION. **Sec.**  The director shall by rule establish the conditions and fees for issuance of duplicate licenses, rebates, permits, tags, and stamps required by this chapter. The fee for duplicate licenses, rebates, permits, tags, and stamps, except catch record cards, may not exceed the actual cost to the department for issuing the duplicate.

NEW SECTION. **Sec.**  (1) The director may issue designated harvester cards to persons with a disability. The department shall adopt rules defining who is a person with a disability and rules governing the conduct of persons with a disability who fish and harvest shellfish and their designated harvesters.

(2) It is lawful for a designated harvester to fish for, take, or possess the personal-use daily bag limit of fish or shellfish for a person with a disability if the harvester is licensed and has a designated harvester card, and if the person with a disability is present on site and in possession of the appropriate fishing license issued under this chapter. Except as provided in subsection (4) of this section, the person with a disability must be present and participating in the fishing activity.

(3) A designated harvester card will be issued to such a person with a disability upon written application to the director. The application must be submitted on a department official form and must be accompanied by a licensed medical doctor's certification of disability.

(4) A person with a disability utilizing the services of a designated harvester is not required to be present at the location where the designated harvester is harvesting shellfish for the person with a disability. The person with a disability is required to be in the direct line of sight of the designated harvester who is harvesting shellfish for him or her, unless it is not possible to be in a direct line of sight because of a physical obstruction or other barrier. If such a barrier or obstruction exists, the person with a disability is required to be within one-quarter mile of the designated harvester who is harvesting shellfish for him or her.

NEW SECTION. **Sec.**  (1) Catch record card information is necessary for proper management of the state's food fish and game fish species and shellfish resources. Catch record card administration shall be under rules adopted by the department. There is no charge for an initial catch record card. Each subsequent or duplicate catch record card costs eleven dollars.

(2) A license to take and possess Dungeness crab is only valid in Puget Sound waters east of the Bonilla-Tatoosh line if the fisher has in possession a valid catch record card officially endorsed for Dungeness crab. The endorsement shall cost no more than seven dollars and fifty cents when purchased for a personal use saltwater, combination, or shellfish and seaweed license. The endorsement shall cost no more than three dollars when purchased for a temporary combination fishing license authorized under section 1095(3)(a) of this act.

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

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

(5)(a) The funds received from the sale of catch record cards, catch card penalty fees, and the Dungeness crab endorsement must be deposited into the state wildlife account created in RCW 77.12.170. One dollar of the funds received from the sale of each Dungeness crab endorsement must be used for the removal and disposal of derelict shellfish gear either directly by the department or under contract with a third party. The department is required to maintain a separate accounting of these funds and provide an annual report to the legislature by January 1st of every year. The remaining portion of the funds received from the sale of each Dungeness crab endorsement must be used for education, sampling, monitoring, and management of catch associated with the Dungeness crab recreational fisheries.

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

NEW SECTION. **Sec.**  (1) The department shall adopt rules to continue funding current enhancement programs at levels equal to the participation of licensees in each of the individual enhancement programs. All enhancement funding will continue to be deposited directly into the individual accounts created for each enhancement.

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

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

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

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

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

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

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

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

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

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

(b) The fee for a charter stamp is eight dollars for a one-day temporary combination fishing license for residents and nonresidents for use on a charter boat as defined in RCW 77.65.150 (as recodified by this act).

(c) Except for active duty military personnel serving in any branch of the United States armed forces, the temporary combination fishing license is not valid on game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season as defined by rule of the department.

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

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

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

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

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

NEW SECTION. **Sec.**  (1) Upon written application, a combination fishing license shall be issued at the reduced rate of five dollars for the following individuals:

(a) A resident sixty-five years old or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability;

(b) A resident who is an honorably discharged veteran of the United States armed forces with a thirty percent or more service-connected disability;

(c) A resident with a disability who permanently uses a wheelchair;

(d) A resident who is blind or visually impaired; and

(e) A resident with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability certified by a physician licensed to practice in this state.

(2) Upon department verification of eligibility, a nonstate resident veteran with a disability who otherwise satisfies the criteria of subsection (1)(a) and (b) of this section must be issued a combination fishing license at the same cost charged to a nondisabled Washington resident for the same license.

NEW SECTION. **Sec.**  In order to simplify fishing license requirements in transition areas between saltwater and freshwater, the department may adopt rules designating specific waters where either a freshwater or a saltwater license is valid.

NEW SECTION. **Sec.**  The director shall administer rules governing the time, place, and manner of holding fishing contests. The department shall prohibit fishing contests that are not in the best interests of wildlife.

NEW SECTION. **Sec.**  A person shall not promote, conduct, hold, or sponsor a fishing contest without first obtaining a fishing contest permit. Contests shall be held in accordance with established rules.

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

(2) The director must issue a group fishing permit on a seasonal basis to: A state-operated facility or state-licensed nonprofit facility or program for persons with physical or mental disabilities, hospital patients, seriously or terminally ill persons, persons who are dependent on the state because of emotional or physical developmental disabilities, or senior citizens who are in the care of the facility; or a state or local agency or nonprofit organization operating a program for at-risk youth. The permit is valid only for use during open season.

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

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

NEW SECTION. **Sec.**  (1) In addition to the fees authorized in this chapter, the department shall include a surcharge to fund biotoxin testing and monitoring by the department of health of beaches used for recreational shellfishing, and to fund monitoring by the Olympic region harmful algal bloom program of the Olympic natural resources center at the University of Washington. The surcharge on recreational shellfish licenses cannot be increased more than one dollar and can only be increased when the surcharge for commercial shellfish licenses is increased. A surcharge of four dollars applies to resident and nonresident shellfish and seaweed licenses as authorized by RCW 77.32.520(3) (a) and (b) (as recodified by this act); a surcharge of three dollars applies to resident and nonresident adult combination licenses as authorized by section 1095(2)(a) of this act; a surcharge of three dollars applies to annual resident and nonresident razor clam licenses as authorized by RCW 77.32.520(4) (as recodified by this act); and a surcharge of two dollars applies to the three-day razor clam license authorized by RCW 77.32.520(5) (as recodified by this act). Amounts collected from these surcharges must be deposited in the biotoxin account created in subsection (3) of this section. The department may not use any amounts collected from these surcharges to pay for its administrative costs.

(2) Any moneys from surcharges remaining in the general fund—local account after the 2007-2009 biennium must be transferred to the biotoxin account created in subsection (3) of this section and be credited to the appropriate institution. The department of health and the University of Washington shall, by December 1st of each year, provide a letter to the relevant legislative policy and fiscal committees on the status of expenditures. This letter shall include, but is not limited to, the annual appropriation amount, the amount not expended, account fund balance, and reasons for not spending the full annual appropriation.

(3) The biotoxin account is created in the state treasury to be administered by the department of health. All moneys received under subsection (1) of this section must be deposited in the account and used by the department of health and the University of Washington as required by subsection (1) of this section. Of the moneys deposited into the account, one hundred fifty thousand dollars per year must be made available to the University of Washington to implement subsection (1) of this section. Moneys in the account may be spent only after appropriation.

NEW SECTION. **Sec.**  (1) In order to facilitate fishing opportunities for a terminally ill person, the director may provide any licenses, tags, permits, stamps, and other fees without charge including transaction and dealer fees.

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

(3) The department may adopt rules as necessary to effectuate the purpose and policies of this section.

NEW SECTION. **Sec.**  (1) In addition to a recreational license required under this chapter, a Columbia river salmon and steelhead endorsement is required in order for any person fifteen years of age or older to fish recreationally for salmon or steelhead in the Columbia river and its tributaries where these fisheries have been authorized by the department. The cost for each endorsement is seven dollars and fifty cents for residents and nonresidents and six dollars for youth and seniors. The department shall deposit all receipts from endorsement purchases into the Columbia river recreational salmon and steelhead endorsement program account created in RCW 77.12.714 (as recodified by this act).

(2) For the purposes of this section and RCW 77.12.712 and 77.12.714 through 77.12.718 (as recodified by this act), the term "Columbia river" means the Columbia river from a line across the Columbia river between Rocky Point in Washington and Tongue Point in Oregon to the Chief Joseph dam.

(3) This section expires June 30, 2019.

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

(1) The ((~~commission~~)) director may authorize commercial fishing for sockeye salmon within the waters described in subsection (2) of this section only during the period June 10th to July 25th and for other salmon only from the second Monday of September through November 30th, except during the hours between 4:00 p.m. of Friday and 4:00 p.m. of the following Sunday.

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

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

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

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

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

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

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

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

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

(a) Washougal river;

(b) Camas slough;

(c) Lewis river;

(d) Kalama river;

(e) Cowlitz river;

(f) Elokomin river;

(g) Elokomin sloughs;

(h) Skamokawa sloughs;

(i) Grays river;

(j) Deep river;

(k) Grays bay.

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

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

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

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

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

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

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

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

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

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

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

(9) Shaw Island reef net fishing area number 1 includes those waters within 300 yards of shore between lines projected true south from points on Shaw Island at longitude 122° 56' 14" latitude 48° 33' 28" and longitude 122° 57' 29" latitude 48° 32' 58", as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

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

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

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

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

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

(15) Open Bay reef net fishing area includes those waters lying within 150 feet of shore between lines projected true east from a point on Henry Island at longitude 123° 11' 34 1/2" latitude 48° 35' 27 1/2" at a point 250 feet south, as such descriptions are shown upon the United States Coast and Geodetic Survey map numbered 6380, published March, 1947, in Washington, D.C., eighth edition.

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

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

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

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

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

(1) Except as provided in subsection (2) of this section, the ((~~commission~~)) director shall not authorize gear other than troll gear or angling gear for taking salmon within the offshore waters or the waters of the Pacific Ocean over which the state has jurisdiction lying west of the following line: Commencing at the point of intersection of the international boundary line in the Strait of Juan de Fuca and a line drawn between the lighthouse on Tatoosh Island in Clallam County and Bonilla Point on Vancouver Island; thence southerly to the lighthouse on Tatoosh Island; thence southerly to the most westerly point of Cape Flattery; thence southerly along the state shoreline of the Pacific Ocean, crossing any river mouths at their most westerly points of land, to Point Brown at the entrance to Grays Harbor; thence southerly to Point Chehalis Light on Point Chehalis; thence southerly from Point Chehalis along the state shoreline of the Pacific Ocean to the Cape Shoalwater tower at the entrance to Willapa Bay; thence southerly to Leadbetter Point; thence southerly along the state shoreline of the Pacific Ocean to the inshore end of the North jetty at the entrance to the Columbia River; thence southerly to the knuckle of the South jetty at the entrance to said river.

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

**Sec.**  RCW 77.50.080 and 2000 c 107 s 13 are each amended to read as follows:

Within the waters described in RCW 77.50.070 (as recodified by this act), a person shall not transport or possess salmon on board a vessel carrying fishing gear of a type other than troll lines or angling gear, unless accompanied by a certificate issued by a state or country showing that the salmon have been lawfully taken within the territorial waters of the state or country.

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

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

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

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

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

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

**Sec.**  RCW 77.50.120 and 2001 c 163 s 1 are each amended to read as follows:

It is the intent of the legislature to ensure that a sustainable level of salmon is made available for harvest for commercial fishers in the state. Maintaining consistent harvest levels has become increasingly difficult with the listing of salmonid species under the federal endangered species act. Without a stable level of harvest, fishers cannot develop niche markets that maximize the economic value of the harvest. New tools and approaches are needed by fish managers to bring increased stability to the fishing industry.

In the short term, it is the legislature's intent to provide managers with tools to assure that commercial harvest of targeted stocks can continue and expand under the constraints of the federal endangered species act. There are experimental types of commercial fishing gear that could allow fishers to stabilize harvest levels by selectively targeting healthy salmon stocks.

For the longer term, the department ((~~of fish and wildlife~~)) shall proceed with changes to the operation of certain hatcheries in order to stabilize harvest levels by allowing naturally spawning and hatchery origin fish to be managed as a single run. Scientific information from such hatcheries would guide the department's approach to reducing the need to mass mark hatchery origin salmon where appropriate.

**Sec.**  RCW 77.55.011 and 2012 1st sp.s. c 1 s 101 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Bed" means the land below the ordinary high water lines of state waters. This definition does not include irrigation ditches, canals, stormwater runoff devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered artificially.

(2) "Board" means the pollution control hearings board created in chapter 43.21B RCW.

(3) "Commission" means the state ((~~fish and~~)) wildlife commission.

(4) "Date of receipt" has the same meaning as defined in RCW 43.21B.001.

(5) "Department" means the department of ((~~fish and wildlife~~)) fisheries.

(6) "Director" means the director of the department of ((~~fish and wildlife~~)) fisheries.

(7) "Emergency" means an immediate threat to life, the public, property, or of environmental degradation.

(8) "Emergency permit" means a verbal hydraulic project approval or the written follow‑up to the verbal approval issued to a person under RCW 77.55.021((~~(12)~~)) (10) (as recodified by this act).

(9) "Expedited permit" means a hydraulic project approval issued to a person under RCW 77.55.021 ((~~(14) and (16)~~)) (12) and (14) (as recodified by this act).

(10) "Forest practices hydraulic project" means a hydraulic project that requires a forest practices application or notification under chapter 76.09 RCW.

(11) "Hydraulic project" means the construction or performance of work that will use, divert, obstruct, or change the natural flow or bed of any of the salt or freshwaters of the state.

(12) "Imminent danger" means a threat by weather, water flow, or other natural conditions that is likely to occur within sixty days of a request for a permit application.

(13) "Marina" means a public or private facility providing boat moorage space, fuel, or commercial services. Commercial services include but are not limited to overnight or live-aboard boating accommodations.

(14) "Marine terminal" means a public or private commercial wharf located in the navigable water of the state and used, or intended to be used, as a port or facility for the storing, handling, transferring, or transporting of goods to and from vessels.

(15) "Multiple site permit" means a hydraulic project approval issued to a person under RCW 77.55.021 (as recodified by this act) for hydraulic projects occurring at more than one specific location and which includes site‑specific requirements.

(16) "Ordinary high water line" means the mark on the shores of all water that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years as to mark upon the soil or vegetation a character distinct from the abutting upland. Provided, that in any area where the ordinary high water line cannot be found, the ordinary high water line adjoining saltwater is the line of mean higher high water and the ordinary high water line adjoining freshwater is the elevation of the mean annual flood.

(17) "Pamphlet hydraulic project" means a hydraulic project for the removal or control of aquatic noxious weeds conducted under the aquatic plants and fish pamphlet authorized by RCW 77.55.081 (as recodified by this act), or for mineral prospecting and mining conducted under the gold and fish pamphlet authorized by RCW 77.55.091 (as recodified by this act).

(18) "Permit" means a hydraulic project approval permit issued under this chapter.

(19) "Permit modification" means a hydraulic project approval issued to a person under RCW 77.55.021 (as recodified by this act) that extends, renews, or changes the conditions of a previously issued hydraulic project approval.

(20) "Sandbars" includes, but is not limited to, sand, gravel, rock, silt, and sediments.

(21) "Small scale prospecting and mining" means the use of only the following methods: Pans; nonmotorized sluice boxes; concentrators; and minirocker boxes for the discovery and recovery of minerals.

(22) "Spartina," "purple loosestrife," and "aquatic noxious weeds" have the same meanings as defined in RCW 17.26.020.

(23) "Stream bank stabilization" means those projects that prevent or limit erosion, slippage, and mass wasting. These projects include, but are not limited to, bank resloping, log and debris relocation or removal, planting of woody vegetation, bank protection using rock or woody material or placement of jetties or groins, gravel removal, or erosion control.

(24) "Tide gate" means a one-way check valve that prevents the backflow of tidal water.

(25) "Waters of the state" and "state waters" means all salt and freshwaters waterward of the ordinary high water line and within the territorial boundary of the state.

**Sec.**  RCW 77.55.021 and 2012 1st sp.s. c 1 s 102 are each amended to read as follows:

(1) Except as provided in RCW 77.55.031, 77.55.051, 77.55.041, and 77.55.361 (as recodified by this act), in the event that any person or government agency desires to undertake a hydraulic project, the person or government agency shall, before commencing work thereon, secure the approval of the department in the form of a permit as to the adequacy of the means proposed for the protection of fish life.

(2) A complete written application for a permit may be submitted in person or by registered mail and must contain the following:

(a) General plans for the overall project;

(b) Complete plans and specifications of the proposed construction or work within the mean higher high water line in saltwater or within the ordinary high water line in freshwater;

(c) Complete plans and specifications for the proper protection of fish life; and

(d) Notice of compliance with any applicable requirements of the state environmental policy act, unless otherwise provided for in this chapter((~~; and~~

~~(e) Payment of all applicable application fees charged by the department under RCW 77.55.321~~)).

(3) ((~~The department may establish direct billing accounts or other funds transfer methods with permit applicants to satisfy the fee payment requirements of RCW 77.55.321.~~

~~(4)~~)) The department may accept complete, written applications as provided in this section for multiple site permits and may issue these permits. For multiple site permits, each specific location must be identified.

((~~(5)~~)) (4) With the exception of emergency permits as provided in subsection ((~~(12)~~)) (10) of this section, applications for permits must be submitted to the department's headquarters office in Olympia. Requests for emergency permits as provided in subsection ((~~(12)~~)) (10) of this section may be made to the permitting biologist assigned to the location in which the emergency occurs, to the department's regional office in which the emergency occurs, or to the department's headquarters office.

((~~(6) Except as provided for emergency permits in subsection (12) of this section, the department may not proceed with permit review until all fees are paid in full as required in RCW 77.55.321.~~

~~(7)~~)) (5)(a) Protection of fish life is the only ground upon which approval of a permit may be denied or conditioned. Approval of a permit may not be unreasonably withheld or unreasonably conditioned.

(b) Except as provided in this subsection and subsections ((~~(12)~~)) (10) through ((~~(14)~~)) (12) and ((~~(16)~~)) (14) of this section, the department has forty-five calendar days upon receipt of a complete application to grant or deny approval of a permit. The forty-five day requirement is suspended if:

(i) After ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project;

(ii) The site is physically inaccessible for inspection;

(iii) The applicant requests a delay; or

(iv) The department is issuing a permit for a stormwater discharge and is complying with the requirements of RCW 77.55.161(3)(b) (as recodified by this act).

(c) Immediately upon determination that the forty-five day period is suspended under (b) of this subsection, the department shall notify the applicant in writing of the reasons for the delay.

(d) The period of forty-five calendar days may be extended if the permit is part of a multiagency permit streamlining effort and all participating permitting agencies and the permit applicant agree to an extended timeline longer than forty-five calendar days.

((~~(8)~~)) (6) If the department denies approval of a permit, the department shall provide the applicant a written statement of the specific reasons why and how the proposed project would adversely affect fish life.

(a) Except as provided in (b) of this subsection, issuance, denial, conditioning, or modification of a permit shall be appealable to the board within thirty days from the date of receipt of the decision as provided in RCW 43.21B.230.

(b) Issuance, denial, conditioning, or modification of a permit may be informally appealed to the department within thirty days from the date of receipt of the decision. Requests for informal appeals must be filed in the form and manner prescribed by the department by rule. A permit decision that has been informally appealed to the department is appealable to the board within thirty days from the date of receipt of the department's decision on the informal appeal.

((~~(9)~~)) (7)(a) The permittee must demonstrate substantial progress on construction of that portion of the project relating to the permit within two years of the date of issuance.

(b) Approval of a permit is valid for up to five years from the date of issuance, except as provided in (c) of this subsection and in RCW 77.55.151 (as recodified by this act).

(c) A permit remains in effect without need for periodic renewal for hydraulic projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. A permit for stream bank stabilization projects to protect farm and agricultural land as defined in RCW 84.34.020 remains in effect without need for periodic renewal if the problem causing the need for the stream bank stabilization occurs on an annual or more frequent basis. The permittee must notify the appropriate agency before commencing the construction or other work within the area covered by the permit.

((~~(10)~~)) (8) The department may, after consultation with the permittee, modify a permit due to changed conditions. ((~~A modification under this subsection is not subject to the fees provided under RCW 77.55.321.~~)) The modification is appealable as provided in subsection ((~~(8)~~)) (6) of this section. For a hydraulic project that diverts water for agricultural irrigation or stock watering purposes, when the hydraulic project or other work is associated with stream bank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the department to show that changed conditions warrant the modification in order to protect fish life.

((~~(11)~~)) (9) A permittee may request modification of a permit due to changed conditions. The request must be processed within forty-five calendar days of receipt of the written request ((~~and payment of applicable fees under RCW 77.55.321~~)). A decision by the department is appealable as provided in subsection ((~~(8)~~)) (6) of this section. For a hydraulic project that diverts water for agricultural irrigation or stock watering purposes, when the hydraulic project or other work is associated with stream bank stabilization to protect farm and agricultural land as defined in RCW 84.34.020, the burden is on the permittee to show that changed conditions warrant the requested modification and that such a modification will not impair fish life.

((~~(12)~~)) (10)(a) The department, the county legislative authority, or the governor may declare and continue an emergency. If the county legislative authority declares an emergency under this subsection, it shall immediately notify the department. A declared state of emergency by the governor under RCW 43.06.010 shall constitute a declaration under this subsection.

(b) The department, through its authorized representatives, shall issue immediately, upon request, verbal approval for a stream crossing, or work to remove any obstructions, repair existing structures, restore stream banks, protect fish life, or protect property threatened by the stream or a change in the streamflow without the necessity of obtaining a written permit prior to commencing work. Conditions of the emergency verbal permit must be reduced to writing within thirty days and complied with as provided for in this chapter.

(c) The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

((~~(d) The department may not charge a person requesting an emergency permit any of the fees authorized by RCW 77.55.321 until after the emergency permit is issued and reduced to writing.~~

~~(13)~~)) (11) All state and local agencies with authority under this chapter to issue permits or other authorizations in connection with emergency water withdrawals and facilities authorized under RCW 43.83B.410 shall expedite the processing of such permits or authorizations in keeping with the emergency nature of such requests and shall provide a decision to the applicant within fifteen calendar days of the date of application.

((~~(14)~~)) (12) The department or the county legislative authority may determine an imminent danger exists. The county legislative authority shall notify the department, in writing, if it determines that an imminent danger exists. In cases of imminent danger, the department shall issue an expedited written permit, upon request, for work to remove any obstructions, repair existing structures, restore banks, protect fish resources, or protect property. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

((~~(15)~~)) (13)(a) For any property, except for property located on a marine shoreline, that has experienced at least two consecutive years of flooding or erosion that has damaged or has threatened to damage a major structure, water supply system, septic system, or access to any road or highway, the county legislative authority may determine that a chronic danger exists. The county legislative authority shall notify the department, in writing, when it determines that a chronic danger exists. In cases of chronic danger, the department shall issue a permit, upon request, for work necessary to abate the chronic danger by removing any obstructions, repairing existing structures, restoring banks, restoring road or highway access, protecting fish resources, or protecting property. Permit requests must be made and processed in accordance with subsections (2) and ((~~(7)~~)) (5) of this section.

(b) Any projects proposed to address a chronic danger identified under (a) of this subsection that satisfies the project description identified in RCW 77.55.181(1)(a)(ii) (as recodified by this act) are not subject to the provisions of the state environmental policy act, chapter 43.21C RCW. However, the project is subject to the review process established in RCW 77.55.181(3) (as recodified by this act) as if it were a fish habitat improvement project.

((~~(16)~~)) (14) The department may issue an expedited written permit in those instances where normal permit processing would result in significant hardship for the applicant or unacceptable damage to the environment. Expedited permit requests require a complete written application as provided in subsection (2) of this section and must be issued within fifteen calendar days of the receipt of a complete written application. Approval of an expedited permit is valid for up to sixty days from the date of issuance. The department may not require the provisions of the state environmental policy act, chapter 43.21C RCW, to be met as a condition of issuing a permit under this subsection.

**Sec.**  RCW 77.55.041 and 2010 c 193 s 10 are each amended to read as follows:

(1) The removal of derelict fishing gear does not require a permit under this chapter if the gear is removed according to the guidelines described in RCW 77.12.865 (as recodified by this act).

(2) The removal of crab and other shellfish gear does not require a permit under this chapter if the gear is removed under a permit issued pursuant to RCW 77.70.500 (as recodified by this act).

**Sec.**  RCW 77.55.081 and 2005 c 146 s 401 are each amended to read as follows:

(1) By June 30, 1997, the department shall develop rules for projects conducted solely for the removal or control of various aquatic noxious weeds other than spartina and purple loosestrife and for activities or hydraulic projects for controlling purple loosestrife not covered by RCW 77.55.051(2) (as recodified by this act). Following the adoption of the rules, the department shall produce and distribute a pamphlet describing the methods of removing or controlling the aquatic noxious weeds that are approved under the rules. The pamphlet serves as the permit for any project that is conducted solely for the removal or control of such aquatic noxious weeds and that is conducted as described in the pamphlet. No further permit is required for such a project.

(2) From time to time as information becomes available, the department shall adopt similar rules for additional aquatic noxious weeds or additional activities for removing or controlling aquatic noxious weeds not governed by RCW 77.55.051 (1) and (2) (as recodified by this act) and shall produce and distribute one or more pamphlets describing these methods of removal or control. Such a pamphlet serves as the permit for any project that is conducted solely for the removal or control of such aquatic noxious weeds and that is conducted as described in the pamphlet. No further permit is required for such a project.

(3) Nothing in this section shall prohibit the department from requiring a permit for those parts of hydraulic projects that are not specifically for the control or removal of spartina, purple loosestrife, or other aquatic noxious weeds.

**Sec.**  RCW 77.55.111 and 2005 c 146 s 403 are each amended to read as follows:

When a private landowner is applying for a permit under this chapter and that landowner has entered into a habitat incentives agreement with the department and the department of natural resources as provided in RCW 77.55.121 (as recodified by this act), the department shall comply with the terms of that agreement when evaluating the request for a permit.

**Sec.**  RCW 77.55.121 and 2005 c 146 s 404 are each amended to read as follows:

(1) Beginning in January 1998, the department, the department of wildlife, and the department of natural resources shall implement a habitat incentives program based on the recommendations of federally recognized Indian tribes, landowners, the regional fisheries enhancement groups, the timber, fish, and wildlife cooperators, and other interested parties. The program shall allow a private landowner to enter into an agreement with the departments to enhance habitat on the landowner's property for food fish, game fish, or other wildlife species. In exchange, the landowner shall receive state regulatory certainty with regard to future applications for a permit or a forest practices permit on the property covered by the agreement. The overall goal of the program is to provide a mechanism that facilitates habitat development on private property while avoiding an adverse state regulatory impact to the landowner at some future date. A single agreement between the departments and a landowner may encompass up to one thousand acres. A landowner may enter into multiple agreements with the departments, provided that the total acreage covered by such agreements with a single landowner does not exceed ten thousand acres. The departments are not obligated to enter into an agreement unless the departments find that the agreement is in the best interest of protecting fish or wildlife species or their habitat.

(2) A habitat incentives agreement shall be in writing and shall contain at least the following: (a) A description of the property covered by the agreement; (b) an expiration date; (c) a description of the condition of the property prior to the implementation of the agreement; and (d) other information needed by the landowner and the departments for future reference and decisions.

(3) As part of the agreement, the department may stipulate the factors that will be considered when the department evaluates a landowner's application for a permit on property covered by the agreement. The department's identification of these evaluation factors shall be in concurrence with the department of natural resources and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of a permit must be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(4) As part of the agreement, the department of natural resources may stipulate the factors that will be considered when the department of natural resources evaluates a landowner's application for a forest practices permit under chapter 76.09 RCW on property covered by the agreement. The department of natural resources' identification of these evaluation factors shall be in concurrence with the department and affected federally recognized Indian tribes. In general, future decisions related to the issuance, conditioning, or denial of forest practices permits shall be based on the conditions present on the landowner's property at the time of the agreement, unless all parties agree otherwise.

(5) The agreement is binding on and may be used by only the landowner who entered into the agreement with the department. The agreement shall not be appurtenant with the land. However, if a new landowner chooses to maintain the habitat enhancement efforts on the property, the new landowner and the department and the department of natural resources may jointly choose to retain the agreement on the property.

(6) If the department and the department of natural resources receive multiple requests for agreements with private landowners under the habitat incentives program, the departments shall prioritize these requests and shall enter into as many agreements as possible within available budgetary resources.

**Sec.**  RCW 77.55.131 and 2005 c 146 s 405 are each amended to read as follows:

The department and the department of ecology will work cooperatively with the United States army corps of engineers to develop a memorandum of agreement outlining dike vegetation management guidelines so that dike owners are eligible for coverage under P.L. 84-99, and state requirements established pursuant to RCW 77.55.021 (as recodified by this act) are met.

**Sec.**  RCW 77.55.141 and 2010 c 210 s 28 are each amended to read as follows:

(1) In order to protect the property of marine waterfront shoreline owners it is necessary to facilitate issuance of permits for bulkheads or rockwalls under certain conditions.

(2) The department shall issue a permit with or without conditions within forty-five days of receipt of a complete and accurate application which authorizes commencement of construction, replacement, or repair of a marine beach front protective bulkhead or rockwall for single-family type residences or property under the following conditions:

(a) The waterward face of a new bulkhead or rockwall shall be located only as far waterward as is necessary to excavate for footings or place base rock for the structure and under no conditions shall be located more than six feet waterward of the ordinary high water line;

(b) Any bulkhead or rockwall to replace or repair an existing bulkhead or rockwall shall be placed along the same alignment as the bulkhead or rockwall it is replacing. However, the replaced or repaired bulkhead or rockwall may be placed waterward of and directly abutting the existing structure only in cases where removal of the existing bulkhead or rockwall would result in environmental degradation or removal problems related to geological, engineering, or safety considerations; and

(c) Construction of a new bulkhead or rockwall, or replacement or repair of an existing bulkhead or rockwall waterward of the existing structure shall not result in the permanent loss of critical food fish or shellfish habitats; and

(d) Timing constraints shall be applied on a case-by-case basis for the protection of critical habitats, including but not limited to migration corridors, rearing and feeding areas, and spawning habitats, for the proper protection of fish life.

(3) Any bulkhead or rockwall construction, replacement, or repair not meeting the conditions in this section shall be processed under this chapter in the same manner as any other application.

(4) Any person aggrieved by the approval, denial, conditioning, or modification of a permit under this section may appeal the decision as provided in RCW 77.55.021((~~(4)~~)) (6) (as recodified by this act).

**Sec.**  RCW 77.55.151 and 2012 1st sp.s. c 1 s 105 are each amended to read as follows:

(1) Upon application under RCW 77.55.021 (as recodified by this act), the department shall issue a renewable, five‑year permit to a marina or marine terminal for its regular maintenance activities identified in the application.

(2) For the purposes of this section, regular maintenance activities may include, but are not limited to:

(a) Maintenance or repair of a boat ramp, launch, or float within the existing footprint;

(b) Maintenance or repair of an existing overwater structure within the existing footprint;

(c) Maintenance or repair of boat lifts or railway launches;

(d) Maintenance or repair of pilings, including the replacement of bumper pilings;

(e) Dredging of less than fifty cubic yards;

(f) Maintenance or repair of shoreline armoring or bank protection;

(g) Maintenance or repair of wetland, riparian, or estuarine habitat; and

(h) Maintenance or repair of an existing outfall.

(3) The five-year permit must include a requirement that a fourteen-day notice be given to the department before regular maintenance activities begin.

((~~(4) A permit under this section is subject to the application fee provided in RCW 77.55.321.~~))

**Sec.**  RCW 77.55.161 and 2005 c 146 s 503 are each amended to read as follows:

(1) Notwithstanding any other provision of this chapter, all permits related to stormwater discharges must follow the provisions established in this section.

(2) Permits issued in locations covered by a national pollution discharge elimination system municipal stormwater general permit may not be conditioned or denied for water quality or quantity impacts arising from stormwater discharges. A permit is required only for the actual construction of any stormwater outfall or associated structures pursuant to this chapter.

(3)(a) In locations not covered by a national pollution discharge elimination system municipal stormwater general permit, the department may issue permits that contain provisions that protect fish life from adverse effects, such as scouring or erosion of the bed of the water body, resulting from the direct hydraulic impacts of the discharge.

(b) Prior to the issuance of a permit issued under this subsection (3), the department must:

(i) Make a finding that the discharge from the outfall will cause harmful effects to fish life;

(ii) Transmit the findings to the applicant and to the city or county where the project is being proposed; and

(iii) Allow the applicant an opportunity to use local ordinances or other mechanisms to avoid the adverse effects resulting from the direct hydraulic discharge. The forty-five day requirement for permit issuance under RCW 77.55.021 (as recodified by this act) is suspended during the time period the department is meeting the requirements of this subsection (3)(b).

(c) After following the procedures set forth in (b) of this subsection, the department may issue a permit that prescribes the discharge rates from an outfall structure that will prevent adverse effects to the bed or flow of the waterway. The department may recommend, but not specify, the measures required to meet these discharge rates. The department may not require changes to the project design above the mean higher high water mark of marine waters, or the ordinary high water mark of freshwaters of the state. Nothing in this section alters any authority the department may have to regulate other types of projects under this chapter.

**Sec.**  RCW 77.55.181 and 2017 c 241 s 1 are each amended to read as follows:

(1)(a) In order to receive the permit review and approval process created in this section, a fish habitat enhancement project must meet the criteria under this section and must be a project to accomplish one or more of the following tasks:

(i) Elimination of human-made or caused fish passage barriers, including:

(A) Culvert repair and replacement; and

(B) Fish passage barrier removal projects that comply with the forest practices rules, as the term "forest practices rules" is defined in RCW 76.09.020;

(ii) Restoration of an eroded or unstable stream bank employing the principle of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control the erosive forces of flowing water; or

(iii) Placement of woody debris or other instream structures that benefit naturally reproducing fish stocks.

(b) The department shall develop size or scale threshold tests to determine if projects accomplishing any of these tasks should be evaluated under the process created in this section or under other project review and approval processes. A project proposal shall not be reviewed under the process created in this section if the department determines that the scale of the project raises concerns regarding public health and safety.

(c) A fish habitat enhancement project must be approved in one of the following ways in order to receive the permit review and approval process created in this section:

(i) By the department pursuant to chapter 77.95 (as recodified by this act) or by the department or the department of wildlife pursuant to chapter 77.100 RCW;

(ii) By the sponsor of a watershed restoration plan as provided in chapter 89.08 RCW;

(iii) By the department as a department-sponsored fish habitat enhancement or restoration project;

(iv) Through the review and approval process for the jobs for the environment program;

(v) Through the review and approval process for conservation district-sponsored projects, where the project complies with design standards established by the conservation commission through interagency agreement with the United States fish and wildlife service and the natural resource conservation service;

(vi) Through a formal grant program established by the legislature or the department for fish habitat enhancement or restoration;

(vii) Through the department of transportation's environmental retrofit program as a stand-alone fish passage barrier correction project;

(viii) Through a local, state, or federally approved fish barrier removal grant program designed to assist local governments in implementing stand-alone fish passage barrier corrections;

(ix) By a city or county for a stand-alone fish passage barrier correction project funded by the city or county;

(x) Through the approval process established for forest practices hydraulic projects in chapter 76.09 RCW; or

(xi) Through other formal review and approval processes established by the legislature.

(2) Fish habitat enhancement projects meeting the criteria of subsection (1) of this section are expected to result in beneficial impacts to the environment. Decisions pertaining to fish habitat enhancement projects meeting the criteria of subsection (1) of this section and being reviewed and approved according to the provisions of this section are not subject to the requirements of RCW 43.21C.030(2)(c).

(3)(a) A permit is required for projects that meet the criteria of subsection (1) of this section and are being reviewed and approved under this section. An applicant shall use a joint aquatic resource permit application form developed by the office of regulatory assistance to apply for approval under this chapter. On the same day, the applicant shall provide copies of the completed application form to the department and to each appropriate local government. Applicants for a forest practices hydraulic project that are not otherwise required to submit a joint aquatic resource permit application must submit a copy of their forest practices application to the appropriate local government on the same day that they submit the forest practices application to the department of natural resources.

(b) Local governments shall accept the application identified in this section as notice of the proposed project. A local government shall be provided with a fifteen-day comment period during which it may transmit comments regarding environmental impacts to the department or, for forest practices hydraulic projects, to the department of natural resources.

(c) Except for forest practices hydraulic projects, the department shall either issue a permit, with or without conditions, deny approval, or make a determination that the review and approval process created by this section is not appropriate for the proposed project within forty-five days. The department shall base this determination on identification during the comment period of adverse impacts that cannot be mitigated by the conditioning of a permit. Permitting decisions over forest practices hydraulic approvals must be made consistent with chapter 76.09 RCW.

(d) If the department determines that the review and approval process created by this section is not appropriate for the proposed project, the department shall notify the applicant and the appropriate local governments of its determination. The applicant may reapply for approval of the project under other review and approval processes.

(e) Any person aggrieved by the approval, denial, conditioning, or modification of a permit other than a forest practices hydraulic project under this section may appeal the decision as provided in RCW 77.55.021((~~(8)~~)) (6) (as recodified by this act). Appeals of a forest practices hydraulic project may be made as provided in chapter 76.09 RCW.

(4) No local government may require permits or charge fees for fish habitat enhancement projects that meet the criteria of subsection (1) of this section and that are reviewed and approved according to the provisions of this section.

(5) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from a fish enhancement project permitted by the department or the department of natural resources under the criteria of this section except upon proof of gross negligence or willful or wanton misconduct.

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

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

(2) Within the sanctuary area:

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

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

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

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

**Sec.**  RCW 77.55.241 and 2010 c 210 s 30 are each amended to read as follows:

(1) The legislature finds that the construction of hydraulic projects may require mitigation for the protection of fish life, and that the mitigation may be most cost-effective and provide the most benefit to the fish resource if the mitigation is allowed to be applied in locations that are off-site of the hydraulic project location. The department may approve off-site mitigation plans that are submitted by permit applicants.

(2) If a permit applicant proposes off-site mitigation and the department does not approve the permit or conditions the permit in such a manner as to render off-site mitigation unpracticable, the project proponent may appeal the decision as provided in RCW 77.55.021((~~(4)~~)) (6) (as recodified by this act).

**Sec.**  RCW 77.55.251 and 2005 c 146 s 603 are each amended to read as follows:

When reviewing a mitigation plan under RCW 77.55.021 (as recodified by this act), the department shall, at the request of the project proponent, follow the guidance contained in RCW 90.74.005 through 90.74.030.

**Sec.**  RCW 77.55.261 and 2005 c 146 s 604 are each amended to read as follows:

Whenever the placement of woody debris is required as a condition of a permit issued under RCW 77.55.021 (as recodified by this act), the department, upon request, shall invite comment regarding that placement from the local governmental authority, affected tribes, affected federal and state agencies, and the project applicant.

**Sec.**  RCW 77.55.291 and 2010 c 210 s 31 are each amended to read as follows:

(1) The department may levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 77.55.021 (as recodified by this act). The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director or the director's designee describing the violation.

(2)(a) Except as provided in (b) of this subsection, any person incurring any penalty under this chapter may appeal the same under chapter 34.05 RCW to the board. Appeals shall be filed within thirty days from the date of receipt of the penalty in accordance with RCW 43.21B.230.

(b) Issuance of a civil penalty may be informally appealed to the department within thirty days from the date of receipt of the penalty. Requests for informal appeal must be filed in the form and manner prescribed by the department by rule. A civil penalty that has been informally appealed to the department is appealable to the board within thirty days from the date of receipt of the department's decision on the informal appeal.

(3) The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

(4) If the amount of any penalty is not paid within thirty days after it becomes due and payable, the attorney general, upon the request of the director, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state's general fund.

**Sec.**  RCW 77.55.331 and 2012 1st sp.s. c 1 s 104 are each amended to read as follows:

(1) The hydraulic project approval account is created in the state treasury. ((~~All receipts from application fees for hydraulic project approval applications collected under RCW 77.55.321 must be deposited into the account.~~))

(2) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the hydraulic project approval account may be spent only after appropriation.

(3) Expenditures from the hydraulic project approval account may be used only to fund department activities relating to implementing and operating the hydraulic project approval program.

**Sec.**  RCW 77.57.040 and 2000 c 107 s 14 are each amended to read as follows:

If the director determines that a fishway or fish guard described in RCW ((~~77.55.040 and 77.55.060~~)) 77.57.010 and 77.57.030 (as recodified by this act) and in existence on September 1, 1963, is inadequate, in addition to other authority granted in this chapter, the director may remove, relocate, reconstruct, or modify the device, without cost to the owner. The director shall not materially modify the amount of flow of water through the device. After the department has completed the improvements, the fishways and fish guards shall be operated and maintained at the expense of the owner in accordance with RCW ((~~77.55.040 and 77.55.060~~)) 77.57.010 and 77.57.030 (as recodified by this act).

**Sec.**  RCW 77.57.060 and 2001 c 253 s 21 are each amended to read as follows:

The director may authorize removal, relocation, reconstruction, or other modification of an inadequate fishway or fish protective device required by RCW ((~~77.55.320~~)) 77.57.070 (as recodified by this act) which device was in existence on September 1, 1963, without cost to the owner for materials and labor. The modification may not materially alter the amount of water flowing through the fishway or fish protective device. Following modification, the fishway or fish protective device shall be maintained at the expense of the person or governmental agency owning the obstruction or water diversion device.

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

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

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

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

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

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

(1) Native Olympia oyster broodstock reserves;

(2) Commercial shellfish harvesting zones;

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

(4) Public recreational shellfish harvesting zones;

(5) Unproductive land.

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

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

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

**Sec.**  RCW 77.60.050 and 2000 c 107 s 24 are each amended to read as follows:

The director shall determine the time, place, and method of sale of oysters and other shellfish from state oyster reserves. Any person who commercially takes shellfish from state oyster reserves must possess an oyster reserve fishery license issued by the director pursuant to RCW 77.65.260 (as recodified by this act). Any person engaged in the commercial cultching of oysters on state oyster reserves must possess an oyster cultch permit issued by the director pursuant to RCW 77.65.270 (as recodified by this act).

To maintain local communities and industries and to restrain the formation of monopolies in the industry, the director shall determine the number of bushels which shall be sold to a person. When the shellfish are sold at public auction, the director may reject any and all bids.

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

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

**Sec.**  RCW 77.60.150 and 2009 c 333 s 23 are each amended to read as follows:

(1) The department shall initiate a pilot project to evaluate the feasibility and potential of intensively culturing shellfish on currently nonproductive oyster reserve land in Puget Sound. The pilot program shall include no fewer than three long-term lease agreements with commercial shellfish growers. Except as provided in subsection (3) of this section, revenues from the lease of such lands shall be deposited in the oyster reserve land account created in RCW 77.60.160 (as recodified by this act).

(2) The department shall form one advisory committee each for the Willapa Bay oyster reserve lands and the Puget Sound oyster reserve lands. The advisory committees shall make recommendations on management practices to conserve, protect, and develop oyster reserve lands. The advisory committees may make recommendations regarding the management practices on oyster reserve lands, in particular to ensure that they are managed in a manner that will: (a) Increase revenue through production of high-value shellfish; (b) not be detrimental to the market for shellfish grown on nonreserve lands; and (c) avoid negative impacts to existing shellfish populations. The advisory committees may also make recommendations on the distribution of funds in RCW 77.60.160(2)(a) (as recodified by this act). The department shall attempt to structure each advisory committee to include equal representation between shellfish growers that participate in reserve sales and shellfish growers that do not.

(3) The department of natural resources, in consultation with the department ((~~of fish and wildlife~~)), shall administer the leases for oyster reserves entered into under this chapter. In administering the leases, the department of natural resources shall exercise its authority under RCW 79.135.300. Vacation of state oyster reserves by the department shall not be a requirement for the department of natural resources to lease any oyster reserves under this section. The department of natural resources may recover reasonable costs directly associated with the administration of the leases for oyster reserves entered into under this chapter. All administrative fees collected by the department of natural resources pursuant to this section shall be deposited into the resource management cost account established in RCW 79.64.020. The department may not assess charges to recover the costs of consulting with the department of natural resources under this subsection.

(4) The Puget Sound pilot program shall not include the culture of geoduck.

**Sec.**  RCW 77.60.160 and 2008 c 202 s 2 are each amended to read as follows:

(1) The oyster reserve land account is created in the state treasury. All receipts from revenues from the lease of land or sale of shellfish from oyster reserve lands must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only as provided in this section.

(2) Funds in the account shall be used for the purposes provided for in this subsection:

(a) Up to forty percent for:

(i) The management expenses incurred by the department that are directly attributable to the management of the oyster reserve lands; and

(ii) The expenses associated with new bivalve shellfish research and development activities at the Pt. Whitney and Nahcotta shellfish laboratories managed by the department. As used in this subsection, "new research and development activities" includes an emphasis on the control of aquatic nuisance species and burrowing shrimp. New research and development activities must be identified by the department and the appropriate oyster reserve advisory committee;

(b) Up to ten percent may be deposited into the state general fund; and

(c) Except as provided in subsection (3) of this section, all remaining funds in the account shall be used for the shellfish—on-site sewage grant program established in RCW 77.60.170 (as recodified by this act).

(3)(a) No later than January 1st of each year, the department shall transfer up to fifty percent of the annual revenues generated in the preceding year from the Willapa harbor oyster reserve to the on-site sewage grant program established under RCW 77.60.170 (as recodified by this act) as necessary to achieve a fund balance of one hundred thousand dollars.

(b) All remaining revenues received from the Willapa harbor oyster reserve shall be used to fund research activities as specified in subsection (2)(a) of this section.

**Sec.**  RCW 77.60.170 and 2008 c 202 s 1 are each amended to read as follows:

(1)(a) The department shall transfer the funds required by RCW 77.60.160 (as recodified by this act) to the appropriate local governments. Pacific and Grays Harbor counties and Puget Sound shall manage their established shellfish—on‑site sewage grant program. The local governments, in consultation with the department of health, shall use the provided funds as grants or loans to individuals for repairing or improving their on-site sewage systems. The grants or loans may be provided only in areas that have the potential to adversely affect water quality in commercial and recreational shellfish growing areas.

(b) A recipient of a grant or loan shall enter into an agreement with the appropriate local government to maintain the improved on-site sewage system according to specifications required by the local government.

(c) The department shall work closely with local governments and it shall be the goal of the department to attain geographic equity between Grays Harbor, Willapa Bay, and Puget Sound when making funds available under this program.

(d) For the purposes of this subsection, "geographic equity" means issuing on-site sewage grants or loans at a level that matches the funds generated from the oyster reserve lands in that area.

(2) In Puget Sound, the local governments shall give first priority to areas that are:

(a) Identified as "areas of special concern" under WAC ((~~246-272-01001~~)) 246-272B-01001;

(b) Included within a shellfish protection district under chapter 90.72 RCW; or

(c) Identified as a marine recovery area under chapter 70.118A RCW.

(3) In Grays Harbor and Pacific counties, the local governments shall give first priority to preventing the deterioration of water quality in areas where commercial or recreational shellfish are grown.

(4) The department and each participating local government shall enter into a memorandum of understanding that will establish an applicant income eligibility requirement for individual grant applicants from within the jurisdiction and other mutually agreeable terms and conditions of the grant program.

(5) For the 2007-2009 biennium, from the funds received under this section, Pacific county shall transfer up to two hundred thousand dollars to the department. Upon receiving the funds from Pacific county, the department and the appropriate oyster reserve advisory committee under RCW 77.60.160 (as recodified by this act) shall identify and execute specific research projects with those funds.

**Sec.**  RCW 77.80.030 and 2000 c 107 s 89 are each amended to read as follows:

The purchase price of a vessel and appurtenant gear shall be based on a survey conducted by a qualified marine surveyor. A license or delivery permit shall be valued separately.

The director may specify a maximum price to be paid for a vessel, gear, license, or delivery permit purchased under RCW 77.80.020 (as recodified by this act). A license or delivery permit purchased under RCW 77.80.020 (as recodified by this act) shall be permanently retired by the department.

**Sec.**  RCW 77.80.040 and 2000 c 107 s 90 are each amended to read as follows:

The department may arrange for the insurance, storage, and resale or other disposition of vessels and gear purchased under RCW 77.80.020 (as recodified by this act). Vessels shall not be resold by the department to the seller or the seller's immediate family. The vessels shall not be used by any owner or operator: (1) As a commercial fishing or charter vessel in state waters; or (2) to deliver fish to a place or port in the state. The department shall require that the purchasers and other users of vessels sold by the department execute suitable instruments to insure compliance with the requirements of this section. The director may commence suit or be sued on such an instrument in a state court of record or United States district court having jurisdiction.

**Sec.**  RCW 77.80.060 and 2008 c 252 s 4 are each amended to read as follows:

(1) The director is responsible for the administration and disbursement of all funds, goods, commodities, and services received by the state under this chapter.

(2) There is created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund". This fund shall be used for purchases under RCW 77.80.020 (as recodified by this act) and for the administration of this chapter. This fund shall be credited with federal or other funds received to carry out the purposes of this chapter and the proceeds from the sale or other disposition of property purchased under RCW 77.80.020 (as recodified by this act).

**Sec.**  RCW 77.85.010 and 2007 c 444 s 1 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Adaptive management" means reliance on scientific methods to test the results of actions taken so that the management and related policy can be changed promptly and appropriately.

(2) "Critical pathways methodology" means a project scheduling and management process for examining interactions between habitat projects and salmonid species, prioritizing habitat projects, and assuring positive benefits from habitat projects.

(3) "Habitat project list" is the list of projects resulting from the critical pathways methodology under RCW 77.85.060(2) (as recodified by this act). Each project on the list must have a written agreement from the landowner on whose land the project will be implemented. Projects include habitat restoration projects, habitat protection projects, habitat projects that improve water quality, habitat projects that protect water quality, habitat-related mitigation projects, and habitat project maintenance and monitoring activities.

(4) "Habitat work schedule" means those projects from the habitat project list that will be implemented during the current funding cycle. The schedule shall also include a list of the entities and individuals implementing projects, the start date, duration, estimated date of completion, estimated cost, and funding sources for the projects.

(5) "Limiting factors" means conditions that limit the ability of habitat to fully sustain populations of salmon. These factors are primarily fish passage barriers and degraded estuarine areas, riparian corridors, stream channels, and wetlands.

(6) "Project sponsor" is a county, city, special district, tribal government, state agency, a combination of such governments through interlocal or interagency agreements, a nonprofit organization, regional fisheries enhancement group, or one or more private citizens. A project sponsored by a state agency may be funded by the board only if it is included on the habitat project list submitted by the lead entity for that area and the state agency has a local partner that would otherwise qualify as a project sponsor.

(7) "Regional recovery organization" or "regional salmon recovery organization" means an entity formed under RCW 77.85.090 (as recodified by this act) for the purpose of recovering salmon, which is recognized in statute or by the governor's salmon recovery office created in RCW 77.85.030 (as recodified by this act).

(8) "Salmon" includes all species of the family Salmonidae which are capable of self-sustaining, natural production.

(9) "Salmon recovery plan" means a state or regional plan developed in response to a proposed or actual listing under the federal endangered species act that addresses limiting factors including, but not limited to harvest, hatchery, hydropower, habitat, and other factors of decline.

(10) "Salmon recovery region" means geographic areas of the state identified or formed under RCW 77.85.090 (as recodified by this act) that encompass groups of watersheds in the state with common stocks of salmon identified for recovery activities, and that generally are consistent with the geographic areas within the state identified by the national oceanic and atmospheric administration or the United States fish and wildlife service for activities under the federal endangered species act.

(11) "Salmon recovery strategy" means the strategy adopted under RCW 77.85.150 (as recodified by this act) and includes the compilation of all subbasin and regional salmon recovery plans developed in response to a proposed or actual listing under the federal endangered species act with state hatchery, harvest, and hydropower plans compiled in accordance with RCW 77.85.150 (as recodified by this act).

(12) "Tribe" or "tribes" means federally recognized Indian tribes.

(13) "WRIA" means a water resource inventory area established in chapter 173-500 WAC as it existed on January 1, 1997.

(14) "Owner" means the person holding title to the land or the person under contract with the owner to lease or manage the legal owner's property.

**Sec.**  RCW 77.85.020 and 2009 c 345 s 4 are each amended to read as follows:

(1) Beginning December 2010, the recreation and conservation office shall produce a biennial report on the statewide status of salmon recovery and watershed health, summarize projects and programs funded by the salmon recovery funding board, and summarize progress as measured by high-level indicators and state agency compliance with applicable protocols established by the forum for monitoring salmon recovery and watershed health. The report must be a consolidation of the current reporting activities, including the salmon recovery funding board and the forum on monitoring salmon recovery and watershed health, on the status of salmon recovery and watershed health in Washington state((~~, in accordance with RCW 77.85.250(8)~~)). The report shall also include a high-level status report on watershed planning efforts under chapter 90.82 RCW as summarized by the department of ecology and on salmon recovery and watershed planning as summarized by the Puget Sound partnership. The report's introduction must include a list of high-level questions related to the status of watershed health and salmon recovery to help decision makers and the public respond to salmon recovery and watershed health management needs.

(2) The department, the department of ecology, the department of natural resources, and the state conservation commission shall provide to the recreation and conservation office information requested by the office necessary to prepare the consolidated report on salmon recovery and watershed health.

**Sec.**  RCW 77.85.030 and 2009 c 345 s 2 are each amended to read as follows:

(1) The governor's salmon recovery office shall coordinate state strategy to allow for salmon recovery to healthy sustainable population levels with productive commercial and recreational fisheries. A primary purpose of the office is to coordinate and assist in the development, implementation, and revision of regional salmon recovery plans as an integral part of a statewide strategy developed consistent with the guiding principles and procedures under RCW 77.85.150 (as recodified by this act).

(2) The governor's salmon recovery office is also responsible for maintaining the statewide salmon recovery strategy to reflect applicable provisions of regional recovery plans, habitat protection and restoration plans, water quality plans, and other private, local, regional, state agency and federal plans, projects, and activities that contribute to salmon recovery.

(3) The governor's salmon recovery office shall also work with regional salmon recovery organizations on salmon recovery issues in order to ensure a coordinated and consistent statewide approach to salmon recovery and shall work with federal agencies to accomplish implementation of federal commitments in the recovery plans.

(4) The governor's salmon recovery office may also:

(a) Assist state agencies, local governments, landowners, and other interested parties in obtaining federal assurances that plans, programs, or activities are consistent with fish recovery under the federal endangered species act;

(b) Act as liaison to local governments, the state congressional delegation, the United States congress, federally recognized tribes, and the federal executive branch agencies for issues related to the state's salmon recovery plans;

(c) Provide periodic reports pursuant to RCW 77.85.020 (as recodified by this act);

(d) Provide, as appropriate, technical and administrative support to science panels on issues pertaining to salmon recovery;

(e) In cooperation with the regional recovery organizations, prepare a timeline and implementation plan that, together with a schedule and recommended budget, identifies specific actions in regional recovery plans for state agency actions and assistance necessary to implement local and regional recovery plans; and

(f) As necessary, provide recommendations to the legislature that would further the success of salmon recovery, including recommendations for state agency actions in the succeeding biennium and state financial and technical assistance for projects and activities to be undertaken in local and regional salmon recovery plans. The recommendations may include:

(i) The need to expand or improve nonregulatory programs and activities; and

(ii) The need for state funding assistance to recovery activities and projects.

(5) For administrative purposes, the governor's salmon recovery office is located within the recreation and conservation office.

**Sec.**  RCW 77.85.040 and 2007 c 444 s 4 are each amended to read as follows:

(1)(a) The governor may request the Washington academy of sciences, when organized pursuant to chapter 305, Laws of 2005, to impanel an independent science panel on salmon recovery to respond to requests for review pursuant to subsection (2) of this section. The panel shall reflect expertise in habitat requirements of salmon, protection and restoration of salmon populations, artificial propagation of salmon, hydrology, or geomorphology.

(b) Based upon available funding, the governor's salmon recovery office may contract for services of the independent science panel for compensation under chapter 39.29 RCW.

(2) The independent science panel shall be governed by guidelines and practices governing the activities of the Washington academy of sciences. The purpose of the independent science panel is to help ensure that sound science is used in salmon recovery efforts. The governor's salmon recovery office may, during the time it is constituted, request that the panel review, investigate, and provide its findings on scientific questions relating to the state's salmon recovery efforts. The science panel does not have the authority to review individual projects or habitat project lists developed under RCW 77.85.050 or 77.85.060 (as recodified by this act) or to make policy decisions. The panel shall submit its findings and recommendations under this subsection to the legislature and the governor.

**Sec.**  RCW 77.85.060 and 2000 c 107 s 95 are each amended to read as follows:

(1) Critical pathways methodology ((~~shall~~)) must be used to develop a habitat project list and a habitat work schedule that ensures salmon habitat projects will be prioritized and implemented in a logical sequential manner that produces habitat capable of sustaining healthy populations of salmon.

(2) The critical pathways methodology ((~~shall~~)) must:

(a) Include a limiting factors analysis for salmon in streams, rivers, tributaries, estuaries, and subbasins in the region. The technical advisory group shall have responsibility for the limiting factors analysis;

(b) Identify local habitat projects that sponsors are willing to undertake. The projects identified must have a written agreement from the landowner on which the project is to be implemented. Project sponsors shall have the lead responsibility for this task;

(c) Identify how projects will be monitored and evaluated. The project sponsor, in consultation with the technical advisory group and the appropriate landowner, ((~~shall have responsibility~~)) is responsible for this task;

(d) Include a review of monitoring data, evaluate project performance, and make recommendations to the committee established under RCW 77.85.050 (as recodified by this act) and to the technical review team. The technical advisory group has responsibility for this task; and

(e) Describe the adaptive management strategy that will be used. The committee established under RCW 77.85.050 ((~~shall have responsibility~~)) (as recodified by this act) is responsible for this task. If a committee has not been formed, the technical advisory group ((~~shall have the responsibility~~)) is responsible for this task.

(3) The habitat work schedule shall include all projects developed pursuant to subsection (2) of this section, and shall identify and coordinate with any other salmon habitat project implemented in the region, including habitat preservation projects funded through the Washington wildlife and recreation program, the conservation reserve enhancement program, and other conservancy programs. The habitat work schedule ((~~shall~~)) also includes the start date, duration, estimated date of completion, estimated cost, and, if appropriate, the affected salmonid species of each project. Each schedule shall be updated on an annual basis to depict new activities.

**Sec.**  RCW 77.85.080 and 2000 c 107 s 98 are each amended to read as follows:

The sea grant program at the University of Washington ((~~is authorized to~~)) may provide technical assistance to volunteer groups and other project sponsors in designing and implementing habitat projects that address the limiting factors analysis required under RCW 77.85.060 (as recodified by this act). The cost for such assistance may be covered on a fee-for-service basis.

**Sec.**  RCW 77.85.090 and 2009 c 345 s 10 are each amended to read as follows:

(1) The southwest Washington salmon recovery region, whose boundaries are provided in chapter 60, Laws of 1998, is created.

(2) Lead entities within a salmon recovery region that agree to form a regional salmon recovery organization may be recognized by the governor's salmon recovery office created in RCW 77.85.030 (as recodified by this act) as a regional recovery organization. The regional recovery organization may plan, coordinate, and monitor the implementation of a regional recovery plan in accordance with RCW 77.85.150 (as recodified by this act). Regional recovery organizations existing as of July 24, 2005, that have developed draft recovery plans approved by the governor's salmon recovery office by July 1, 2005, may continue to plan, coordinate, and monitor the implementation of regional recovery plans.

(3) Beginning January 1, 2008, the leadership council, created under chapter 90.71 RCW, shall serve as the regional salmon recovery organization for Puget Sound salmon species, except for the program known as the Hood Canal summer chum evolutionarily significant unit area, which the Hood Canal coordinating council shall continue to administer under chapter 90.88 RCW.

**Sec.**  RCW 77.85.110 and 2007 c 241 s 20 are each amended to read as follows:

(1) The salmon recovery funding board is created consisting of ten members.

(2) Five members of the board shall be voting members who are appointed by the governor, subject to confirmation by the senate. One of these voting members shall be a cabinet-level appointment as the governor's representative to the board. Board members who represent the general public shall not have a financial or regulatory interest in salmon recovery. The governor shall appoint one of the general public members of the board as the chair. The voting members of the board shall be appointed for terms of four years, except that two members initially shall be appointed for terms of two years and three members shall initially be appointed for terms of three years. In making the appointments, the governor shall seek a board membership that collectively provide the expertise necessary to provide strong fiscal oversight of salmon recovery expenditures, and that provide extensive knowledge of local government processes and functions and an understanding of issues relevant to salmon recovery in Washington state. The governor shall appoint at least three of the voting members of the board no later than ninety days after July 1, 1999. Vacant positions on the board shall be filled in the same manner as the original appointments. The governor may remove members of the board for good cause.

In addition to the five voting members of the board, the following five state officials shall serve as ex officio nonvoting members of the board: The director of the department of ((~~fish and wildlife~~)) fisheries, the executive director of the conservation commission, the secretary of transportation, the director of the department of ecology, and the commissioner of public lands. The state officials serving in an ex officio capacity may designate a representative of their respective agencies to serve on the board in their behalf. Such designations shall be made in writing and in such manner as is specified by the board.

(3) Staff support to the board shall be provided by the recreation and conservation office. For administrative purposes, the board shall be located with the recreation and conservation office.

(4) Members of the board who do not represent state agencies shall be compensated as provided by RCW 43.03.250. Members of the board shall be reimbursed for travel expenses as provided by RCW 43.03.050 and 43.03.060.

**Sec.**  RCW 77.85.120 and 2007 c 241 s 21 are each amended to read as follows:

(1) The salmon recovery funding board is responsible for making grants and loans for salmon habitat projects and salmon recovery activities from the amounts appropriated to the board for this purpose. To accomplish this purpose the board may:

(a) Provide assistance to grant applicants regarding the procedures and criteria for grant and loan awards;

(b) Make and execute all manner of contracts and agreements with public and private parties as the board deems necessary, consistent with the purposes of this chapter;

(c) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms that are not in conflict with this chapter;

(d) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter; and

(e) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter.

(2) The recreation and conservation office shall provide all necessary grants and loans administration assistance to the board, and shall distribute funds as provided by the board in RCW 77.85.130 (as recodified by this act).

**Sec.**  RCW 77.85.130 and 2011 c 20 s 16 are each amended to read as follows:

(1) The salmon recovery funding board shall develop procedures and criteria for allocation of funds for salmon habitat projects and salmon recovery activities on a statewide basis to address the highest priorities for salmon habitat protection and restoration. To the extent practicable the board shall adopt an annual allocation of funding. The allocation should address both protection and restoration of habitat, and should recognize the varying needs in each area of the state on an equitable basis. The board has the discretion to partially fund, or to fund in phases, salmon habitat projects. The board may annually establish a maximum amount of funding available for any individual project, subject to available funding. No projects required solely as a mitigation or a condition of permitting are eligible for funding.

(2)(a) In evaluating, ranking, and awarding funds for projects and activities the board shall give preference to projects that:

(i) Are based upon the limiting factors analysis identified under RCW 77.85.060 (as recodified by this act);

(ii) Provide a greater benefit to salmon recovery based upon the stock status information contained in the department ((~~of fish and wildlife~~)) salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available;

(iii) Will benefit listed species and other fish species;

(iv) Will preserve high quality salmonid habitat;

(v) Are included in a regional or watershed-based salmon recovery plan that accords the project, action, or area a high priority for funding;

(vi) Are, except as provided in RCW 77.85.240 (as recodified by this act), sponsored by an entity that is a Puget Sound partner, as defined in RCW 90.71.010; and

(vii) Are projects referenced in the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(b) In evaluating, ranking, and awarding funds for projects and activities the board shall also give consideration to projects that:

(i) Are the most cost-effective;

(ii) Have the greatest matched or in-kind funding;

(iii) Will be implemented by a sponsor with a successful record of project implementation;

(iv) Involve members of the Washington conservation corps established in chapter 43.220 RCW or the veterans conservation corps established in RCW 43.60A.150; and

(v) Are part of a regionwide list developed by lead entities.

(3) The board may reject, but not add, projects from a habitat project list submitted by a lead entity for funding.

(4) The board shall establish criteria for determining when block grants may be made to a lead entity. The board may provide block grants to the lead entity to implement habitat project lists developed under RCW 77.85.050 (as recodified by this act), subject to available funding. The board shall determine an equitable minimum amount of project funds for each recovery region, and shall distribute the remainder of funds on a competitive basis. The board may also provide block grants to the lead entity or regional recovery organization to assist in carrying out functions described under this chapter. Block grants must be expended consistent with the priorities established for the board in subsection (2) of this section. Lead entities or regional recovery organizations receiving block grants under this subsection shall provide an annual report to the board summarizing how funds were expended for activities consistent with this chapter, including the types of projects funded, project outcomes, monitoring results, and administrative costs.

(5) The board may waive or modify portions of the allocation procedures and standards adopted under this section in the award of grants or loans to conform to legislative appropriations directing an alternative award procedure or when the funds to be awarded are from federal or other sources requiring other allocation procedures or standards as a condition of the board's receipt of the funds. The board shall develop an integrated process to manage the allocation of funding from federal and state sources to minimize delays in the award of funding while recognizing the differences in state and legislative appropriation timing.

(6) The board may award a grant or loan for a salmon recovery project on private or public land when the landowner has a legal obligation under local, state, or federal law to perform the project, when expedited action provides a clear benefit to salmon recovery, and there will be harm to salmon recovery if the project is delayed. For purposes of this subsection, a legal obligation does not include a project required solely as a mitigation or a condition of permitting.

(7) Property acquired or improved by a project sponsor may be conveyed to a federal agency if: (a) The agency agrees to comply with all terms of the grant or loan to which the project sponsor was obligated; or (b) the board approves: (i) Changes in the terms of the grant or loan, and the revision or removal of binding deed of right instruments; and (ii) a memorandum of understanding or similar document ensuring that the facility or property will retain, to the extent feasible, adequate habitat protections; and (c) the appropriate legislative authority of the county or city with jurisdiction over the project area approves the transfer and provides notification to the board.

(8) Any project sponsor receiving funding from the salmon recovery funding board that is not subject to disclosure under chapter 42.56 RCW must, as a mandatory contractual prerequisite to receiving the funding, agree to disclose any information in regards to the expenditure of that funding as if the project sponsor was subject to the requirements of chapter 42.56 RCW.

(9) After January 1, 2010, any project designed to address the restoration of Puget Sound may be funded under this chapter only if the project is not in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

**Sec.**  RCW 77.85.140 and 2016 c 197 s 10 are each amended to read as follows:

(1) Habitat project lists ((~~shall~~)) must be submitted to the salmon recovery funding board for funding at least once a year on a schedule established by the board. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded as part of the biennial report required in RCW 77.85.020 (as recodified by this act). Project sponsors who complete salmon habitat projects approved for funding from habitat project lists and have met grant application deadlines will be paid by the salmon recovery funding board within thirty days of project completion.

(2) The recreation and conservation office shall track all funds allocated for salmon habitat projects and salmon recovery activities on behalf of the board, including both funds allocated by the board and funds allocated by other state or federal agencies for salmon recovery or water quality improvement.

**Sec.**  RCW 77.85.200 and 2009 c 199 s 1 are each amended to read as follows:

(1) A program for salmon and steelhead recovery is established in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum counties within the habitat areas classified as the lower Columbia evolutionarily significant units by the federal national marine fisheries service. The management board created under subsection (2) of this section is responsible for developing and overseeing the implementation of the habitat portion of the salmon and steelhead recovery plan and is empowered to receive and disburse funds for the salmon and steelhead recovery initiatives. The management board created pursuant to this section shall constitute the lead entity and the committee established under RCW 77.85.050 (as recodified by this act) responsible for fulfilling the requirements and exercising powers under this chapter.

(2) A management board consisting of fifteen voting members is created within the lower Columbia evolutionarily significant units. The members shall consist of one county commissioner or designee from each of the five participating counties selected by each county legislative authority; one member representing the cities contained within the lower Columbia evolutionarily significant units as a voting member selected by the cities in the lower Columbia evolutionarily significant units; a representative of the Cowlitz Tribe appointed by the tribe; one state legislator elected from one of the legislative districts contained within the lower Columbia evolutionarily significant units selected by that group of state legislators representing the area; five representatives to include at least one member who represents private property interests appointed by the five county commissioners or designees; one hydro utility representative nominated by hydro utilities and appointed by the five county commissioners or designees; and one representative nominated from the environmental community who resides in the lower Columbia evolutionarily significant units appointed by the five county commissioners or designees. The board shall appoint and consult a technical advisory committee, which shall include four representatives of state agencies one each appointed by the directors of the departments of ecology, ((~~fish and wildlife~~)) fisheries, and transportation, and the commissioner of public lands. The board may also appoint additional persons to the technical advisory committee as needed. The chair of the board shall be selected from among the members of the management board by the five county commissioners or designees and the legislator on the board. In making appointments under this subsection, the county commissioners shall consider recommendations of interested parties. Vacancies shall be filled in the same manner as the original appointments were selected. No action may be brought or maintained against any management board member, the management board, or any of its agents, officers, or employees for any noncontractual acts or omissions in carrying out the purposes of this section.

(3)(a) The management board shall participate in the development of a habitat recovery plan to implement its responsibilities under (b) of this subsection. The management board shall consider local watershed efforts and activities as well as habitat conservation plans in the development and implementation of the recovery plan. Any of the participating counties may continue its own efforts for restoring steelhead habitat. Nothing in this section limits the authority of units of local government to enter into interlocal agreements under chapter 39.34 RCW or any other provision of law.

(b) The management board is responsible for the development of a lower Columbia salmon and steelhead habitat recovery plan and for coordinating and monitoring the implementation of the plan. The management board will submit all future plans and amendments to plans to the governor's salmon recovery office for the incorporation of hatchery, harvest, and hydropower components of the statewide salmon recovery strategy for all submissions to the national marine fisheries service. In developing and implementing the habitat recovery plan, the management board will work with appropriate federal and state agencies, tribal governments, local governments, and the public to make sure hatchery, harvest, and hydropower components receive consideration in context with the habitat component. The management board may work in cooperation with the state and the national marine fisheries service to modify the plan, or to address habitat for other aquatic species that may be subsequently listed under the federal endangered species act. The management board may not exercise authority over land or water within the individual counties or otherwise preempt the authority of any units of local government.

(c) The management board shall prioritize as appropriate and approve projects and programs related to the recovery of lower Columbia river salmon and steelhead runs, including the funding of those projects and programs, and coordinate local government efforts as prescribed in the recovery plan. The management board shall establish criteria for funding projects and programs based upon their likely value in salmon and steelhead recovery. The management board may consider local economic impact among the criteria, but jurisdictional boundaries and factors related to jurisdictional population may not be considered as part of the criteria.

(d) The management board shall assess the factors for decline along each tributary basin in the lower Columbia. The management board is encouraged to take a stream-by-stream approach in conducting the assessment which utilizes state and local expertise, including volunteer groups, interest groups, and affected units of local government.

(4) The management board has the authority to hire and fire staff, including an executive director, enter into contracts, accept grants and other moneys, disburse funds, make recommendations to cities and counties about potential code changes and the development of programs and incentives upon request, pay all necessary expenses, and may choose a fiduciary agent. The management board shall report on its progress on a biennial basis to the legislative bodies of the five participating counties and the state natural resource-related agencies. The management board shall prepare a final report at the conclusion of the program describing its efforts and successes in developing and implementing the lower Columbia salmon and steelhead recovery plan. The final report shall be transmitted to the appropriate committees of the legislature, the legislative bodies of the participating counties, and the state natural resource-related agencies.

(5) For purposes of this section, "evolutionarily significant unit" means the habitat area identified for an evolutionarily significant unit of an aquatic species listed or proposed for listing as a threatened or endangered species under the federal endangered species act (16 U.S.C. Sec. 1531 et seq.).

**Sec.**  RCW 77.85.220 and 2003 c 391 s 4 are each amended to read as follows:

(1) If a limiting factors analysis has been conducted under this chapter for a specific geographic area and that analysis shows insufficient intertidal salmon habitat, the department of ((~~fish and wildlife~~)) fisheries and the county legislative authorities of the affected counties may jointly initiate a salmon intertidal habitat restoration planning process to develop a plan that addresses the intertidal habitat goals contained in the limiting factors analysis. The ((~~fish and wildlife commission~~)) director and the county legislative authorities of the geographic area shall jointly appoint a task force composed of the following members:

(a) One representative of the ((~~fish and wildlife commission~~)) department, appointed by the ((~~chair of the commission~~)) director;

(b) Two representatives of the agricultural industry familiar with agricultural issues in the geographic area, one appointed by an organization active in the geographic area and one appointed by a statewide organization representing the industry;

(c) Two representatives of environmental interest organizations with familiarity and expertise of salmon habitat, one appointed by an organization in the geographic area and one appointed by a statewide organization representing environmental interests;

(d) One representative of a diking and drainage district, appointed by the individual districts in the geographic area or by an association of diking and drainage districts;

(e) One representative of the lead entity for salmon recovery in the geographic area, appointed by the lead entity;

(f) One representative of each county in the geographic area, appointed by the respective county legislative authorities; and

(g) One representative from the office of the governor.

(2) Representatives of the United States environmental protection agency, the United States natural resources conservation service, federal fishery agencies, as appointed by their regional director, and tribes with interests in the geographic area shall be invited and encouraged to participate as members of the task force.

(3) The task force shall elect a chair and adopt rules for conducting the business of the task force. Staff support for the task force shall be provided by the Washington state conservation commission.

(4) The task force shall:

(a) Review and analyze the limiting factors analysis for the geographic area;

(b) Initiate and oversee intertidal salmon habitat studies for enhancement of the intertidal area as provided in RCW 77.85.230 (as recodified by this act);

(c) Review and analyze the completed assessments listed in RCW 77.85.230 (as recodified by this act);

(d) Develop and draft an overall plan that addresses identified intertidal salmon habitat goals that has public support; and

(e) Identify appropriate demonstration projects and early implementation projects that are of high priority and should commence immediately within the geographic area.

(5) The task force may request briefings as needed on legal issues that may need to be considered when developing or implementing various plan options.

(6) Members of the task force shall be reimbursed by the conservation commission for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(7) The task force shall provide annual reports that provide an update on its activities to the ((~~fish and wildlife commission~~)) department, to the involved county legislative authorities, and to the lead entity formed under this chapter.

**Sec.**  RCW 77.85.230 and 2009 c 333 s 24 are each amended to read as follows:

(1) In consultation with the appropriate task force formed under RCW 77.85.220 (as recodified by this act), the conservation commission may contract with universities, private consultants, nonprofit groups, or other entities to assist it in developing a plan incorporating the following elements:

(a) An inventory of existing tide gates located on streams in the county. The inventory shall include location, age, type, and maintenance history of the tide gates and other factors as determined by the appropriate task force in consultation with the county and diking and drainage districts;

(b) An assessment of the role of tide gates located on streams in the county; the role of intertidal fish habitat for various life stages of salmon; the quantity and characterization of intertidal fish habitat currently accessible to fish; the quantity and characterization of the present intertidal fish habitat created at the time the dikes and outlets were constructed; the quantity of potential intertidal fish habitat on public lands and alternatives to enhance this habitat; the effects of saltwater intrusion on agricultural land, including the effects of backfeeding of saltwater through the underground drainage system; the role of tide gates in drainage systems, including relieving excess water from saturated soil and providing reservoir functions between tides; the effect of saturated soils on production of crops; the characteristics of properly functioning intertidal fish habitat; a map of agricultural lands designated by the county as having long-term commercial significance and the effect of that designation; and the economic impacts to existing land uses for various alternatives for tide gate alteration; and

(c) A long-term plan for intertidal salmon habitat enhancement to meet the goals of salmon recovery and protection of agricultural lands. The proposal shall consider all other means to achieve salmon recovery without converting farmland. The proposal shall include methods to increase fish passage and otherwise enhance intertidal habitat on public lands pursuant to subsection (2) of this section, voluntary methods to increase fish passage on private lands, a priority list of intertidal salmon enhancement projects, and recommendations for funding of high priority projects. The task force also may propose pilot projects that will be designed to test and measure the success of various proposed strategies.

(2) In conjunction with other public landowners and the appropriate task force formed under RCW 77.85.220 (as recodified by this act), the department shall develop an initial salmon intertidal habitat enhancement plan for public lands in the county. The initial plan shall include a list of public properties in the intertidal zone that could be enhanced for salmon, a description of how those properties could be altered to support salmon, a description of costs and sources of funds to enhance the property, and a strategy and schedule for prioritizing the enhancement of public lands for intertidal salmon habitat. This initial plan shall be submitted to the appropriate task force at least six months before the deadline established in subsection (3) of this section.

(3) The final intertidal salmon enhancement plan shall be completed within two years from the date the task force is formed under RCW 77.85.220 (as recodified by this act) and funding has been secured. A final plan shall be submitted by the appropriate task force to the lead entity for the geographic area established under this chapter.

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

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

(a) Existing resource needs;

(b) Potential for creation of new resources;

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

(d) Balanced utilization of natural and hatchery production;

(e) Desires of the fishing interest;

(f) Need for additional data or research;

(g) Federal court orders; and

(h) Salmon advisory council recommendations.

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

**Sec.**  RCW 77.95.030 and 2013 c 23 s 246 are each amended to read as follows:

(1) The ((~~commission~~)) director shall develop a detailed salmon enhancement plan with proposed enhancement projects. The plan and the regional policy statements shall be submitted to the secretary of the senate and chief clerk of the house of representatives for legislative distribution by June 30, 1986. The enhancement plan and regional policy statements shall be provided by June 30, 1986, to the natural resources committees of the house of representatives and the senate. The ((~~commission~~)) director shall provide a maximum opportunity for the public to participate in the development of the salmon enhancement plan. To insure full participation by all interested parties, the ((~~commission~~)) director shall solicit and consider enhancement project proposals from Indian tribes, sports fishers, commercial fishers, private aquaculturists, and other interested groups or individuals for potential inclusion in the salmon enhancement plan. Joint or cooperative enhancement projects shall be considered for funding.

(2) The following criteria shall be used by the ((~~commission~~)) director in formulating the project proposals:

(a) Compatibility with the long-term policy statement;

(b) Benefit/cost analysis;

(c) Needs of all fishing interests;

(d) Compatibility with regional plans, including harvest management plans;

(e) Likely increase in resource productivity;

(f) Direct applicability of any research;

(g) Salmon advisory council recommendations;

(h) Compatibility with federal court orders;

(i) Coordination with the salmon and steelhead advisory commission program;

(j) Economic impact to the state;

(k) Technical feasibility; and

(l) Preservation of native salmon runs.

(3) The ((~~commission~~)) director shall not approve projects that serve as replacement funding for projects that exist prior to May 21, 1985, unless no other sources of funds are available.

(4) The ((~~commission~~)) director shall prioritize various projects and establish a recommended implementation time schedule.

**Sec.**  RCW 77.95.040 and 1995 1st sp.s. c 2 s 36 are each amended to read as follows:

Upon approval by the legislature of funds for its implementation, the ((~~commission~~)) director shall monitor the progress of projects detailed in the salmon enhancement plan.

The ((~~commission~~)) director shall be responsible for establishing criteria which shall be used to measure the success of each project in the salmon enhancement plan.

**Sec.**  RCW 77.95.060 and 1995 1st sp.s. c 2 s 38 are each amended to read as follows:

The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the ((~~commission and the~~)) department. The regional groups ((~~shall~~)) must be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

**Sec.**  RCW 77.95.070 and 2000 c 107 s 105 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 77.95.020 (as recodified by this act), shall seek to:

(1) Enhance the salmon and steelhead resources of the state;

(2) Maximize volunteer efforts and private donations to improve the salmon and steelhead resources for all citizens;

(3) Assist the department in achieving the goal to double the statewide salmon and steelhead catch by the year 2000; and

(4) Develop projects designed to supplement the fishery enhancement capability of the department.

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

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

A portion of each recreational fishing license fee ((~~shall~~)) must be used as provided in ((~~RCW 77.32.440~~)) section 1094 of this act. A surcharge of one hundred dollars ((~~shall~~)) must be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 77.95.110. Except as provided in RCW 77.95.320 (as recodified by this act), funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

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

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

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

**Sec.**  RCW 77.95.140 and 1995 1st sp.s. c 2 s 41 are each amended to read as follows:

The ((~~commission~~)) department shall prepare a salmon recovery plan for the Skagit river. The plan shall include strategies for employing displaced timber workers to conduct salmon restoration and other tasks identified in the plan. The plan shall incorporate the best available technology in order to achieve maximum restoration of depressed salmon stocks. The plan must encourage the restoration of natural spawning areas and natural rearing of salmon but must not preclude the development of an active hatchery program.

**Sec.**  RCW 77.95.160 and 2014 c 120 s 4 are each amended to read as follows:

(1) The department shall maintain a fish passage barrier removal board. The board must be composed of a representative from the department, the department of transportation, cities, counties, the governor's salmon recovery office, tribal governments, and the department of natural resources. The representative of the department must serve as chair of the board and may expand the membership of the board to representatives of other governments, stakeholders, and interested entities.

(2)(a) The duty of the board is to identify and expedite the removal of human-made or caused impediments to anadromous fish passage in the most efficient manner practical through the development of a coordinated approach and schedule that identifies and prioritizes the projects necessary to eliminate fish passage barriers caused by state and local roads and highways and barriers owned by private parties.

(b) The coordinated approach must address fish passage barrier removals in all areas of the state in a manner that is consistent with a recognition that scheduling and prioritization is necessary.

(c) The board must coordinate and mutually share information, when appropriate, with:

(i) Other fish passage correction programs, including local salmon recovery plan implementation efforts through the governor's salmon recovery office;

(ii) The applicable conservation districts when developing schedules and priorities within set geographic areas or counties; and

(iii) The recreation and conservation office to ensure that barrier removal methodologies are consistent with, and maximizing the value of, other salmon recovery efforts and habitat improvements that are not primarily based on the removal of barriers.

(d) Recommendations must include proposed funding mechanisms and other necessary mechanisms and methodologies to coordinate state, tribal, local, and volunteer barrier removal efforts within each water resource inventory area and satisfy the principles of RCW 77.95.180 (as recodified by this act). To the degree practicable, the board must utilize the database created in RCW 77.95.170 (as recodified by this act) and information on fish barriers developed by conservation districts to guide methodology development. The board may consider recommendations by interested entities from the private sector and regional fisheries enhancement groups.

(e) When developing a prioritization methodology under this section, the board shall consider:

(i) Projects benefiting depressed, threatened, and endangered stocks;

(ii) Projects providing access to available and high quality spawning and rearing habitat;

(iii) Correcting the lowest barriers within the stream first;

(iv) Whether an existing culvert is a full or partial barrier;

(v) Projects that are coordinated with other adjacent barrier removal projects; and

(vi) Projects that address replacement of infrastructure associated with flooding, erosion, or other environmental damage. (f) The board may not make decisions on fish passage standards or categorize as impassible culverts or other infrastructure developments that have been deemed passable by the department.

**Sec.**  RCW 77.95.170 and 2014 c 120 s 3 are each amended to read as follows:

(1) The department may coordinate with the recreation and conservation office in the administration of all state grant programs specifically designed to assist state agencies, private landowners, tribes, organizations, and volunteer groups in identifying and removing impediments to salmonid fish passage. The transportation improvement board may administer all grant programs specifically designed to assist cities, counties, and other units of local governments with fish passage barrier corrections associated with transportation projects. All grant programs must be administered and be consistent with the following:

(a) Salmonid-related corrective projects, inventory, assessment, and prioritization efforts;

(b) Salmonid projects subject to a competitive application process; and

(c) A minimum dollar match rate that is consistent with the funding authority's criteria. If no funding match is specified, a match amount of at least twenty-five percent per project is required. For local, private, and volunteer projects, in-kind contributions may be counted toward the match requirement.

(2) Priority shall be given to projects that match the principles provided in RCW 77.95.180 (as recodified by this act).

(3) All projects subject to this section shall be reviewed and approved by the fish passage barrier removal board created in RCW 77.95.160 (as recodified by this act) or an alternative oversight committee designated by the state legislature.

(4) Other agencies that administer natural resource-based grant programs shall use fish passage selection criteria that are consistent with this section when those programs are addressing fish passage barrier removal projects.

(5)(a) The department shall establish a centralized database directory of all fish passage barrier information. The database directory must include, but is not limited to, existing fish passage inventories, fish passage projects, grant program applications, and other databases. These data must be used to coordinate and assist in habitat recovery and project mitigation projects.

(b) The department must develop a barrier inventory training program that qualifies participants to perform barrier inventories and develop data that enhance the centralized database. The department may decide the qualifications for participation. However, employees and volunteers of conservation districts and regional salmon recovery groups must be given priority consideration.

**Sec.**  RCW 77.95.180 and 2014 c 120 s 2 are each amended to read as follows:

(1)(a) To maximize available state resources, the department and the department of transportation must work in partnership to identify and complete projects to eliminate fish passage barriers caused by state roads and highways.

(b) The partnership between the department and the department of transportation must be based on the principle of maximizing habitat recovery through a coordinated investment strategy that, to the maximum extent practical and allowable, prioritizes opportunities: To correct multiple fish barriers in whole streams rather than through individual, isolated projects; to coordinate with other entities sponsoring barrier removals, such as regional fisheries enhancement groups incorporated under this chapter, in a manner that achieves the greatest cost savings to all parties; and to correct barriers located furthest downstream in a stream system. Examples of this principle include:

(i) Coordinating with all relevant state agencies and local governments to maximize the habitat recovery value of the investments made by the state to correct fish passage barriers;

(ii) Maximizing the habitat recovery value of investments made by public and private forest landowners through the road maintenance and abandonment planning process outlined in the forest practices rules, as that term is defined in RCW 76.09.020;

(iii) Recognizing that many of the barriers owned by the state are located in the same stream systems as barriers that are owned by cities and counties with limited financial resources for correction and that state-local partnership opportunities should be sought to address these barriers; and

(iv) Recognizing the need to continue investments in the family forest fish passage program created pursuant to RCW 76.13.150 and other efforts to address fish passage barriers owned by private parties that are in the same stream systems as barriers owned by public entities.

(2) The department shall also provide engineering and other technical services to assist nonstate barrier owners with fish passage barrier removal projects, provided that the barrier removal projects have been identified as a priority by the department and the department has received an appropriation to continue that component of a fish barrier removal program.

(3) Nothing in this section is intended to:

(a) Alter the process and prioritization methods used in the implementation of the forest practices rules, as that term is defined in RCW 76.09.020, or the family forest fish passage program, created pursuant to RCW 76.13.150, that provides public cost assistance to small forest landowners associated with the road maintenance and abandonment processes; or

(b) Prohibit or delay fish barrier projects undertaken by the department of transportation or another state agency that are a component of an overall transportation improvement project or that are being undertaken as a direct result of state law, federal law, or a court order. However, the department of transportation or another state agency is required to work in partnership with the fish passage barrier removal board created in RCW 77.95.160 (as recodified by this act) to ensure that the scheduling, staging, and implementation of these projects are, to ((~~[the]~~)) the maximum extent practicable, consistent with the coordinated and prioritized approach adopted by the fish passage barrier removal board.

**Sec.**  RCW 77.95.185 and 2015 3rd sp.s. c 17 s 10 are each amended to read as follows:

(1) The department of transportation, the department of ecology, ((~~and~~)) the department of ((~~fish~~)) fisheries, and the department of wildlife must use their existing authorities and guidance to provide a preference for the removal of existing fish passage barriers owned by cities and counties as compensatory mitigation for environmental impacts of transportation projects where appropriate.

(2)(a) The department of transportation, the department of ecology, ((~~and~~)) the department of ((~~fish~~)) fisheries, and the department of wildlife must consult with other relevant entities to develop a framework for encouraging off-site and out-of-kind local fish passage barrier mitigation that provides results that are consistent with habitat protection priorities and are ecologically preferable to on-site mitigation.

(b) The implementation of this framework must:

(i) Not delay transportation project delivery;

(ii) Not be additive to the amount or cost of mitigation required under existing regulations;

(iii) Not preclude on-site or off-site and in-kind mitigation when that is the most ecologically appropriate means to address project impacts;

(iv) Not alter the mitigation sequencing principles of first avoidance and then minimization of impacts before compensatory mitigation;

(v) Provide for a mechanism that identifies whether environmental impacts from projects are appropriate for local fish passage barrier mitigation;

(vi) Provide a mechanism for affected parties, including tribes, to determine when and how to use off-site and out-of-kind mitigation to address fish passage barriers in particular watersheds;

(vii) Consult the statewide fish passage barrier removal strategy developed by the fish passage barrier removal board created in RCW 77.95.160 (as recodified by this act) and information provided by affected tribes, salmon recovery regional organizations, and local entities to identify specific priority locations where removal of local barriers would provide a net resource gain; and

(viii) Consistent with existing mitigation regulations and guidelines, provide a preference, where appropriate, for investment in local fish passage barrier removal where greater environmental benefit can be achieved with off-site and out-of-kind mitigation.

(c) In addition to the framework developed in (b) of this subsection, the department of transportation, the department of ecology, ((~~and~~)) the department of ((~~fish~~)) fisheries, and the department of wildlife must develop and implement an umbrella statewide in lieu fee program or other formal means to provide a streamlined mechanism to undertake priority local fish passage barrier corrections throughout the watersheds of the state as a preferred means of compensatory mitigation where appropriate for state transportation that is consistent with the principles in (a) and (b) of this subsection.

(3) Nothing in this section is intended to create or expand the state's obligation for fish passage barrier correction according to existing law or court ruling. Nothing in this section is intended to decrease funding or otherwise impede the state's efforts to meet its obligation for fish passage barrier correction according to existing law or court ruling.

**Sec.**  RCW 77.95.210 and 2001 c 337 s 1 are each amended to read as follows:

(1) Except as provided in subsection (2) of this section, the department may supply, at a reasonable charge, surplus salmon eggs to a person for use in the cultivation of salmon. The department shall not intentionally create a surplus of salmon to provide eggs for sale. The department shall only sell salmon eggs from stocks that are not suitable for salmon population rehabilitation or enhancement in state waters in Washington after the salmon harvest on surplus salmon has been first maximized by both commercial and recreational fishers.

(2) The department shall not destroy hatchery origin salmon for the purposes of destroying viable eggs that would otherwise be useful for propagation or salmon recovery purposes, as determined by the department and Indian tribes with treaty fishing rights in a collaborative manner, for replenishing fish runs. Eggs deemed surplus by the state must be provided, in the following order of priority, to:

(a) Voluntary cooperative salmon culture programs under the supervision of the department under chapter 77.100 RCW;

(b) Regional fisheries enhancement group salmon culture programs under the supervision of the department under this chapter;

(c) Salmon culture programs requested by lead entities and approved by the salmon funding recovery board under chapter 77.85 RCW (as recodified by this act);

(d) Hatcheries of federally approved tribes in Washington to whom eggs are moved, not sold, under the interlocal cooperation act, chapter 39.34 RCW; and

(e) Governmental hatcheries in Washington, Oregon, and Idaho.

The order of priority established in this subsection for distributing surplus eggs does not apply when there is a shortfall in the supply of eggs.

(3) All sales, provisions, distributions, or transfers shall be consistent with the department's egg transfer and aquaculture disease control regulations as now existing or hereafter amended. Prior to department determination that eggs of a salmon stock are surplus and available for sale, the department shall assess the productivity of each watershed that is suitable for receiving eggs.

**Sec.**  RCW 77.95.270 and 2001 c 337 s 2 are each amended to read as follows:

Except as provided in RCW 77.95.210 (as recodified by this act), the department may make available to private contractors salmon eggs in excess of department hatchery needs for the purpose of contract rearing to release the smolts into public waters. However, providing salmon eggs as specified in RCW 77.95.210(2) (as recodified by this act) has the highest priority. The priority of providing eggs surplus after meeting the requirements of RCW 77.95.210(2) (as recodified by this act) to contract rearing is a higher priority than providing eggs to aquaculture purposes that are not destined for release into Washington public waters.

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

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

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

(b) Partners under this section must be:

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

(ii) A for-profit private entity; or

(iii) A federally recognized tribe.

(3) The department shall place a higher priority on applications from partners that provide for the maximum resumption or continuation of existing hatchery production in a manner consistent with the mandate contained in ((~~RCW 77.04.012~~)) section 1003 of this act to maintain the economic well-being and stability of the fishing industry.

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

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

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

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

**Sec.**  RCW 77.105.010 and 2003 c 173 s 1 are each amended to read as follows:

There is created within the department ((~~of fish and wildlife~~)) the Puget Sound recreational salmon and marine fish enhancement program. The department ((~~of fish and wildlife~~)) shall identify a coordinator for the program who shall act as spokesperson for the program and shall:

(1) Coordinate the activities of the Puget Sound recreational salmon and marine fish enhancement program, including the Lake Washington salmon fishery; and

(2) Work within and outside of the department to achieve the goals stated in this chapter, including coordinating with the Puget Sound recreational fisheries enhancement oversight committee established in RCW 77.105.160 (as recodified by this act).

**Sec.**  RCW 77.105.020 and 2011 c 266 s 2 are each amended to read as follows:

(1) Consistent with available revenue, ((~~commission~~)) department policies, tribal comanager agreements, and limitations of the endangered species act, the department, in consultation with the oversight committee created in RCW 77.105.160 (as recodified by this act), shall adaptively manage the Puget Sound recreational salmon and marine fish enhancement program to maximize the benefits to the Puget Sound recreational fishery.

(2) The department has the following duties:

(a) The department shall utilize a program of hatchery-based salmon enhancement and solicit support from cooperative projects, regional enhancement groups, and other supporting organizations to improve recreational salmon fishing in Puget Sound.

(b) The department may conduct comprehensive research on resident and migratory salmon production opportunities on marine bottomfish production limitations, and on methods for artificial propagation of depleted marine bottomfish.

(c) The program must facilitate continued and improved recreational fishing opportunities in Puget Sound and Lake Washington as measured by increased angler trips of participation. The coordinator, as identified in RCW 77.105.010 (as recodified by this act), shall assist the oversight committee with development of recommendations for outcome-based goals and objectives to assess the effectiveness of the program.

(d) The director shall meet with the oversight committee each year to review and approve these goals and objectives.

(e) ((~~The director and oversight committee shall report annually to the commission on the goals of the program and the effectiveness of the program in meeting those goals. Objectives include, but are not limited to, an increase in salmon and bottomfish angler trips.~~

~~(f)~~)) The department and the oversight committee shall seek to reach consensus regarding program activities and expenditures. The department shall provide the oversight committee with a written explanation when the department expends funds from the recreational fisheries enhancement account that differs substantially from oversight committee recommendations.

((~~(g)~~)) (f) Consistent with RCW 43.01.036, the department and oversight committee shall make a joint report to the legislature on the effectiveness of this program in biennial reports. Reports must include the goals and objectives of the previous biennium and a determination of whether the goals and objectives were met and an explanation if the department did not meet these specific objectives.

**Sec.**  RCW 77.105.140 and 2000 c 107 s 119 are each amended to read as follows:

As provided in ((~~RCW 77.32.440~~)) section 1094 of this act, a portion of each saltwater and combination fishing license fee shall be deposited in the recreational fisheries enhancement account created in RCW 77.105.150 (as recodified by this act).

**Sec.**  RCW 77.105.150 and 2003 c 173 s 3 are each amended to read as follows:

The recreational fisheries enhancement account is created in the state treasury. All receipts from RCW 77.105.140 (as recodified by this act) shall be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only for recreational fisheries enhancement programs identified in this chapter. Under no circumstances may moneys from the account be used to backfill shortfalls in other state funding sources.

**Sec.**  RCW 77.105.160 and 2011 c 266 s 6 are each amended to read as follows:

(1) The Puget Sound recreational fisheries enhancement oversight committee is created. The director shall appoint at least seven members representing sport fishing interests to the committee from a list of applicants, ensuring broad representation from the sport fishing community. Each member shall serve for a term of two years, and may be reappointed for subsequent two-year terms at the discretion of the director. Members of the committee serve without compensation.

(2) The Puget Sound recreational fisheries enhancement oversight committee has the following duties:

(a) Advise the department on all aspects of the Puget Sound recreational fisheries enhancement program;

(b) Develop recommendations, with assistance from the coordinator, for outcome-based goals and objectives to assess the effectiveness of the program;

(c) Meet with the director each year to review these goals and objectives;

(d) Report annually ((~~with~~)) to the director ((~~to the commission~~)) on the goals of the program and the effectiveness of the program in meeting those goals;

(e) Review and provide guidance on the annual budget for the recreational fisheries enhancement account;

(f) Select a chair of the committee. It is the chair's duty to coordinate with the department on all issues related to the Puget Sound recreational fisheries enhancement program;

(g) Meet at least quarterly with the department's coordinator as identified in RCW 77.105.010 (as recodified by this act) of the Puget Sound recreational fisheries enhancement program;

(h) Review and comment on program documents and proposed production of salmon and other species;

(i) Address other issues related to the purposes of the Puget Sound recreational fisheries enhancement program that are of interest to recreational fishers in Puget Sound; and

(j) Consistent with RCW 43.01.036, make a joint report with the department to the legislature each biennium on the status of the program.

**Sec.**  RCW 77.115.010 and 2000 c 107 s 122 are each amended to read as follows:

(1) The director of agriculture and the director shall jointly develop a program of disease inspection and control for aquatic farmers as defined in RCW 15.85.020. The program shall be administered by the department under rules established under this section. The purpose of the program is to protect the aquaculture industry and wildstock fisheries from a loss of productivity due to aquatic diseases or maladies. As used in this section "diseases" means, in addition to its ordinary meaning, infestations of parasites or pests. The disease program may include, but is not limited to, the following elements:

(a) Disease diagnosis;

(b) Import and transfer requirements;

(c) Provision for certification of stocks;

(d) Classification of diseases by severity;

(e) Provision for treatment of selected high-risk diseases;

(f) Provision for containment and eradication of high-risk diseases;

(g) Provision for destruction of diseased cultured aquatic products;

(h) Provision for quarantine of diseased cultured aquatic products;

(i) Provision for coordination with state and federal agencies;

(j) Provision for development of preventative or control measures;

(k) Provision for cooperative consultation service to aquatic farmers; and

(l) Provision for disease history records.

(2) The ((~~commission~~)) director shall adopt rules implementing this section. However, such rules shall have the prior approval of the director of agriculture and shall provide therein that the director of agriculture has provided such approval. The director of agriculture or the director's designee shall attend the rule-making hearings conducted under chapter 34.05 RCW and shall assist in conducting those hearings. The authorities granted the department by these rules and by RCW 77.12.047(1)(g), 77.60.060 (as recodified by this act), 77.60.080 (as recodified by this act), 77.65.210 (as recodified by this act), ((~~77.115.020,~~)) 77.115.030 (as recodified by this act), and 77.115.040 (as recodified by this act) constitute the only authorities of the department to regulate private sector cultured aquatic products and aquatic farmers as defined in RCW 15.85.020. Except as provided in subsection (3) of this section, no action may be taken against any person to enforce these rules unless the department has first provided the person an opportunity for a hearing. In such a case, if the hearing is requested, no enforcement action may be taken before the conclusion of that hearing.

(3) The rules adopted under this section shall specify the emergency enforcement actions that may be taken by the department, and the circumstances under which they may be taken, without first providing the affected party with an opportunity for a hearing. Neither the provisions of this subsection nor the provisions of subsection (2) of this section shall preclude the department from requesting the initiation of criminal proceedings for violations of the disease inspection and control rules.

(4) A person shall not violate the rules adopted under subsection (2) or (3) of this section or violate RCW 77.115.040 (as recodified by this act).

(5) In administering the program established under this section, the department shall use the services of a pathologist licensed to practice veterinary medicine.

(6) The director in administering the program shall not place constraints on or take enforcement actions in respect to the aquaculture industry that are more rigorous than those placed on the department or other fish-rearing entities.

**Sec.**  RCW 77.115.030 and 2000 c 107 s 124 are each amended to read as follows:

(1) The director shall consult regarding the disease inspection and control program established under RCW 77.115.010 (as recodified by this act) with federal agencies and Indian tribes to assure protection of state, federal, and tribal aquatic resources and to protect private sector cultured aquatic products from disease that could originate from waters or facilities managed by those agencies.

(2) With regard to the program, the director may enter into contracts or interagency agreements for diagnostic field services with government agencies and institutions of higher education and private industry.

(3) The director shall provide for the creation and distribution of a roster of biologists having a specialty in the diagnosis or treatment of diseases of fish or shellfish. The director shall adopt rules specifying the qualifications which a person must have in order to be placed on the roster.

**Sec.**  RCW 77.120.010 and 2017 3rd sp.s. c 17 s 307 are each reenacted and amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Ballast tank" means any tank or hold on a vessel used for carrying ballast water, whether or not the tank or hold was designed for that purpose.

(2) "Ballast water" means any water and matter taken on board a vessel to control or maintain trim, draft, stability, or stresses of the vessel, without regard to the manner in which it is carried.

(3) "Biofouling" means the accumulation of aquatic organisms on a vessel such as attached or associated mobile microorganisms, plants, and animals on surfaces and structures immersed in or exposed to the aquatic environment.

(4) "Empty/refill exchange" means to pump out, until the tank is empty or as close to empty as the master or operator determines is safe, the ballast water taken on in ports, estuarine, or territorial waters, and then refilling the tank with open sea waters.

(5) "Exchange" means to replace the water in a ballast tank using either flow through exchange, empty/refill exchange, or other exchange methodology recommended or required by the United States coast guard.

(6) "Flow through exchange" means to flush out ballast water by pumping in midocean water at the bottom of the tank and continuously overflowing the tank from the top until three full volumes of water have been changed to minimize the number of original organisms remaining in the tank.

(7) "Nonindigenous species" means any species or other viable biological material that enters an ecosystem beyond its natural range.

(8) "Open sea exchange" means an exchange that occurs fifty or more nautical miles offshore. If the United States coast guard requires a vessel to conduct an exchange further offshore, then that distance is the required distance for purposes of compliance with this chapter.

(9) "Recognized marine trade association" means those trade associations in Washington state that promote improved ballast water management practices by educating their members on the provisions of this chapter, participating in regional ballast water coordination through the Pacific ballast water group, assisting the department in the collection of ballast water exchange forms, and the monitoring of ballast water. This includes members of the Puget Sound marine committee for Puget Sound and the Columbia river steamship operators association for the Columbia river.

(10) "Sediments" means any matter settled out of ballast water within a vessel.

(11) "Untreated ballast water" includes exchanged or unexchanged ballast water that has not undergone treatment.

(12) "Vessel" means a ship, boat, barge, or other floating craft of three hundred gross tons or more, United States and foreign, carrying, or capable of carrying, ballast water into the coastal waters of the state after operating outside of the coastal waters of the state, except those vessels described in RCW 77.120.020 (as recodified by this act).

(13) "Voyage" means any transit by a vessel destined for any Washington port.

(14) "Waters of the state" means any surface waters, including internal waters contiguous to state shorelines within the boundaries of the state.

**Sec.**  RCW 77.135.010 and 2017 3rd sp.s. c 17 s 305 are each amended to read as follows:

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Aquatic conveyance" means transportable personal property having the potential to move an aquatic invasive species from one aquatic environment to another. Aquatic conveyances include but are not limited to vessels and associated equipment, float planes, construction equipment, fish tanker trucks, hydroelectric and irrigation equipment, personal fishing and hunting gear, and materials used for aquatic habitat mitigation or restoration.

(2) "Aquatic invasive species" means an invasive species of the animal kingdom with a life cycle that is at least partly dependent upon fresh, brackish, or marine waters. Examples include nutria, waterfowl, amphibians, fish, and shellfish.

(3) "Aquatic plant" means a native or nonnative emergent, submersed, partially submersed, free-floating, or floating-leaved plant species that is dependent upon fresh, brackish, or marine water ecosystems and includes all stages of development and parts.

(4) "Certificate of inspection" means a department-approved document that declares, to the extent technically or measurably possible, that an aquatic conveyance does not carry or contain an invasive species. Certification may be in the form of a decal, label, rubber stamp imprint, tag, permit, locking seal, or written statement.

(5) "Clean and drain" means to remove the following from areas on or within an aquatic conveyance to the extent technically and measurably possible:

(a) Visible native and nonnative aquatic animals, plants, or other organisms; and

(b) Raw water.

(6) "Commercial vessel" means a management category of aquatic conveyances:

(a) Required to have valid marine documentation as a vessel of the United States or similar required documentation for a country other than the United States; and

(b) Not subject to vessel registration requirements under chapter 88.02 RCW or ballast water requirements under chapter 77.120 RCW (as recodified by this act).

(7) "Cryptogenic species" means a species that scientists cannot commonly agree are native or nonnative or are part of the animal kingdom.

(8) "Decontaminate" means, to the extent technically and measurably possible, the application of a treatment to kill, destroy, remove, or otherwise eliminate all known or suspected invasive species carried on or contained within an aquatic conveyance or structural property by use of physical, chemical, or other methods. Decontamination treatments may include drying an aquatic conveyance for a time sufficient to kill aquatic invasive species through desiccation.

(9) "Detect" means the verification of invasive species' presence as defined by the department.

(10) "Eradicate" means, to the extent technically and measurably possible, to kill, destroy, remove, or otherwise eliminate an invasive species from a water body or property using physical, chemical, or other methods.

(11) "Infested site management" means management actions as provided under RCW 77.135.070 (as recodified by this act) that may include long-term actions to contain, control, or eradicate a prohibited species.

(12) "Introduce" means to intentionally or unintentionally release, place, or allow the escape, dissemination, or establishment of an invasive species on or into a water body or property as a result of human activity or a failure to act.

(13) "Invasive species" means nonnative species of the animal kingdom that are not naturally occurring in Washington for purposes of breeding, resting, or foraging, and that pose an invasive risk of harming or threatening the state's environmental, economic, or human resources. Invasive species include all stages of species development and body parts. They may also include genetically modified or cryptogenic species.

(14) "Invasive species council" means the Washington invasive species council established in RCW 79A.25.310 or a similar collaborative state agency forum. The term includes the council and all of its officers, employees, agents, and contractors.

(15) "Mandatory check station" means a location where a person transporting an aquatic conveyance must stop and allow the conveyance to be inspected for aquatic invasive species.

(16) "Possess" means to have authority over the use of an invasive species or use of an aquatic conveyance that may carry or contain an invasive species. For the purposes of this subsection, "authority over" includes the ability to intentionally or unintentionally hold, import, export, transport, purchase, sell, barter, distribute, or propagate an invasive species.

(17) "Prohibited species" means a classification category of nonnative species as provided in RCW 77.135.030 (as recodified by this act).

(18) "Property" means both real and personal property.

(19) "Quarantine declaration" means a management action as provided under RCW 77.135.050 (as recodified by this act) involving the prohibition or conditioning of the movement of aquatic conveyances and waters from a place or an area that is likely to contain a prohibited species.

(20) "Rapid response" means expedited management actions as provided under RCW 77.135.060 (as recodified by this act) triggered when invasive species are detected, for the time-sensitive purpose of containing or eradicating the species before it spreads or becomes further established.

(21) "Raw water" means water from a water body and held on or within property. "Raw water" does not include water from precipitation that is captured in a conveyance, structure, or depression that is not otherwise intended to function as a water body, or water from a potable water supply system, unless the water contains visible aquatic organisms.

(22) "Registered vessel" means a management category of aquatic conveyances required to register as vessels under RCW 88.02.550 or similar requirements for a state other than Washington or a country other than the United States.

(23) "Regulated species" means a classification category of nonnative species as provided in RCW 77.135.030 (as recodified by this act).

(24) "Seaplane" means a management category of aquatic conveyances capable of landing on or taking off from water and required to register as an aircraft under RCW 47.68.250 or similar registration in a state other than Washington or a country other than the United States.

(25) "Small vessel" means a management category of aquatic conveyances including every description of vessel on the water used or capable of being used as a means of transportation on the water, except:

(a) Inner tubes, air mattresses, sailboards, and small rafts or flotation devices or toys customarily used by swimmers;

(b) Vessels meeting registration requirements under chapter 88.02 RCW; and

(c) Seaplanes.

(26) "Water body" means an area that carries or contains a collection of water, regardless of whether the feature carrying or containing the water is natural or nonnatural. Examples include basins, bays, coves, streams, rivers, springs, lakes, wetlands, reservoirs, ponds, tanks, irrigation canals, and ditches.

**Sec.**  RCW 77.135.020 and 2014 c 202 s 103 are each amended to read as follows:

(1) The department is the lead agency for managing invasive species of the animal kingdom statewide. This lead responsibility excludes pests, domesticated animals, or livestock managed by the department of agriculture under Titles 15, 16, and 17 RCW, forest invasive insect and disease species managed by the department of natural resources under Title 76 RCW, and mosquito and algae control and shellfish sanitation managed by the department of health under Titles 69, 70, and 90 RCW.

(2) Subject to the availability of funding for these specific purposes, the department may:

(a) Develop and implement integrated invasive species management actions and programs authorized by this chapter, including rapid response, early detection and monitoring, prevention, containment, control, eradication, and enforcement;

(b) Establish and maintain an invasive species outreach and education program, in coordination with the Washington invasive species council, that covers public, commercial, and professional pathways and interests;

(c) Align management classifications, standards, and enforcement provisions by rule with regional, national, and international standards and enforcement provisions;

(d) Manage invasive species to support the preservation of native species, salmon recovery, and the overall protection of threatened or endangered species;

(e) Participate in local, state, regional, national, and international efforts regarding invasive species to support the intent of this chapter;

(f) Provide technical assistance or other support to tribes, federal agencies, local governments, and private groups to promote an informed public and assist the department in meeting the intent of this chapter;

(g) Enter into partnerships, cooperative agreements, and state or interstate compacts as necessary to accomplish the intent of this chapter;

(h) Research and develop invasive species management tools, including standard methods for decontaminating aquatic conveyances and controlling or eradicating invasive species from water bodies and properties;

(i) Post invasive species signs and information at port districts, privately or publicly owned marinas, state parks, and all boat launches owned or leased by state agencies or political subdivisions; and

(j) Adopt rules as needed to implement the provisions of this chapter.

(3) The department may delegate selected and clearly identified elements of its authorities and duties to another agency of the state with appropriate expertise or administrative capacity upon cooperative agreement with that agency. This delegation may include provisions of funding for implementation of the delegations. The department retains primary authority and responsibility for all requirements of this chapter unless otherwise directed in this chapter.

(4) This chapter does not apply to the possession or introduction of nonnative aquatic animal species by:

(a) Ballast water held or discharged by vessels regulated under chapter 77.120 RCW (as recodified by this act); or

(b) Private sector aquaculture operations, transfers, or conveyances regulated under chapter 77.115 RCW (as recodified by this act).

(5) This chapter does not preempt or replace other department species classification systems or other management requirements under this title. However, the department must streamline invasive species requirements under this chapter into existing permits and cooperative agreements as possible.

**Sec.**  RCW 77.135.050 and 2014 c 202 s 107 are each amended to read as follows:

(1) If the department determines it is necessary to protect the environmental, economic, or human health interests of the state from the threat of a prohibited level 1 or level 2 species, the department may declare a quarantine against a water body, property, or region within the state. The department may prohibit or condition the movement of aquatic conveyances and waters from such a quarantined place or area that are likely to contain a prohibited species.

(2) A quarantine declaration under this section may be implemented separately or in conjunction with rapid response management actions under RCW 77.135.060 (as recodified by this act) and infested site management actions under RCW 77.135.070 (as recodified by this act) in a manner and for a duration necessary to protect the interests of the state from the threat of a prohibited level 1 or level 2 species. A quarantine declaration must include:

(a) The reasons for the action including the prohibited level 1 or level 2 species triggering the quarantine;

(b) The boundaries of the area affected;

(c) The action timeline;

(d) Types of aquatic conveyances and waters affected by the quarantine and any prohibition or conditions on the movement of those aquatic conveyances and waters from the quarantine area; and

(e) Inspection and decontamination requirements for aquatic conveyances.

**Sec.**  RCW 77.135.060 and 2014 c 202 s 108 are each amended to read as follows:

(1) The department may implement rapid response management actions where a prohibited level 1 species is detected in or on a water body or property. Rapid response management actions may: Include expedited actions to contain, control, or eradicate the prohibited species; and, if applicable, be implemented in conjunction with a quarantine declaration. Rapid response management actions must be terminated by the department when it determines that the targeted prohibited level 1 species are:

(a) Eradicated;

(b) Contained or controlled without need for further management actions;

(c) Reclassified for that water body; or

(d) Being managed under infested site management actions pursuant to RCW 77.135.070 (as recodified by this act).

(2) If a rapid response management action exceeds seven days, the department may implement an incident command system for rapid response management including scope, duration, and types of actions and to support mutual assistance and cooperation between the department and other affected state and federal agencies, tribes, local governments, and private water body or property owners. The purpose of this system is to coordinate a rapid, effective, and efficient response to contain, control, and eradicate if feasible, a prohibited level 1 species. Mutual assistance and coordination by other state agencies is especially important to assist the department in expediting necessary state and federal environmental permits.

(3) The department may enter into cooperative agreements with national, regional, state, and local rapid response management action partners to establish incident command system structures, secure or prepare submission-ready environmental permits, and identify mutual assistance commitments in preparation for potential future actions.

(4) The department may perform simulated rapid response exercises, testing, or other training activities to prepare for future rapid response management actions.

(5) In implementing rapid response management actions, the department may enter upon property consistent with the process established under RCW 77.135.170 (as recodified by this act).

**Sec.**  RCW 77.135.070 and 2014 c 202 s 109 are each amended to read as follows:

(1) The department may implement infested site management actions where a prohibited level 2 species is detected in or on a water body or property. Infested site management actions may: Include long-term actions to contain, control, or eradicate the prohibited species; and, if applicable, be implemented in conjunction with a quarantine declaration. Infested site management actions must be terminated by the department when it determines that the targeted prohibited level 2 species are:

(a) Eradicated;

(b) Contained or controlled without need for further management actions; or

(c) Reclassified for that water body.

(2) The department must consult with affected state and federal agencies, tribes, local governments, and private water body or property owners prior to implementing infested site management actions. The purpose of the consultation is to support mutual assistance and cooperation in providing an effective and efficient response to contain, control, and eradicate, if feasible, a prohibited level 2 species.

(3) The department may enter into cooperative agreements with national, regional, state, and local infested site management action partners to establish management responsibilities, secure or prepare submission-ready environmental permits, and identify mutual assistance commitments.

(4) In implementing infested site management actions, the department may enter upon property consistent with the process established under ((~~RCW 77.135.170~~)) this section.

**Sec.**  RCW 77.135.080 and 2014 c 202 s 110 are each amended to read as follows:

(1) To the extent possible, the department's quarantine declarations under RCW 77.135.050 (as recodified by this act), rapid response management actions under RCW 77.135.060 (as recodified by this act), and infested site management actions under RCW 77.135.070 (as recodified by this act) must be implemented in a manner best suited to contain, control, and eradicate prohibited level 1 and level 2 species while protecting human safety, minimizing adverse environmental impacts to a water body or property, and minimizing adverse economic impacts to owners of an affected water body or property.

(2) The department is the lead agency for quarantine declarations, rapid response, and infested site management actions. Where the infested water body is subject to tribal, federal, or other sovereign jurisdiction, the department:

(a) Must consult with appropriate federal agencies, tribal governments, other states, and Canadian government entities to develop and implement coordinated management actions on affected water bodies under shared jurisdiction;

(b) May assist in infested site management actions where these actions may prevent the spread of prohibited species into state water bodies; and

(c) May assist other states and Canadian government entities, in the Columbia river basin, in management actions on affected water bodies outside of the state where these actions may prevent the spread of the species into state water bodies.

(3)(a) The department must provide notice of quarantine declarations, rapid response, and infested site management actions to owners of an affected water body or property. Notice may be provided by any reasonable means, such as in person, by United States postal service, by publication in a local newspaper, by electronic publication including social media or postings on the department's public web site, or by posting signs at the water body.

(b) The department must provide updates to owners of an affected water body or property based on management action type as follows:

(i) Every seven days for a rapid response management action and, if applicable, a quarantine declaration implemented in conjunction with a rapid response management action;

(ii) Every six months for a separate quarantine declaration;

(iii) Annually for the duration of an infested site management action and, if applicable, a quarantine declaration implemented in conjunction with an infested site management action; and

(iv) A final update at the conclusion of any management action.

(c) In addition to owners of an affected water body or property, the department must provide notice of a quarantine declaration to members of the public by any reasonable means for an area subject to a quarantine declaration, such as by publication in a local newspaper, by electronic publication including social media or postings on the department's public web site, or by posting signs at the water body. The department must provide updates at reasonable intervals and a final update at the conclusion of the quarantine declaration.

(4) The department must publicly list those water bodies or portions of water bodies in which a prohibited level 1 or level 2 species has been detected. The department may list those areas in which a prohibited level 3 species has been detected.

(5) When posting signs at a water body or property where a prohibited species has been detected, the department must consult with owners of the affected water body or property regarding placement of those signs.

**Sec.**  RCW 77.135.100 and 2014 c 202 s 112 are each amended to read as follows:

(1) A person in possession of an aquatic conveyance who enters Washington by road, air, or water is required to have a certificate of inspection. A person must provide this certificate of inspection upon request by a ((~~fish and wildlife~~)) fisheries officer or ex officio fish and wildlife officer.

(2) The department must adopt rules to implement this section including:

(a) Types of aquatic conveyances required to have a certificate of inspection;

(b) Allowable certificate of inspection forms including passport type systems and integration with existing similar permits;

(c) Situations when authorization can be obtained for transporting an aquatic conveyance not meeting inspection requirements to a specified location within the state where certificate of inspection requirements can be provided; and

(d) Situations where aquatic conveyances are using shared boundary waters of the state, such as portions of the Columbia river, lake Osoyoos, and the Puget Sound.

**Sec.**  RCW 77.135.110 and 2017 3rd sp.s. c 17 s 308 are each amended to read as follows:

(1) A person in possession of an aquatic conveyance must meet clean and drain requirements after the conveyance's use in or on a water body or property. A certificate of inspection is not needed to meet clean and drain requirements.

(2) A ((~~fish and wildlife~~)) fisheries officer or ex officio fish and wildlife officer may order a person transporting an aquatic conveyance not meeting clean and drain requirements to:

(a) Clean and drain the conveyance at the discovery site, if the department determines there are sufficient resources available; or

(b) Transport the conveyance to a reasonably close location where resources are sufficient to meet the clean and drain requirements.

(3) This section may be enforced immediately on the transportation of aquatic plants by registered vessels, small vessels, seaplanes, and commercial vessels. The department must adopt rules to implement all other aspects of clean and drain requirements, including:

(a) Other types of aquatic conveyances subject to this requirement;

(b) When transport of an aquatic conveyance is authorized if clean and drain services are not readily available at the last water body used; and

(c) Exemptions to clean and drain requirements where the department determines there is minimal risk of spreading invasive species.

**Sec.**  RCW 77.135.120 and 2017 3rd sp.s. c 17 s 309 are each amended to read as follows:

(1) The department may establish mandatory check stations to inspect aquatic conveyances for clean and drain requirements and aquatic invasive species. The check stations must be operated by at least one ((~~fish and wildlife~~)) fisheries officer, an ex officio fish and wildlife officer in coordination with the department, or department-authorized representative, and must be plainly marked by signs and operated in a safe manner.

(2) Aquatic conveyances required to stop at mandatory check stations include registered vessels, commercial vessels, and small vessels. The department may establish rules governing other types of aquatic conveyances that must stop at mandatory check stations. The rules must provide sufficient guidance so that a person transporting the aquatic conveyance readily understands that he or she is required to stop.

(3) A person who encounters a mandatory check station while transporting an aquatic conveyance must:

(a) Stop at the mandatory check station;

(b) Allow the aquatic conveyance to be inspected for clean and drain requirements and aquatic invasive species;

(c) Follow clean and drain orders if clean and drain requirements are not met pursuant to RCW 77.135.110 (as recodified by this act); and

(d) Follow decontamination orders pursuant to RCW 77.135.130 (as recodified by this act) if an aquatic invasive species is found.

(4) A person who complies with the department directives under this section is exempt from criminal penalties under RCW 77.15.809 and 77.15.811 (as recodified by this act), civil penalties under RCW 77.15.160((~~(4)~~)), and civil forfeiture under RCW 77.15.070 (as recodified by this act), unless the person has a prior conviction for an invasive species violation within the past five years.

**Sec.**  RCW 77.135.130 and 2014 c 202 s 115 are each amended to read as follows:

(1) Upon discovery of an aquatic conveyance that carries or contains an aquatic invasive species without department authorization, a permit, or as otherwise provided by rule, a ((~~fish and wildlife~~)) fisheries officer or ex officio fish and wildlife officer may issue a decontamination order:

(a) Requiring decontamination at the discovery site, if the situation presents a low risk of aquatic invasive species introduction, and sufficient department resources are available at the discovery site;

(b) Prohibiting the launch of the aquatic conveyance in a water body until decontamination is completed and certified, if the situation presents a low risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site;

(c) Requiring immediate transport of the conveyance to an approved decontamination station, and prohibiting the launch of the conveyance in a water body until decontamination is completed and certified, if the situation presents a moderate risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site; or

(d) Seizing and transporting the aquatic conveyance to an approved decontamination station until decontamination is completed and certified, if the situation presents a high risk of aquatic invasive species introduction, and sufficient department resources are not available at the discovery site.

(2) The person possessing the aquatic conveyance that is subject to orders issued under subsection (1)(b) through (d) of this section must bear any costs for seizure, transportation, or decontamination.

(3) Orders issued under subsection (1)(b) through (d) of this section must be in writing and must include notice of the opportunity for a hearing pursuant to RCW 77.135.140 (as recodified by this act) to determine the validity of the orders.

(4) If a decontamination order is issued under subsection (1)(d) of this section, the department may seize the aquatic conveyance for two working days or a reasonable additional period of time thereafter as needed to meet decontamination requirements. The decontamination period must be based on factors including conveyance size and complexity, type and number of aquatic invasive species present, and decontamination station resource capacity.

(5) If an aquatic conveyance is subject to forfeiture under ((~~RCW 77.15.070~~)) section 1048 of this act, the timelines and other provisions under that section apply to the seizure.

(6) Upon decontamination and issuing a certificate of inspection, an aquatic conveyance must be released to the person in possession of the aquatic conveyance at the time the decontamination order was issued, or to the owner of the aquatic conveyance.

**Sec.**  RCW 77.135.140 and 2014 c 202 s 116 are each amended to read as follows:

(1) A person aggrieved or adversely affected by a quarantine declaration under RCW 77.135.050 (as recodified by this act), a rapid response management action under RCW 77.135.060 (as recodified by this act), an infested site management action under RCW 77.135.070 (as recodified by this act), or a decontamination order under RCW 77.135.130 (as recodified by this act) may contest the validity of the department's actions by requesting a hearing in writing within twenty days of the department's actions.

(2) Hearings must be conducted pursuant to chapter 34.05 RCW and the burden of demonstrating the invalidity of agency action is on the party asserting invalidity. The hearing may be conducted by the director or the director's designee and may occur telephonically.

(3) A hearing on a decontamination order is limited to the issues of whether decontamination was necessary and the reasonableness of costs assessed for any seizure, transportation, and decontamination. If the person in possession of the aquatic conveyance that was decontaminated prevails at the hearing, the person is entitled to reimbursement by the department for any costs assessed by the department or decontamination station operator for the seizure, transportation, and decontamination. If the department prevails at the hearing, the department is not responsible for and may not reimburse any costs.

**Sec.**  RCW 77.135.200 and 2017 3rd sp.s. c 17 s 101 are each amended to read as follows:

The aquatic invasive species management account is created in the state treasury. All receipts directed to the account from RCW 88.02.640 and 77.135.230 (as recodified by this act), as well as legislative appropriations, gifts, donations, fees, and penalties received by the department for aquatic invasive species management, must be deposited into the account. Moneys in the account may be used only after appropriation. Expenditures from the account may only be used to implement aquatic invasive species-related provisions under this title.

**Sec.**  RCW 77.135.210 and 2017 3rd sp.s. c 17 s 201 are each amended to read as follows:

(1) The department may issue aquatic invasive species prevention permits to operators of vessels and aquatic conveyances.

(2) A person must obtain a Washington state aquatic invasive species prevention permit for each seaplane or vessel registered in another state, before placing or operating such a vessel or seaplane on any water body in the state.

(3) The valid aquatic invasive species prevention permit must be present and readily available for inspection by a ((~~fish and wildlife~~)) fisheries officer or ex officio fish and wildlife officer at the location where the vessel or seaplane is placed or operated.

(4) Aquatic invasive species prevention permits for conveyances listed in subsection (2) of this section are not transferable.

**Sec.**  RCW 77.135.220 and 2017 3rd sp.s. c 17 s 202 are each amended to read as follows:

(1) The department may issue aquatic invasive species prevention permits to commercial transporters of vessels and aquatic conveyances.

(2) A person must obtain a Washington state aquatic invasive species prevention permit before commercially transporting into or through the state one or more of the following conveyances that have previously been placed or operated in the waters of any state or country: (a) A small vessel; (b) a registered vessel; (c) a seaplane; or (d) a commercial vessel.

(3) The valid aquatic invasive species prevention permit must be present and readily available for inspection upon request by a ((~~fish and wildlife~~)) fisheries officer or ex officio fish and wildlife officer at any location where the listed conveyance is associated with the transport vehicle.

(4) The aquatic invasive species prevention permit is transferable between vehicles and vehicle operators of the same business used to commercially transport aquatic conveyances but a separate permit is required for each vehicle operator commercially transporting aquatic conveyances at any given time.

(5) An aquatic invasive species prevention permit is not required to commercially transport new conveyances if the vehicle operator has documentation present and readily available proving all conveyances originated from the manufacturer or vendor and the conveyances have never been placed or operated in waters of any state or country.

**Sec.**  RCW 77.135.230 and 2017 3rd sp.s. c 17 s 203 are each amended to read as follows:

(1) Washington state aquatic invasive species prevention permits are valid for one year beginning from the date that the permit is marked for activation unless otherwise directed by the department. The permits must be made available for purchase throughout the year through the department's automated licensing system consistent with RCW 77.32.050.

(2) The aquatic invasive species prevention permit fee for a nonresident registered vessel or seaplane as required under RCW 77.135.210 (as recodified by this act) is twenty dollars.

(3) The aquatic invasive species prevention permit fee for a person commercially transporting a small vessel, registered vessel, seaplane, or commercial vessel as required under RCW 77.135.220 (as recodified by this act) is twenty dollars.

(4) The department may adopt rules addressing conditions and costs of obtaining duplicate aquatic invasive species prevention permits.

(5) Permit fees collected under this section must be deposited into the aquatic invasive species management account created in RCW 77.135.200 (as recodified by this act).

(6) Exemptions for aquatic invasive species prevention permits include:

(a) A military vessel or seaplane owned by the United States government; and

(b) A vessel clearly identified as being owned by any federal, tribal, state, or local government agency or other public corporations, and used primarily for governmental purposes.

(7)(a) The following nonresident aquatic conveyances are exempt from aquatic invasive species prevention permit requirements under this section while placed or operated on shared boundary waters of the state:

(i) Vessels having valid state of Idaho or Oregon registration or numbering; and

(ii) Seaplanes or commercial vessels having a valid Idaho or Oregon aquatic invasive species prevention or similar permit.

(b) The department may adopt by rule a regional reciprocity process to further exempt aquatic conveyances from permit requirements under this section in part or whole. A reciprocity system may be implemented only where the participating state or country does not require a Washington resident to purchase an equivalent permit.

**Sec.**  RCW 77.135.240 and 2017 3rd sp.s. c 17 s 302 are each amended to read as follows:

(1) Money in the aquatic invasive species management account created in RCW 77.135.200 (as recodified by this act) may be appropriated to the department to establish an aquatic invasive species local management grant program. The department shall enter into agreement with the recreation and conservation office to administer the grant funds or other financial assistance, assist the department in developing grant program policies and funding criteria, and consult with the department prior to awarding grants. State agencies, cities, counties, tribes, special purpose districts, academic institutions, and nonprofit groups are eligible for competitive grants to:

(a) Manage prohibited level 1 or level 2 aquatic ((~~[invasive]~~)) invasive species at a local level;

(b) Develop rapid response management cooperative agreements for local water bodies;

(c) Develop or implement prohibited species management cooperative agreements for local water bodies; and

(d) Conduct innovative applied research that directly supports on-the-ground prevention, control, and eradication efforts.

(2) The department may give preference to projects that have matching funds, provide in-kind services, or maintain or enhance outdoor recreational opportunities.

NEW SECTION. **Sec.**  A new title is added to the Revised Code of Washington to be codified as Title 75A RCW.

NEW SECTION. **Sec.**  The following sections are codified or recodified as a new chapter in the new title created in section 1196 of this act:

Section 1003 of this act;

Section 1004 of this act;

RCW 77.04.120;

RCW 77.04.160; and

RCW 77.04.170.

NEW SECTION. **Sec.**  The following sections are codified or recodified as a new chapter in the new title created in section 1196 of this act:

Section 1002 of this act;

RCW 77.08.020;

RCW 77.08.022; and

RCW 77.08.024.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

Section 1005 of this act;

RCW 77.12.043;

RCW 77.12.068;

RCW 77.12.275;

RCW 77.12.285;

RCW 77.12.330;

RCW 77.12.420;

RCW 77.12.451;

RCW 77.12.453;

RCW 77.12.455;

RCW 77.12.459;

RCW 77.12.465;

RCW 77.12.550;

RCW 77.12.702;

RCW 77.12.712;

RCW 77.12.714;

RCW 77.12.716;

RCW 77.12.718;

RCW 77.12.732;

RCW 77.12.734;

RCW 77.12.755;

RCW 77.12.760;

RCW 77.12.765;

RCW 77.12.850;

RCW 77.12.852;

RCW 77.12.854;

RCW 77.12.858;

RCW 77.12.860;

RCW 77.12.865; and

RCW 77.12.870.

NEW SECTION. **Sec.**  The following sections are codified or recodified as a new chapter in the new title created in section 1196 of this act:

Section 1018 of this act;

Section 1041 of this act;

Section 1042 of this act;

Section 1043 of this act;

Section 1044 of this act;

Section 1045 of this act;

Section 1046 of this act;

Section 1047 of this act;

Section 1048 of this act;

Section 1049 of this act;

Section 1050 of this act;

Section 1051 of this act;

Section 1052 of this act;

Section 1053 of this act;

Section 1054 of this act;

Section 1055 of this act;

Section 1056 of this act;

Section 1057 of this act;

Section 1058 of this act;

Section 1059 of this act;

Section 1060 of this act;

Section 1061 of this act;

Section 1062 of this act;

Section 1063 of this act;

Section 1064 of this act;

Section 1065 of this act;

Section 1066 of this act;

Section 1067 of this act;

Section 1068 of this act;

Section 1069 of this act;

RCW 77.15.300;

RCW 77.15.310;

RCW 77.15.320;

RCW 77.15.350;

Section 1070 of this act;

RCW 77.15.370;

RCW 77.15.380;

RCW 77.15.382;

RCW 77.15.390;

Section 1071 of this act;

RCW 77.15.500;

RCW 77.15.510;

RCW 77.15.520;

RCW 77.15.522;

RCW 77.15.530;

RCW 77.15.540;

RCW 77.15.550;

RCW 77.15.552;

RCW 77.15.554;

RCW 77.15.565;

RCW 77.15.568;

RCW 77.15.570;

RCW 77.15.580;

RCW 77.15.590;

RCW 77.15.620;

RCW 77.15.630;

RCW 77.15.640;

Section 1072 of this act;

Section 1073 of this act;

Section 1074 of this act;

Section 1075 of this act;

RCW 77.15.740;

RCW 77.15.770;

Section 1076 of this act;

RCW 77.15.805;

RCW 77.15.807;

RCW 77.15.809;

RCW 77.15.811;

RCW 77.15.813; and

Section 1080 of this act.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.18.050; and

RCW 77.18.060.

NEW SECTION. **Sec.**  The following sections are codified or recodified as a new chapter in the new title created in section 1196 of this act:

Section 1083 of this act;

Section 1084 of this act;

Section 1085 of this act;

Section 1086 of this act;

Section 1087 of this act;

Section 1088 of this act;

Section 1089 of this act;

Section 1090 of this act;

Section 1091 of this act;

Section 1092 of this act;

RCW 77.32.410;

Section 1093 of this act;

Section 1094 of this act;

Section 1095 of this act;

Section 1096 of this act;

Section 1097 of this act;

RCW 77.32.520;

Section 1098 of this act;

Section 1099 of this act;

Section 1100 of this act;

Section 1101 of this act;

Section 1102 of this act; and

Section 1103 of this act.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.44.005;

RCW 77.44.007;

RCW 77.44.010;

RCW 77.44.030;

RCW 77.44.040;

RCW 77.44.050;

RCW 77.44.060; and

RCW 77.44.070.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.50.010;

RCW 77.50.020;

RCW 77.50.030;

RCW 77.50.040;

RCW 77.50.050;

RCW 77.50.060;

RCW 77.50.070;

RCW 77.50.080;

RCW 77.50.090;

RCW 77.50.100;

RCW 77.50.110; and

RCW 77.50.120.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.55.011;

RCW 77.55.021;

RCW 77.55.031;

RCW 77.55.041;

RCW 77.55.051;

RCW 77.55.061;

RCW 77.55.081;

RCW 77.55.091;

RCW 77.55.101;

RCW 77.55.111;

RCW 77.55.121;

RCW 77.55.131;

RCW 77.55.141;

RCW 77.55.151;

RCW 77.55.161;

RCW 77.55.171;

RCW 77.55.181;

RCW 77.55.191;

RCW 77.55.201;

RCW 77.55.211;

RCW 77.55.221;

RCW 77.55.231;

RCW 77.55.241;

RCW 77.55.251;

RCW 77.55.261;

RCW 77.55.271;

RCW 77.55.281;

RCW 77.55.291;

RCW 77.55.331;

RCW 77.55.341;

RCW 77.55.351;

RCW 77.55.361; and

RCW 77.55.371.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.57.010;

RCW 77.57.020;

RCW 77.57.030;

RCW 77.57.040;

RCW 77.57.050;

RCW 77.57.060;

RCW 77.57.070; and

RCW 77.57.080.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.60.010;

RCW 77.60.020;

RCW 77.60.030;

RCW 77.60.040;

RCW 77.60.050;

RCW 77.60.060;

RCW 77.60.070;

RCW 77.60.080;

RCW 77.60.090;

RCW 77.60.100;

RCW 77.60.150;

RCW 77.60.160; and

RCW 77.60.170.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.65.010;

RCW 77.65.020;

RCW 77.65.030;

RCW 77.65.040;

RCW 77.65.050;

RCW 77.65.060;

RCW 77.65.070;

RCW 77.65.080;

RCW 77.65.090;

RCW 77.65.100;

RCW 77.65.110;

RCW 77.65.120;

RCW 77.65.130;

RCW 77.65.140;

RCW 77.65.150;

RCW 77.65.160;

RCW 77.65.170;

RCW 77.65.180;

RCW 77.65.190;

RCW 77.65.200;

RCW 77.65.210;

RCW 77.65.220;

RCW 77.65.240;

RCW 77.65.250;

RCW 77.65.260;

RCW 77.65.270;

RCW 77.65.280;

RCW 77.65.310;

RCW 77.65.320;

RCW 77.65.330;

RCW 77.65.340;

RCW 77.65.350;

RCW 77.65.370;

RCW 77.65.380;

RCW 77.65.390;

RCW 77.65.400;

RCW 77.65.410;

RCW 77.65.420;

RCW 77.65.430;

RCW 77.65.440;

RCW 77.65.450;

RCW 77.65.460;

RCW 77.65.480;

RCW 77.65.490;

RCW 77.65.500;

RCW 77.65.510;

RCW 77.65.530;

RCW 77.65.550;

RCW 77.65.560;

RCW 77.65.570;

RCW 77.65.580;

RCW 77.65.590;

RCW 77.65.600; and

RCW 77.65.610.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.70.005;

RCW 77.70.010;

RCW 77.70.020;

RCW 77.70.040;

RCW 77.70.050;

RCW 77.70.060;

RCW 77.70.070;

RCW 77.70.080;

RCW 77.70.090;

RCW 77.70.100;

RCW 77.70.110;

RCW 77.70.120;

RCW 77.70.130;

RCW 77.70.140;

RCW 77.70.150;

RCW 77.70.160;

RCW 77.70.170;

RCW 77.70.180;

RCW 77.70.190;

RCW 77.70.200;

RCW 77.70.210;

RCW 77.70.220;

RCW 77.70.230;

RCW 77.70.240;

RCW 77.70.250;

RCW 77.70.260;

RCW 77.70.280;

RCW 77.70.290;

RCW 77.70.300;

RCW 77.70.310;

RCW 77.70.320;

RCW 77.70.330;

RCW 77.70.340;

RCW 77.70.350;

RCW 77.70.360;

RCW 77.70.370;

RCW 77.70.390;

RCW 77.70.400;

RCW 77.70.410;

RCW 77.70.420;

RCW 77.70.430;

RCW 77.70.440;

RCW 77.70.442;

RCW 77.70.450;

RCW 77.70.460;

RCW 77.70.470;

RCW 77.70.480;

RCW 77.70.490;

RCW 77.70.500; and

RCW 77.70.510.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.80.020;

RCW 77.80.030;

RCW 77.80.040;

RCW 77.80.050; and

RCW 77.80.060.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.85.005;

RCW 77.85.010;

RCW 77.85.020;

RCW 77.85.030;

RCW 77.85.040;

RCW 77.85.050;

RCW 77.85.060;

RCW 77.85.080;

RCW 77.85.090;

RCW 77.85.110;

RCW 77.85.120;

RCW 77.85.130;

RCW 77.85.135;

RCW 77.85.140;

RCW 77.85.150;

RCW 77.85.160;

RCW 77.85.170;

RCW 77.85.180;

RCW 77.85.190;

RCW 77.85.200;

RCW 77.85.220;

RCW 77.85.230; and

RCW 77.85.240.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.95.010;

RCW 77.95.020;

RCW 77.95.030;

RCW 77.95.040;

RCW 77.95.050;

RCW 77.95.060;

RCW 77.95.070;

RCW 77.95.080;

RCW 77.95.090;

RCW 77.95.100;

RCW 77.95.130;

RCW 77.95.140;

RCW 77.95.150;

RCW 77.95.160;

RCW 77.95.170;

RCW 77.95.180;

RCW 77.95.185;

RCW 77.95.190;

RCW 77.95.200;

RCW 77.95.210;

RCW 77.95.220;

RCW 77.95.230;

RCW 77.95.240;

RCW 77.95.250;

RCW 77.95.260;

RCW 77.95.270;

RCW 77.95.280;

RCW 77.95.290;

RCW 77.95.300;

RCW 77.95.310;

RCW 77.95.320;

RCW 77.95.330; and

RCW 77.95.340.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.105.005;

RCW 77.105.010;

RCW 77.105.020;

RCW 77.105.030;

RCW 77.105.050;

RCW 77.105.140;

RCW 77.105.150;

RCW 77.105.160; and

RCW 77.105.170.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.110.010;

RCW 77.110.020;

RCW 77.110.030;

RCW 77.110.040; and

RCW 77.110.900.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.115.010;

RCW 77.115.030; and

RCW 77.115.040.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.120.005;

RCW 77.120.010;

RCW 77.120.020;

RCW 77.120.030;

RCW 77.120.040;

RCW 77.120.050;

RCW 77.120.070;

RCW 77.120.100;

RCW 77.120.110;

RCW 77.120.120;

RCW 77.120.130; and

RCW 77.120.140.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.125.010;

RCW 77.125.020;

RCW 77.125.030; and

RCW 77.125.040.

NEW SECTION. **Sec.**  The following sections are recodified as a new chapter in the new title created in section 1196 of this act:

RCW 77.135.010;

RCW 77.135.020;

RCW 77.135.030;

RCW 77.135.040;

RCW 77.135.050;

RCW 77.135.060;

RCW 77.135.070;

RCW 77.135.080;

RCW 77.135.090;

RCW 77.135.100;

RCW 77.135.110;

RCW 77.135.120;

RCW 77.135.130;

RCW 77.135.140;

RCW 77.135.150;

RCW 77.135.160;

RCW 77.135.170;

RCW 77.135.180;

RCW 77.135.200;

RCW 77.135.210;

RCW 77.135.220;

RCW 77.135.230; and

RCW 77.135.240.

**PART TWO**

**Amendments to Title 77 RCW.**

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

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

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

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

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

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

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

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

The department consists of the state ((~~fish and~~)) wildlife commission and the director. The commission may delegate to the director any of the powers and duties vested in the commission.

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

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

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

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of ((~~fish and~~)) wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of ((~~fish and~~)) wildlife, including representation recommended by organized groups representing ((~~sportfishers, commercial fishers,~~)) hunters, private landowners, and environmentalists. Persons eligible for appointment as ((~~fish and~~)) wildlife commissioners shall comply with the provisions of chapters 42.52 and ((~~42.17~~)) 42.56 RCW.

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

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

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

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

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

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

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

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

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

((~~(6)~~)) (5) The commission shall have final approval authority for the department's budget proposals.

((~~(7)~~)) (6) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.

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

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

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

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

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

(1) The commission and the director of fisheries must appoint an advisory committee to generally represent the interests of hunters and fishers with disabilities on matters including, but not limited to, special hunts, modified sporting equipment, access to public land, and hunting and fishing opportunities. The advisory committee is composed of seven members, each being an individual with a disability. The advisory committee members must represent the entire state. The members must be appointed so that each of the six department administrative regions, as they existed on January 1, 2007, are represented with one resident on the advisory committee. One additional member must be appointed at large. The chair of the advisory committee must be a member of the advisory committee and shall be selected by the members of the advisory committee.

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

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

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

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

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

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

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

(3) The members of the advisory committee are appointed for a four-year term. If a vacancy occurs on the advisory committee prior to the expiration of a term, the commission and the director of fisheries must appoint a replacement within sixty days to complete the term.

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

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

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

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

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

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

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

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

((~~(3)~~)) (2) "Building" means a private domicile, garage, barn, or public or commercial building.

((~~(4)~~)) (3) "Closed area" means a place where the hunting of some or all species of wild animals or wild birds is prohibited.

((~~(5)~~)) (4) "Closed season" means all times, manners of taking, and places or waters other than those established by rule of the commission as an open season. "Closed season" also means all hunting, fishing, taking, or possession of game animals, or game birds((~~, game fish, food fish, or shellfish~~)) that do not conform to the special restrictions or physical descriptions established by rule of the commission as an open season or that have not otherwise been deemed legal to hunt, ((~~fish,~~)) take, harvest, or possess by rule of the commission as an open season.

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

~~(7)~~)) (5) "Commercial" means related to or connected with buying, selling, or bartering.

((~~(8)~~)) (6) "Commission" means the state ((~~fish and~~)) wildlife commission.

((~~(9)~~)) (7) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

((~~(10)~~)) (8) "Contraband" means any property that is unlawful to produce or possess.

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

((~~(12)~~)) (10) "Covered animal species part or product" means any item that contains, or is wholly or partially made from, any covered animal species.

((~~(13)~~)) (11) "Deleterious exotic wildlife" means species of the animal kingdom not native to Washington and designated as dangerous to the environment or wildlife of the state.

((~~(14)~~)) (12) "Department" means the department of ((~~fish and~~)) wildlife.

((~~(15)~~)) (13) "Director" means the director of ((~~fish and~~)) wildlife.

((~~(16)~~)) (14) "Distribute" or "distribution" means either a change in possession for consideration or a change in legal ownership.

((~~(17)~~)) (15) "Endangered species" means wildlife designated by the commission as seriously threatened with extinction.

((~~(18)~~)) (16) "Ex officio fish and wildlife officer" means:

(a) A commissioned officer of a municipal, county, or state agency having as its primary function the enforcement of criminal laws in general, while the officer is acting in the respective jurisdiction of that agency;

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

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

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

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

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

~~(21) "Fish and~~)) (18) Wildlife officer" means a person appointed and commissioned by the director, with authority to enforce this title and rules adopted pursuant to this title, and other statutes as prescribed by the legislature. ((~~Fish and~~)) Wildlife officer includes a person commissioned before June 11, 1998, as a wildlife agent or a fisheries patrol officer.

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

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

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

~~(25)~~)) (19) "Food, food waste, or other substance" includes human and pet food or other waste or garbage that could attract large wild carnivores.

((~~(26) "Freshwater" means all waters not defined as saltwater including, but not limited to, rivers upstream of the river mouth, lakes, ponds, and reservoirs.~~

~~(27)~~)) (20) "Fur-bearing animals" means game animals that shall not be trapped except as authorized by the commission.

((~~(28)~~)) (21) "Fur dealer" means a person who purchases, receives, or resells raw furs for commercial purposes.

((~~(29)~~)) (22) "Game animals" means wild animals that shall not be hunted except as authorized by the commission.

((~~(30)~~)) (23) "Game birds" means wild birds that shall not be hunted except as authorized by the commission.

((~~(31)~~)) (24) "Game farm" means property on which wildlife is held, confined, propagated, hatched, fed, or otherwise raised for commercial purposes, trade, or gift. The term "game farm" does not include publicly owned facilities.

((~~(32)~~)) (25) "Game reserve" means a closed area where hunting for all wild animals and wild birds is prohibited.

((~~(33)~~)) (26) "To hunt" and its derivatives means an effort to kill, injure, harass, harvest, or capture a wild animal or wild bird.

((~~(34)~~)) (27) "Illegal items" means those items unlawful to be possessed.

((~~(35)~~)) (28)(a) "Intentionally feed, attempt to feed, or attract" means to purposefully or knowingly provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building.

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

((~~(36)~~)) (29) "Large wild carnivore" includes wild bear, cougar, and wolf.

((~~(37)~~)) (30) "License year" means the period of time for which a recreational license is valid. The license year begins April 1st, and ends March 31st.

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

~~(39) "Limited fish seller" means a licensed commercial fisher who sells his or her fish or shellfish to anyone other than a wholesale fish buyer thereby triggering the need to obtain a limited fish seller endorsement under RCW 77.65.510.~~

~~(40)~~)) (31) "Money" means all currency, script, personal checks, money orders, or other negotiable instruments.

((~~(41)~~)) (32) "Natural person" means a human being.

((~~(42)~~)) (33)(a) "Negligently feed, attempt to feed, or attract" means to provide, leave, or place in, on, or about any land or building any food, food waste, or other substance that attracts or could attract large wild carnivores to that land or building, without the awareness that a reasonable person in the same situation would have with regard to the likelihood that the food, food waste, or other substance could attract large wild carnivores to the land or building.

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

((~~(43)~~)) (34) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

((~~(44)~~)) (35) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

((~~(45)~~)) (36) "Open season" means those times, manners of taking, and places or waters established by rule of the commission for the lawful hunting, ((~~fishing,~~)) taking, or possession of game animals((~~,~~)) or game birds((~~, game fish, food fish, or shellfish~~)) that conform to the special restrictions or physical descriptions established by rule of the commission or that have otherwise been deemed legal to hunt, ((~~fish,~~)) take, or possess by rule of the commission. "Open season" includes the first and last days of the established time.

((~~(46)~~)) (37) "Owner" means the person in whom is vested the ownership dominion, or title of the property.

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

((~~(48)~~)) (39) "Personal property" or "property" includes both corporeal and incorporeal personal property and includes, among other property, contraband and money.

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

~~(50)~~)) (40) "Predatory birds" means wild birds that may be hunted throughout the year as authorized by the commission.

((~~(51)~~)) (41) "To process" and its derivatives mean preparing or preserving fish, wildlife, or shellfish.

((~~(52)~~)) (42) "Protected wildlife" means wildlife designated by the commission that shall not be hunted or fished.

((~~(53)~~)) (43) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

((~~(54)~~)) (44) "Resident" has the same meaning as defined in RCW 77.08.075.

((~~(55)~~)) (45) "Saltwater" means those marine waters seaward of river mouths.

((~~(56) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.~~

~~(57)~~)) (46) "Senior" means a person seventy years old or older.

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

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

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

~~(60) "Shellfish" means those species of marine and freshwater invertebrates that have been classified and that shall not be taken or possessed except as authorized by rule of the commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.~~

~~(61)~~)) (47) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

((~~(62)~~)) (48) "To take" and its derivatives means to kill, injure, harvest, or capture a fish, shellfish, wild animal, bird, or seaweed.

((~~(63)~~)) (49) "Taxidermist" means a person who, for commercial purposes, creates lifelike representations of fish and wildlife using fish and wildlife parts and various supporting structures.

((~~(64)~~)) (50) "Trafficking" means offering, attempting to engage, or engaging in sale, barter, or purchase of fish, shellfish, wildlife, or deleterious exotic wildlife.

((~~(65)~~)) (51) "To trap" and its derivatives means a method of hunting using devices to capture wild animals or wild birds.

((~~(66)~~)) (52) "Unclaimed" means that no owner of the property has been identified or has requested, in writing, the release of the property to themselves nor has the owner of the property designated an individual to receive the property or paid the required postage to effect delivery of the property.

((~~(67)~~)) (53) "Unclassified wildlife" means wildlife existing in Washington in a wild state that have not been classified as big game, game animals, game birds, predatory birds, protected wildlife, endangered wildlife, or deleterious exotic wildlife.

((~~(68)~~)) (54) "To waste" or "to be wasted" means to allow any edible portion of any game bird, food fish, game fish, shellfish, or big game animal other than cougar to be rendered unfit for human consumption, or to fail to retrieve edible portions of such a game bird, food fish, game fish, shellfish, or big game animal other than cougar from the field. For purposes of this chapter, edible portions of game birds must include, at a minimum, the breast meat of those birds. Entrails, including the heart and liver, of any wildlife species are not considered edible.

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

~~(70)~~)) (55) "Wild animals" means those species of the class Mammalia whose members exist in Washington in a wild state. The term "wild animal" does not include feral domestic mammals or old world rats and mice of the family Muridae of the order Rodentia.

((~~(71)~~)) (56) "Wild birds" means those species of the class Aves whose members exist in Washington in a wild state.

((~~(72)~~)) (57) "Wildlife" means all species of the animal kingdom whose members exist in Washington in a wild state. This includes but is not limited to mammals, birds, reptiles, amphibians, fish, and invertebrates. The term "wildlife" does not include feral domestic mammals, old world rats and mice of the family Muridae of the order Rodentia, or those fish, shellfish, and marine invertebrates classified as food fish or shellfish by the director. The term "wildlife" includes all stages of development and the bodily parts of wildlife members.

((~~(73)~~)) (58) "Wildlife meat cutter" means a person who packs, cuts, processes, or stores wildlife for consumption for another for commercial purposes.

((~~(74)~~)) (59) "Youth" means a person fifteen years old for fishing and under sixteen years old for hunting.

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

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

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

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

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

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

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

((~~(7)~~)) (6) If the director determines that a species of the animal kingdom, not native to Washington, is dangerous to the environment or wildlife of the state, the director may request its designation as deleterious exotic wildlife. The commission may designate deleterious exotic wildlife.

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

**Sec.**  RCW 77.12.039 and 2001 c 253 s 11 are each amended to read as follows:

(1) The director may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state wildlife((~~, fish, and shellfish resources,~~)) or in settlement of claims for damages to wildlife((~~, fish, and shellfish~~)) resources. The director shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of ((~~fish, shellfish, and~~)) wildlife resources.

(2) The director of fisheries may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state fish and shellfish resources, or in settlement of claims for damages to fish and shellfish resources. The director shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of fish and shellfish resources.

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

Consistent with federal law, the commission's and department of fisheries' authority extends to all areas and waters within the territorial boundaries of the state, to the offshore waters, and to the concurrent waters of the Columbia river.

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

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

**Sec.**  RCW 77.12.047 and 2017 c 159 s 2 are each amended to read as follows:

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

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

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

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

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife((~~, fish, shellfish, or seaweed~~)) within the state, whether acquired within or without the state. However, the rules of the department must prohibit any person, including department staff, from translocating a live elk from an area with elk affected by hoof disease to any other location except:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(b) "Immediate family member"~~)) For the purposes of this section, "immediate family member" means a spouse, brother, sister, grandparent, parent, child, or grandchild.

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

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

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

(b) By emergency rule only, the director of fisheries may close or shorten a season for game fish, and after a season has been closed or shortened, may reopen it and reestablish bag limits on game fish during that season. A copy of an emergency rule, certified as a true copy by the director or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

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

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

(c) The director shall determine by random selection the identity of hunters who may hunt within the area of the special hunt and shall determine the conditions and requirements of the selection process. Within this process, the department must maintain a list of all persons holding valid wildlife hunting licenses, arranged by county of residence, who may hunt deer or elk that are causing damage to crops. The department must update the list annually and utilize the list when contacting persons to assist in controlling game damage to crops. The department must make all reasonable efforts to contact individuals residing within the county where the hunting of deer or elk will occur before contacting a person who is not a resident of that county. The department must randomize the names of people on the list in order to provide a fair distribution of the hunting opportunities. Hunters who participate in hunts under this section must report any kills to the department. The department must include a summary of the wildlife harvested in these hunts in the annual game management reports it makes available to the public.

**Sec.**  RCW 77.12.154 and 1998 c 190 s 71 are each amended to read as follows:

The ((~~director, fish and~~)) directors of the departments of wildlife and fisheries, fisheries officers, wildlife officers, ex officio fish and wildlife officers, and ((~~department~~)) employees of the departments of wildlife and fisheries may enter upon any land or waters and remain there while performing their duties without liability for trespass.

It is lawful for aircraft operated by the department to land and take off from the beaches or waters of the state.

**Sec.**  RCW 77.12.184 and 2009 c 333 s 31 are each amended to read as follows:

(1) The departments of wildlife and fisheries shall deposit all moneys received from the following activities into the state wildlife account created in RCW 77.12.170:

(a) The sale of interpretive, recreational, historical, educational, and informational literature and materials;

(b) The sale of advertisements in regulation pamphlets and other appropriate mediums; and

(c) Enrollment fees in department-sponsored educational training events.

(2) Moneys collected under subsection (1) of this section shall be spent primarily for producing regulation booklets for users and for the development, production, reprinting, and distribution of informational and educational materials. The department may also spend these moneys for necessary expenses associated with training activities, and other activities as determined by the director.

(3) Regulation pamphlets may be subsidized through appropriate advertising, but must be made available free of charge to the users.

(4) The director may enter into joint ventures with other agencies and organizations to generate revenue for providing public information and education on wildlife and hunting ((~~and fishing~~)) rules.

(5) The director of fisheries may enter into joint ventures with other agencies and organizations to generate revenue for providing public information and education on fishing rules.

**Sec.**  RCW 77.12.204 and 2001 c 253 s 17 are each amended to read as follows:

The department ((~~of fish and wildlife~~)) shall implement practices necessary to meet the standards developed under RCW ((~~79.01.295~~)) 79.13.610 on agency-owned and managed agricultural and grazing lands. The standards may be modified on a site-specific basis as necessary and as determined by the department ((~~of fish and wildlife~~)) to achieve the goals established under RCW ((~~79.01.295~~)) 79.13.610(1). Existing lessees shall be provided an opportunity to participate in any site-specific field review. Department agricultural and grazing leases issued after December 31, 1994, shall be subject to practices to achieve the standards that meet those developed pursuant to RCW ((~~79.01.295~~)) 79.13.610.

This section shall in no way prevent the department ((~~of fish and wildlife~~)) from managing its lands according to the provisions of RCW 77.04.012, 77.12.210, or rules adopted pursuant to this chapter.

**Sec.**  RCW 77.12.262 and 2000 c 107 s 8 are each amended to read as follows:

(1) The director shall provide compensation insurance for ((~~fish and~~)) wildlife officers, insuring these employees against injury or death in the performance of enforcement duties not covered under the workers' compensation act of the state. The beneficiaries and the compensation and benefits under the compensation insurance shall be the same as provided in chapter 51.32 RCW, and the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020.

(2) The director of the department of fisheries shall provide compensation insurance for fisheries officers insuring these employees against injury or death in the performance of enforcement duties not covered under the workers' compensation act of the state. The beneficiaries and the compensation and benefits under the compensation insurance shall be the same as provided in chapter 51.32 RCW, and the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020.

**Sec.**  RCW 77.12.264 and 2006 c 39 s 2 are each amended to read as follows:

(1) The director shall relieve from active duty ((~~fish and~~)) wildlife officers who are injured in the performance of their official duties to such an extent as to be incapable of active service. While relieved from active duty, the employees shall receive one-half of their salary less any compensation received through the provisions of RCW 41.26.470, 41.40.200, 41.40.220, and 77.12.262.

(2) The director of fisheries shall relieve from active duty fisheries officers who are injured in the performance of their official duties to such an extent as to be incapable of active service. While relieved from active duty, the employees shall receive one-half of their salary less any compensation received through the provisions of RCW 41.26.470, 41.40.200, 41.40.220, and 77.12.262.

**Sec.**  RCW 77.12.320 and 2001 c 253 s 19 are each amended to read as follows:

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

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

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

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

The commission and the director of the department of fisheries may cooperate with the Oregon fish and wildlife commission in the adoption of rules to ensure an annual yield of fish, shellfish, and wildlife on the Columbia river and to prevent the taking of fish, shellfish, and wildlife at places or times that might endanger fish, shellfish, and wildlife.

**Sec.**  RCW 77.12.475 and 2009 c 368 s 1 are each amended to read as follows:

(1) The fish and wildlife equipment revolving account is created in the custody of the state treasurer. The department and the director of the department of fisheries must reimburse the account for all moneys expended from the account. Reimbursements may be made with moneys appropriated to the department, the department of fisheries, or from other moneys otherwise available to the department or the department of fisheries. All moneys generated by the use or repair of vehicles, water vessels, and heavy equipment or generated by the sale or surplusing of vehicles, water vessels, and heavy equipment must be deposited in the account. ((~~The department's~~)) Reimbursements to the department or the department of fisheries may be prorated over the useful life of the vehicle, water vessel, or heavy equipment acquired with moneys from the account.

(2) Expenditures from the account may be used only for the purchase or lease of vehicles, water vessels, and heavy equipment, to include the payment of costs for the operation, repair, and maintenance of the vehicles, water vessels, and heavy equipment.

(3) Only the director ((~~of fish and wildlife or the director's~~)), the director of fisheries, or a designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) For the purposes of this section, the terms and charges for the intra-agency use of vehicles, water vessels, or heavy equipment or for the disposal through sale of vehicles, water vessels, or heavy equipment is solely within the discretion of the department and the director of the department of fisheries and the ((~~department's~~)) determination by the department or the department of fisheries of the terms, charges, or sale price is considered a reasonable term, charge, or sale price.

**Sec.**  RCW 77.12.610 and 2000 c 107 s 225 are each amended to read as follows:

The purposes of RCW 77.12.610 through 77.12.630 are to facilitate the ((~~department's~~)) gathering of biological data by the department and the department of fisheries for managing wildlife, fish, and shellfish resources of this state and to protect these resources by assuring compliance with this title ((~~77~~)) and Title 75A RCW (the new title created in section 1196 of this act), and rules adopted thereunder, in a manner designed to minimize inconvenience to the public.

**Sec.**  RCW 77.12.620 and 2013 c 23 s 240 are each amended to read as follows:

The department ((~~is~~)) and the department of fisheries are authorized to require hunters and fishers occupying a motor vehicle approaching or entering a check station to stop and produce for inspection: (1) Any wildlife, fish, shellfish, or seaweed in their possession; (2) licenses, permits, tags, stamps, or catch record cards, required under this title ((~~77~~)) and Title 75A RCW (the new title created in section 1196 of this act), or rules adopted thereunder. For these purposes, the department ((~~is~~)) and the department of fisheries are authorized to operate check stations which shall be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner.

**Sec.**  RCW 77.12.630 and 2000 c 107 s 227 are each amended to read as follows:

The powers conferred by RCW 77.12.610 through 77.12.630 are in addition to all other powers conferred by law upon the department and the department of fisheries. Nothing in RCW 77.12.610 through 77.12.630 shall be construed to prohibit the department from operating wildlife information stations at which persons shall not be required to stop and report, or from executing arrests, searches, or seizures otherwise authorized by law.

**Sec.**  RCW 77.15.040 and 1998 c 190 s 5 are each amended to read as follows:

District courts have jurisdiction concurrent with superior courts for misdemeanors and gross misdemeanors committed in violation of this chapter and may impose the punishment provided for these offenses. Superior courts have jurisdiction over felonies committed in violation of this chapter. Venue for offenses occurring in offshore waters shall be in a county bordering on the Pacific Ocean, or the county where ((~~fish or~~)) wildlife from the offense are landed.

**Sec.**  RCW 77.15.070 and 2005 c 406 s 2 are each amended to read as follows:

(1) ((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife officers may seize without warrant boats, airplanes, vehicles, motorized implements, conveyances, gear, appliances, or other articles they have probable cause to believe have been held with intent to violate or used in violation of this title or rule of the commission or director. However, ((~~fish and~~)) wildlife officers or ex officio fish and wildlife officers may not seize any item or article, other than for evidence, if under the circumstances, it is reasonable to conclude that the violation was inadvertent. The property seized is subject to forfeiture to the state under this section regardless of ownership. Property seized may be recovered by its owner by depositing with the department or into court a cash bond or equivalent security equal to the value of the seized property but not more than one hundred thousand dollars. Such cash bond or security is subject to forfeiture in lieu of the property. Forfeiture of property seized under this section is a civil forfeiture against property and is intended to be a remedial civil sanction.

(2) In the event of a seizure of property under this section, jurisdiction to begin the forfeiture proceedings shall commence upon seizure. Within fifteen days following the seizure, the seizing authority shall serve a written notice of intent to forfeit property on the owner of the property seized and on any person having any known right or interest in the property seized. Notice may be served by any method authorized by law or court rule, including service by certified mail with return receipt requested. Service by mail is deemed complete upon mailing within the fifteen-day period following the seizure.

(3) Persons claiming a right of ownership or right to possession of property are entitled to a hearing to contest forfeiture. Such a claim shall specify the claim of ownership or possession and shall be made in writing and served on the director within forty-five days of the seizure. If the seizing authority has complied with notice requirements and there is no claim made within forty-five days, then the property shall be forfeited to the state.

(4) If any person timely serves the director with a claim to property, the person shall be afforded an opportunity to be heard as to the person's claim or right. The hearing shall be before the director or director's designee, or before an administrative law judge appointed under chapter 34.12 RCW, except that a person asserting a claim or right may remove the matter to a court of competent jurisdiction if the aggregate value of the property seized is more than five thousand dollars. The department may settle a person's claim of ownership prior to the administrative hearing.

(5) The hearing to contest forfeiture and any subsequent appeal shall be as provided for in chapter 34.05 RCW, the administrative procedure act. The seizing authority has the burden to demonstrate that it had reason to believe the property was held with intent to violate or was used in violation of this title or rule of the commission or director. The person contesting forfeiture has the burden of production and proof by a preponderance of evidence that the person owns or has a right to possess the property and:

(a) That the property was not held with intent to violate or used in violation of this title; or

(b) If the property is a boat, airplane, or vehicle, that the illegal use or planned illegal use of the boat, airplane, or vehicle occurred without the owner's knowledge or consent, and that the owner acted reasonably to prevent illegal uses of such boat, airplane, or vehicle.

(6) A forfeiture of a conveyance encumbered by a perfected security interest is subject to the interest of the secured party if the secured party neither had knowledge of nor consented to the act or omission. No security interest in seized property may be perfected after seizure.

(7) If seized property is forfeited under this section the department may retain it for official use unless the property is required to be destroyed, or upon application by any law enforcement agency of the state, release such property to the agency for the use of enforcing this title, or sell such property, and deposit the proceeds to the fish and wildlife enforcement reward account created in RCW 77.15.425.

**Sec.**  RCW 77.15.075 and 2012 c 176 s 8 are each amended to read as follows:

(1) ((~~Fish and~~)) Wildlife officers shall have and exercise, throughout the state, such police powers and duties as are vested in sheriffs and peace officers generally. ((~~Fish and~~)) Wildlife officers are general authority Washington peace officers.

(2) An applicant for a ((~~fish and~~)) wildlife officer position must be a citizen of the United States of America who can read and write the English language. Before a person may be appointed to act as a ((~~fish and~~)) wildlife officer, the person shall meet the minimum standards for employment with the department, including successful completion of a psychological examination and polygraph examination or similar assessment procedure administered in accordance with the requirements of RCW 43.101.095(2).

(3) Any liability or claim of liability under chapter 4.92 RCW that arises out of the exercise or alleged exercise of authority by a ((~~fish and~~)) wildlife officer rests with the department unless the ((~~fish and~~)) wildlife officer acts under the direction and control of another agency or unless the liability is otherwise assumed under an agreement between the department and another agency.

(4) The department may utilize the services of a volunteer chaplain as provided under chapter 41.22 RCW.

**Sec.**  RCW 77.15.080 and 2014 c 202 s 303 and 2014 c 48 s 3 are each reenacted and amended to read as follows:

Based upon articulable facts that a person is engaged in ((~~fishing,~~)) harvesting((~~,~~)) or hunting activities, ((~~fish and~~)) wildlife officers and ex officio fish and wildlife officers have the authority to temporarily stop the person and check for valid licenses, tags, permits, stamps, or catch record cards, and to inspect all ((~~fish, shellfish, seaweed, and~~)) wildlife in possession as well as the equipment being used to ensure compliance with the requirements of this title. ((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife officers also may request that the person write his or her signature for comparison with the signature on his or her ((~~fishing,~~)) harvesting((~~,~~)) or hunting license. Failure to comply with the request is prima facie evidence that the person is not the person named on the license. ((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife officers may require the person, if age sixteen or older, to exhibit a driver's license or other photo identification.

**Sec.**  RCW 77.15.085 and 2016 c 2 s 4 are each amended to read as follows:

((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife officers may seize without a warrant wildlife((~~, fish, shellfish,~~)) and covered animal species parts and products they have probable cause to believe have been taken, transported, or possessed in violation of this title or rule of the commission or director.

**Sec.**  RCW 77.15.090 and 2001 c 253 s 24 are each amended to read as follows:

On a showing of probable cause that there has been a violation of any ((~~fish, seaweed, shellfish, or~~)) wildlife law of the state of Washington, or upon a showing of probable cause to believe that evidence of such violation may be found at a place, a court shall issue a search warrant or arrest warrant. ((~~Fish and~~)) Wildlife officers may execute any such arrest or search warrant reasonably necessary to their duties under this title and may seize ((~~fish, seaweed, shellfish, and~~)) wildlife or any evidence of a crime and the fruits or instrumentalities of a crime as provided by warrant. The court may have a building, enclosure, vehicle, vessel, container, or receptacle opened or entered and the contents examined.

**Sec.**  RCW 77.15.092 and 2000 c 107 s 213 are each amended to read as follows:

((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife officers may arrest without warrant persons found violating the law or rules adopted pursuant to this title.

**Sec.**  RCW 77.15.094 and 2001 c 253 s 25 are each amended to read as follows:

((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife officers may make a reasonable search without warrant of a vessel, conveyances, vehicles, containers, packages, or other receptacles for ((~~fish, seaweed, shellfish, and~~)) wildlife which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title and seize evidence as needed for law enforcement. This authority does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution. Seizure of property as evidence of a crime does not preclude seizure of the property for forfeiture as authorized by law.

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

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

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

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

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

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

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

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

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

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

((~~(3) Fish and~~)) (2) Wildlife officers may inspect without warrant, at reasonable times and in a reasonable manner, the records required by the department of any retail outlet selling ((~~fish, shellfish, or~~)) wildlife, and, if the officers have probable cause to believe a violation of this title or rules of the commission has occurred, they may inspect without warrant the premises, containers, and ((~~fish, shellfish, and~~)) wildlife of any retail outlet selling ((~~fish, shellfish, or~~)) wildlife.

((~~(4)~~)) (3) Authority granted under this section does not extend to quarters in a boat, building, or other property used exclusively as a private domicile, does not extend to transitory residences in which a person has a reasonable expectation of privacy, and does not allow search and seizure without a warrant if the thing or place is protected from search without warrant within the meaning of Article I, section 7 of the state Constitution.

**Sec.**  RCW 77.15.098 and 2000 c 107 s 215 are each amended to read as follows:

(1) An authorized state, county, or municipal officer may be subject to civil liability under RCW 77.15.070 for willful misconduct or gross negligence in the performance of his or her duties.

(2) The director, the ((~~fish and wildlife~~)) commission, or the department may be subject to civil liability for their willful or reckless misconduct in matters involving the seizure and forfeiture of personal property involved with ((~~fish or~~)) wildlife offenses.

**Sec.**  RCW 77.15.100 and 2016 c 2 s 5 are each amended to read as follows:

(1) ((~~Fish, shellfish, and~~)) Wildlife ((~~are~~)) is property of the state under RCW 77.04.012. ((~~Fish and wildlife officers may sell seized, commercially taken or possessed fish and shellfish to a wholesale buyer and deposit the proceeds into the fish and wildlife enforcement reward account under RCW 77.15.425.~~)) Seized, recreationally taken or possessed ((~~fish, shellfish, and~~)) wildlife may be donated to nonprofit charitable organizations. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

(2) ((~~Fish and~~)) Wildlife officers may dispose of any covered animal species part or product seized through the enforcement of RCW 77.15.135 through a donation to a bona fide educational or scientific institution, solely for the purposes of raising awareness of the trafficking and threatened nature of endangered animals, as allowed under state, federal, and international law.

(3) Unless otherwise provided in this title, ((~~fish, shellfish,~~)) wildlife((~~,~~)) or any covered animal species part or product taken or possessed in violation of this title or department rule shall be forfeited to the state upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions. For criminal cases resulting in other types of dispositions, the ((~~fish, shellfish,~~)) wildlife((~~,~~)) or covered animal species part or product may be returned, or its equivalent value paid, if the ((~~fish, shellfish,~~)) wildlife((~~,~~)) or covered animal species part or product have already been donated or sold.

**Sec.**  RCW 77.15.110 and 2017 3rd sp.s. c 8 s 8 are each amended to read as follows:

(1) For purposes of this chapter, a person acts for commercial purposes if the person engages in conduct that relates to commerce in ((~~fish, seaweed, shellfish, or~~)) wildlife or any parts thereof. Commercial conduct may include taking, delivering, selling, buying, brokering, or trading ((~~fish, seaweed, shellfish, or~~)) wildlife where there is present or future exchange of money, goods, or any valuable consideration. Evidence that a person acts for commercial purposes includes, but is not limited to, the following conduct:

(a) ((~~Using gear typical of that used in commercial fisheries;~~

~~(b)~~)) Exceeding the bag or possession limits for personal use by taking or possessing more than three times the amount of ((~~fish, seaweed, shellfish, or~~)) wildlife allowed;

((~~(c)~~)) (b) Delivering or attempting to deliver ((~~fish, seaweed, shellfish, or~~)) wildlife to a person who sells or resells it;

((~~(d) Taking fish or shellfish using a vessel designated on a commercial fishery license or using gear not authorized in a personal use fishery;~~

~~(e) Using a commercial fishery license;~~

~~(f)~~)) (c) Selling or dealing in raw furs for a fee or in exchange for goods or services;

((~~(g)~~)) (d) Performing taxidermy service on ((~~fish, shellfish, or~~)) wildlife belonging to another person for a fee or receipt of goods or services; or

((~~(h)~~)) (e) Packs, cuts, processes, or stores the meat of wildlife for consumption, for a fee or in exchange for goods or services.

(2) For purposes of this chapter, the value of any ((~~fish, seaweed, shellfish, or~~)) wildlife may be proved based on evidence of legal or illegal sales involving the person charged or any other person, of offers to sell or solicitation of offers to sell by the person charged or by any other person, or of any market price for the ((~~fish, seaweed, shellfish, or~~)) wildlife including market price for farm-raised game animals. The value assigned to specific ((~~fish, seaweed, shellfish, or~~)) wildlife by RCW 77.15.420 may be presumed to be the value of such ((~~fish, seaweed, shellfish, or~~)) wildlife. It is not relevant to proof of value that the person charged misrepresented that the ((~~fish, seaweed, shellfish, or~~)) wildlife was taken in compliance with law if the ((~~fish, seaweed, shellfish, or~~)) wildlife was unlawfully taken and had no lawful market value.

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

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

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

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

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

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

(a) The person has been convicted under subsection (1) of this section or convicted of any crime under this title involving the taking, possessing, or malicious harassment of endangered ((~~fish or~~)) wildlife; and

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

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

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

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

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

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

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

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

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

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

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

(a) Ferruginous hawk, two thousand dollars;

(b) Common loon, two thousand dollars;

(c) Bald eagle, two thousand dollars;

(d) Golden eagle, two thousand dollars; and

(e) Peregrine falcon, two thousand dollars.

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

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

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

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

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

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

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

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

**Sec.**  RCW 77.15.150 and 2001 c 253 s 28 are each amended to read as follows:

(1) A person is guilty of unlawful use of poison or explosives if:

(a) The person lays out, sets out, or uses a drug, poison, or other deleterious substance that kills, injures, harms, or endangers ((~~fish, shellfish, or~~)) wildlife, except if the person is using the substance in compliance with federal and state laws and label instructions; or

(b) The person lays out, sets out, or uses an explosive that kills, injures, harms, or endangers ((~~fish, shellfish, or~~)) wildlife, except if authorized by law or permit of the director.

(2) Unlawful use of poison or explosives is a gross misdemeanor.

**Sec.**  RCW 77.15.160 and 2017 3rd sp.s. c 17 s 303 and 2017 3rd sp.s. c 8 s 42 are each reenacted and amended to read as follows:

The following acts are infractions and must be cited and punished as provided under chapter 7.84 RCW:

(1) ((~~Fishing and shellfishing infractions:~~

~~(a) Barbed hooks: Fishing for personal use with barbed hooks in violation of any department rule.~~

~~(b) Catch recording: Failing to immediately record a catch of fish or shellfish on a catch record card as required by RCW 77.32.430 or department rule.~~

~~(c) Catch reporting: Failing to return a catch record card to the department for other than Puget Sound Dungeness crab, as required by department rule.~~

~~(d) Recreational fishing: Fishing for fish or shellfish and, without yet possessing fish or shellfish, the person:~~

~~(i) Owns, but fails to have in the person's possession the license or the catch record card required by chapter 77.32 RCW for such an activity; or~~

~~(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of fishing for fish or shellfish. This subsection does not apply to use of a net to take fish under RCW 77.15.580 or the unlawful use of shellfish gear for personal use under RCW 77.15.382.~~

~~(e) Seaweed: Taking, possessing, or harvesting less than two times the daily possession limit of seaweed:~~

~~(i) While owning, but not having in the person's possession, the license required by chapter 77.32 RCW; or~~

~~(ii) In violation of any rule of the department or the department of natural resources regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting of seaweed.~~

~~(f) Unclassified fish or shellfish: Taking unclassified fish or shellfish in violation of any department rule by killing, fishing, taking, holding, possessing, or maliciously injuring or harming fish or shellfish that is not classified as game fish, food fish, shellfish, protected fish, or endangered fish.~~

~~(g) Wasting fish or shellfish: Killing, taking, or possessing fish or shellfish having a value of less than two hundred fifty dollars and allowing the fish or shellfish to be wasted.~~

~~(2)~~)) Hunting infractions:

(a) Eggs or nests: Maliciously, and without permit authorization, destroying, taking, or harming the eggs or active nests of a wild bird not classified as endangered or protected. For purposes of this subsection, "active nests" means nests that contain eggs or fledglings.

(b) Unclassified wildlife: Taking unclassified wildlife in violation of any department rule by killing, hunting, taking, holding, possessing, or maliciously injuring or harming wildlife that is not classified as big game, game animals, game birds, protected wildlife, or endangered wildlife.

(c) Wasting wildlife: Killing, taking, or possessing wildlife that is not classified as big game and has a value of less than two hundred fifty dollars, and allowing the wildlife to be wasted.

(d) Wild animals: Hunting for wild animals not classified as big game and, without yet possessing the wild animals, the person owns, but fails to have in the person's possession, all licenses, tags, or permits required by this title.

(e) Wild birds: Hunting for and, without yet possessing a wild bird or birds, the person:

(i) Owns, but fails to have in the person's possession, all licenses, tags, stamps, and permits required under this title; or

(ii) Violates any department rule regarding seasons, closed areas, closed times, or any other rule addressing the manner or method of hunting wild birds.

((~~(3)~~)) (2) Trapping, taxidermy, fur dealing, and wildlife meat cutting infractions:

(a) Recordkeeping and reporting: If a person is a taxidermist, fur dealer, or wildlife meat cutter who is processing, holding, or storing wildlife for commercial purposes, failing to:

(i) Maintain records as required by department rule; or

(ii) Report information from these records as required by department rule.

(b) Trapper's report: Failing to report trapping activity as required by department rule.

((~~(4) Limited fish seller infraction: Failure of a holder of a limited fish seller endorsement to satisfy the food safety requirements to consumers under RCW 77.65.510(2).~~

~~(5)(a) Invasive species management infractions:~~

~~(i) Out-of-state certification: Entering Washington in possession of an aquatic conveyance that does not meet certificate of inspection requirements as provided under RCW 77.135.100;~~

~~(ii) Clean and drain requirements: Possessing an aquatic conveyance that does not meet clean and drain requirements under RCW 77.135.110;~~

~~(iii) Clean and drain orders: Possessing an aquatic conveyance and failing to obey a clean and drain order under RCW 77.135.110 or 77.135.120; and~~

~~(iv) Aquatic invasive species prevention permit requirements: Failing to possess a valid aquatic invasive species prevention permit as required under RCW 77.135.210, 77.135.220, or 77.135.230.~~

~~(b) Unless the context clearly requires otherwise, the definitions in both RCW 77.08.010 and 77.135.010 apply throughout this subsection (5).~~

~~(6)~~)) (3) Other infractions:

(a) Contests: Conducting, holding, or sponsoring a hunting contest((~~, a fishing contest involving game fish,~~)) or a competitive field trial using live wildlife.

(b) Other rules: Violating any other department rule that is designated by rule as an infraction.

(c) Posting signs: Posting signs preventing hunting ((~~or fishing~~)) on any land not owned or leased by the person doing the posting, or without the permission of the person who owns, leases, or controls the land posted.

(d) Scientific permits: Using a scientific permit issued by the director for ((~~fish, shellfish, or~~)) wildlife, but not including big game or big game parts, and the person:

(i) Violates any terms or conditions of the scientific permit; or

(ii) Violates any department rule applicable to the issuance or use of scientific permits.

**Sec.**  RCW 77.15.180 and 2014 c 48 s 9 are each amended to read as follows:

(1) A person is guilty of unlawful interference with ((~~fishing or~~)) hunting gear in the second degree if the person:

(a) Removes or releases a wild animal from another person's trap without permission;

(b) Springs, pulls up, damages, possesses, or destroys another person's trap without the owner's permission; or

(c) Interferes with recreational gear used to take ((~~fish or~~)) shellfish.

(2) Unlawful interference with ((~~fishing or~~)) hunting gear in the second degree is a misdemeanor.

(3) ((~~A person is guilty of unlawful interference with fishing or hunting gear in the first degree if the person:~~

~~(a) Removes or releases fish or shellfish from commercial fishing gear without the owner's permission; or~~

~~(b) Intentionally destroys or interferes with commercial fishing gear.~~

~~(4)~~)) Unlawful interference with ((~~fishing or~~)) hunting gear in the first degree is a gross misdemeanor.

((~~(5)~~)) (4) A person is not in violation of unlawful interference with ((~~fishing or~~)) hunting gear if the person removes a trap placed on property owned, leased, or rented by the person.

**Sec.**  RCW 77.15.210 and 2001 c 253 s 30 are each amended to read as follows:

(1) A person is guilty of obstructing the taking of ((~~fish[, shellfish,] or~~)) wildlife if the person:

(a) Harasses, drives, or disturbs ((~~fish, shellfish, or~~)) wildlife with the intent of disrupting lawful pursuit or taking thereof; or

(b) Harasses, intimidates, or interferes with an individual engaged in the lawful taking of ((~~fish, shellfish, or~~)) wildlife or lawful predator control with the intent of disrupting lawful pursuit or taking thereof.

(2) Obstructing the taking of ((~~fish, shellfish, or~~)) wildlife is a gross misdemeanor.

(3) It is an affirmative defense to a prosecution for obstructing the taking of ((~~fish, shellfish, or~~)) wildlife that the person charged was:

(a) Interfering with a person engaged in hunting outside the legally established hunting season; or

(b) Preventing or attempting to prevent unauthorized trespass on private property.

(4) The person raising a defense under subsection (3) of this section has the burden of proof by a preponderance of the evidence.

**Sec.**  RCW 77.15.240 and 2014 c 48 s 11 are each amended to read as follows:

(1)(a) A person is guilty of unlawful use of dogs if the person:

(i) Negligently fails to prevent a dog under the person's control from pursuing, harassing, attacking, or killing deer, elk, moose, caribou, mountain sheep, or animals classified as endangered under this title; or

(ii) Uses the dog to hunt deer or elk.

(b) For the purposes of this subsection, a dog is "under a person's control" if the dog is owned or possessed by, or in the custody of, a person.

(2) Unlawful use of dogs is a misdemeanor.

(3)(a) Based on a reasonable belief that a dog is pursuing, harassing, attacking, or killing a deer, elk, moose, caribou, mountain sheep, or animals classified as protected or endangered under this title, ((~~fish and~~)) wildlife officers and ex officio fish and wildlife officers may:

(i) Lawfully take a dog into custody; or

(ii) If necessary to avoid repeated harassment, injury, or death of wildlife under this section, destroy the dog.

(b) ((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife officers who destroy a dog pursuant to this section are immune from civil or criminal liability arising from their actions.

(4)(a) This section does not apply to a person using a dog to conduct a department-approved and controlled hazing activity, as long as the person prevents or minimizes physical contact between the dog and the wildlife, and the hazing is being done only for the purposes of wildlife control and the prevention of damage to commercial crops.

(b) For the purposes of this subsection, "hazing" means the act of chasing or herding wildlife in an effort to move them from one location to another.

**Sec.**  RCW 77.15.245 and 2005 c 107 s 1 are each amended to read as follows:

(1) Notwithstanding the provisions of RCW 77.12.240, ((~~77.36.020,~~)) 77.36.030, or any other provisions of law, it is unlawful to take, hunt, or attract black bear with the aid of bait.

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

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

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

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

(2) Notwithstanding RCW 77.12.240, ((~~77.36.020,~~)) 77.36.030, or any other provisions of law, it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx with the aid of a dog or dogs.

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

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

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

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

(b) The department shall post on their internet web site the known details of all reported cougar/human, cougar/pet, or cougar/livestock interactions within ten days of receiving the report. The posted material must include, but is not limited to, the location and time of all reported sightings, and the known details of any cougar/livestock incidents.

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

**Sec.**  RCW 77.15.250 and 2014 c 48 s 12 are each amended to read as follows:

(1)(a) A person is guilty of unlawfully releasing, planting, possessing, or placing ((~~fish, shellfish, or~~)) wildlife if the person knowingly releases, plants, possesses, or places live ((~~fish, shellfish,~~)) wildlife((~~, or aquatic plants~~)) within the state in violation of this title or rule of the department, and the ((~~fish, shellfish, or~~)) wildlife ((~~have~~)) has not been classified as deleterious wildlife. ((~~This subsection does not apply to a release of game fish into private waters for which a game fish stocking permit has been obtained, or the planting of fish or shellfish by permit of the commission.~~))

(b) A violation of this subsection is a gross misdemeanor. In addition, the department shall order the person to pay all costs the department incurred in capturing, killing, or controlling the ((~~fish, shellfish, aquatic plants,~~)) wildlife((~~,~~)) or progeny unlawfully released, planted, possessed, or placed. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, or controlling the ((~~fish, shellfish, aquatic plants,~~)) wildlife((~~,~~)) or progeny unlawfully released, planted, possessed, or placed, or the costs of habitat restoration necessitated by the unlawful release, planting, possession, or placing.

(2)(a) A person is guilty of unlawfully releasing, planting, possessing, or placing deleterious exotic wildlife if the person knowingly releases, plants, possesses, or places live ((~~fish, shellfish, or~~)) wildlife within the state in violation of this title or rule of the department, and the ((~~fish, shellfish, or~~)) wildlife ((~~have~~)) has been classified as deleterious exotic wildlife by rule of the commission.

(b) A violation of this subsection is a class C felony. In addition, the department shall order the person to pay all costs the department incurred in capturing, killing, or controlling the ((~~fish, shellfish,~~)) wildlife((~~,~~)) or progeny unlawfully released, planted, possessed, or placed. This does not affect the existing authority of the department to bring a separate civil action to recover costs of capturing, killing, or controlling the ((~~fish, shellfish,~~)) wildlife((~~,~~)) or progeny unlawfully released, planted, possessed, or placed, or the costs of habitat restoration necessitated by the unlawful release, planting, possession, or placing.

**Sec.**  RCW 77.15.260 and 2015 c 141 s 1 are each amended to read as follows:

(1) A person is guilty of unlawful trafficking in ((~~fish, shellfish, or~~)) wildlife in the second degree if the person traffics in ((~~fish, shellfish, or~~)) wildlife with a wholesale value of less than two hundred fifty dollars and:

(a) The ((~~fish, shellfish, or~~)) wildlife is classified as game((~~, food fish, shellfish, game fish,~~)) or protected wildlife and the trafficking is not authorized by statute or department rule; or

(b) The ((~~fish, shellfish, or~~)) wildlife is unclassified and the trafficking violates any department rule.

(2)(a) A person is guilty of unlawful trafficking in ((~~fish, shellfish, or~~)) wildlife in the first degree if the person commits the act described by subsection (1) of this section and:

(i) The ((~~fish, shellfish, or~~)) wildlife has a value of two hundred fifty dollars or more; or

(ii) The ((~~fish, shellfish, or~~)) wildlife is designated as an endangered species or deleterious exotic wildlife and such trafficking is not authorized by any statute or department rule.

(b) For purposes of this subsection (2), whenever any series of transactions that constitute unlawful trafficking would, when considered separately, constitute unlawful trafficking in the second degree due to the value of the ((~~fish, shellfish, or~~)) wildlife, and the series of transactions are part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all the transactions considered when determining the degree of unlawful trafficking involved.

(3)(a) Unlawful trafficking in ((~~fish, shellfish, or~~)) wildlife in the second degree is a class C felony.

(b) Unlawful trafficking in ((~~fish, shellfish, or~~)) wildlife in the first degree is a class B felony.

**Sec.**  RCW 77.15.265 and 2014 c 48 s 24 are each amended to read as follows:

(1) It is unlawful for any person to possess in Washington any ((~~fish, shellfish, or~~)) wildlife that the person knows was taken in another state or country in violation of that state's or country's laws or regulations relating to licenses or tags, seasons, areas, methods, or bag or possession limits.

(2) As used in this section, the ((~~terms "fish," "shellfish," and~~)) term "wildlife" ((~~have~~)) has the meaning ascribed ((~~to those terms~~)) in the applicable law or regulation of the state or country of the ((~~fish's, shellfish's, or~~)) wildlife's origin.

(3) Unlawful possession of ((~~fish, shellfish, or~~)) wildlife taken or possessed in violation of another state's or country's laws or regulations is a gross misdemeanor.

**Sec.**  RCW 77.15.270 and 2001 c 253 s 34 are each amended to read as follows:

(1) A person is guilty of providing false information regarding ((~~fish, shellfish, or~~)) wildlife if the person knowingly provides false or misleading information required by any statute or rule to be provided to the department regarding the taking, delivery, possession, transportation, sale, transfer, or any other use of ((~~fish, shellfish, or~~)) wildlife.

(2) Providing false information regarding ((~~fish, shellfish, or~~)) wildlife is a gross misdemeanor.

**Sec.**  RCW 77.15.280 and 2012 c 176 s 20 are each amended to read as follows:

(1) A person is guilty of violating rules requiring reporting of ((~~fish or~~)) wildlife harvest if the person((~~:~~

~~(a) Fails to make a harvest log report of a commercial fish or shellfish catch in violation of any department rule; or~~

~~(b)~~)) fails to submit any portion of a big game animal for an inspection as required by department rule.

(2) Violating rules requiring reporting of ((~~fish or~~)) wildlife harvest is a misdemeanor.

**Sec.**  RCW 77.15.290 and 2014 c 202 s 304 are each amended to read as follows:

(1) A person is guilty of unlawful transportation of ((~~fish or~~)) wildlife in the second degree if the person:

(a) Knowingly imports, moves within the state, or exports ((~~fish, shellfish, or~~)) wildlife in violation of any department rule governing the transportation or movement of ((~~fish, shellfish, or~~)) wildlife and the transportation does not involve big game, endangered ((~~fish or~~)) wildlife, deleterious exotic wildlife, ((~~or fish, shellfish,~~)) or wildlife having a value greater than two hundred fifty dollars; or

(b) Possesses but fails to affix or notch a big game transport tag as required by department rule.

(2) A person is guilty of unlawful transportation of ((~~fish or~~)) wildlife in the first degree if the person((~~:~~

~~(a)~~)) knowingly imports, moves within the state, or exports ((~~fish, shellfish, or~~)) wildlife in violation of any department rule governing the transportation or movement of ((~~fish, shellfish, or~~)) wildlife and the transportation involves big game, endangered ((~~fish or~~)) wildlife, deleterious exotic wildlife, ((~~or fish, shellfish,~~)) or wildlife with a value of two hundred fifty dollars or more((~~; or~~

~~(b) Knowingly transports shellfish, shellstock, or equipment used in commercial culturing, taking, handling, or processing shellfish without a permit required by authority of this title~~)).

(3)(a) Unlawful transportation of ((~~fish or~~)) wildlife in the second degree is a misdemeanor.

(b) Unlawful transportation of ((~~fish or~~)) wildlife in the first degree is a gross misdemeanor.

(4) This section does not apply to invasive species.

**Sec.**  RCW 77.15.470 and 2014 c 48 s 19 are each amended to read as follows:

(1) A person is guilty of unlawfully avoiding wildlife check stations or field inspections if the person fails to:

(a) Obey check station signs;

(b) Stop and report at a check station if directed to do so by a uniformed ((~~fish and~~)) fisheries or wildlife officer or if directed by an ex officio fish and wildlife officer participating in a department-authorized check station; or

(c) Produce for inspection upon request by a ((~~fish and~~)) fisheries or wildlife officer or ex officio fish and wildlife officer: (i) Hunting or fishing equipment; (ii) seaweed, fish, shellfish, or wildlife; or (iii) licenses, permits, tags, stamps, or catch record cards required by this title.

(2) Unlawfully avoiding wildlife check stations or field inspections is a gross misdemeanor.

(3) Wildlife check stations may not be established upon interstate highways or state routes.

**Sec.**  RCW 77.15.480 and 2014 c 48 s 20 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for taking, harassing, attracting, or decoying wildlife((~~, fish, and shellfish~~)) are public nuisances. If necessary, ((~~fish and~~)) wildlife officers and ex officio fish and wildlife officers may seize, abate, or destroy these public nuisances without warrant or process.

**Sec.**  RCW 77.15.670 and 2013 c 102 s 1 are each amended to read as follows:

(1) A person is guilty of violating a suspension of department privileges in the second degree if the person engages in any activity that is licensed by the department and the person's privileges to engage in that activity were revoked or suspended by any court or the department.

(2) A person is guilty of violating a suspension of department privileges in the first degree if the person commits the act described by subsection (1) of this section and:

(a) The suspension of privileges that was violated was a permanent suspension;

(b) The person takes or possesses more than two hundred fifty dollars' worth of unlawfully taken ((~~food fish,~~)) wildlife((~~, game fish, seaweed, or shellfish~~)); or

(c) The violation involves the hunting, taking, or possession of ((~~fish or~~)) wildlife classified as endangered or threatened or big game.

(3)(a) Violating a suspension of department privileges in the second degree is a gross misdemeanor. Except for violations of child support-based suspensions, which are covered in (c) of this subsection, a conviction under this subsection requires the department to order a permanent suspension of the person's privileges to engage in the hunting or fishing activities that he or she was engaged in when he or she violated a suspension of department privileges in the second degree.

(b) Violating a suspension of department privileges in the first degree is a class C felony. Except for violations of child support-based suspensions, which are covered in (c) of this subsection, a conviction under this subsection requires the department to order a permanent suspension of all of the person's privileges to hunt, ((~~fish,~~)) trap, or take wildlife((~~, food fish, game fish, or shellfish~~)).

(c) Suspension periods for violations of child support-based suspensions are as follows:

(i) If the suspension that the person violated in the second degree was based on noncompliance with child support and was ordered under RCW 74.20A.322 or 77.32.014, then the department must order a suspension of all of the person's privileges to hunt, ((~~fish,~~)) trap, or take wildlife((~~, food fish, game fish, or shellfish~~)) for a period of two years. This suspension is in addition to any suspension required by the statute for the underlying fish or wildlife violation.

(ii) If the suspension that the person violated in the first degree was based on noncompliance with child support and was ordered under RCW 74.20A.322 or 77.32.014, then the department must order a suspension of all of the person's privileges to hunt, ((~~fish,~~)) trap, or take wildlife((~~, food fish, game fish, or shellfish~~)) for a period of four years. This suspension is in addition to any suspension required by the statute for the underlying fish or wildlife violation.

(iii) Suspensions pursuant to (c)(i) and (ii) of this subsection do not affect any underlying hunting ((~~and fishing~~)) privilege suspensions based on noncompliance with child support and ordered under RCW 74.20A.322 or 77.32.014. If a person who is suspended pursuant to (c)(i) and (ii) of this subsection completes the period of suspension ordered under this section but is still suspended for child support noncompliance, the person is prohibited from hunting((~~, fishing,~~)) or engaging in any activity regulated by the department until he or she obtains a release from the department of social and health services and provides a copy of the release to the department.

(4) As used in this section, hunting includes trapping with a trapping license.

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

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

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

(a) RCW 9A.32.030; murder in the first degree;

(b) RCW 9A.32.050; murder in the second degree;

(c) RCW 9A.32.060; manslaughter in the first degree;

(d) RCW 9A.32.070; manslaughter in the second degree;

(e) RCW 9A.36.011; assault in the first degree;

(f) RCW 9A.36.021; assault in the second degree; and

(g) RCW 9A.36.031; assault in the third degree.

**Sec.**  RCW 77.15.750 and 2011 c 320 s 20 are each amended to read as follows:

(1) A person is guilty of unlawful use of a department permit if the person:

(a) Violates any terms or conditions of the permit issued by the department or the director; or

(b) Violates any rule of the commission or the director applicable to the requirement for, issuance of, or use of the permit.

(2)(a) Permits covered under subsection (1) of this section include, but are not limited to, master hunter permits, ((~~crab pot removal permits and shellfish pot removal permits under RCW 77.70.500,~~)) depredation permits, landowner hunting permits, ((~~commercial carp license permits,~~)) permits to possess or dispense beer or malt liquor pursuant to RCW 66.28.210, and permits to hold, sponsor, or attend an event requiring a banquet permit from the liquor ((~~control~~)) and cannabis board.

(b) Permits excluded from subsection (1) of this section include the discover pass created in RCW 79A.80.020, the vehicle access pass created in RCW 79A.80.040, the day-use permit created in RCW 79A.80.030, commercial use or activity permits, noncommercial use or activity permits, parking permits, ((~~experimental fishery permits, trial commercial fishery permits,~~)) and scientific collection permits.

(3) Unlawful use of a department permit is a misdemeanor.

((~~(4) A person is guilty of unlawful use of an experimental fishery permit or a trial commercial fishery permit if the person:~~

~~(a) Violates any terms or conditions of the permit issued by the department or the director; or~~

~~(b) Violates any rule of the commission or the director applicable to the issuance or use of the permit.~~

~~(5) Unlawful use of an experimental fishery permit or a trial commercial fishery permit is a gross misdemeanor.~~

~~(6) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.~~

~~(a) "Experimental fishery permit" means a permit issued by the director for either:~~

~~(i) An "emerging commercial fishery," defined as a fishery for a newly classified species for which the department has determined that there is a need to limit participation; or~~

~~(ii) An "expanding commercial fishery," defined as a fishery for a previously classified species in a new area, by a new method, or at a new effort level, for which the department has determined that there is a need to limit participation.~~

~~(b) "Trial commercial fishery permit" means a permit issued by the department for trial harvest of a newly classified species or harvest of a previously classified species in a new area or by a new means.~~))

**Sec.**  RCW 77.15.780 and 2012 c 176 s 12 are each amended to read as follows:

When seized property, other than ((~~fish, shellfish, and~~)) wildlife, is judicially forfeited to the department, the department may: (1) Retain it for official use unless the property is required to be destroyed; (2) upon application by any law enforcement agency of the state, release the property to the agency for use in enforcing this title; (3) donate the property as provided under RCW 77.130.060; or (4) sell the property and deposit the proceeds into the fish and wildlife enforcement reward account created in RCW 77.15.425. Any sale of the property must be done in accordance with RCW 77.130.010(1) and 77.130.020. However, the requirement in those sections for notice to owners does not apply.

**Sec.**  RCW 77.15.790 and 2012 c 176 s 38 are each amended to read as follows:

(1) A person may not negligently feed or attempt to feed large wild carnivores or negligently attract large wild carnivores to land or a building.

(2) If a ((~~fish and~~)) wildlife officer, ex officio fish and wildlife officer, or animal control authority, as defined in RCW 16.30.010, has probable cause to believe that a person is negligently feeding, attempting to feed, or attracting large wild carnivores to land or a building by placing or locating food, food waste, or other substance in, on, or about any land or building, and the food, food waste, or other substance poses a risk to the safety of any person, livestock, or pet because it is attracting or could attract large wild carnivores to the land or building, that person commits an infraction under chapter 7.84 RCW.

(3) Subsection (2) of this section does not apply to:

(a) A person who is engaging in forest practices in accordance with chapter 76.09 RCW or in hunting or trapping wildlife in accordance with all other applicable provisions of this title or rules of the commission or the director;

(b) A person who is engaging in a farming or ranching operation that is using generally accepted farming or ranching practices consistent with Titles 15 and 16 RCW;

(c) Waste disposal facilities that are operating in accordance with applicable federal, state, and municipal laws;

(d) Entities listed in RCW 16.30.020(1) (a) through (j) and scientific collection permit holders; or

(e) A ((~~fish and~~)) wildlife officer or employee or agent of the department operating under the authority of or upon request from an officer conducting authorized wildlife capture activities to address a threat to human safety or a wildlife interaction as defined in RCW 77.36.010.

(4) For persons and entities listed in subsection (3) of this section, a ((~~fish and~~)) wildlife officer, ex officio fish and wildlife officer, or animal control authority, as defined in RCW 16.30.010, may issue a written warning to the person or entity if:

(a) The officer or animal control authority can articulate facts to support that the person or entity has placed or is responsible for placing food, food waste, or other substance in, on, or about the person's or entity's land or buildings; and

(b) The food, food waste, or other substance poses a risk to the safety of any person, livestock, or pet because the food, food waste, or other substance is attracting or could attract large wild carnivores to the land or buildings.

(5)(a) Any written warning issued under subsection (4) of this section requires the person or entity placing or otherwise responsible for placing the food, food waste, or other substance to contain, move, or remove that food, food waste, or other substance within two days.

(b) If a person who is issued a written warning under (a) of this subsection fails to contain, move, or remove the food, food waste, or other substance as directed, the person commits an infraction under chapter 7.84 RCW.

**Sec.**  RCW 77.15.900 and 1998 c 190 s 126 are each amended to read as follows:

This chapter may be known and cited as the ((~~fish and~~)) wildlife enforcement code.

**Sec.**  RCW 77.32.010 and 2014 c 48 s 26 are each amended to read as follows:

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

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

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

**Sec.**  RCW 77.32.014 and 2001 c 253 s 50 are each amended to read as follows:

Licenses, tags, and stamps issued pursuant to this chapter shall be revoked and the privileges suspended for any period in which a person is certified by the department of social and health services or a court of competent jurisdiction as a person in noncompliance with a support order. ((~~Fish and~~)) Wildlife officers and ex officio fish and wildlife officers shall enforce this section through checks of the department of licensing's computer database. A listing on the department of licensing's database that an individual's license is currently suspended pursuant to RCW 46.20.291(8) shall be prima facie evidence that the individual is in noncompliance with a support order. Presentation of a written release issued by the department of social and health services stating that the person is in compliance with an order shall serve as prima facie proof of compliance with a support order.

**Sec.**  RCW 77.32.050 and 2011 c 339 s 5 are each amended to read as follows:

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

(2) Until September 1, 2011, the department shall charge an additional transaction fee of ten percent on all recreational licenses, permits, tags, stamps, or raffle tickets. These transaction fees must be deposited into the state wildlife account, created in RCW 77.12.170, for funding ((~~fishing and~~)) hunting opportunities for recreational license holders.

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 77.32.240 and 2011 c 339 s 6 are each amended to read as follows:

(1) A scientific permit allows the holder to collect for research or display ((~~food fish, game fish, shellfish, and~~)) wildlife, including avian nests and eggs as required in RCW 77.32.010, under conditions prescribed by the director. Before a permit is issued, the applicant shall demonstrate to the director their qualifications and establish the need for the permit. The director may require a bond of up to one thousand dollars to ensure compliance with the permit. Permits are valid for the time specified, unless sooner revoked.

(2) Holders of permits may exchange specimens with the approval of the director.

(3) A permit holder who violates this section shall forfeit the permit and bond and shall not receive a similar permit for one year. The fee for a scientific permit is twelve dollars. The application fee is one hundred five dollars.

**Sec.**  RCW 77.32.256 and 2003 c 318 s 2 are each amended to read as follows:

The director shall by rule establish the conditions and fees for issuance of duplicate licenses, rebates, permits, tags, and stamps required by this chapter. The fee for duplicate licenses, rebates, permits, tags, and stamps, ((~~except catch record cards,~~)) may not exceed the actual cost to the department for issuing the duplicate.

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

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

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

**Sec.**  RCW 77.32.480 and 2016 c 78 s 1 are each amended to read as follows:

(1) Upon written application, ((~~a combination fishing license shall be issued at the reduced rate of five dollars and~~)) all hunting licenses shall be issued at the reduced rate of a youth hunting license fee for the following individuals:

(a) A resident sixty-five years old or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability;

(b) A resident who is an honorably discharged veteran of the United States armed forces with a thirty percent or more service-connected disability;

(c) A resident with a disability who permanently uses a wheelchair;

(d) A resident who is blind or visually impaired; and

(e) A resident with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability certified by a physician licensed to practice in this state.

(2) Upon department verification of eligibility, a nonstate resident veteran with a disability who otherwise satisfies the criteria of subsection (1)(a) and (b) of this section must be issued ((~~a combination fishing license or~~)) any hunting license at the same cost charged to a nondisabled Washington resident for the same license.

(3) Upon written application and department verification, the following recreational hunting licenses must be issued at no cost to a resident member of the state guard or national guard, as defined in RCW 38.04.010, as long as the state guard or national guard member is: An active full-time state guard or national guard employee; or a state guard or national guard member whose status requires the state guard or national guard member to participate in drill training on a part-time basis:

(a) A small game hunting license under RCW 77.32.460(1);

(b) A supplemental migratory bird permit under RCW 77.32.350; and

(c) A big game hunting license under RCW 77.32.450 (1) and (2).

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

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

**Sec.**  RCW 77.32.540 and 1998 c 190 s 118 are each amended to read as follows:

A person shall not promote, conduct, hold, or sponsor a contest for the hunting ((~~or fishing~~)) of wildlife or a competitive field trial involving live wildlife for hunting dogs without first obtaining a hunting ((~~or fishing~~)) contest permit. Contests and field trials shall be held in accordance with established rules.

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

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

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

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

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

**Sec.**  RCW 77.75.070 and 1994 c 264 s 55 are each amended to read as follows:

The wildlife violator compact is hereby established in the form substantially as follows, and the Washington state department of ((~~fish and~~)) wildlife is authorized to enter into such compact on behalf of the state with all other jurisdictions legally joining therein:

ARTICLE I

FINDINGS, DECLARATION OF

POLICY, AND PURPOSE

(a) The party states find that:

(1) Wildlife resources are managed in trust by the respective states for the benefit of all residents and visitors.

(2) The protection of their respective wildlife resources can be materially affected by the degree of compliance with state statute, law, regulation, ordinance, or administrative rule relating to the management of those resources.

(3) The preservation, protection, management, and restoration of wildlife contributes immeasurably to the aesthetic, recreational, and economic aspects of these natural resources.

(4) Wildlife resources are valuable without regard to political boundaries, therefore, all persons should be required to comply with wildlife preservation, protection, management, and restoration laws, ordinances, and administrative rules and regulations of all party states as a condition precedent to the continuance or issuance of any license to hunt, fish, trap, or possess wildlife.

(5) Violation of wildlife laws interferes with the management of wildlife resources and may endanger the safety of persons and property.

(6) The mobility of many wildlife law violators necessitates the maintenance of channels of communications among the various states.

(7) In most instances, a person who is cited for a wildlife violation in a state other than the person's home state:

(i) Must post collateral or bond to secure appearance for a trial at a later date; or

(ii) If unable to post collateral or bond, is taken into custody until the collateral or bond is posted; or

(iii) Is taken directly to court for an immediate appearance.

(8) The purpose of the enforcement practices described in paragraph (7) of this subdivision is to ensure compliance with the terms of a wildlife citation by the person who, if permitted to continue on the person's way after receiving the citation, could return to the person's home state and disregard the person's duty under the terms of the citation.

(9) In most instances, a person receiving a wildlife citation in the person's home state is permitted to accept the citation from the officer at the scene of the violation and to immediately continue on the person's way after agreeing or being instructed to comply with the terms of the citation.

(10) The practice described in paragraph (7) of this subdivision causes unnecessary inconvenience and, at times, a hardship for the person who is unable at the time to post collateral, furnish a bond, stand trial, or pay the fine, and thus is compelled to remain in custody until some alternative arrangement can be made.

(11) The enforcement practices described in paragraph (7) of this subdivision consume an undue amount of law enforcement time.

(b) It is the policy of the party states to:

(1) Promote compliance with the statutes, laws, ordinances, regulations, and administrative rules relating to management of wildlife resources in their respective states.

(2) Recognize the suspension of wildlife license privileges of any person whose license privileges have been suspended by a party state and treat this suspension as if it had occurred in their state.

(3) Allow violators to accept a wildlife citation, except as provided in subdivision (b) of Article III, and proceed on the violator's way without delay whether or not the person is a resident in the state in which the citation was issued, provided that the violator's home state is party to this compact.

(4) Report to the appropriate party state, as provided in the compact manual, any conviction recorded against any person whose home state was not the issuing state.

(5) Allow the home state to recognize and treat convictions recorded for their residents which occurred in another party state as if they had occurred in the home state.

(6) Extend cooperation to its fullest extent among the party states for obtaining compliance with the terms of a wildlife citation issued in one party state to a resident of another party state.

(7) Maximize effective use of law enforcement personnel and information.

(8) Assist court systems in the efficient disposition of wildlife violations.

(c) The purpose of this compact is to:

(1) Provide a means through which the party states may participate in a reciprocal program to effectuate policies enumerated in subdivision (b) of this article in a uniform and orderly manner.

(2) Provide for the fair and impartial treatment of wildlife violators operating within party states in recognition of the person's right of due process and the sovereign status of a party state.

ARTICLE II

DEFINITIONS

Unless the context requires otherwise, the definitions in this article apply through this compact and are intended only for the implementation of this compact:

(a) "Citation" means any summons, complaint, ticket, penalty assessment, or other official document issued by a wildlife officer or other peace officer for a wildlife violation containing an order which requires the person to respond.

(b) "Collateral" means any cash or other security deposited to secure an appearance for trial, in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

(c) "Compliance" with respect to a citation means the act of answering the citation through appearance at a court, a tribunal, or payment of fines, costs, and surcharges, if any, or both such appearance and payment.

(d) "Conviction" means a conviction, including any court conviction, of any offense related to the preservation, protection, management, or restoration of wildlife which is prohibited by state statute, law, regulation, ordinance, or administrative rule, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, or payment of a penalty assessment, or a plea of nolo contendere, or the imposition of a deferred or suspended sentence by the court.

(e) "Court" means a court of law, including Magistrate's Court and the Justice of the Peace Court.

(f) "Home state" means the state of primary residence of a person.

(g) "Issuing state" means the party state which issues a wildlife citation to the violator.

(h) "License" means any license, permit, or other public document which conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, regulation, ordinance, or administrative rule of a party state.

(i) "Licensing authority" means the department or division within each party state which is authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

(j) "Party state" means any state which enacts legislation to become a member of this wildlife compact.

(k) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of that citation.

(l) "State" means any state, territory, or possession of the United States, the District of Columbia, Commonwealth of Puerto Rico, Provinces of Canada, or other countries.

(m) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges, including the privilege to apply for, purchase, or exercise the benefits conferred by any license.

(n) "Terms of the citation" means those conditions and options expressly stated upon the citation.

(o) "Wildlife" means all species of animals, including but not necessarily limited to mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans, which are defined as "wildlife" and are protected or otherwise regulated by statute, law, regulation, ordinance, or administrative rule in a party state. "Wildlife" also means food fish and shellfish as defined by statute, law, regulation, ordinance, or administrative rule in a party state. Species included in the definition of "wildlife" vary from state to state and determination of whether a species is "wildlife" for the purposes of this compact shall be based on local law.

(p) "Wildlife law" means any statute, law, regulation, ordinance, or administrative rule developed and enacted to manage wildlife resources and the use thereof.

(q) "Wildlife officer" means any individual authorized by a party state to issue a citation for a wildlife violation.

(r) "Wildlife violation" means any cited violation of a statute, law, regulation, ordinance, or administrative rule developed and enacted to manage wildlife resources and the use thereof.

ARTICLE III

PROCEDURES FOR ISSUING STATE

(a) When issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a party state in the same manner as if the person were a resident of the home state and shall not require the person to post collateral to secure appearance, subject to the exceptions contained in subdivision (b) of this article, if the officer receives the person's personal recognizance that the person will comply with the terms of the citation.

(b) Personal recognizance is acceptable:

(1) If not prohibited by local law or the compact manual; and

(2) If the violator provides adequate proof of the violator's identification to the wildlife officer.

(c) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the party state in which the wildlife citation was issued. The report shall be made in accordance with procedures specified by the issuing state and shall contain the information specified in the compact manual as minimum requirements for effective processing by the home state.

(d) Upon receipt of the report of conviction or noncompliance required by subdivision (c) of this article, the licensing authority of the issuing state shall transmit to the licensing authority in the home state of the violator the information in a form and content as contained in the compact manual.

ARTICLE IV

PROCEDURES FOR HOME STATE

(a) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of the issuing state, the licensing authority of the home state shall notify the violator, shall initiate a suspension action in accordance with the home state's suspension procedures and shall suspend the violator's license privileges until satisfactory evidence of compliance with the terms of the wildlife citation has been furnished by the issuing state to the home state licensing authority. Due process safeguards will be accorded.

(b) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter such conviction in its records and shall treat such conviction as if it occurred in the home state for the purposes of the suspension of license privileges.

(c) The licensing authority of the home state shall maintain a record of actions taken and make reports to issuing states as provided in the compact manual.

ARTICLE V

RECIPROCAL RECOGNITION OF SUSPENSION

All party states shall recognize the suspension of license privileges of any person by any state as if the violation on which the suspension is based had in fact occurred in their state and could have been the basis for suspension of license privileges in their state.

ARTICLE VI

APPLICABILITY OF OTHER LAWS

Except as expressly required by provisions of this compact, nothing herein shall be construed to affect the right of any party state to apply any of its laws relating to license privileges to any person or circumstance, or to invalidate or prevent any agreement or other cooperative arrangements between a party state and a nonparty state concerning wildlife law enforcement.

ARTICLE VII

COMPACT ADMINISTRATOR PROCEDURES

(a) For the purpose of administering the provisions of this compact and to serve as a governing body for the resolution of all matters relating to the operation of this compact, a board of compact administrators is established. The board shall be composed of one representative from each of the party states to be known as the compact administrator. The compact administrator shall be appointed by the head of the licensing authority of each party state and will serve and be subject to removal in accordance with the laws of the state the administrator represents. A compact administrator may provide for the discharge of the administrator's duties and the performance of the administrator's functions as a board member by an alternate. An alternate may not be entitled to serve unless written notification of the alternate's identity has been given to the board.

(b) Each member of the board of compact administrators shall be entitled to one vote. No action of the board shall be binding unless taken at a meeting at which a majority of the total number of votes on the board are cast in favor thereof. Action by the board shall be only at a meeting at which a majority of the party states are represented.

(c) The board shall elect annually, from its membership, a chairperson and vice chairperson.

(d) The board shall adopt bylaws, not inconsistent with the provisions of this compact or the laws of a party state, for the conduct of its business and shall have the power to amend and rescind its bylaws.

(e) The board may accept for any of its purposes and functions under this compact all donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any governmental agency, and may receive, utilize, and dispose of the same.

(f) The board may contract with or accept services or personnel from any governmental or intergovernmental agency, individual, firm, corporation, or any private nonprofit organization or institution.

(g) The board shall formulate all necessary procedures and develop uniform forms and documents for administering the provisions of this compact. All procedures and forms adopted pursuant to board action shall be contained in the compact manual.

ARTICLE VIII

ENTRY INTO COMPACT AND WITHDRAWAL

(a) This compact shall become effective when it has been adopted by at least two states.

(b)(1) Entry into the compact shall be made by resolution of ratification executed by the authorized officials of the applying state and submitted to the chairperson of the board.

(2) The resolution shall be in a form and content as provided in the compact manual and shall include statements that in substance are as follows:

(i) A citation of the authority by which the state is empowered to become a party to this compact;

(ii) Agreement to comply with the terms and provisions of the compact; and

(iii) That compact entry is with all states then party to the compact and with any state that legally becomes a party to the compact.

(3) The effective date of entry shall be specified by the applying state, but shall not be less than sixty days after notice has been given by the chairperson of the board of compact administrators or by the secretariat of the board to each party state that the resolution from the applying state has been received.

(c) A party state may withdraw from this compact by official written notice to the other party states, but a withdrawal shall not take effect until ninety days after notice of withdrawal is given. The notice shall be directed to the compact administrator of each member state. No withdrawal shall affect the validity of this compact as to the remaining party states.

ARTICLE IX

AMENDMENTS TO THE COMPACT

(a) This compact may be amended from time to time. Amendments shall be presented in resolution form to the chairperson of the board of compact administrators and may be initiated by one or more party states.

(b) Adoption of an amendment shall require endorsement by all party states and shall become effective thirty days after the date of the last endorsement.

(c) Failure of a party state to respond to the compact chairperson within one hundred twenty days after receipt of the proposed amendment shall constitute endorsement.

ARTICLE X

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes stated herein. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, individual, or circumstance is held invalid, the compact shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

ARTICLE XI

TITLE

This compact shall be known as the wildlife violator compact.

**Sec.**  RCW 77.75.110 and 2000 c 107 s 222 are each amended to read as follows:

To enforce RCW 77.75.120 and 77.75.130, courts in the counties contiguous to the boundary waters, ((~~fish and~~)) fisheries officers, wildlife officers, and ex officio fish and wildlife officers have jurisdiction over the boundary waters to the furthermost shoreline. This jurisdiction is concurrent with the courts and law enforcement officers of Idaho.

**Sec.**  RCW 77.75.120 and 2000 c 107 s 223 are each amended to read as follows:

The taking of wildlife from the boundary waters or islands of the Snake river shall be in accordance with the wildlife laws of the respective states. ((~~Fish and~~)) Fisheries officers, wildlife officers, and ex officio fish and wildlife officers shall honor the license of either state and the right of the holder to take wildlife from the boundary waters and islands in accordance with the laws of the state issuing the license.

**Sec.**  RCW 77.130.010 and 2009 c 333 s 44 are each amended to read as follows:

Whenever any personal property comes into the possession of the officers of the department or the department of fisheries in connection with the official performance of their duties and the personal property remains unclaimed or not taken away for a period of sixty days from the date of written notice to the owner thereof, if known, which notice shall inform the owner of the disposition that may be made of the property under this section and the time that the owner has to claim the property and in all other cases for a period of sixty days from the time the property came into the possession of the department or the department of fisheries, unless the property has been held as evidence in any court, then, in that event, after sixty days from date when the case has been finally disposed of and the property released as evidence by order of the court, the department or the department of fisheries may:

(1) At any time thereafter sell the personal property at public auction to the highest and best bidder for cash in the manner hereinafter provided;

(2) Retain the property for the use of the department or the department of fisheries subject to giving notice in the manner prescribed in RCW 63.35.030 and the right of the owner, or the owner's legal representative, to reclaim the property within one year after receipt of notice, without compensation for ordinary wear and tear if, in the opinion of the director or the director of fisheries, the property consists of firearms or other items specifically usable in law enforcement work. At the end of each calendar year during which there has been such a retention, the department or the department of fisheries shall provide the office of financial management and retain for public inspection a list of such retained items and an estimation of each item's replacement value;

(3) Destroy an item of personal property at the discretion of the director or the director of fisheries if ((~~the director~~)) he or she determines that the following circumstances have occurred:

(a) The property has no substantial commercial value or the probable cost of sale exceeds the value of the property;

(b) The item has been unclaimed by any person after notice procedures have been met, as prescribed in this section; and

(c) The director or the director of fisheries has determined that the item is illegal to possess or sell or unsafe and unable to be made safe for use by any member of the general public;

(4) If the item is not unsafe or illegal to possess or sell, such item, after satisfying the notice requirements as prescribed in this section may be offered by the director to bona fide dealers, in trade for law enforcement equipment, which equipment must be treated as retained property for the purpose of annual listing requirements of subsection (2) of this section; or

(5) At the end of one year, any unclaimed firearm must be disposed of pursuant to RCW 9.41.098(2). Any other item that is not unsafe or illegal to possess or sell, but has been, or may be used, in the judgment of the director or the director of fisheries, in a manner that is illegal, may be destroyed.

**Sec.**  RCW 77.130.020 and 2009 c 333 s 45 are each amended to read as follows:

Before the personal property shall be sold, a notice of such a sale fixing the time and place thereof which shall be at a suitable place, which will be noted in the advertisement for sale, and containing a description of the property to be sold must be published at least once in a newspaper of general circulation in the county in which the property is to be sold at least ten days prior to the date fixed for the auction. The notice must be signed by the director of the department holding the property. If the owner fails to reclaim the property prior to the time fixed for the sale in such a notice, the director of the department holding the property shall conduct the sale and sell the property described in the notice at public auction to the highest and best bidder for cash, and upon payment of the amount of the bid shall deliver the property to the bidder.

**Sec.**  RCW 77.130.050 and 2009 c 333 s 48 are each amended to read as follows:

(1) Chapter 63.24 RCW, unclaimed property in hands of bailee, does not apply to personal property in the possession of the department or the department of fisheries.

(2) The uniform unclaimed property act, chapter 63.29 RCW, does not apply to personal property in the possession of the department or the department of fisheries.

**Sec.**  RCW 77.130.060 and 2009 c 333 s 49 are each amended to read as follows:

In addition to any other method of disposition of unclaimed property provided under this chapter, the department or the department of fisheries may donate unclaimed personal property to nonprofit charitable organizations. A nonprofit charitable organization receiving personal property donated under this section must use the property, or its proceeds, to benefit needy persons. The charitable organization must qualify for tax-exempt status under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code.

NEW SECTION. **Sec.**  RCW 77.15.005 (Finding—Intent) and 1998 c 190 s 1 are each repealed.

**PART THREE**

**Sec.**  RCW 43.17.010 and 2017 3rd sp.s. c 6 s 109 are each amended to read as follows:

There shall be departments of the state government which shall be known as (1) the department of social and health services, (2) the department of ecology, (3) the department of labor and industries, (4) the department of agriculture, (5) the department of ((~~fish and~~)) wildlife, (6) the department of transportation, (7) the department of licensing, (8) the department of enterprise services, (9) the department of commerce, (10) the department of veterans affairs, (11) the department of revenue, (12) the department of retirement systems, (13) the department of corrections, (14) the department of health, (15) the department of financial institutions, (16) the department of archaeology and historic preservation, (17) the department of children, youth, and families, and (18) the Puget Sound partnership, which shall be charged with the execution, enforcement, and administration of such laws, and invested with such powers and required to perform such duties, as the legislature may provide.

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

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

Such officers, except the director of ((~~fish and~~)) wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The director of ((~~fish and~~)) wildlife shall be appointed by the ((~~fish and~~)) wildlife commission as prescribed by RCW 77.04.055.

**Sec.**  RCW 43.300.010 and 1993 sp.s. c 2 s 2 are each amended to read as follows:

There is hereby created a department of state government to be known as the department of ((~~fish and~~)) wildlife. The department shall be vested with all powers and duties transferred to it under this chapter and such other powers and duties as may be authorized by law. ((~~All powers, duties, and functions of the department of fisheries and the department of wildlife are transferred to the department of fish and wildlife. All references in the Revised Code of Washington to the director or the department of fisheries or the director or department of wildlife shall be construed to mean the director or department of fish and wildlife.~~))

**Sec.**  RCW 43.300.020 and 1993 sp.s. c 2 s 3 are each amended to read as follows:

((~~As used in this chapter, unless the context indicates otherwise:~~)) The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Department" means the department of ((~~fish and~~)) wildlife.

(2) "Director" means the director of ((~~fish and~~)) wildlife.

(3) "Commission" means the ((~~fish and~~)) wildlife commission.

**Sec.**  RCW 79A.80.090 and 2017 3rd sp.s. c 1 s 988 are each amended to read as follows:

(1) The recreation access pass account is created in the state treasury. All moneys received from the sale of discover passes and day-use permits must be deposited into the account.

(2) Each fiscal biennium, the first seventy-one million dollars in revenue must be distributed to the agencies in the following manner:

(a) ((~~Eight~~)) Four percent to the department of wildlife and deposited into the state wildlife account created in RCW 77.12.170;

(b) Four percent to the department of ((~~fish and wildlife~~)) fisheries and deposited into the state wildlife account created in RCW 77.12.170;

((~~(b)~~)) (c) Eight percent to the department of natural resources and deposited into the parkland trust revolving fund created in RCW 43.30.385;

((~~(c)~~)) (d) Eighty-four percent to the state parks and recreation commission and deposited into the state parks renewal and stewardship account created in RCW 79A.05.215;

((~~(d)~~)) (e) During the 2015-2017 fiscal biennium, expenditures from the recreation access pass account may be used for Skamania county court costs. During the 2015-2017 and 2017-2019 fiscal biennia, expenditures from the recreation access pass account may be used for the state parks and recreation commission, in partnership with the departments of ((~~fish and~~)) fisheries, wildlife, and natural resources, to develop options and recommendations to improve recreational access fee systems.

(3) Each fiscal biennium, revenues in excess of seventy-one million dollars must be distributed equally among the agencies to the accounts identified in subsection (2) of this section.

NEW SECTION. **Sec.**  The departments of fisheries and wildlife must submit to the legislature, by June 30, 2020, recommendations for the most efficient and effective division of their advisory responsibilities in cooperation with other agencies under the following:

Title 15 RCW;

Title 16 RCW;

Title 70 RCW;

Title 76 RCW;

Title 79 RCW;

Title 79A RCW;

Chapter 88.46 RCW;

Chapter 90.03 RCW;

Chapter 90.48 RCW;

Chapter 90.56 RCW; and

Chapter 90.58 RCW.

**PART FOUR**

NEW SECTION. **Sec.**  This act takes effect January 1, 2019.

NEW SECTION. **Sec.**  Nothing contained in this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 43.300.005 (Purpose) and 1993 sp.s. c 2 s 1; and

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

NEW SECTION. **Sec.**  If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**--- END ---**