

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2078**

Chapter 107, Laws of 2000

56th Legislature  
2000 Regular Session

FISH AND WILDLIFE

EFFECTIVE DATE: 6/8/00

Passed by the House March 6, 2000  
Yeas 98 Nays 0

CLYDE BALLARD  
**Speaker of the House of Representatives**

FRANK CHOPP  
**Speaker of the House of Representatives**

Passed by the Senate March 2, 2000  
Yeas 48 Nays 0

BRAD OWEN  
**President of the Senate**

Approved March 24, 2000

GARY LOCKE  
**Governor of the State of Washington**

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2078** as passed by the House of Representatives and the Senate on the dates hereon set forth.

CYNTHIA ZEHNDER  
**Chief Clerk**

TIMOTHY A. MARTIN  
**Chief Clerk**

FILED

March 24, 2000 - 2:58 p.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 2078**

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Passed Legislature - 2000 Regular Session

AS AMENDED BY THE SENATE

**State of Washington**

**56th Legislature**

**1999 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by  
Representatives Buck, Regala, Eickmeyer and Anderson)

Read first time 03/02/1999.

1       AN ACT Relating to fish and wildlife; amending RCW 75.08.012,  
2 75.08.020, 75.08.040, 75.08.045, 75.08.055, 75.08.080, 75.08.206,  
3 75.08.208, 75.08.230, 75.08.245, 75.10.150, 75.12.230, 75.20.061,  
4 75.20.098, 75.20.100, 75.20.104, 75.20.1041, 75.20.106, 75.20.130,  
5 75.20.320, 75.24.060, 75.24.065, 75.24.070, 75.24.100, 75.24.130,  
6 75.25.092, 75.28.011, 75.28.020, 75.28.034, 75.28.042, 75.28.046,  
7 75.28.047, 75.28.048, 75.28.055, 75.28.095, 75.28.110, 75.28.113,  
8 75.28.114, 75.28.116, 75.28.120, 75.28.125, 75.28.130, 75.28.132,  
9 75.28.133, 75.28.280, 75.28.290, 75.28.300, 75.28.323, 75.28.340,  
10 75.28.730, 75.28.740, 75.28.760, 75.28.770, 75.28.780, 75.30.021,  
11 75.30.050, 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100,  
12 75.30.120, 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180,  
13 75.30.220, 75.30.270, 75.30.280, 75.30.290, 75.30.300, 75.30.320,  
14 75.30.330, 75.30.350, 75.30.370, 75.30.380, 75.30.390, 75.30.420,  
15 75.30.440, 75.30.460, 75.30.470, 75.30.490, 75.30.500, 75.40.020,  
16 75.40.110, 75.44.100, 75.44.120, 75.44.130, 75.44.150, 75.46.010,  
17 75.46.040, 75.46.050, 75.46.070, 75.46.080, 75.46.090, 75.46.100,  
18 75.46.110, 75.46.120, 75.46.160, 75.46.170, 75.46.180, 75.48.100,  
19 75.50.080, 75.50.105, 75.50.115, 75.50.160, 75.52.020, 75.52.050,  
20 75.52.070, 75.52.100, 75.52.110, 75.52.130, 75.52.140, 75.52.160,  
21 75.54.140, 75.54.150, 75.56.050, 75.58.010, 75.58.020, 75.58.030,

1 77.04.010, 77.04.020, 77.04.030, 77.04.055, 77.04.080, 77.04.100,  
2 77.08.010, 77.12.010, 77.12.035, 77.12.055, 77.12.080, 77.12.090,  
3 77.12.103, 77.12.204, 77.12.210, 77.12.220, 77.12.250, 77.12.315,  
4 77.12.470, 77.12.480, 77.12.490, 77.12.610, 77.12.620, 77.12.630,  
5 77.12.655, 77.12.830, 77.12.858, 77.15.070, 77.15.080, 77.15.090,  
6 77.15.100, 77.15.120, 77.15.160, 77.15.300, 77.15.310, 77.15.320,  
7 77.15.350, 77.15.360, 77.15.380, 77.15.390, 77.15.470, 77.15.480,  
8 77.15.500, 77.15.530, 77.15.540, 77.15.570, 77.15.580, 77.15.620,  
9 77.15.630, 77.15.640, 77.15.650, 77.15.710, 77.15.720, 77.16.020,  
10 77.16.360, 77.17.020, 77.18.010, 77.21.090, 77.32.010, 77.32.014,  
11 77.32.050, 77.32.090, 77.32.199, 77.32.250, 77.32.350, 77.32.380, and  
12 77.32.420; reenacting and amending RCW 75.50.100, 75.50.110, and  
13 77.12.170; adding new sections to chapter 77.04 RCW; adding new  
14 sections to chapter 77.08 RCW; adding new sections to chapter 77.12  
15 RCW; adding new sections to chapter 77.15 RCW; adding new sections to  
16 chapter 77.32 RCW; adding new sections to chapter 77.44 RCW; adding new  
17 chapters to Title 77 RCW; creating a new section; recodifying RCW  
18 75.08.012, 75.08.013, 75.08.020, 75.08.090, 75.08.110, 75.08.025,  
19 75.08.040, 75.08.045, 75.08.055, 75.08.058, 75.08.065, 75.08.070,  
20 75.08.080, 75.08.120, 75.08.160, 75.08.206, 75.08.208, 75.08.230,  
21 75.08.235, 75.08.255, 75.08.265, 75.08.285, 75.08.295, 75.08.300,  
22 75.12.010, 75.12.015, 75.12.040, 75.12.132, 75.12.140, 75.12.155,  
23 75.12.210, 75.12.230, 75.12.390, 75.12.440, 75.12.650, 75.20.005,  
24 75.20.015, 75.20.025, 75.20.040, 75.20.050, 75.20.060, 75.20.061,  
25 75.20.090, 75.20.098, 75.20.100, 75.20.103, 75.20.104, 75.20.1041,  
26 75.20.106, 75.20.108, 75.20.110, 75.20.130, 75.20.140, 75.20.150,  
27 75.20.160, 75.20.170, 75.20.180, 75.20.190, 75.20.310, 75.20.320,  
28 75.20.325, 75.20.330, 75.20.340, 75.20.350, 77.12.830, 75.24.010,  
29 75.24.030, 75.24.060, 75.24.065, 75.24.070, 75.24.080, 75.24.100,  
30 75.24.110, 75.24.120, 75.24.130, 75.24.140, 75.24.150, 75.28.010,  
31 75.28.011, 75.28.014, 75.28.020, 75.28.030, 75.28.034, 75.28.040,  
32 75.28.042, 75.28.044, 75.28.045, 75.28.046, 75.28.047, 75.28.048,  
33 75.28.055, 75.28.095, 75.28.110, 75.28.113, 75.28.114, 75.28.116,  
34 75.28.120, 75.28.125, 75.28.130, 75.28.132, 75.28.133, 75.28.280,  
35 75.28.290, 75.28.295, 75.28.300, 75.28.302, 75.28.305, 75.28.315,  
36 75.28.323, 75.28.328, 75.28.340, 75.28.690, 75.28.700, 75.28.710,  
37 75.28.720, 75.28.730, 75.28.740, 75.28.750, 75.28.760, 75.28.770,  
38 75.28.780, 75.28.900, 77.32.191, 77.32.197, 77.32.199, 77.32.211,  
39 75.30.015, 75.30.021, 75.30.050, 75.30.060, 75.30.065, 75.30.070,

1 75.30.090, 75.30.100, 75.30.120, 75.30.125, 75.30.130, 75.30.140,  
 2 75.30.170, 75.30.180, 75.30.210, 75.30.220, 75.30.230, 75.30.240,  
 3 75.30.250, 75.30.260, 75.30.270, 75.30.280, 75.30.290, 75.30.300,  
 4 75.30.310, 75.30.320, 75.30.330, 75.30.350, 75.30.360, 75.30.370,  
 5 75.30.380, 75.30.390, 75.30.410, 75.30.420, 75.30.430, 75.30.440,  
 6 75.30.450, 75.30.460, 75.30.470, 75.30.480, 75.30.490, 75.30.500,  
 7 75.40.010, 75.40.020, 75.40.030, 75.40.040, 75.40.100, 75.40.110,  
 8 77.17.010, 77.17.020, 77.17.030, 77.12.450, 77.12.470, 77.12.480,  
 9 77.12.490, 75.40.060, 77.12.430, 77.12.440, 75.44.100, 75.44.110,  
 10 75.44.120, 75.44.130, 75.44.140, 75.44.150, 75.46.005, 75.46.010,  
 11 75.46.030, 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080,  
 12 75.46.090, 75.46.100, 75.46.110, 75.46.120, 75.46.150, 75.46.160,  
 13 75.46.170, 75.46.180, 75.46.190, 75.46.200, 75.46.210, 75.46.300,  
 14 75.46.350, 75.56.050, 75.46.900, 75.48.020, 75.48.040, 75.48.050,  
 15 75.48.060, 75.48.070, 75.48.080, 75.48.100, 75.48.110, 75.50.010,  
 16 75.50.020, 75.50.030, 75.50.040, 75.50.060, 75.50.070, 75.50.080,  
 17 75.50.090, 75.50.100, 75.50.105, 75.50.110, 75.50.115, 75.50.125,  
 18 75.50.130, 75.50.150, 75.50.160, 75.50.165, 75.50.170, 75.50.180,  
 19 75.50.190, 75.08.245, 75.08.400, 75.08.410, 75.08.420, 75.08.430,  
 20 75.08.440, 75.08.450, 75.08.500, 75.08.510, 75.08.520, 75.08.530,  
 21 75.50.900, 75.52.010, 75.52.020, 75.52.030, 75.52.035, 75.52.040,  
 22 75.52.050, 75.52.060, 75.52.070, 75.08.047, 75.52.080, 75.52.100,  
 23 75.52.110, 75.52.120, 75.52.130, 75.52.140, 75.52.150, 75.52.160,  
 24 75.52.900, 75.54.005, 75.54.010, 75.54.020, 75.54.030, 75.54.040,  
 25 75.54.050, 75.54.060, 75.54.070, 75.54.080, 75.54.090, 75.54.100,  
 26 75.54.110, 75.54.120, 75.54.130, 75.54.140, 75.54.150, 75.54.900,  
 27 75.54.901, 75.56.010, 75.56.020, 75.56.030, 75.56.040, 75.56.900,  
 28 75.56.905, 75.58.010, 75.58.020, 75.58.030, 75.58.040, 75.25.092,  
 29 75.10.150, 77.04.100, 77.16.020, 77.16.095, 77.21.080, 77.12.080,  
 30 77.12.090, 77.12.095, 77.12.103, 77.16.070, 77.16.360, 77.21.090,  
 31 77.12.530, 77.12.770, 77.12.780, 77.16.010, 77.16.170, 77.18.005,  
 32 77.18.010, 77.18.020, and 77.18.030; decodifying RCW 75.25.901,  
 33 75.25.902, 75.30.055, 75.98.005, 75.98.006, 75.98.007, and 75.98.030;  
 34 and repealing RCW 75.08.010, 75.08.011, 75.08.014, 75.08.035,  
 35 75.08.274, 75.10.070, 75.10.160, 75.25.090, 75.25.160, 75.25.210,  
 36 75.28.012, 75.28.335, 75.30.160, 77.08.070, 77.12.101, 77.12.200,  
 37 77.16.210, 77.16.290, 77.16.340, 77.16.350, 77.21.020, 77.21.030,  
 38 77.21.070, 77.32.005, 77.32.060, and 77.44.020.

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

2 NEW SECTION. **Sec. 1.** The purpose of this act is to recodify  
3 Titles 75 and 77 RCW into Title 77 RCW ensuant to the merger of the  
4 departments of wildlife and fisheries.

5 **PART I**  
6 **TITLE 75**  
7 **Amendments**

8 **Sec. 2.** RCW 75.08.012 and 1983 1st ex.s. c 46 s 5 are each amended  
9 to read as follows:

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

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

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

25 The commission shall attempt to maximize the public recreational  
26 game fishing and hunting opportunities of all citizens, including  
27 juvenile, disabled, and senior citizens.

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

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

1       **Sec. 3.** RCW 75.08.020 and 1988 c 36 s 31 are each amended to read  
2 as follows:

3       (1) The director shall investigate the habits, supply, and economic  
4 use of food fish and shellfish in state and offshore waters.

5       (2) The director shall make an annual report to the governor on the  
6 operation of the department and the statistics of the fishing industry.

7       (3) Subject to RCW 40.07.040, the director shall provide a  
8 comprehensive biennial report of all departmental operations to the  
9 chairs of the committees on natural resources (~~((and ways and means))~~) of  
10 the senate and house of representatives, the senate ways and means  
11 committee, and the house of representatives appropriations committee,  
12 including one copy to the staff of each of the committees, to reflect  
13 the previous fiscal period. The format of the report shall be similar  
14 to reports issued by the department from 1964-1970 and the report shall  
15 include, but not be limited to, descriptions of all department  
16 activities including: Revenues generated, program costs, capital  
17 expenditures, personnel, special projects, new and ongoing research,  
18 environmental controls, cooperative projects, intergovernmental  
19 agreements, and outlines of ongoing litigation, recent court decisions  
20 and orders on major issues with the potential for state liability. The  
21 report shall describe the status of the resource and its recreational,  
22 commercial, and tribal utilization. The report (~~((shall be given to the~~  
23 ~~house and senate committees on ways and means and the house and senate~~  
24 ~~committees on natural resources and))~~) shall be made available to the  
25 public.

26       **Sec. 4.** RCW 75.08.040 and 1995 1st sp.s. c 2 s 23 are each amended  
27 to read as follows:

28       The commission may acquire by gift, easement, purchase, lease, or  
29 condemnation lands, buildings, water rights, (~~((and))~~) rights of way, or  
30 other necessary property, and construct and maintain necessary  
31 facilities for purposes consistent with this title. The commission may  
32 authorize the director to acquire property under this section, but the  
33 power of condemnation may only be exercised by the director when an  
34 appropriation has been made by the legislature for the acquisition of  
35 a specific property, except to clear title and acquire access rights of  
36 way.

37       The commission may sell, lease, convey, or grant concessions upon  
38 real or personal property under the control of the department.

1       **Sec. 5.** RCW 75.08.045 and 1995 1st sp.s. c 2 s 24 are each amended  
2 to read as follows:

3       The ((~~commission~~)) director may accept money or real property from  
4 persons under conditions requiring the use of the property or money for  
5 the protection, rehabilitation, preservation, or conservation of the  
6 state wildlife, food fish, and shellfish resources, or in settlement of  
7 claims for damages to wildlife, food fish, and shellfish resources.  
8 The ((~~commission~~)) director shall only accept real property useful for  
9 the protection, rehabilitation, preservation, or conservation of these  
10 fisheries resources.

11       **Sec. 6.** RCW 75.08.055 and 1995 1st sp.s. c 2 s 8 are each amended  
12 to read as follows:

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

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

23       **Sec. 7.** RCW 75.08.080 and 1995 1st sp.s. c 2 s 11 are each amended  
24 to read as follows:

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

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

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

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

34       (d) Regulating the possession, disposal, landing, and sale of  
35 wildlife, food fish, or shellfish within the state, whether acquired  
36 within or without the state.

1 (e) Regulating the prevention and suppression of diseases and pests  
2 affecting wildlife, food fish, or shellfish.

3 (f) Regulating the size, sex, species, and quantities of wildlife,  
4 food fish, or shellfish that may be taken, possessed, sold, or disposed  
5 of.

6 (g) Specifying the statistical and biological reports required from  
7 fishermen, dealers, boathouses, or processors of wildlife, food fish,  
8 or shellfish.

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

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

13 (j) Other rules necessary to carry out this title and the purposes  
14 and duties of the department.

15 (2) Subsections (1)(a), (b), (c), (d), and (f) of this section do  
16 not apply to private tideland owners and lessees and the immediate  
17 family members of the owners or lessees of state tidelands, when they  
18 take or possess oysters, clams, cockles, borers, or mussels, excluding  
19 razor clams, produced on their own private tidelands or their leased  
20 state tidelands for personal use.

21 "Immediate family member" for the purposes of this section means a  
22 spouse, brother, sister, grandparent, parent, child, or grandchild.

23 (3) Except for subsection (1)(g) of this section, this section does  
24 not apply to private sector cultured aquatic products as defined in RCW  
25 15.85.020. Subsection (1)(g) of this section does apply to such  
26 products.

27 **Sec. 8.** RCW 75.08.206 and 1983 1st ex.s. c 46 s 20 are each  
28 amended to read as follows:

29 The director shall provide compensation insurance for ((fisheries  
30 patrol)) fish and wildlife officers, insuring these employees against  
31 injury or death in the performance of enforcement duties not covered  
32 under the workers' compensation act of the state. The beneficiaries  
33 and the compensation and benefits under the compensation insurance  
34 shall be the same as provided in chapter 51.32 RCW, and the  
35 compensation insurance also shall provide for medical aid and  
36 hospitalization to the extent and amount as provided in RCW 51.36.010  
37 and 51.36.020.



1       **Sec. 9.** RCW 75.08.208 and 1983 1st ex.s. c 46 s 22 are each  
2 amended to read as follows:

3       The director shall relieve from active duty (~~((fisheries patrol))~~)  
4 fish and wildlife officers who are injured in the performance of their  
5 official duties to such an extent as to be incapable of active service.  
6 While relieved from active duty, the employees shall receive one-half  
7 of their salary less any compensation received through the provisions  
8 of RCW 41.40.200, 41.40.220, and 75.08.206.

9       **Sec. 10.** RCW 75.08.230 and 1996 c 267 s 3 are each amended to read  
10 as follows:

11       (1) Except as provided in this (~~((section))~~) title, state and county  
12 officers receiving the following moneys shall deposit them in the state  
13 general fund:

14       (a) The sale of commercial licenses required under this title,  
15 except for licenses issued under chapter 77.32 RCW; and

16       ~~((The sale of property seized or confiscated under this title;~~

17       ~~(c) Fines and forfeitures collected under this title;~~

18       ~~(d) The sale of real or personal property held for department~~  
19 ~~purposes;~~

20       ~~(e) Rentals or concessions of the department;~~

21       ~~(f))~~ Moneys received for damages to food fish(~~((,))~~) or shellfish  
22 (~~((or department property; and~~

23       ~~(g) Gifts))~~).

24       (2) The director shall make weekly remittances to the state  
25 treasurer of moneys collected by the department.

26       (3) All fines and forfeitures collected or assessed by a district  
27 court for a violation of this title or rule of the department shall be  
28 remitted as provided in chapter 3.62 RCW.

29       (4) Proceeds from the sale of food fish or shellfish taken in test  
30 fishing conducted by the department, to the extent that these proceeds  
31 exceed the estimates in the budget approved by the legislature, may be  
32 allocated as unanticipated receipts under RCW 43.79.270 to reimburse  
33 the department for unanticipated costs for test fishing operations in  
34 excess of the allowance in the budget approved by the legislature.

35       (5) Proceeds from the sale of salmon carcasses and salmon eggs from  
36 state general funded hatcheries by the department of general  
37 administration shall be deposited in the regional fisheries enhancement  
38 group account established in RCW 75.50.100 (as recodified by this act).

(6) Moneys received by the commission under RCW 75.08.045 (as recodified by this act), to the extent these moneys exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for the specific purpose for which the moneys were received, unless the moneys were received in settlement of a claim for damages to food fish or shellfish, in which case the moneys may be expended for the conservation of these resources.

(7) Proceeds from the sale of herring spawn on kelp fishery licenses by the department, to the extent those proceeds exceed estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270. Allocations under this subsection shall be made only for herring management, enhancement, and enforcement.

**Sec. 11.** RCW 75.08.245 and 1988 c 115 s 1 are each amended to read as follows:

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. All sales 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.

~~((The salmon enhancement advisory council, created in RCW 75.48.120, shall consider egg sales at each meeting.))~~

**Sec. 12.** RCW 75.10.150 and 1996 c 267 s 14 are each amended to read as follows:

Since violation of the rules of the department relating to the accounting of the commercial harvest of food fish and shellfish result in damage to the resources of the state, liability for damage to food fish and shellfish resources is imposed on a wholesale fish dealer for violation of a provision in chapter 75.28 RCW (as recodified by this act) or a rule of the department related to the accounting of the

1 commercial harvest of food fish and shellfish and shall be for the  
2 actual damages or for damages imposed as follows:

3 (1) For violation of rules requiring the timely presentation to the  
4 department of documents relating to the accounting of commercial  
5 harvest, fifty dollars for each of the first fifteen documents in a  
6 series and ten dollars for each subsequent document in the same series.  
7 If documents relating to the accounting of commercial harvest of food  
8 fish and shellfish are lost or destroyed and the wholesale dealer  
9 notifies the department in writing within seven days of the loss or  
10 destruction, the director shall waive the requirement for timely  
11 presentation of the documents.

12 (2) For violation of rules requiring accurate and legible  
13 information relating to species, value, harvest area, or amount of  
14 harvest, twenty-five dollars for each of the first five violations of  
15 this subsection following July 28, 1985, and fifty dollars for each  
16 violation after the first five violations.

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

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

23 **Sec. 13.** RCW 75.12.230 and 1998 c 190 s 81 are each amended to  
24 read as follows:

25 Within the waters described in RCW 75.12.210 (as recodified by this  
26 act), a person shall not transport or possess salmon on board a vessel  
27 carrying fishing gear of a type other than troll lines or angling gear,  
28 unless accompanied by a certificate issued by a state or country  
29 showing that the salmon have been lawfully taken within the territorial  
30 waters of the state or country.

31 **Sec. 14.** RCW 75.20.061 and 1983 1st ex.s. c 46 s 73 are each  
32 amended to read as follows:

33 If the director determines that a fishway or fish guard described  
34 in RCW 75.20.040 and 75.20.060 (as recodified by this act) and in  
35 existence on September 1, 1963, is inadequate, in addition to other  
36 authority granted in this chapter, the director may remove, relocate,  
37 reconstruct, or modify the device, without cost to the owner. The

1 director shall not materially modify the amount of flow of water  
2 through the device. After the department has completed the  
3 improvements, the fishways and fish guards shall be operated and  
4 maintained at the expense of the owner in accordance with RCW 75.20.040  
5 and 75.20.060 (as recodified by this act).

6 **Sec. 15.** RCW 75.20.098 and 1997 c 424 s 6 are each amended to read  
7 as follows:

8 When reviewing a mitigation plan under RCW 75.20.100 or 75.20.103  
9 (as recodified by this act), the department shall, at the request of  
10 the project proponent, follow the guidance contained in RCW 90.74.005  
11 through 90.74.030.

12 **Sec. 16.** RCW 75.20.100 and 1998 c 190 s 87 are each amended to  
13 read as follows:

14 (1) In the event that any person or government agency desires to  
15 construct any form of hydraulic project or perform other work that will  
16 use, divert, obstruct, or change the natural flow or bed of any of the  
17 salt or fresh waters of the state, such person or government agency  
18 shall, before commencing construction or work thereon and to ensure the  
19 proper protection of fish life, secure the approval of the department  
20 as to the adequacy of the means proposed for the protection of fish  
21 life. This approval shall not be unreasonably withheld.

22 (2)(a) (~~Except as provided in RCW 75.20.1001,~~) The department  
23 shall grant or deny approval of a standard permit within forty-five  
24 calendar days of the receipt of a complete application and notice of  
25 compliance with any applicable requirements of the state environmental  
26 policy act, made in the manner prescribed in this section.

27 (b) The applicant may document receipt of application by filing in  
28 person or by registered mail. A complete application for approval  
29 shall contain general plans for the overall project, complete plans and  
30 specifications of the proposed construction or work within the mean  
31 higher high water line in salt water or within the ordinary high water  
32 line in fresh water, and complete plans and specifications for the  
33 proper protection of fish life.

34 (c) The forty-five day requirement shall be suspended if:

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

1 (ii) The site is physically inaccessible for inspection; or  
2 (iii) The applicant requests delay. Immediately upon determination  
3 that the forty-five day period is suspended, the department shall  
4 notify the applicant in writing of the reasons for the delay.

5 (d) For purposes of this section, "standard permit" means a written  
6 permit issued by the department when the conditions under subsections  
7 (3) and (5)(b) of this section are not met.

8 (3)(a) The department may issue an expedited written permit in  
9 those instances where normal permit processing would result in  
10 significant hardship for the applicant or unacceptable damage to the  
11 environment. In cases of imminent danger, the department shall issue  
12 an expedited written permit, upon request, for work to repair existing  
13 structures, move obstructions, restore banks, protect property, or  
14 protect fish resources. Expedited permit requests require a complete  
15 written application as provided in subsection (2)(b) of this section  
16 and shall be issued within fifteen calendar days of the receipt of a  
17 complete written application. Approval of an expedited permit is valid  
18 for up to sixty days from the date of issuance.

19 (b) For the purposes of this subsection, "imminent danger" means a  
20 threat by weather, water flow, or other natural conditions that is  
21 likely to occur within sixty days of a request for a permit  
22 application.

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

26 (d) The department or the county legislative authority may  
27 determine if an imminent danger exists. The county legislative  
28 authority shall notify the department, in writing, if it determines  
29 that an imminent danger exists.

30 (4) Approval of a standard permit is valid for a period of up to  
31 five years from date of issuance. The permittee must demonstrate  
32 substantial progress on construction of that portion of the project  
33 relating to the approval within two years of the date of issuance. If  
34 the department denies approval, the department shall provide the  
35 applicant, in writing, a statement of the specific reasons why and how  
36 the proposed project would adversely affect fish life. Protection of  
37 fish life shall be the only ground upon which approval may be denied or  
38 conditioned. Chapter 34.05 RCW applies to any denial of project

1 approval, conditional approval, or requirements for project  
2 modification upon which approval may be contingent.

3 (5)(a) In case of an emergency arising from weather or stream flow  
4 conditions or other natural conditions, the department, through its  
5 authorized representatives, shall issue immediately, upon request, oral  
6 approval for removing any obstructions, repairing existing structures,  
7 restoring stream banks, or to protect property threatened by the stream  
8 or a change in the stream flow without the necessity of obtaining a  
9 written approval prior to commencing work. Conditions of an oral  
10 approval to protect fish life shall be established by the department  
11 and reduced to writing within thirty days and complied with as provided  
12 for in this section. Oral approval shall be granted immediately, upon  
13 request, for a stream crossing during an emergency situation.

14 (b) For purposes of this section and RCW 75.20.103 (as recodified  
15 by this act), "emergency" means an immediate threat to life, the  
16 public, property, or of environmental degradation.

17 (c) The department or the county legislative authority may declare  
18 and continue an emergency when one or more of the criteria under (b) of  
19 this subsection are met. The county legislative authority shall  
20 immediately notify the department if it declares an emergency under  
21 this subsection.

22 (6) The department shall, at the request of a county, develop five-  
23 year maintenance approval agreements, consistent with comprehensive  
24 flood control management plans adopted under the authority of RCW  
25 86.12.200, or other watershed plan approved by a county legislative  
26 authority, to allow for work on public and private property for bank  
27 stabilization, bridge repair, removal of sand bars and debris, channel  
28 maintenance, and other flood damage repair and reduction activity under  
29 agreed-upon conditions and times without obtaining permits for specific  
30 projects.

31 (7) This section shall not apply to the construction of any form of  
32 hydraulic project or other work which diverts water for agricultural  
33 irrigation or stock watering purposes authorized under or recognized as  
34 being valid by the state's water codes, or when such hydraulic project  
35 or other work is associated with streambank stabilization to protect  
36 farm and agricultural land as defined in RCW 84.34.020. These  
37 irrigation or stock watering diversion and streambank stabilization  
38 projects shall be governed by RCW 75.20.103 (as recodified by this  
39 act).

1 A landscape management plan approved by the department and the  
2 department of natural resources under RCW 76.09.350(2), shall serve as  
3 a hydraulic project approval for the life of the plan if fish are  
4 selected as one of the public resources for coverage under such a plan.

5 (8) For the purposes of this section and RCW 75.20.103 (as  
6 recodified by this act), "bed" means the land below the ordinary high  
7 water lines of state waters. This definition does not include  
8 irrigation ditches, canals, storm water run-off devices, or other  
9 artificial watercourses except where they exist in a natural  
10 watercourse that has been altered by man.

11 (9) The phrase "to construct any form of hydraulic project or  
12 perform other work" does not include the act of driving across an  
13 established ford. Driving across streams or on wetted stream beds at  
14 areas other than established fords requires approval. Work within the  
15 ordinary high water line of state waters to construct or repair a ford  
16 or crossing requires approval.

17 **Sec. 17.** RCW 75.20.104 and 1993 sp.s. c 2 s 33 are each amended to  
18 read as follows:

19 Whenever the placement of woody debris is required as a condition  
20 of a hydraulic permit approval issued pursuant to RCW 75.20.100 or  
21 75.20.103 (as recodified by this act), the department, upon request,  
22 shall invite comment regarding that placement from the local  
23 governmental authority, affected tribes, affected federal and state  
24 agencies, and the project applicant.

25 **Sec. 18.** RCW 75.20.1041 and 1993 sp.s. c 2 s 34 are each amended  
26 to read as follows:

27 The department and the department of ecology will work  
28 cooperatively with the United States army corps of engineers to develop  
29 a memorandum of agreement outlining dike vegetation management  
30 guidelines so that dike owners are eligible for coverage under P.L.  
31 84-99, and state requirements established pursuant to RCW 75.20.100 and  
32 75.20.103 (as recodified by this act) are met.

33 **Sec. 19.** RCW 75.20.106 and 1993 sp.s. c 2 s 35 are each amended to  
34 read as follows:

35 The department may levy civil penalties of up to one hundred  
36 dollars per day for violation of any provisions of RCW 75.20.100 or

1 75.20.103 (as recodified by this act). The penalty provided shall be  
2 imposed by notice in writing, either by certified mail or personal  
3 service to the person incurring the penalty, from the director or the  
4 director's designee describing the violation. Any person incurring any  
5 penalty under this chapter may appeal the same under chapter 34.05 RCW  
6 to the director. Appeals shall be filed within thirty days of receipt  
7 of notice imposing any penalty. The penalty imposed shall become due  
8 and payable thirty days after receipt of a notice imposing the penalty  
9 unless an appeal is filed. Whenever an appeal of any penalty incurred  
10 under this chapter is filed, the penalty shall become due and payable  
11 only upon completion of all review proceedings and the issuance of a  
12 final order confirming the penalty in whole or in part.

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

21 **Sec. 20.** RCW 75.20.130 and 1996 c 276 s 2 are each amended to read  
22 as follows:

23 (1) There is hereby created within the environmental hearings  
24 office under RCW 43.21B.005 the hydraulic appeals board of the state of  
25 Washington.

26 (2) The hydraulic appeals board shall consist of three members:  
27 The director of the department of ecology or the director's designee,  
28 the director of the department of agriculture or the director's  
29 designee, and the director or the director's designee of the department  
30 whose action is appealed under subsection (6) of this section. A  
31 decision must be agreed to by at least two members of the board to be  
32 final.

33 (3) The board may adopt rules necessary for the conduct of its  
34 powers and duties or for transacting other official business.

35 (4) The board shall make findings of fact and prepare a written  
36 decision in each case decided by it, and that finding and decision  
37 shall be effective upon being signed by two or more board members and



1 upon being filed at the hydraulic appeals board's principal office, and  
2 shall be open to public inspection at all reasonable times.

3 (5) The board has exclusive jurisdiction to hear appeals arising  
4 from the approval, denial, conditioning, or modification of a hydraulic  
5 approval issued by the department: (a) Under the authority granted in  
6 RCW 75.20.103 (as recodified by this act) for the diversion of water  
7 for agricultural irrigation or stock watering purposes or when  
8 associated with streambank stabilization to protect farm and  
9 agricultural land as defined in RCW 84.34.020; or (b) under the  
10 authority granted in RCW 75.20.190 (as recodified by this act) for off-  
11 site mitigation proposals.

12 (6)(a) Any person aggrieved by the approval, denial, conditioning,  
13 or modification of a hydraulic approval pursuant to RCW 75.20.103 (as  
14 recodified by this act) may seek review from the board by filing a  
15 request for the same within thirty days of notice of the approval,  
16 denial, conditioning, or modification of such approval.

17 (b) The review proceedings authorized in (a) of this subsection are  
18 subject to the provisions of chapter 34.05 RCW pertaining to procedures  
19 in adjudicative proceedings.

20 **Sec. 21.** RCW 75.20.320 and 1995 c 328 s 1 are each amended to read  
21 as follows:

22 The department may not require mitigation for adverse impacts on  
23 fish life or habitat that occurred at the time a wetland was filled, if  
24 the wetland was filled under the provisions of RCW 75.20.300 (as  
25 recodified by this act).

26 **Sec. 22.** RCW 75.24.060 and 1998 c 245 s 152 are each amended to  
27 read as follows:

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

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

1       The ((department)) director shall periodically inventory the state  
2 oyster reserves and assign the reserve lands into management  
3 categories:

4       (1) Native Olympia oyster broodstock reserves;

5       (2) Commercial shellfish harvesting zones;

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

8       (4) Public recreational shellfish harvesting zones;

9       (5) Unproductive land.

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

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

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

20       **Sec. 23.** RCW 75.24.065 and 1993 sp.s. c 2 s 40 are each amended to  
21 read as follows:

22       The legislature finds that current environmental and economic  
23 conditions warrant a renewal of the state's historical practice of  
24 actively cultivating and managing its oyster reserves in Puget Sound to  
25 produce the state's native oyster, the Olympia oyster. The  
26 ((department)) director shall reestablish dike cultivated production of  
27 Olympia oysters on such reserves on a trial basis as a tool for  
28 planning more comprehensive cultivation by the state.

29       **Sec. 24.** RCW 75.24.070 and 1983 1st ex.s. c 46 s 82 are each  
30 amended to read as follows:

31       The director shall determine the time, place, and method of sale of  
32 oysters and other shellfish from state oyster reserves. Any person who  
33 commercially takes shellfish from state oyster reserves must possess an  
34 oyster reserve fishery license issued by the director pursuant to RCW  
35 75.28.290 (as recodified by this act). Any person engaged in the  
36 commercial cultching of oysters on state oyster reserves must possess

1 an oyster cultch permit issued by the director pursuant to RCW  
2 75.28.295 (as recodified by this act).

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

8 **Sec. 25.** RCW 75.24.100 and 1998 c 190 s 91 are each amended to  
9 read as follows:

10 (1) The ~~((department))~~ director may not authorize a person to take  
11 geoduck clams for commercial purposes outside the harvest area  
12 designated in a current department of natural resources geoduck  
13 harvesting agreement issued under RCW 79.96.080. The ~~((department))~~  
14 director may not authorize commercial harvest of geoduck clams from  
15 bottoms that are shallower than eighteen feet below mean lower low  
16 water (0.0. ft.), or that lie in an area bounded by the line of  
17 ordinary high tide (mean high tide) and a line two hundred yards  
18 seaward from and parallel to the line of ordinary high tide. This  
19 section does not apply to the harvest of private sector cultured  
20 aquatic products as defined in RCW 15.85.020.

21 (2) Commercial geoduck harvesting shall be done with a hand-held,  
22 manually operated water jet or suction device guided and controlled  
23 from under water by a diver. Periodically, the ~~((commission))~~ director  
24 shall determine the effect of each type or unit of gear upon the  
25 geoduck population or the substrate they inhabit. The ~~((commission))~~  
26 director may require modification of the gear or stop its use if it is  
27 being operated in a wasteful or destructive manner or if its operation  
28 may cause permanent damage to the bottom or adjacent shellfish  
29 populations.

30 **Sec. 26.** RCW 75.24.130 and 1995 1st sp.s. c 2 s 30 are each  
31 amended to read as follows:

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

1       **Sec. 27.** RCW 75.25.092 and 1999 c 243 s 3 are each amended to read  
2 as follows:

3       (1) A personal use shellfish and seaweed license is required for  
4 all persons other than residents or nonresidents under fifteen years of  
5 age to fish for, take, dig for, or possess seaweed or shellfish for  
6 personal use from state waters or offshore waters including national  
7 park beaches.

8       (2) The fees for annual personal use shellfish and seaweed licenses  
9 are:

10       (a) For a resident fifteen years of age or older, seven dollars;

11       (b) For a nonresident fifteen years of age or older, twenty  
12 dollars; and

13       (c) For a senior, five dollars.

14       (3) The license fee for a two-day personal use shellfish and  
15 seaweed license is six dollars for residents or nonresidents fifteen  
16 years of age or older.

17       (4) The personal use shellfish and seaweed license shall be visible  
18 on the licensee while harvesting shellfish or seaweed.

19       **Sec. 28.** RCW 75.28.011 and 1997 c 418 s 1 are each amended to read  
20 as follows:

21       (1) Unless otherwise provided in this title, a license issued under  
22 this chapter is not transferable from the license holder to any other  
23 person.

24       (2) The following restrictions apply to transfers of commercial  
25 fishery licenses, salmon delivery licenses, and salmon charter licenses  
26 that are transferable between license holders:

27       (a) The license holder shall surrender the previously issued  
28 license to the department.

29       (b) The department shall complete no more than one transfer of the  
30 license in any seven-day period.

31       (c) The fee to transfer a license from one license holder to  
32 another is:

33       (i) The same as the resident license renewal fee if the license is  
34 not limited under chapter 75.30 RCW (as recodified by this act);

35       (ii) Three and one-half times the resident renewal fee if the  
36 license is not a commercial salmon license and the license is limited  
37 under chapter 75.30 RCW (as recodified by this act);

1 (iii) Fifty dollars if the license is a commercial salmon license  
2 and is limited under chapter 75.30 RCW (as recodified by this act);

3 (iv) Five hundred dollars if the license is a Dungeness crab-  
4 coastal fishery license; or

5 (v) If a license is transferred from a resident to a nonresident,  
6 an additional fee is assessed that is equal to the difference between  
7 the resident and nonresident license fees at the time of transfer, to  
8 be paid by the transferee.

9 (3) A commercial license that is transferable under this title  
10 survives the death of the holder. Though such licenses are not  
11 personal property, they shall be treated as analogous to personal  
12 property for purposes of inheritance and intestacy. Such licenses are  
13 subject to state laws governing wills, trusts, estates, intestate  
14 succession, and community property, except that such licenses are  
15 exempt from claims of creditors of the estate and tax liens. The  
16 surviving spouse, estate, or beneficiary of the estate may apply for a  
17 renewal of the license. There is no fee for transfer of a license from  
18 a license holder to the license holder's surviving spouse or estate, or  
19 to a beneficiary of the estate.

20 **Sec. 29.** RCW 75.28.020 and 1994 c 244 s 1 are each amended to read  
21 as follows:

22 (1) Except as otherwise provided in this title, a person (~~as~~  
23 ~~defined in RCW 75.08.011~~) may hold a commercial license established by  
24 this chapter.

25 (2) Except as otherwise provided in this title, an individual may  
26 hold a commercial license only if the individual is sixteen years of  
27 age or older and a bona fide resident of the United States.

28 (3) A corporation may hold a commercial license only if it is  
29 authorized to do business in this state.

30 (4) No person may hold a limited-entry license unless the person  
31 meets the qualifications that this title establishes for the license.

32 (5) The residency requirements in subsection (2) of this section do  
33 not apply to holders of nonsalmon delivery licenses.

34 **Sec. 30.** RCW 75.28.034 and 1995 c 227 s 1 are each amended to read  
35 as follows:

36 If, for any reason, the department does not allow any opportunity  
37 for a commercial fishery during a calendar year, the (~~department~~)

1 director shall either: (1) Waive the requirement to obtain a license  
2 for that commercial fishery for that year; or (2) refund applicable  
3 license fees upon return of the license.

4 **Sec. 31.** RCW 75.28.042 and 1997 c 58 s 882 are each amended to  
5 read as follows:

6 (1) The department shall immediately suspend the license of a  
7 person who has been certified pursuant to RCW 74.20A.320 by the  
8 department of social and health services as a person who is not in  
9 compliance with a support order (~~((or a residential or visitation~~  
10 ~~order))~~).

11 (2) A listing on the department of licensing's data base that an  
12 individual's license is currently suspended pursuant to RCW  
13 46.20.291(~~((+7))~~) (8) shall be prima facie evidence that the individual  
14 is in noncompliance with a support order (~~((or residential or visitation~~  
15 ~~order))~~). Presentation of a written release issued by the department of  
16 social and health services or a court stating that the person is in  
17 compliance with an order shall serve as proof of compliance.

18 **Sec. 32.** RCW 75.28.046 and 1998 c 267 s 2 are each amended to read  
19 as follows:

20 This section applies to all commercial fishery licenses and  
21 delivery licenses, except for whiting--Puget Sound fishery licenses and  
22 emergency salmon delivery licenses.

23 (1) The license holder may engage in the activity authorized by a  
24 license subject to this section. With the exception of Dungeness  
25 crab--coastal fishery class B licensees licensed under RCW 75.30.350(4)  
26 (as recodified by this act), the holder of a license subject to this  
27 section may also designate up to two alternate operators for the  
28 license. Dungeness crab--coastal fishery class B licensees may not  
29 designate alternate operators. A person designated as an alternate  
30 operator must possess an alternate operator license issued under RCW  
31 75.28.048 (as recodified by this act).

32 (2) The fee to change the alternate operator designation is twenty-  
33 two dollars.

34 **Sec. 33.** RCW 75.28.047 and 1998 c 267 s 3 are each amended to read  
35 as follows:

(1) Only the license holder and any alternate operators designated on the license may sell or deliver food fish or shellfish under a commercial fishery license or delivery license. A commercial fishery license or delivery license authorizes no taking or delivery of food fish or shellfish unless the license holder or an alternate operator designated on the license is present or aboard the vessel.

(2) Notwithstanding RCW 75.28.010(1)(c) (as recodified by this act), an alternate operator license is not required for an individual to operate a vessel as a charter boat.

**Sec. 34.** RCW 75.28.048 and 1998 c 267 s 4 are each amended to read as follows:

(1) A person who holds a commercial fishery license or a delivery license may operate the vessel designated on the license. A person who is not the license holder may operate the vessel designated on the license only if:

(a) The person holds an alternate operator license issued by the director; and

(b) The person is designated as an alternate operator on the underlying commercial fishery license or delivery license under RCW 75.28.046 (as recodified by this act).

(2) Only an individual at least sixteen years of age may hold an alternate operator license.

(3) No individual may hold more than one alternate operator license. An individual who holds an alternate operator license may be designated as an alternate operator on an unlimited number of commercial fishery licenses or delivery licenses under RCW 75.28.046 (as recodified by this act).

(4) An individual who holds two Dungeness crab--Puget Sound fishery licenses may operate the licenses on one vessel if the vessel owner or alternate operator is on the vessel. The department shall allow a license holder to operate up to one hundred crab pots for each license.

(5) As used in this section, to "operate" means to control the deployment or removal of fishing gear from state waters while aboard a vessel or to operate a vessel delivering food fish or shellfish taken in offshore waters to a port within the state.

**Sec. 35.** RCW 75.28.055 and 1997 c 421 s 1 are each amended to read as follows:

The (~~fish and wildlife commission~~) director may, by rule, increase the number of alternate operators beyond the level authorized by RCW 75.28.030 and 75.28.046 (as recodified by this act) for a commercial fishery license, delivery license, or charter license.

**Sec. 36.** RCW 75.28.095 and 1998 c 190 s 95 are each amended to read as follows:

(1) The director shall issue the charter licenses and angler permits listed in this section according to the requirements of this title. The licenses and permits and their annual fees and surcharges are:

License or Permit	Annual Fee		Governing
	(RCW 75.50.100 <u>(as recodified by this act)</u> Surcharge)		
Section	Resident	Nonresident	
(a) Nonsalmon charter	\$225	\$375	
(b) Salmon charter	\$380	\$685	RCW 75.30.065 <u>(as recodified by this act)</u>
	(plus \$100)	(plus \$100)	
(c) Salmon angler	\$ 0	\$ 0	RCW 75.30.070 <u>(as recodified by this act)</u>
(d) Salmon roe	\$ 95	\$ 95	RCW 75.28.690 <u>(as recodified by this act)</u>

(2) A salmon charter license designating a vessel is required to operate a charter boat to take salmon, other food fish, and shellfish. The director may issue a salmon charter license only to a person who meets the qualifications of RCW 75.30.065 (as recodified by this act).

(3) A nonsalmon charter license designating a vessel is required to operate a charter boat to take food fish other than salmon and shellfish. As used in this subsection, "food fish" does not include salmon.

(4) "Charter boat" means a vessel from which persons may, for a fee, fish for food fish or shellfish for personal use, and that brings food fish or shellfish into state ports or brings food fish or shellfish taken from state waters into United States ports. The director may specify by rule when a vessel is a "charter boat" within this definition. "Charter boat" does not mean a vessel used by a guide for clients fishing for food fish for personal use in freshwater



1 rivers, streams, and lakes, other than Lake Washington or that part of  
2 the Columbia River below the bridge at Longview.

3 (5) A charter boat licensed in Oregon may fish without a Washington  
4 charter license under the same rules as Washington charter boat  
5 operators in ocean waters within the jurisdiction of Washington state  
6 from the southern border of the state of Washington to Leadbetter  
7 Point, as long as the Oregon vessel does not land at any Washington  
8 port with the purpose of taking on or discharging passengers. The  
9 provisions of this subsection shall be in effect as long as the state  
10 of Oregon has reciprocal laws and regulations.

11 (6) A salmon charter license under subsection (1)(b) of this  
12 section may be renewed if the license holder notifies the department by  
13 May 1st of that year that he or she will not participate in the fishery  
14 during that calendar year. The license holder must pay the one  
15 hundred-dollar enhancement surcharge, plus a fifteen-dollar handling  
16 charge, in order to be considered a valid renewal and eligible to renew  
17 the license the following year.

18 **Sec. 37.** RCW 75.28.110 and 1997 c 76 s 1 are each amended to read  
19 as follows:

20 (1) The following commercial salmon fishery licenses are required  
21 for the license holder to use the specified gear to fish for salmon in  
22 state waters. Only a person who meets the qualifications of RCW  
23 75.30.120 (as recodified by this act) may hold a license listed in this  
24 subsection. The licenses and their annual fees and surcharges under  
25 RCW 75.50.100 (as recodified by this act) are:

Fishery	Resident	Nonresident	Surcharge
License	Fee	Fee	
(a) Salmon Gill Net--Grays Harbor-Columbia river	\$380	\$685	plus \$100
(b) Salmon Gill Net--Puget Sound	\$380	\$685	plus \$100
(c) Salmon Gill Net--Willapa Bay-Columbia river	\$380	\$685	plus \$100
(d) Salmon purse seine	\$530	\$985	plus \$100
(e) Salmon reef net	\$380	\$685	plus \$100
(f) Salmon troll	\$380	\$685	plus \$100

37 (2) A license issued under this section authorizes no taking or  
38 delivery of salmon or other food fish unless a vessel is designated  
39 under RCW 75.28.045 (as recodified by this act).

1 (3) Holders of commercial salmon fishery licenses may retain  
2 incidentally caught food fish other than salmon, subject to rules of  
3 the department.

4 (4) A salmon troll license includes a salmon delivery license.

5 (5) A salmon gill net license authorizes the taking of salmon only  
6 in the geographical area for which the license is issued. The  
7 geographical designations in subsection (1) of this section have the  
8 following meanings:

9 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,  
10 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,  
11 sounds, and estuaries lying easterly and southerly of the international  
12 boundary line and a line at the entrance to the Strait of Juan de Fuca  
13 projected northerly from Cape Flattery to the lighthouse on Tatoosh  
14 Island and then to Bonilla Point on Vancouver Island.

15 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor  
16 and tributary estuaries lying easterly of a line projected northerly  
17 from Point Chehalis Light to Point Brown and those waters of the  
18 Columbia river and tributary sloughs and estuaries easterly of a line  
19 at the entrance to the Columbia river projected southerly from the most  
20 westerly point of the North jetty to the most westerly point of the  
21 South jetty.

22 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay and  
23 tributary estuaries and easterly of a line projected northerly from  
24 Leadbetter Point to the Cape Shoalwater tower and those waters of the  
25 Columbia river and tributary sloughs described in (b) of this  
26 subsection.

27 (6) A commercial salmon troll fishery license may be renewed under  
28 this section if the license holder notifies the department by May 1st  
29 of that year that he or she will not participate in the fishery during  
30 that calendar year. A commercial salmon gill net, reef net, or seine  
31 fishery license may be renewed under this section if the license holder  
32 notifies the department by August 1st of that year that he or she will  
33 not participate in the fishery during that calendar year. The license  
34 holder must pay the one hundred-dollar enhancement surcharge, plus a  
35 fifteen-dollar handling charge, in order to be considered a valid  
36 renewal and eligible to renew the license the following year.

37 **Sec. 38.** RCW 75.28.113 and 1998 c 190 s 96 are each amended to  
38 read as follows:

(1) A salmon delivery license is required to deliver salmon taken in offshore waters to a place or port in the state. The annual fee for a salmon delivery license is three hundred eighty dollars for residents and six hundred eighty-five dollars for nonresidents. The annual surcharge under RCW 75.50.100 (as recodified by this act) is one hundred dollars for each license. Holders of nonlimited entry delivery licenses issued under RCW 75.28.125 (as recodified by this act) may apply the nonlimited entry delivery license fee against the salmon delivery license fee.

(2) Only a person who meets the qualifications established in RCW 75.30.120 (as recodified by this act) may hold a salmon delivery license issued under this section.

(3) A salmon delivery license authorizes no taking of salmon or other food fish or shellfish from the waters of the state.

(4) If the director determines that the operation of a vessel under a salmon delivery license results in the depletion or destruction of the state's salmon resource or the delivery into this state of salmon products prohibited by law, the director may revoke the license under the procedures of chapter 34.05 RCW.

**Sec. 39.** RCW 75.28.114 and 1999 c 103 s 1 are each amended to read as follows:

(1) The legislature finds that landing salmon into the ports of Washington state, regardless of where such salmon have been harvested, is economically beneficial to those ports as well as to the citizens of the state of Washington. It is therefore the intent of the legislature to encourage this practice.

(2) Notwithstanding the provisions of RCW 75.28.010(1)(b) and 75.28.113 (as recodified by this act), a Washington citizen who holds a valid Oregon or California salmon troll license may land salmon taken during lawful seasons in Oregon and California into Washington ports without obtaining a salmon delivery license. This exception is valid only when the salmon were taken in offshore waters south of Cape Falcon.

(3) The department shall adopt rules necessary to implement this section, including rules identifying the appropriate methods for verifying that salmon were in fact taken south of Cape Falcon.

**Sec. 40.** RCW 75.28.116 and 1993 sp.s. c 17 s 37 are each amended to read as follows:

A person who does not qualify for a license under RCW 75.30.120 (as recodified by this act) shall obtain a nontransferable emergency salmon delivery license to make one delivery of salmon taken in offshore waters. The director shall not issue an emergency salmon delivery license unless, as determined by the director, a bona fide emergency exists. The license fee is two hundred twenty-five dollars for residents and four hundred seventy-five dollars for nonresidents. An applicant for an emergency salmon delivery license shall designate no more than one vessel that will be used with the license. Alternate operator licenses are not required of persons delivering salmon under an emergency salmon delivery license. Emergency salmon delivery licenses are not renewable.

**Sec. 41.** RCW 75.28.120 and 1993 sp.s. c 17 s 38 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for food fish fisheries and the annual fees for those licenses. As used in this section, "food fish" does not include salmon. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
	Resident	Nonresident		
(a) Baitfish Lampara	\$185	\$295	Yes	No
(b) Baitfish purse seine	\$530	\$985	Yes	No
(c) Bottom fish jig	\$130	\$185	Yes	No
(d) Bottom fish pot	\$130	\$185	Yes	No
(e) Bottom fish troll	\$130	\$185	Yes	No
(f) Carp	\$130	\$185	No	No
(g) Columbia river smelt	\$380	\$685	No	No
(h) Dog fish set net	\$130	\$185	Yes	No
(i) Emerging commercial fishery (RCW 75.30.220 and 75.28.740 <u>(as recodified by this act)</u> )	\$185	\$295	Determined by rule	Determined by rule
(j) Food fish drag seine	\$130	\$185	Yes	No
(k) Food fish set line	\$130	\$185	Yes	No
(l) Food fish trawl- Non-Puget Sound	\$240	\$405	Yes	No

1	(m) Food fish trawl-	\$185	\$295	Yes	No
2	Puget Sound				
3	(n) Herring dip bag net	\$175	\$275	Yes	Yes
4	(RCW 75.30.140 ( <u>as</u>				
5	<u>recodified by this act</u> ))				
6	(o) Herring drag seine	\$175	\$275	Yes	Yes
7	(RCW 75.30.140 ( <u>as</u>				
8	<u>recodified by this act</u> ))				
9	(p) Herring gill net	\$175	\$275	Yes	Yes
10	(RCW 75.30.140 ( <u>as</u>				
11	<u>recodified by this act</u> ))				
12	(q) Herring Lampara	\$175	\$275	Yes	Yes
13	(RCW 75.30.140 ( <u>as</u>				
14	<u>recodified by this act</u> ))				
15	(r) Herring purse seine	\$175	\$275	Yes	Yes
16	(RCW 75.30.140 ( <u>as</u>				
17	<u>recodified by this act</u> ))				
18	(s) Herring spawn-on-kelp	N/A	N/A	Yes	Yes
19	(RCW 75.30.270 ( <u>as</u>				
20	<u>recodified by this act</u> ))				
21	(t) Smelt dip bag net	\$130	\$185	No	No
22	(u) Smelt gill net	\$380	\$685	Yes	No
23	(v) Whiting-Puget Sound	\$295	\$520	Yes	Yes
24	(RCW 75.30.170 ( <u>as</u>				
25	<u>recodified by this act</u> ))				

26 (2) The director may by rule determine the species of food fish  
27 that may be taken with the commercial fishery licenses established in  
28 this section, the gear that may be used with the licenses, and the  
29 areas or waters in which the licenses may be used. Where a fishery  
30 license has been established for a particular species, gear,  
31 geographical area, or combination thereof, a more general fishery  
32 license may not be used to take food fish in that fishery.

33 **Sec. 42.** RCW 75.28.125 and 1998 c 190 s 97 are each amended to  
34 read as follows:

35 (1) Except as provided in subsection (2) of this section, a person  
36 may not use a commercial fishing vessel to deliver food fish or  
37 shellfish taken in offshore waters to a port in the state without a  
38 nonlimited entry delivery license. As used in this section, "food  
39 fish" does not include salmon. As used in this section, "shellfish"  
40 does not include ocean pink shrimp or coastal crab. The annual license  
41 fee for a nonlimited entry delivery license is one hundred ten dollars  
42 for residents and two hundred dollars for nonresidents.

(2) Holders of salmon troll fishery licenses issued under RCW 75.28.110 (as recodified by this act), salmon delivery licenses issued under RCW 75.28.113 (as recodified by this act), crab pot fishery licenses issued under RCW 75.28.130 (as recodified by this act), food fish trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.120 (as recodified by this act), Dungeness crab--coastal fishery licenses, ocean pink shrimp delivery licenses, and shrimp trawl--Non-Puget Sound fishery licenses issued under RCW 75.28.130 (as recodified by this act) may deliver food fish or shellfish taken in offshore waters without a nonlimited entry delivery license.

(3) A nonlimited entry delivery license authorizes no taking of food fish or shellfish from state waters.

**Sec. 43.** RCW 75.28.130 and 1999 c 239 s 2 are each amended to read as follows:

(1) This section establishes commercial fishery licenses required for shellfish fisheries and the annual fees for those licenses. The director may issue a limited-entry commercial fishery license only to a person who meets the qualifications established in applicable governing sections of this title.

Fishery (Governing section(s))	Annual Fee		Vessel Required?	Limited Entry?
	Resident	Nonresident		
(a) Burrowing shrimp	\$185	\$295	Yes	No
(b) Crab ring net- Non-Puget Sound	\$130	\$185	Yes	No
(c) Crab ring net- Puget Sound	\$130	\$185	Yes	No
(d) Dungeness crab- coastal (RCW 75.30.350 <u>(as recodified by this act)</u> )	\$295	\$520	Yes	Yes
(e) Dungeness crab- coastal, class B (RCW 75.30.350 <u>(as recodified by this act)</u> )	\$295	\$520	Yes	Yes
(f) Dungeness crab- Puget Sound (RCW 75.30.130 <u>(as recodified by this act)</u> )	\$130	\$185	Yes	Yes
(g) Emerging commercial fishery (RCW 75.30.220 and 75.28.740 <u>(as recodified by this act)</u> )	\$185	\$295	Determined by rule	Determined by rule

1	(h) Geoduck (RCW	\$ 0	\$ 0	Yes	Yes
2	75.30.280 ( <u>as</u>				
3	<u>recodified by this act</u> ))				
4	(i) Hardshell clam	\$530	\$985	Yes	No
5	mechanical harvester				
6	(RCW 75.28.280				
7	<u>(as recodified by this act)</u> ))				
8	(j) Oyster reserve	\$130	\$185	No	No
9	(RCW 75.28.290				
10	<u>(as recodified by this act)</u> ))				
11	(k) Razor clam	\$130	\$185	No	No
12	(l) Sea cucumber dive	\$130	\$185	Yes	Yes
13	(RCW 75.30.250				
14	<u>(as recodified by this act)</u> ))				
15	(m) Sea urchin dive	\$130	\$185	Yes	Yes
16	(RCW 75.30.210				
17	<u>(as recodified by this act)</u> ))				
18	(n) Shellfish dive	\$130	\$185	Yes	No
19	(o) Shellfish pot	\$130	\$185	Yes	No
20	(p) Shrimp pot-	\$185	\$295	Yes	Yes
21	Puget Sound				
22	(RCW 75.30.490				
23	<u>(as recodified by this act)</u> ))				
24	(q) Shrimp trawl-	\$240	\$405	Yes	No
25	Non-Puget Sound				
26	(r) Shrimp trawl-	\$185	\$295	Yes	Yes
27	Puget Sound				
28	(RCW 75.30.500				
29	<u>(as recodified by this act)</u> ))				
30	(s) Squid	\$185	\$295	Yes	No

31 (2) The director may by rule determine the species of shellfish  
32 that may be taken with the commercial fishery licenses established in  
33 this section, the gear that may be used with the licenses, and the  
34 areas or waters in which the licenses may be used. Where a fishery  
35 license has been established for a particular species, gear,  
36 geographical area, or combination thereof, a more general fishery  
37 license may not be used to take shellfish in that fishery.

38 **Sec. 44.** RCW 75.28.132 and 1994 c 260 s 15 are each amended to  
39 read as follows:

40 A surcharge of fifty dollars shall be collected with each Dungeness  
41 crab-coastal fishery license issued under RCW 75.28.130 (as recodified  
42 by this act) until June 30, 2000, and with each Dungeness crab-coastal  
43 class B fishery license issued under RCW 75.28.130 (as recodified by

1 this act) until December 31, 1997. Moneys collected under this section  
2 shall be placed in the Dungeness crab appeals account hereby created in  
3 the state treasury. The account is subject to allotment procedures  
4 under chapter 43.88 RCW, but no appropriation is required for  
5 expenditures. Expenditures from the account shall only be used for  
6 processing appeals related to the issuance of Dungeness crab-coastal  
7 fishery licenses.

8       **Sec. 45.** RCW 75.28.133 and 1997 c 418 s 5 are each amended to read  
9 as follows:

10       A surcharge of one hundred twenty dollars shall be collected with  
11 each Dungeness crab-coastal fishery license and with each Dungeness  
12 crab-coastal class B fishery license issued under RCW 75.28.130 (as  
13 recodified by this act). Moneys collected under this section shall be  
14 placed in the coastal crab account created under RCW 75.30.390 (as  
15 recodified by this act).

16       **Sec. 46.** RCW 75.28.280 and 1993 c 340 s 19 are each amended to  
17 read as follows:

18       A hardshell clam mechanical harvester fishery license is required  
19 to operate a mechanical or hydraulic device for commercially harvesting  
20 clams, other than geoduck clams, unless the requirements of RCW  
21 75.20.100 (as recodified by this act) are fulfilled for the proposed  
22 activity.

23       **Sec. 47.** RCW 75.28.290 and 1993 c 340 s 20 are each amended to  
24 read as follows:

25       A person who commercially takes shellfish from state oyster  
26 reserves under RCW 75.24.070 (as recodified by this act) must have an  
27 oyster reserve fishery license.

28       **Sec. 48.** RCW 75.28.300 and 1993 sp.s. c 17 s 43 are each amended  
29 to read as follows:

30       A wholesale fish dealer's license is required for:

31       (1) A business in the state to engage in the commercial processing  
32 of food fish or shellfish, including custom canning or processing of  
33 personal use food fish or shellfish.

34       (2) A business in the state to engage in the wholesale selling,  
35 buying, or brokering of food fish or shellfish. A wholesale fish



1 dealer's license is not required of those businesses which buy  
2 exclusively from Washington licensed wholesale dealers and sell solely  
3 at retail.

4 (3) Fishermen who land and sell their catch or harvest in the state  
5 to anyone other than a licensed wholesale dealer within or outside the  
6 state.

7 (4) A business to engage in the commercial manufacture or  
8 preparation of fertilizer, oil, meal, caviar, fish bait, or other  
9 byproducts from food fish or shellfish.

10 (5) A business employing a fish buyer as defined under RCW  
11 75.28.340 (as recodified by this act).

12 The annual license fee for a wholesale dealer is two hundred fifty  
13 dollars. A wholesale fish dealer's license is not required for persons  
14 engaged in the processing, wholesale selling, buying, or brokering of  
15 private sector cultured aquatic products as defined in RCW 15.85.020.  
16 However, if a means of identifying such products is required by rules  
17 adopted under RCW 15.85.060, the exemption from licensing requirements  
18 established by this subsection applies only if the aquatic products are  
19 identified in conformance with those rules.

20 **Sec. 49.** RCW 75.28.323 and 1996 c 267 s 30 are each amended to  
21 read as follows:

22 (1) A wholesale fish dealer shall not take possession of food fish  
23 or shellfish until the dealer has deposited with the department an  
24 acceptable performance bond on forms prescribed and furnished by the  
25 department. This performance bond shall be a corporate surety bond  
26 executed in favor of the department by a corporation authorized to do  
27 business in the state of Washington under chapter 48.28 RCW and  
28 approved by the department. The bond shall be filed and maintained in  
29 an amount equal to one thousand dollars for each buyer engaged by the  
30 wholesale dealer. In no case shall the bond be less than two thousand  
31 dollars nor more than fifty thousand dollars.

32 (2) A wholesale dealer shall, within seven days of engaging  
33 additional fish buyers, notify the department and increase the amount  
34 of the bonding required in subsection (1) of this section.

35 (3) The director may suspend and refuse to reissue a wholesale fish  
36 dealer's license of a dealer who has taken possession of food fish or  
37 shellfish without an acceptable performance bond on deposit with the  
38 department.

1 (4) The bond shall be conditioned upon the compliance with the  
2 requirements of this chapter and rules of the department relating to  
3 the payment of fines for violations of rules for the accounting of the  
4 commercial harvest of food fish or shellfish. In lieu of the surety  
5 bond required by this section the wholesale fish dealer may file with  
6 the department a cash deposit, negotiable securities acceptable to the  
7 department, or an assignment of a savings account or of a savings  
8 certificate in a Washington bank on an assignment form prescribed by  
9 the department.

10 (5) Liability under the bond shall be maintained as long as the  
11 wholesale fish dealer engages in activities under RCW 75.28.300 (as  
12 recodified by this act) unless released. Liability under the bond may  
13 be released only upon written notification from the department.  
14 Notification shall be given upon acceptance by the department of a  
15 substitute bond or forty-five days after the expiration of the  
16 wholesale fish dealer's annual license. In no event shall the  
17 liability of the surety exceed the amount of the surety bond required  
18 under this chapter.

19 **Sec. 50.** RCW 75.28.340 and 1993 sp.s. c 17 s 46 are each amended  
20 to read as follows:

21 (1) A fish buyer's license is required of and shall be carried by  
22 each individual engaged by a wholesale fish dealer to purchase food  
23 fish or shellfish from a licensed commercial fisherman. A fish buyer  
24 may represent only one wholesale fish dealer.

25 (2) ~~((Unless adjusted by the director pursuant to the director's~~  
26 ~~authority granted in RCW 75.28.065,))~~ The annual fee for a fish buyer's  
27 license is ninety-five dollars.

28 **Sec. 51.** RCW 75.28.730 and 1993 c 376 s 4 are each amended to read  
29 as follows:

30 An ocean pink shrimp delivery license is required to deliver ocean  
31 pink shrimp taken in offshore waters and delivered to a port in the  
32 state. ~~((Unless adjusted by the director pursuant to the director's~~  
33 ~~authority granted in RCW 75.28.065,))~~ The annual license fee is one  
34 hundred fifty dollars for residents and three hundred dollars for  
35 nonresidents. Ocean pink shrimp delivery licenses are transferable.

1       **Sec. 52.** RCW 75.28.740 and 1998 c 190 s 99 are each amended to  
2 read as follows:

3       (1) The director may by rule designate a fishery as an emerging  
4 commercial fishery. The director shall include in the designation  
5 whether the fishery is one that requires a vessel.

6       (2) "Emerging commercial fishery" means the commercial taking of a  
7 newly classified species of food fish or shellfish, the commercial  
8 taking of a classified species with gear not previously used for that  
9 species, or the commercial taking of a classified species in an area  
10 from which that species has not previously been commercially taken.  
11 Any species of food fish or shellfish commercially harvested in  
12 Washington state as of June 7, 1990, may be designated as a species in  
13 an emerging commercial fishery, except that no fishery subject to a  
14 license limitation program in chapter 75.30 RCW (as recodified by this  
15 act) may be designated as an emerging commercial fishery.

16       (3) A person shall not take food fish or shellfish in a fishery  
17 designated as an emerging commercial fishery without an emerging  
18 commercial fishery license and a permit from the director. The  
19 director shall issue two types of permits to accompany emerging  
20 commercial fishery licenses: Trial fishery permits and experimental  
21 fishery permits. Trial fishery permits are governed by subsection (4)  
22 of this section. Experimental fishery permits are governed by RCW  
23 75.30.220 (as recodified by this act).

24       (4) The director shall issue trial fishery permits for a fishery  
25 designated as an emerging commercial fishery unless the director  
26 determines there is a need to limit the number of participants under  
27 RCW 75.30.220 (as recodified by this act). A person who meets the  
28 qualifications of RCW 75.28.020 (as recodified by this act) may hold a  
29 trial fishery permit. The holder of a trial fishery permit shall  
30 comply with the terms of the permit. Trial fishery permits are not  
31 transferable from the permit holder to any other person.

32       **Sec. 53.** RCW 75.28.760 and 1993 sp.s. c 4 s 2 are each amended to  
33 read as follows:

34       By July 1, 1994, the ~~((departments of fisheries and wildlife))~~  
35 commission jointly with the appropriate Indian tribes, shall each  
36 establish a wild salmonid policy. The policy shall ensure that  
37 department actions and programs are consistent with the goals of

1 rebuilding wild stock populations to levels that permit commercial and  
2 recreational fishing opportunities.

3       **Sec. 54.** RCW 75.28.770 and 1998 c 245 s 153 are each amended to  
4 read as follows:

5       The ((department)) director shall evaluate and recommend, in  
6 consultation with the Indian tribes, salmon fishery management  
7 strategies and gear types, as well as a schedule for implementation,  
8 that will minimize the impact of commercial and recreational fishing in  
9 the mixed stock fishery on critical and depressed wild stocks of  
10 salmonids. As part of this evaluation, the ((department)) director, in  
11 conjunction with the commercial and recreational fishing industries,  
12 shall evaluate commercial and recreational salmon fishing gear types  
13 developed by these industries.

14       **Sec. 55.** RCW 75.28.780 and 1993 sp.s. c 17 s 42 are each amended  
15 to read as follows:

16       The director shall issue the personal licenses listed in this  
17 section according to the requirements of this title. The licenses and  
18 their annual fees are:

19	Personal License	Annual Fee		Governing
20		(RCW 75.50.100 <u>(as recodified</u>		
21		<u>by this act)</u> Surcharge)		Section
22		Resident	Nonresident	
23	(1) Alternate Operator	\$ 35	\$ 35	RCW 75.28.048
24				<u>(as recodified by this act)</u>
25	(2) Geoduck Diver	\$185	\$295	RCW 75.28.750
26				<u>(as recodified by this act)</u>
27	(3) Salmon Guide	\$130	\$630	RCW 75.28.710
28				<u>(as recodified by this act)</u>
29		(plus \$20)	(plus \$100)	

30       **Sec. 56.** RCW 75.30.021 and 1995 c 227 s 2 are each amended to read  
31 as follows:

32       (1) The ((department)) director shall waive license requirements,  
33 including landing or poundage requirements, if, during the calendar  
34 year that a license issued pursuant to chapter 75.28 RCW (as recodified  
35 by this act) is valid, no harvest opportunity occurs in the fishery  
36 corresponding to the license.

1       (2) For each license limitation program, where the person failed to  
2 hold the license and failed to make landing or poundage requirements  
3 because of a license waiver by the ((department)) director during the  
4 previous year, the person shall qualify for a license by establishing  
5 that the person held the license during the last year in which the  
6 license was not waived.

7       **Sec. 57.** RCW 75.30.050 and 1999 c 151 s 1601 are each amended to  
8 read as follows:

9       (1) The director shall appoint three-member advisory review boards  
10 to hear cases as provided in RCW 75.30.060 (as recodified by this act).  
11 Members shall be from:

12       (a) The commercial sea urchin and sea cucumber fishery in cases  
13 involving sea urchin and sea cucumber dive fishery licenses; (({and}))  
14 and

15       (b) The commercial coastal crab fishery in cases involving  
16 Dungeness crab-coastal fishery licenses and Dungeness crab-coastal  
17 class B fishery licenses. The members shall include one person from  
18 the commercial crab processors, one Dungeness crab-coastal fishery  
19 license holder, and one citizen representative of a coastal community.

20       (2) Members shall serve at the discretion of the director and shall  
21 be reimbursed for travel expenses as provided in RCW 43.03.050,  
22 43.03.060, and 43.03.065.

23       **Sec. 58.** RCW 75.30.060 and 1995 1st sp.s. c 2 s 32 are each  
24 amended to read as follows:

25       A person aggrieved by a decision of the department under this  
26 chapter may request administrative review under the informal procedure  
27 established by this section.

28       In an informal hearing before a review board, the rules of evidence  
29 do not apply. A record of the proceeding shall be kept as provided by  
30 chapter 34.05 RCW. After hearing the case the review board shall  
31 notify in writing the ((commission)) director and the initiating party  
32 whether the review board agrees or disagrees with the department's  
33 decision and the reasons for the review board's findings. Upon receipt  
34 of the review board's findings the ((commission)) director may order  
35 such relief as the ((commission)) director deems appropriate under the  
36 circumstances.

1        Nothing in this section: (1) Impairs an aggrieved person's right  
2 to proceed under chapter 34.05 RCW; or (2) imposes a liability on  
3 members of a review board for their actions under this section.

4        **Sec. 59.** RCW 75.30.065 and 1993 c 340 s 28 are each amended to  
5 read as follows:

6        (1) After May 28, 1977, the director shall issue no new salmon  
7 charter licenses. A person may renew an existing salmon charter  
8 license only if the person held the license sought to be renewed during  
9 the previous year or acquired the license by transfer from someone who  
10 held it during the previous year, and if the person has not  
11 subsequently transferred the license to another person.

12        (2) Salmon charter licenses may be renewed each year. A salmon  
13 charter license which is not renewed each year shall not be renewed  
14 further.

15        (3) Subject to the restrictions in (~~section 11 of this act~~) RCW  
16 75.28.011 (as recodified by this act), salmon charter licenses are  
17 transferrable from one license holder to another.

18        **Sec. 60.** RCW 75.30.070 and 1998 c 190 s 100 are each amended to  
19 read as follows:

20        (1) Except as provided in subsection (3) of this section, a person  
21 shall not operate a vessel as a charter boat from which salmon are  
22 taken in salt water without an angler permit. The angler permit shall  
23 specify the maximum number of persons that may fish from the charter  
24 boat per trip. The angler permit expires if the salmon charter license  
25 is not renewed.

26        (2) Only a person who holds a salmon charter license issued under  
27 RCW 75.28.095 and 75.30.065 (as recodified by this act) may hold an  
28 angler permit.

29        (3) An angler permit shall not be required for charter boats  
30 licensed in Oregon and fishing in ocean waters within the jurisdiction  
31 of Washington state from the southern border of the state of Washington  
32 to Leadbetter Point under the same regulations as Washington charter  
33 boat operators, as long as the Oregon vessel does not land at any  
34 Washington port with the purpose of taking on or discharging  
35 passengers. The provisions of this subsection shall be in effect as  
36 long as the state of Oregon has reciprocal laws and regulations.

1       **Sec. 61.** RCW 75.30.090 and 1993 c 340 s 30 are each amended to  
2 read as follows:

3       A salmon charter boat may not carry more anglers than the number  
4 specified in the angler permit issued under RCW 75.30.070 (as  
5 recodified by this act). Members of the crew may fish from the boat  
6 only to the extent that the number of anglers specified in the angler  
7 permit exceeds the number of noncrew passengers on the boat at that  
8 time.

9       **Sec. 62.** RCW 75.30.100 and 1993 c 340 s 31 are each amended to  
10 read as follows:

11       (1) The total number of anglers authorized by the ((department))  
12 director shall not exceed the total number authorized for 1980.

13       (2) Angler permits issued under RCW 75.30.070 (as recodified by  
14 this act) are transferable. All or a portion of the permit may be  
15 transferred to another salmon charter license holder.

16       (3) The angler permit holder and proposed transferee shall notify  
17 the department when transferring an angler permit, and the  
18 ((department)) director shall issue a new angler permit certificate.  
19 If the original permit holder retains a portion of the permit, the  
20 ((department)) director shall issue a new angler permit certificate  
21 reflecting the decrease in angler capacity.

22       (4) The department shall collect a fee of ten dollars for each  
23 certificate issued under subsection (3) of this section.

24       **Sec. 63.** RCW 75.30.120 and 1995 c 135 s 7 are each amended to read  
25 as follows:

26       (1) Except as provided in subsection (2) of this section, after May  
27 6, 1974, the director shall issue no new commercial salmon fishery  
28 licenses or salmon delivery licenses. A person may renew an existing  
29 license only if the person held the license sought to be renewed during  
30 the previous year or acquired the license by transfer from someone who  
31 held it during the previous year, and if the person has not  
32 subsequently transferred the license to another person.

33       (2) Where the person failed to obtain the license during the  
34 previous year because of a license suspension, the person may qualify  
35 for a license by establishing that the person held such a license  
36 during the last year in which the license was not suspended.

(3) Subject to the restrictions in RCW 75.28.011 (as recodified by this act), commercial salmon fishery licenses and salmon delivery licenses are transferable from one license holder to another.

**Sec. 64.** RCW 75.30.125 and 1993 c 340 s 33 are each amended to read as follows:

Any commercial salmon fishery license issued under RCW 75.28.110 (as recodified by this act) or salmon delivery license issued under RCW 75.28.113 (as recodified by this act) shall revert to the department when any government confiscates and sells the vessel designated on the license. Upon application of the person named on the license as license holder and the approval of the director, the department shall transfer the license to the applicant. Application for transfer of the license must be made within the calendar year for which the license was issued.

**Sec. 65.** RCW 75.30.130 and 1999 c 151 s 1602 are each amended to read as follows:

(1) A person shall not commercially take Dungeness crab (*Cancer magister*) in Puget Sound without first obtaining a Dungeness crab--Puget Sound fishery license. As used in this section, "Puget Sound" has the meaning given in RCW 75.28.110(5)(a) (as recodified by this act). A Dungeness crab--Puget Sound fishery license is not required to take other species of crab, including red rock crab (*Cancer productus*).

(2) Except as provided in subsections (3) and (6) of this section, after January 1, 1982, the director shall issue no new Dungeness crab--Puget Sound fishery licenses. Only a person who meets the following qualification may renew an existing license: The person shall have held the Dungeness crab--Puget Sound fishery license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and shall not have subsequently transferred the license to another person.

(3) Where the person failed to obtain the license during the previous year because of a license suspension, the person may qualify for a license by establishing that the person held such a license during the last year in which the license was not suspended.

(4) This section does not restrict the issuance of commercial crab licenses for areas other than Puget Sound or for species other than Dungeness crab.



(5) Dungeness crab--Puget Sound fishery licenses are transferable from one license holder to another.

(6) If fewer than one hundred twenty-five persons are eligible for Dungeness crab--Puget Sound fishery licenses, the director may accept applications for new licenses. The director shall determine by random selection the successful applicants for the additional licenses. The number of additional licenses issued shall be sufficient to maintain one hundred twenty-five licenses in the Puget Sound Dungeness crab fishery. The director shall adopt rules governing the application, selection, and issuance procedures for new Dungeness crab--Puget Sound fishery licenses.

**Sec. 66.** RCW 75.30.140 and 1998 c 190 s 102 are each amended to read as follows:

(1) A person shall not fish commercially for herring in state waters without a herring fishery license. As used in this section, "herring fishery license" means any of the following commercial fishery licenses issued under RCW 75.28.120 (as recodified by this act): Herring dip bag net; herring drag seine; herring gill net; herring lampara; herring purse seine.

(2) Except as provided in this section, a herring fishery license may be issued only to a person who held the license sought to be renewed during the previous year or acquired the license by transfer from someone who held it during the previous year, and if the person has not subsequently transferred the license to another person.

(3) Herring fishery licenses may be renewed each year. A herring fishery license that is not renewed each year shall not be renewed further.

(4) The ~~((department))~~ director may issue additional herring fishery licenses if the stocks of herring will not be jeopardized by granting additional licenses.

(5) Subject to the restrictions of RCW 75.28.011 (as recodified by this act), herring fishery licenses are transferable from one license holder to another.

**Sec. 67.** RCW 75.30.170 and 1993 c 340 s 39 are each amended to read as follows:

(1) A person shall not commercially take whiting from areas that the department designates within the waters described in RCW

1 75.28.110(5)(a) (as recodified by this act) without a whiting-Puget  
2 Sound fishery license.

3 (2) A whiting-Puget Sound fishery license may be issued only to an  
4 individual who:

5 (a) Delivered at least fifty thousand pounds of whiting during the  
6 period from January 1, 1981, through February 22, 1985, as verified by  
7 fish delivery tickets;

8 (b) Possessed, on January 1, 1986, all equipment necessary to fish  
9 for whiting; and

10 (c) Held a whiting-Puget Sound fishery license during the previous  
11 year or acquired such a license by transfer from someone who held it  
12 during the previous year.

13 ~~((+2+))~~ (3) After January 1, 1995, the director shall issue no new  
14 whiting-Puget Sound fishery licenses. After January 1, 1995, only an  
15 individual who meets the following qualifications may renew an existing  
16 license: The individual shall have held the license sought to be  
17 renewed during the previous year or acquired the license by transfer  
18 from someone who held it during the previous year, and shall not have  
19 subsequently transferred the license to another person.

20 ~~((+3+))~~ (4) Whiting-Puget Sound fishery licenses may be renewed  
21 each year. A whiting-Puget Sound fishery license that is not renewed  
22 each year shall not be renewed further.

23 **Sec. 68.** RCW 75.30.180 and 1993 c 340 s 40 are each amended to  
24 read as follows:

25 A whiting-Puget Sound fishery license may be transferred through  
26 gift, devise, bequest, or descent to members of the license holder's  
27 immediate family which shall be limited to spouse, children, or  
28 stepchildren. The holder of a whiting-Puget Sound fishery license  
29 shall be present on any vessel taking whiting under the license. In no  
30 instance may temporary permits be issued.

31 The director may adopt rules necessary to implement RCW ~~((75.30.160~~  
32 ~~through))~~ 75.30.170 and 75.30.180 (as recodified by this act).

33 **Sec. 69.** RCW 75.30.220 and 1993 c 340 s 42 are each amended to  
34 read as follows:

35 (1) The director may issue experimental fishery permits for  
36 commercial harvest in an emerging commercial fishery for which the  
37 director has determined there is a need to limit the number of

1 participants. The director shall determine by rule the number and  
2 qualifications of participants for such experimental fishery permits.  
3 Only a person who holds an emerging commercial fishery license issued  
4 under RCW 75.28.740 (as recodified by this act) and who meets the  
5 qualifications established in those rules may hold an experimental  
6 fishery permit. The director shall limit the number of these permits  
7 to prevent habitat damage, ensure conservation of the resource, and  
8 prevent overharvesting. In developing rules for limiting participation  
9 in an emerging or expanding commercial fishery, the director shall  
10 appoint a five-person advisory board representative of the affected  
11 fishery industry. The advisory board shall review and make  
12 recommendations to the director on rules relating to the number and  
13 qualifications of the participants for such experimental fishery  
14 permits.

15 (2) RCW 34.05.422(3) does not apply to applications for new  
16 experimental fishery permits.

17 (3) Experimental fishery permits are not transferable from the  
18 permit holder to any other person.

19 **Sec. 70.** RCW 75.30.270 and 1993 c 340 s 37 are each amended to  
20 read as follows:

21 (1) A herring spawn on kelp fishery license is required to  
22 commercially take herring eggs which have been deposited on vegetation  
23 of any type.

24 (2) A herring spawn on kelp fishery license may be issued only to  
25 a person who:

26 (a) Holds a herring fishery license issued under RCW 75.28.120 and  
27 75.30.140 (as recodified by this act); and

28 (b) Is the highest bidder in an auction conducted under subsection  
29 (3) of this section.

30 (3) The department shall sell herring spawn on kelp commercial  
31 fishery licenses at auction to the highest bidder. Bidders shall  
32 identify their sources of kelp. Kelp harvested from state-owned  
33 aquatic lands as defined in RCW 79.90.465 requires the written consent  
34 of the department of natural resources. The department shall give all  
35 holders of herring fishery licenses thirty days' notice of the auction.

36 **Sec. 71.** RCW 75.30.280 and 1998 c 190 s 106 are each amended to  
37 read as follows:

1 (1) A person shall not harvest geoduck clams commercially without  
2 a geoduck fishery license. This section does not apply to the harvest  
3 of private sector cultured aquatic products as defined in RCW  
4 15.85.020.

5 (2) Only a person who has entered into a geoduck harvesting  
6 agreement with the department of natural resources under RCW 79.96.080  
7 may hold a geoduck fishery license.

8 (3) A geoduck fishery license authorizes no taking of geoducks  
9 outside the boundaries of the public lands designated in the underlying  
10 harvesting agreement, or beyond the harvest ceiling set in the  
11 underlying harvesting agreement.

12 (4) A geoduck fishery license expires when the underlying geoduck  
13 harvesting agreement terminates.

14 (5) The director shall determine the number of geoduck fishery  
15 licenses that may be issued for each geoduck harvesting agreement, the  
16 number of units of gear whose use the license authorizes, and the type  
17 of gear that may be used, subject to RCW 75.24.100 (as recodified by  
18 this act). In making those determinations, the director shall seek to  
19 conserve the geoduck resource and prevent damage to its habitat.

20 (6) The holder of a geoduck fishery license and the holder's agents  
21 and representatives shall comply with all applicable commercial diving  
22 safety regulations adopted by the federal occupational safety and  
23 health administration established under the federal occupational safety  
24 and health act of 1970 as such law exists on May 8, 1979, 84 Stat. 1590  
25 et seq.; 29 U.S.C. Sec. 651 et seq. A violation of those regulations  
26 is a violation of this subsection. For the purposes of this section,  
27 persons who dive for geoducks are "employees" as defined by the federal  
28 occupational safety and health act. A violation of this subsection is  
29 grounds for suspension or revocation of a geoduck fishery license  
30 following a hearing under the procedures of chapter 34.05 RCW. The  
31 ~~((department))~~ director shall not suspend or revoke a geoduck fishery  
32 license if the violation has been corrected within ten days of the date  
33 the license holder receives written notice of the violation. If there  
34 is a substantial probability that a violation of the commercial diving  
35 standards could result in death or serious physical harm to a person  
36 engaged in harvesting geoduck clams, the ~~((department))~~ director shall  
37 suspend the license immediately until the violation has been corrected.  
38 If the license holder is not the operator of the harvest vessel and has  
39 contracted with another person for the harvesting of geoducks, the

1 ((department)) director shall not suspend or revoke the license if the  
2 license holder terminates its business relationship with that person  
3 until compliance with this subsection is secured.

4 **Sec. 72.** RCW 75.30.290 and 1998 c 190 s 107 are each amended to  
5 read as follows:

6 A person shall not commercially deliver into any Washington state  
7 port ocean pink shrimp caught in offshore waters without an ocean pink  
8 shrimp delivery license issued under RCW 75.28.730 (as recodified by  
9 this act), or an ocean pink shrimp single delivery license issued under  
10 RCW 75.30.320 (as recodified by this act). An ocean pink shrimp  
11 delivery license shall be issued to a vessel that:

12 (1) Landed a total of at least five thousand pounds of ocean pink  
13 shrimp in Washington in any single calendar year between January 1,  
14 1983, and December 31, 1992, as documented by a valid shellfish  
15 receiving ticket; and

16 (2) Can show continuous participation in the Washington, Oregon, or  
17 California ocean pink shrimp fishery by being eligible to land ocean  
18 pink shrimp in either Washington, Oregon, or California each year since  
19 the landing made under subsection (1) of this section. Evidence of  
20 such eligibility shall be a certified statement from the relevant state  
21 licensing agency that the applicant for a Washington ocean pink shrimp  
22 delivery license held at least one of the following permits:

23 (a) For Washington: Possession of a delivery permit or delivery  
24 license issued under RCW 75.28.125 ~~((or a trawl license (other than~~  
25 ~~Puget Sound) issued under RCW 75.28.140))~~ (as recodified by this act);

26 (b) For Oregon: Possession of a vessel permit issued under Oregon  
27 Revised Statute 508.880; or

28 (c) For California: A trawl permit issued under California Fish  
29 and Game Code sec. 8842.

30 **Sec. 73.** RCW 75.30.300 and 1993 c 376 s 6 are each amended to read  
31 as follows:

32 An applicant who can show historical participation under RCW  
33 75.30.290(1) (as recodified by this act) but does not satisfy the  
34 continuous participation requirement of RCW 75.30.290(2) (as recodified  
35 by this act) shall be issued an ocean pink shrimp delivery license if:

36 (1) The owner can prove that the owner was in the process on  
37 December 31, 1992, of constructing a vessel for the purpose of ocean

1 pink shrimp harvest. For purposes of this section, "construction"  
2 means having the keel laid, and "for the purpose of ocean pink shrimp  
3 harvest" means the vessel is designed as a trawl vessel. An ocean pink  
4 shrimp delivery license issued to a vessel under construction is not  
5 renewable after December 31, 1994, unless the vessel lands a total of  
6 at least five thousand pounds of ocean pink shrimp into a Washington  
7 state port before December 31, 1994; or

8 (2) The applicant's vessel is a replacement for a vessel that is  
9 otherwise eligible for an ocean pink shrimp delivery license.

10 **Sec. 74.** RCW 75.30.320 and 1993 c 376 s 8 are each amended to read  
11 as follows:

12 The owner of an ocean pink shrimp fishing vessel that does not  
13 qualify for an ocean pink shrimp delivery license issued under RCW  
14 75.28.730 (as recodified by this act) shall obtain an ocean pink shrimp  
15 single delivery license in order to make a landing into a state port of  
16 ocean pink shrimp taken in offshore waters. The director shall not  
17 issue an ocean pink shrimp single delivery license unless, as  
18 determined by the director, a bona fide emergency exists. A maximum of  
19 six ocean pink shrimp single delivery licenses may be issued annually  
20 to any vessel. ~~((Unless adjusted by the director pursuant to the~~  
21 ~~director's authority granted in RCW 75.28.065,))~~ The fee for an ocean  
22 pink shrimp single delivery license is one hundred dollars.

23 **Sec. 75.** RCW 75.30.330 and 1993 c 376 s 10 are each amended to  
24 read as follows:

25 The director may reduce the landing requirements established under  
26 RCW 75.30.290 (as recodified by this act) upon the recommendation of an  
27 advisory review board established under RCW 75.30.050 (as recodified by  
28 this act), but the director may not entirely waive the landing  
29 requirement. The advisory review board may recommend a reduction of  
30 the landing requirement in individual cases if in the advisory review  
31 board's judgment, extenuating circumstances prevented achievement of  
32 the landing requirement. The director shall adopt rules governing the  
33 operation of the advisory review board and defining "extenuating  
34 circumstances."

35 **Sec. 76.** RCW 75.30.350 and 1998 c 190 s 108 are each amended to  
36 read as follows:

(1) A person shall not commercially fish for coastal crab in Washington state waters without a Dungeness crab--coastal or a Dungeness crab--coastal class B fishery license. Gear used must consist of one buoy attached to each crab pot. Each crab pot must be fished individually.

(2) A Dungeness crab--coastal fishery license is transferable. Except as provided in subsection (3) of this section, such a license shall only be issued to a person who proved active historical participation in the coastal crab fishery by having designated, after December 31, 1993, a vessel or a replacement vessel on the qualifying license that singly or in combination meets the following criteria:

(a) Made a minimum of eight coastal crab landings totaling a minimum of five thousand pounds per season in at least two of the four qualifying seasons identified in subsection (5) of this section, as documented by valid Washington state shellfish receiving tickets; and showed historical and continuous participation in the coastal crab fishery by having held one of the following licenses or their equivalents each calendar year beginning 1990 through 1993, and was designated on the qualifying license of the person who held one of the following licenses in 1994:

(i) Crab pot--Non-Puget Sound license, issued under RCW 75.28.130(1)(b) (as recodified by this act);

(ii) Nonsalmon delivery license, issued under RCW 75.28.125 (as recodified by this act);

(iii) Salmon troll license, issued under RCW 75.28.110 (as recodified by this act);

(iv) Salmon delivery license, issued under RCW 75.28.113 (as recodified by this act);

(v) Food fish trawl license, issued under RCW 75.28.120 (as recodified by this act); or

(vi) Shrimp trawl license, issued under RCW 75.28.130 (as recodified by this act); or

(b) Made a minimum of four Washington landings of coastal crab totaling two thousand pounds during the period from December 1, 1991, to March 20, 1992, and made a minimum of eight crab landings totaling a minimum of five thousand pounds of coastal crab during each of the following periods: December 1, 1991, to September 15, 1992; December 1, 1992, to September 15, 1993; and December 1, 1993, to September 15, 1994. For landings made after December 31, 1993, the vessel shall have

1 been designated on the qualifying license of the person making the  
2 landings; or

3 (c) Made any number of coastal crab landings totaling a minimum of  
4 twenty thousand pounds per season in at least two of the four  
5 qualifying seasons identified in subsection (5) of this section, as  
6 documented by valid Washington state shellfish receiving tickets,  
7 showed historical and continuous participation in the coastal crab  
8 fishery by having held one of the qualifying licenses each calendar  
9 year beginning 1990 through 1993, and the vessel was designated on the  
10 qualifying license of the person who held that license in 1994.

11 (3) A Dungeness crab-coastal fishery license shall be issued to a  
12 person who had a new vessel under construction between December 1,  
13 1988, and September 15, 1992, if the vessel made coastal crab landings  
14 totaling a minimum of five thousand pounds by September 15, 1993, and  
15 the new vessel was designated on the qualifying license of the person  
16 who held that license in 1994. All landings shall be documented by  
17 valid Washington state shellfish receiving tickets. License  
18 applications under this subsection may be subject to review by the  
19 advisory review board in accordance with RCW 75.30.050 (as recodified  
20 by this act). For purposes of this subsection, "under construction"  
21 means either:

22 (a)(i) A contract for any part of the work was signed before  
23 September 15, 1992; and

24 (ii) The contract for the vessel under construction was not  
25 transferred or otherwise alienated from the contract holder between the  
26 date of the contract and the issuance of the Dungeness crab-coastal  
27 fishery license; and

28 (iii) Construction had not been completed before December 1, 1988;  
29 or

30 (b)(i) The keel was laid before September 15, 1992; and

31 (ii) Vessel ownership was not transferred or otherwise alienated  
32 from the owner between the time the keel was laid and the issuance of  
33 the Dungeness crab-coastal fishery license; and

34 (iii) Construction had not been completed before December 1, 1988.

35 (4) A Dungeness crab--coastal class B fishery license is not  
36 transferable. Such a license shall be issued to persons who do not  
37 meet the qualification criteria for a Dungeness crab--coastal fishery  
38 license, if the person has designated on a qualifying license after  
39 December 31, 1993, a vessel or replacement vessel that, singly or in



1 combination, made a minimum of four landings totaling a minimum of two  
2 thousand pounds of coastal crab, documented by valid Washington state  
3 shellfish receiving tickets, during at least one of the four qualifying  
4 seasons, and if the person has participated continuously in the coastal  
5 crab fishery by having held or by having owned a vessel that held one  
6 or more of the licenses listed in subsection (2) of this section in  
7 each calendar year subsequent to the qualifying season in which  
8 qualifying landings were made through 1994. Dungeness crab--coastal  
9 class B fishery licenses cease to exist after December 31, 1999, and  
10 the continuing license provisions of RCW 34.05.422(3) are not  
11 applicable.

12 (5) The four qualifying seasons for purposes of this section are:

13 (a) December 1, 1988, through September 15, 1989;

14 (b) December 1, 1989, through September 15, 1990;

15 (c) December 1, 1990, through September 15, 1991; and

16 (d) December 1, 1991, through September 15, 1992.

17 (6) For purposes of this section and RCW 75.30.420 (as recodified  
18 by this act), "coastal crab" means Dungeness crab (cancer magister)  
19 taken in all Washington territorial and offshore waters south of the  
20 United States-Canada boundary and west of the Bonilla-Tatoosh line (a  
21 line from the western end of Cape Flattery to Tatoosh Island  
22 lighthouse, then to the buoy adjacent to Duntz Rock, then in a straight  
23 line to Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay,  
24 and the Columbia river.

25 (7) For purposes of this section, "replacement vessel" means a  
26 vessel used in the coastal crab fishery in 1994, and that replaces a  
27 vessel used in the coastal crab fishery during any period from 1988  
28 through 1993, and which vessel's licensing and catch history, together  
29 with the licensing and catch history of the vessel it replaces,  
30 qualifies a single applicant for a Dungeness crab--coastal or Dungeness  
31 crab--coastal class B fishery license. A Dungeness crab--coastal or  
32 Dungeness crab--coastal class B fishery license may only be issued to  
33 a person who designated a vessel in the 1994 coastal crab fishery and  
34 who designated the same vessel in 1995.

35 **Sec. 77.** RCW 75.30.370 and 1994 c 260 s 4 are each amended to read  
36 as follows:

37 A person commercially fishing for Dungeness crab in offshore waters  
38 outside of Washington state jurisdiction shall obtain a Dungeness crab

1 offshore delivery license from the director if the person does not  
2 possess a valid Dungeness crab-coastal fishery license or a valid  
3 Dungeness crab-coastal class B fishery license and the person wishes to  
4 land Dungeness crab into a place or a port in the state. The annual  
5 fee for a Dungeness crab offshore delivery license is two hundred fifty  
6 dollars. The director may specify restrictions on landings of offshore  
7 Dungeness crab in Washington state as authorized in RCW 75.30.360 (as  
8 recodified by this act).

9 Fees from the offshore Dungeness crab delivery license shall be  
10 placed in the ((~~coastal~~ - {~~coastal~~})) coastal crab account created in RCW  
11 75.30.390 (as recodified by this act).

12 **Sec. 78.** RCW 75.30.380 and 1997 c 418 s 3 are each amended to read  
13 as follows:

14 Dungeness crab-coastal fishery licenses are freely transferable on  
15 a willing seller-willing buyer basis after paying the transfer fee in  
16 RCW 75.28.011 (as recodified by this act).

17 **Sec. 79.** RCW 75.30.390 and 1997 c 418 s 4 are each amended to read  
18 as follows:

19 The coastal crab account is created in the custody of the state  
20 treasurer. The account shall consist of revenues from fees from the  
21 transfer of each Dungeness crab-coastal fishery license assessed under  
22 RCW 75.28.011 (as recodified by this act), delivery fees assessed under  
23 RCW 75.30.370 (as recodified by this act), and the license surcharge  
24 under RCW 75.28.133 (as recodified by this act). Only the director or  
25 the director's designee may authorize expenditures from the account.  
26 The account is subject to allotment procedures under chapter 43.88 RCW  
27 but no appropriation is required for expenditures. Funds may be used  
28 for coastal crab management activities as provided in RCW 75.30.410 (as  
29 recodified by this act).

30 **Sec. 80.** RCW 75.30.420 and 1994 c 260 s 9 are each amended to read  
31 as follows:

32 (1) An Oregon resident who can show historical and continuous  
33 participation in the Washington state coastal crab fishery by having  
34 held a nonresident non-Puget Sound crab pot license issued under RCW  
35 75.28.130 (as recodified by this act) each year from 1990 through 1994,  
36 and who has delivered a minimum of eight landings totaling five

1 thousand pounds of crab into Oregon during any two of the four  
2 qualifying seasons as provided in RCW 75.30.350(~~((+4))~~) (5) (as  
3 recodified by this act) as evidenced by valid Oregon fish receiving  
4 tickets, shall be issued a nonresident Dungeness crab-coastal fishery  
5 license valid for fishing in Washington state waters north from the  
6 Oregon-Washington boundary to United States latitude forty-six degrees  
7 thirty minutes north. Such license shall be issued upon application  
8 and submission of proof of delivery.

9 (2) This section shall become effective contingent upon reciprocal  
10 statutory authority in the state of Oregon providing for equal access  
11 for Washington state coastal crab fishers to Oregon territorial coastal  
12 waters north of United States latitude forty-five degrees fifty-eight  
13 minutes north, and Oregon waters of the Columbia river.

14 **Sec. 81.** RCW 75.30.440 and 1994 c 260 s 13 are each amended to  
15 read as follows:

16 Except as provided under RCW 75.30.460 (as recodified by this act),  
17 the director shall issue no new Dungeness crab-coastal fishery licenses  
18 after December 31, 1995. A person may renew an existing license only  
19 if the person held the license sought to be renewed during the previous  
20 year or acquired the license by transfer from someone who held it  
21 during the previous year, and if the person has not subsequently  
22 transferred the license to another person. Where the person failed to  
23 obtain the license during the previous year because of a license  
24 suspension, the person may qualify for a license by establishing that  
25 the person held such a license during the last year in which the  
26 license was not suspended.

27 **Sec. 82.** RCW 75.30.460 and 1994 c 260 s 17 are each amended to  
28 read as follows:

29 If fewer than one hundred seventy-five persons are eligible for  
30 Dungeness crab-coastal fishery licenses, the director may accept  
31 applications for new licenses. Additional licenses issued may maintain  
32 a maximum of one hundred seventy-five licenses in the Washington  
33 coastal crab fishery. If additional licenses are to be issued, the  
34 director shall adopt rules governing the notification, application,  
35 selection, and issuance procedures for new Dungeness crab-coastal  
36 fishery licenses, based on recommendations of the advisory review board  
37 established under RCW 75.30.050 (as recodified by this act).

1       **Sec. 83.** RCW 75.30.470 and 1994 c 260 s 19 are each amended to  
2 read as follows:

3       The director may reduce the landing requirements established under  
4 RCW 75.30.350 (as recodified by this act) upon the recommendation of an  
5 advisory review board established under RCW 75.30.050 (as recodified by  
6 this act), but the director may not entirely waive the landing  
7 requirement. The advisory review board may recommend a reduction of  
8 the landing requirement in individual cases if in the advisory review  
9 board's judgment, extenuating circumstances prevented achievement of  
10 the landing requirement. The director shall adopt rules governing the  
11 operation of the advisory review board and defining "extenuating  
12 circumstances." Extenuating circumstances may include situations in  
13 which a person had a vessel under construction such that qualifying  
14 landings could not be made. In defining extenuating circumstances,  
15 special consideration shall be given to individuals who can provide  
16 evidence of lack of access to capital based on past discrimination due  
17 to race, creed, color, sex, national origin, or disability.

18       **Sec. 84.** RCW 75.30.490 and 1999 c 239 s 3 are each amended to read  
19 as follows:

20       (1) The Puget Sound shrimp emerging fishery management regime is  
21 converted from an emerging fishery status to a limited entry fishery  
22 status effective January 1, 2000.

23       (2) Effective January 1, 2000, a person shall not fish for shrimp  
24 taken from Puget Sound for commercial purposes with shrimp pot gear  
25 except under the provisions of a shrimp pot-Puget Sound fishery license  
26 issued under RCW 75.28.130 (as recodified by this act).

27       (3) Effective January 1, 2000, a shrimp pot-Puget Sound fishery  
28 license shall only be issued to a natural person who held an emerging  
29 commercial fishery license and Puget Sound shrimp pot experimental  
30 fishery permit during 1999. Beginning January 1, 2001, a shrimp pot-  
31 Puget Sound fishery license shall only be issued to a natural person  
32 who held a shrimp pot-Puget Sound fishery license during the previous  
33 year.

34       (4) Shrimp pot-Puget Sound fishery licenses are nontransferable.

35       (5) The department, by rule, may set licensee participation  
36 requirements for Puget Sound shellfish pot shrimp harvest.

1       **Sec. 85.** RCW 75.30.500 and 1999 c 239 s 4 are each amended to read  
2 as follows:

3       (1) The Puget Sound shrimp emerging fishery management regime is  
4 converted from an emerging fishery status to a limited entry fishery  
5 status effective January 1, 2000.

6       (2) Effective January 1, 2000, a person shall not fish for shrimp  
7 taken from Puget Sound for commercial purposes with shrimp trawl gear  
8 except under the provisions of a shrimp trawl-Puget Sound fishery  
9 license issued under RCW 75.28.130 (as recodified by this act).

10       (3) Effective January 1, 2000, a shrimp trawl-Puget Sound fishery  
11 license shall only be issued to a natural person who held an emerging  
12 commercial fishery license and Puget Sound shrimp trawl experimental  
13 fishery permit during 1999. Beginning January 1, 2001, a shrimp trawl-  
14 Puget Sound fishery license shall only be issued to a natural person  
15 who held a shrimp trawl-Puget Sound fishery license during the previous  
16 licensing year.

17       (4) The department, by rule, may set licensee participation  
18 requirements for Puget Sound shellfish trawl shrimp harvest.

19       (5) Shrimp trawl-Puget Sound fishery licenses are nontransferable.

20       **Sec. 86.** RCW 75.40.020 and 1995 1st sp.s. c 2 s 19 are each  
21 amended to read as follows:

22       The commission may give to the state of Oregon such consent and  
23 approbation of the state of Washington as is necessary under the  
24 compact set out in RCW 75.40.010 (as recodified by this act). For the  
25 purposes of RCW 75.40.010 (as recodified by this act), the states of  
26 Washington and Oregon have concurrent jurisdiction in the concurrent  
27 waters of the Columbia river (~~(as defined in RCW 75.08.011)~~)).

28       **Sec. 87.** RCW 75.40.110 and 1994 c 148 s 2 are each amended to read  
29 as follows:

30       Until such time as the agencies in California, Idaho, Oregon, and  
31 Washington present a final proposed interstate compact for enactment by  
32 their respective legislative bodies, the governor may establish  
33 cooperative agreements with the states of California, Idaho, and Oregon  
34 that allow the states to coordinate their individual efforts in  
35 developing state programs that further the region-wide goals set forth  
36 under RCW 75.40.100 (as recodified by this act).

1       **Sec. 88.** RCW 75.44.100 and 1985 c 7 s 150 are each amended to read  
2 as follows:

3       As used in this chapter:

4       (1) "Case areas" means those areas of the Western district of  
5 Washington and in the adjacent offshore waters which are within the  
6 jurisdiction of the state of Washington, as defined in *United States of*  
7 *America et al. v. State of Washington et al.*, Civil No. 9213, United  
8 States District Court for Western District of Washington, February 12,  
9 1974, and in *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as  
10 amended, affirmed, and remanded 529 F. 2d 570 (9th Cir., 1976), or an  
11 area in which fishing rights are affected by court decision in a manner  
12 consistent with the above-mentioned decisions;

13       (2) "Program" means the program established under RCW 75.44.100  
14 through 75.44.150 (as recodified by this act).

15       **Sec. 89.** RCW 75.44.120 and 1983 1st ex.s. c 46 s 157 are each  
16 amended to read as follows:

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

20       The director may specify a maximum price to be paid for a vessel,  
21 gear, license, or delivery permit purchased under RCW 75.44.110 (as  
22 recodified by this act). A license or delivery permit purchased under  
23 RCW 75.44.110 (as recodified by this act) shall be permanently retired  
24 by the department.

25       **Sec. 90.** RCW 75.44.130 and 1983 1st ex.s. c 46 s 158 are each  
26 amended to read as follows:

27       The department may arrange for the insurance, storage, and resale  
28 or other disposition of vessels and gear purchased under RCW 75.44.110  
29 (as recodified by this act). Vessels shall not be resold by the  
30 department to the seller or the seller's immediate family. The vessels  
31 shall not be used by any owner or operator: (1) As a commercial  
32 fishing or charter vessel in state waters; or (2) to deliver fish to a  
33 place or port in the state. The department shall require that the  
34 purchasers and other users of vessels sold by the department execute  
35 suitable instruments to insure compliance with the requirements of this  
36 section. The director may commence suit or be sued on such an

1 instrument in a state court of record or United States district court  
2 having jurisdiction.

3 **Sec. 91.** RCW 75.44.150 and 1983 1st ex.s. c 46 s 160 are each  
4 amended to read as follows:

5 The director is responsible for the administration and disbursement  
6 of all funds, goods, commodities, and services received by the state  
7 under the program.

8 There is created within the state treasury a fund to be known as  
9 the "vessel, gear, license, and permit reduction fund". This fund  
10 shall be used for purchases under RCW 75.44.110 (as recodified by this  
11 act) and for the administration of the program. This fund shall be  
12 credited with federal or other funds received to carry out the purposes  
13 of the program and the proceeds from the sale or other disposition of  
14 property purchased under RCW 75.44.110 (as recodified by this act).

15 **Sec. 92.** RCW 75.46.010 and 1998 c 246 s 2 are each amended to read  
16 as follows:

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

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

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

26 (3) "Habitat project list" is the list of projects resulting from  
27 the critical pathways methodology under RCW 75.46.070(2) (as recodified  
28 by this act). Each project on the list must have a written agreement  
29 from the landowner on whose land the project will be implemented.  
30 Projects include habitat restoration projects, habitat protection  
31 projects, habitat projects that improve water quality, habitat projects  
32 that protect water quality, habitat-related mitigation projects, and  
33 habitat project maintenance and monitoring activities.

34 (4) "Habitat work schedule" means those projects from the habitat  
35 project list that will be implemented during the current funding cycle.  
36 The schedule shall also include a list of the entities and individuals

1 implementing projects, the start date, duration, estimated date of  
2 completion, estimated cost, and funding sources for the projects.

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

7 (6) "Project sponsor" is a county, city, special district, tribal  
8 government, a combination of such governments through interlocal  
9 agreements provided under chapter 39.34 RCW, a nonprofit organization,  
10 or one or more private citizens.

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

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

17 (9) "Tribe" or "tribes" means federally recognized Indian tribes.

18 (10) "WRIA" means a water resource inventory area established in  
19 chapter 173-500 WAC as it existed on January 1, 1997.

20 (11) "Owner" means the person holding title to the land or the  
21 person under contract with the owner to lease or manage the legal  
22 owner's property.

23 **Sec. 93.** RCW 75.46.040 and 1999 1st sp.s. c 13 s 8 are each  
24 amended to read as follows:

25 (1) The salmon recovery office is created within the office of the  
26 governor to coordinate state strategy to allow for salmon recovery to  
27 healthy sustainable population levels with productive commercial and  
28 recreational fisheries. The primary purpose of the office is to  
29 coordinate and assist in the development of salmon recovery plans for  
30 evolutionarily significant units, and submit those plans to the  
31 appropriate tribal governments and federal agencies as an integral part  
32 of a state-wide strategy developed consistent with the guiding  
33 principles and procedures under RCW 75.46.190 (as recodified by this  
34 act). The governor's salmon recovery office may also:

35 (a) Act as liaison to local governments, the state congressional  
36 delegation, the United States congress, federally recognized tribes,  
37 and the federal executive branch agencies for issues related to the  
38 state's endangered species act salmon recovery plans; and



1 (b) Provide the biennial state of the salmon report to the  
2 legislature pursuant to RCW 75.46.030 (as recodified by this act).

3 (2) This section expires June 30, 2006.

4 **Sec. 94.** RCW 75.46.050 and 1999 1st sp.s. c 13 s 10 are each  
5 amended to read as follows:

6 (1) The governor shall request the national academy of sciences,  
7 the American fisheries society, or a comparable institution to screen  
8 candidates to serve as members on the independent science panel. The  
9 institution that conducts the screening of the candidates shall submit  
10 a list of the nine most qualified candidates to the governor, the  
11 speaker of the house of representatives, and the majority leader of the  
12 senate. The candidates shall reflect expertise in habitat requirements  
13 of salmon, protection and restoration of salmon populations, artificial  
14 propagation of salmon, hydrology, or geomorphology.

15 (2) The speaker of the house of representatives and the majority  
16 leader in the senate may each remove one name from the nomination list.  
17 The governor shall consult with tribal representatives and the governor  
18 shall appoint five scientists from the remaining names on the  
19 nomination list.

20 (3) The members of the independent science panel shall serve four-  
21 year terms. Vacant positions on the panel shall be filled in the same  
22 manner as the original appointments. Members shall serve no more than  
23 two full terms. The independent science panel members shall elect the  
24 chair of the panel among themselves every two years. Based upon  
25 available funding, the governor's salmon recovery office may contract  
26 for services with members of the independent science panel for  
27 compensation under chapter 39.29 RCW.

28 (4) The independent science panel shall be governed by generally  
29 accepted guidelines and practices governing the activities of  
30 independent science boards such as the national academy of sciences.  
31 The purpose of the independent science panel is to help ensure that  
32 sound science is used in salmon recovery efforts. The governor's  
33 salmon recovery office shall request review of salmon recovery plans by  
34 the science review panel. The science panel does not have the  
35 authority to review individual projects or habitat project lists  
36 developed under RCW 75.46.060, 75.46.070, and 75.46.080 (as recodified  
37 by this act) or to make policy decisions. The panel shall periodically

1 submit its findings and recommendations under this subsection to the  
2 legislature and the governor.

3 (5) The independent science panel, in conjunction with the  
4 technical review team, shall recommend standardized monitoring  
5 indicators and data quality guidelines for use by entities involved in  
6 habitat projects and salmon recovery activities across the state.

7 (6) The independent science panel, in conjunction with the  
8 technical review team, shall also recommend criteria for the systematic  
9 and periodic evaluation of monitoring data in order for the state to be  
10 able to answer critical questions about the effectiveness of the  
11 state's salmon recovery efforts.

12 (7) The recommendations on monitoring as required in this section  
13 shall be provided in a report to the governor and to the legislature by  
14 the independent science panel, in conjunction with the salmon recovery  
15 office, no later than December 31, 2000. The report shall also include  
16 recommendations on the level of effort needed to sustain monitoring of  
17 salmon projects and other recovery efforts, and any other  
18 recommendations on monitoring deemed important by the independent  
19 science panel and the technical review team. The report may be  
20 included in the biennial state of the salmon report required under RCW  
21 75.46.030 (as recodified by this act).

22 **Sec. 95.** RCW 75.46.070 and 1999 1st sp.s. c 13 s 12 are each  
23 amended to read as follows:

24 (1) Critical pathways methodology shall be used to develop a  
25 habitat project list and a habitat work schedule that ensures salmon  
26 habitat projects will be prioritized and implemented in a logical  
27 sequential manner that produces habitat capable of sustaining healthy  
28 populations of salmon.

29 (2) The critical pathways methodology shall:

30 (a) Include a limiting factors analysis for salmon in streams,  
31 rivers, tributaries, estuaries, and subbasins in the region. The  
32 technical advisory group shall have responsibility for the limiting  
33 factors analysis;

34 (b) Identify local habitat projects that sponsors are willing to  
35 undertake. The projects identified must have a written agreement from  
36 the landowner on which the project is to be implemented. Project  
37 sponsors shall have the lead responsibility for this task;

1 (c) Identify how projects will be monitored and evaluated. The  
2 project sponsor, in consultation with the technical advisory group and  
3 the appropriate landowner, shall have responsibility for this task;

4 (d) Include a review of monitoring data, evaluate project  
5 performance, and make recommendations to the committee established  
6 under RCW 75.46.060 (as recodified by this act) and to the technical  
7 review team. The technical advisory group has responsibility for this  
8 task; and

9 (e) Describe the adaptive management strategy that will be used.  
10 The committee established under RCW 75.46.060 (as recodified by this  
11 act) shall have responsibility for this task. If a committee has not  
12 been formed, the technical advisory group shall have the responsibility  
13 for this task.

14 (3) The habitat work schedule shall include all projects developed  
15 pursuant to subsection (2) of this section, and shall identify and  
16 coordinate with any other salmon habitat project implemented in the  
17 region, including habitat preservation projects funded through the  
18 Washington wildlife and recreation program, the conservation reserve  
19 enhancement program, and other conservancy programs. The habitat work  
20 schedule shall also include the start date, duration, estimated date of  
21 completion, estimated cost, and, if appropriate, the affected salmonid  
22 species of each project. Each schedule shall be updated on an annual  
23 basis to depict new activities.

24 **Sec. 96.** RCW 75.46.080 and 1999 1st sp.s. c 13 s 15 are each  
25 amended to read as follows:

26 (1) Representatives from the conservation commission, the  
27 department of transportation, the department of natural resources, the  
28 department of ecology, and the department of fish and wildlife shall  
29 establish an interagency review team. Habitat restoration project  
30 lists shall be submitted to the interagency review team by January 1st  
31 and July 1st of each year. The purpose of the team is to assist the  
32 salmon recovery funding board in developing procedures and standards  
33 for state-wide funding allocation, and to assist the board in reviewing  
34 funding applications to identify the highest priority projects and  
35 activities for funding.

36 (2) If a lead entity established under RCW 75.46.060 (as recodified  
37 by this act) has been formed, the interagency review team shall  
38 evaluate habitat project lists developed pursuant to RCW 75.46.060 (as

1 recodified by this act) and submitted to the board for consideration  
2 for funding. The team shall advise the board on whether the list for  
3 the area complies with the list development procedures and critical  
4 path methodology provided by RCW 75.46.060 and 75.46.070 (as recodified  
5 by this act). When the board determines the list to comply with those  
6 requirements it shall accord substantial weight to the list's project  
7 priorities when making determinations among applications for funding of  
8 projects and activities within the area covered by the list. Projects  
9 that include use of side channels, off-stream rearing enhancement,  
10 improvement in overwintering habitat, or use of acclimation ponds shall  
11 receive consideration for funding.

12 (3) The board may annually establish a maximum amount of funding  
13 available for any individual project, subject to available funding.

14 (4) Where a lead entity has been established pursuant to RCW  
15 75.46.060 (as recodified by this act), the board may provide grants to  
16 the lead entity to assist in carrying out lead entity functions under  
17 this chapter, subject to available funding.

18 (5) The interagency review team shall review, rank, and approve  
19 projects submitted for funding until January 1, 2000.

20 (6) This section expires July 1, 2000.

21 **Sec. 97.** RCW 75.46.090 and 1998 c 246 s 10 are each amended to  
22 read as follows:

23 (1) The conservation commission, in consultation with local  
24 government and the tribes, shall invite private, federal, state,  
25 tribal, and local government personnel with appropriate expertise to  
26 act as a technical advisory group.

27 (2) For state personnel, involvement on the technical advisory  
28 group shall be at the discretion of the particular agency. Unless  
29 specifically provided for in the budget, technical assistance  
30 participants shall be provided from existing full-time equivalent  
31 employees.

32 (3) The technical advisory group shall identify the limiting  
33 factors for salmonids to respond to the limiting factors relating to  
34 habitat pursuant to RCW 75.46.070(2) (as recodified by this act).

35 (4) Where appropriate, the conservation district within the area  
36 implementing this chapter shall take the lead in developing and  
37 maintaining relationships between the technical advisory group and the  
38 private landowners under RCW 75.46.080 (as recodified by this act).

1 The conservation districts may assist landowners to organize around  
2 river, tributary, estuary, or subbasins of a watershed.

3 (5) Fishery enhancement groups and other volunteer organizations  
4 may participate in the activities under this section.

5 **Sec. 98.** RCW 75.46.100 and 1999 1st sp.s. c 13 s 14 are each  
6 amended to read as follows:

7 The sea grant program at the University of Washington is authorized  
8 to provide technical assistance to volunteer groups and other project  
9 sponsors in designing and implementing habitat projects that address  
10 the limiting factors analysis required under RCW 75.46.070 (as  
11 recodified by this act). The cost for such assistance may be covered  
12 on a fee-for-service basis.

13 **Sec. 99.** RCW 75.46.110 and 1998 c 246 s 12 are each amended to  
14 read as follows:

15 The southwest Washington salmon recovery region, whose boundaries  
16 are provided in chapter 60, Laws of 1998, is created. ~~((If chapter 60,~~  
17 ~~Laws of 1998 is not enacted by July 1, 1998, this section is null and~~  
18 ~~void.))~~

19 **Sec. 100.** RCW 75.46.120 and 1998 c 246 s 16 are each amended to  
20 read as follows:

21 (1) The departments of transportation, fish and wildlife, and  
22 ecology, and tribes shall convene a work group to develop policy  
23 guidance to evaluate mitigation alternatives. The policy guidance  
24 shall be designed to enable committees established under RCW 75.46.060  
25 (as recodified by this act) to develop and implement habitat project  
26 lists that maximize environmental benefits from project mitigation  
27 while reducing project design and permitting costs. The work group  
28 shall seek technical assistance to ensure that federal, state, treaty  
29 right, and local environmental laws and ordinances are met. The  
30 purpose of this section is not to increase regulatory requirements or  
31 expand departmental authority.

32 (2) The work group shall develop guidance for determining  
33 alternative mitigation opportunities. Such guidance shall include  
34 criteria and procedures for identifying and evaluating mitigation  
35 opportunities within a watershed. Such guidance shall create  
36 procedures that provide alternative mitigation that has a low risk to

1 the environment, yet has high net environmental, social, and economic  
2 benefits compared to status quo options.

3 (3) The evaluation shall include:

4 (a) All elements of mitigation, including but not limited to data  
5 requirements, decision making, state and tribal agency coordination,  
6 and permitting; and

7 (b) Criteria and procedures for identifying and evaluating  
8 mitigation opportunities, including but not limited to the criteria in  
9 chapter 90.74 RCW.

10 (4) Committees established under RCW 75.46.060 (as recodified by  
11 this act) shall coordinate voluntary collaborative efforts between  
12 habitat project proponents and mitigation project proponents.  
13 Mitigation funds may be used to implement projects identified by a work  
14 plan to mitigate for the impacts of a transportation or other  
15 development proposal or project.

16 (5) For the purposes of this section, "mitigation" has the same  
17 meaning as provided in RCW 90.74.010.

18 **Sec. 101.** RCW 75.46.160 and 1999 1st sp.s. c 13 s 4 are each  
19 amended to read as follows:

20 (1) The (~~(salmon recovery funding)~~) salmon recovery funding board  
21 is responsible for making grants and loans for salmon habitat projects  
22 and salmon recovery activities from the amounts appropriated to the  
23 board for this purpose. To accomplish this purpose the board may:

24 (a) Provide assistance to grant applicants regarding the procedures  
25 and criteria for grant and loan awards;

26 (b) Make and execute all manner of contracts and agreements with  
27 public and private parties as the board deems necessary, consistent  
28 with the purposes of this chapter;

29 (c) Accept any gifts, grants, or loans of funds, property, or  
30 financial or other aid in any form from any other source on any terms  
31 that are not in conflict with this chapter;

32 (d) Adopt rules under chapter 34.05 RCW as necessary to carry out  
33 the purposes of this chapter; and

34 (e) Do all acts and things necessary or convenient to carry out the  
35 powers expressly granted or implied under this chapter.

36 (2) The interagency committee for outdoor recreation shall provide  
37 all necessary grants and loans administration assistance to the board,

1 and shall distribute funds as provided by the board in RCW 75.46.170  
2 (as recodified by this act).

3 **Sec. 102.** RCW 75.46.170 and 1999 1st sp.s. c 13 s 5 are each  
4 amended to read as follows:

5 (1) The (~~((salmon recovery funding))~~) salmon recovery funding board  
6 shall develop procedures and criteria for allocation of funds for  
7 salmon habitat projects and salmon recovery activities on a state-wide  
8 basis to address the highest priorities for salmon habitat protection  
9 and restoration. To the extent practicable the board shall adopt an  
10 annual allocation of funding. The allocation should address both  
11 protection and restoration of habitat, and should recognize the varying  
12 needs in each area of the state on an equitable basis. The board has  
13 the discretion to partially fund, or to fund in phases, salmon habitat  
14 projects. The board may annually establish a maximum amount of funding  
15 available for any individual project, subject to available funding. No  
16 projects required solely as a mitigation or a condition of permitting  
17 are eligible for funding.

18 (2)(a) In evaluating, ranking, and awarding funds for projects and  
19 activities the board shall give preference to projects that:

20 (i) Are based upon the limiting factors analysis identified under  
21 RCW 75.46.070 (as recodified by this act);

22 (ii) Provide a greater benefit to salmon recovery based upon the  
23 stock status information contained in the department of fish and  
24 wildlife salmonid stock inventory (SASSI), the salmon and steelhead  
25 habitat inventory and assessment project (SSHIAP), and any comparable  
26 science-based assessment when available;

27 (iii) Will benefit listed species and other fish species; and

28 (iv) Will preserve high quality salmonid habitat.

29 (b) In evaluating, ranking, and awarding funds for projects and  
30 activities the board shall also give consideration to projects that:

31 (i) Are the most cost-effective;

32 (ii) Have the greatest matched or in-kind funding; and

33 (iii) Will be implemented by a sponsor with a successful record of  
34 project implementation.

35 (3) The board may reject, but not add, projects from a habitat  
36 project list submitted by a lead entity for funding.

37 (4) For fiscal year 2000, the board may authorize the interagency  
38 review team to evaluate, rank, and make funding decisions for

1 categories of projects or activities or from funding sources provided  
2 for categories of projects or activities. In delegating such authority  
3 the board shall consider the review team's staff resources, procedures,  
4 and technical capacity to meet the purposes and objectives of this  
5 chapter. The board shall maintain general oversight of the team's  
6 exercise of such authority.

7 (5) The board shall seek the guidance of the technical review team  
8 to ensure that scientific principles and information are incorporated  
9 into the allocation standards and into proposed projects and  
10 activities. If the technical review team determines that a habitat  
11 project list complies with the critical pathways methodology under RCW  
12 75.46.070 (as recodified by this act), it shall provide substantial  
13 weight to the list's project priorities when making determinations  
14 among applications for funding of projects within the area covered by  
15 the list.

16 (6) The board shall establish criteria for determining when block  
17 grants may be made to a lead entity or other recognized regional  
18 recovery entity consistent with one or more habitat project lists  
19 developed for that region. Where a lead entity has been established  
20 pursuant to RCW 75.46.060 (as recodified by this act), the board may  
21 provide grants to the lead entity to assist in carrying out lead entity  
22 functions under this chapter, subject to available funding. The board  
23 shall determine an equitable minimum amount of funds for each region,  
24 and shall distribute the remainder of funds on a competitive basis.

25 (7) The board may waive or modify portions of the allocation  
26 procedures and standards adopted under this section in the award of  
27 grants or loans to conform to legislative appropriations directing an  
28 alternative award procedure or when the funds to be awarded are from  
29 federal or other sources requiring other allocation procedures or  
30 standards as a condition of the board's receipt of the funds. The  
31 board shall develop an integrated process to manage the allocation of  
32 funding from federal and state sources to minimize delays in the award  
33 of funding while recognizing the differences in state and legislative  
34 appropriation timing.

35 **Sec. 103.** RCW 75.46.180 and 1999 1st sp.s. c 13 s 6 are each  
36 amended to read as follows:

37 (1) Habitat project lists shall be submitted to the salmon recovery  
38 funding board for funding by January 1st and July 1st of each year



beginning in 2000. The board shall provide the legislature with a list of the proposed projects and a list of the projects funded by October 1st of each year beginning in 2000 for informational purposes.

(2) The interagency committee for outdoor recreation 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.

(3) Beginning in December 2000, the board shall provide a biennial report to the governor and the legislature on salmon recovery expenditures. This report shall be coordinated with the state of the salmon report required under RCW 75.46.030 (as recodified by this act).

**Sec. 104.** RCW 75.48.100 and 1983 1st ex.s. c 46 s 170 are each amended to read as follows:

The bonds authorized by this chapter shall be issued only after the director has certified, based upon reasonable estimates and data provided to the department, that sufficient revenues will be available from sport and commercial salmon license sales and from salmon fees and taxes to meet the requirements of RCW 75.48.080 (as recodified by this act) during the life of the bonds.

**Sec. 105.** RCW 75.50.080 and 1997 c 389 s 5 are each amended to read as follows:

Regional fisheries enhancement groups, consistent with the long-term regional policy statements developed under RCW 75.50.020 (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 state-wide salmon and steelhead catch by the year 2000; and

(4) Develop projects designed to supplement the fishery enhancement capability of the department.

**Sec. 106.** RCW 75.50.100 and 1998 c 245 s 155 and 1998 c 191 s 27 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the commission or

1 the commission's designee may authorize expenditures from the account.  
2 The account is subject to allotment procedures under chapter 43.88 RCW,  
3 but no appropriation is required for expenditures.

4 A portion of each recreational fishing license fee shall be used as  
5 provided in RCW 77.32.440. A surcharge of one hundred dollars shall be  
6 collected on each commercial salmon fishery license, each salmon  
7 delivery license, and each salmon charter license sold in the state.  
8 All receipts shall be placed in the regional fisheries enhancement  
9 group account and shall be used exclusively for regional fisheries  
10 enhancement group projects for the purposes of RCW 75.50.110 (as  
11 recodified by this act). Funds from the regional fisheries enhancement  
12 group account shall not serve as replacement funding for department  
13 operated salmon projects that exist on January 1, 1991.

14 All revenue from the department's sale of salmon carcasses and eggs  
15 that return to group facilities shall be deposited in the regional  
16 fisheries enhancement group account for use by the regional fisheries  
17 enhancement group that produced the surplus. The commission shall  
18 adopt rules to implement this section pursuant to chapter 34.05 RCW.

19 **Sec. 107.** RCW 75.50.105 and 1997 c 389 s 2 are each amended to  
20 read as follows:

21 The department may provide start-up funds to regional fisheries  
22 enhancement groups for costs associated with any enhancement project.  
23 The regional fisheries enhancement group advisory board and the  
24 (~~department~~) commission shall develop guidelines for providing funds  
25 to the regional fisheries enhancement groups.

26 **Sec. 108.** RCW 75.50.110 and 1995 1st sp.s. c 2 s 40 and 1995 c 367  
27 s 5 are each reenacted and amended to read as follows:

28 (1) A regional fisheries enhancement group advisory board is  
29 established to make recommendations to the commission. The members  
30 shall be appointed by the commission and consist of two commercial  
31 fishing representatives, two recreational fishing representatives, and  
32 three at-large positions. At least two of the advisory board members  
33 shall be members of a regional fisheries enhancement group. Advisory  
34 board members shall serve three-year terms. The advisory board  
35 membership shall include two members serving ex officio to be  
36 nominated, one through the Northwest Indian fisheries commission, and  
37 one through the Columbia river intertribal fish commission. The chair

1 of the regional fisheries enhancement group advisory board shall be  
2 elected annually by members of the regional fisheries enhancement  
3 (~~((group))~~) group advisory board. The advisory board shall meet at  
4 least quarterly. All meetings of the advisory board shall be open to  
5 the public under the open public meetings act, chapter 42.30 RCW.

6 The department shall invite the advisory board to comment and  
7 provide input into all relevant policy initiatives, including, but not  
8 limited to, wild stock, hatcheries, and habitat restoration efforts.

9 (2) Members shall not be compensated but shall receive  
10 reimbursement for travel expenses in accordance with RCW 43.03.050 and  
11 43.03.060.

12 (3) The department may use account funds to provide agency  
13 assistance to the groups, to provide professional, administrative or  
14 clerical services to the advisory board, or to implement the training  
15 and technical (~~((assistance))~~) assistance services plan as developed by  
16 the advisory board pursuant to RCW 75.50.115 (as recodified by this  
17 act). The level of account funds used by the department shall be  
18 determined by the commission after review of recommendation by the  
19 regional fisheries enhancement group advisory board and shall not  
20 exceed twenty percent of annual contributions to the account.

21 **Sec. 109.** RCW 75.50.115 and 1998 c 96 s 1 are each amended to read  
22 as follows:

23 (1) The regional fisheries enhancement group advisory board shall:

24 (a) Assess the training and technical assistance needs of the  
25 regional fisheries enhancement groups;

26 (b) Develop a training and technical assistance services plan in  
27 order to provide timely, topical technical assistance and training  
28 services to regional fisheries enhancement groups. The plan shall be  
29 provided to the director and to the senate and house of representatives  
30 natural resources committees no later than October 1, 1995, and shall  
31 be updated not less than every year. The advisory board shall provide  
32 ample opportunity for the public and interested parties to participate  
33 in the development of the plan. The plan shall include but is not  
34 limited to:

35 (i) Establishment of an information clearinghouse service that is  
36 readily available to regional fisheries enhancement groups. The  
37 information clearinghouse shall collect, collate, and make available a  
38 broad range of information on subjects that affect the development,

1 implementation, and operation of diverse fisheries and habitat  
2 enhancement projects. The information clearinghouse service may  
3 include periodical news and informational bulletins;

4 (ii) An ongoing program in order to provide direct, on-site  
5 technical assistance and services to regional fisheries enhancement  
6 groups. The advisory board shall assist regional fisheries enhancement  
7 groups in soliciting federal, state, and local agencies, tribal  
8 governments, institutions of higher education, and private business for  
9 the purpose of providing technical assistance and services to regional  
10 fisheries enhancement group projects; and

11 (iii) A cost estimate for implementing the plan;

12 (c) Propose a budget to the director for operation of the advisory  
13 board and implementation of the technical assistance plan;

14 (d) Make recommendations to the director regarding regional  
15 enhancement group project proposals and funding of those proposals; and

16 (e) Establish criteria for the redistribution of unspent project  
17 funds for any regional enhancement group that has a year ending balance  
18 exceeding one hundred thousand dollars.

19 (2) The regional fisheries enhancement group advisory board may:

20 (a) Facilitate resolution of disputes between regional fisheries  
21 enhancement groups and the department;

22 (b) Promote community and governmental partnerships that enhance  
23 the salmon resource and habitat;

24 (c) Promote environmental ethics and watershed stewardship;

25 (d) Advocate for watershed management and restoration;

26 (e) Coordinate regional fisheries enhancement group workshops and  
27 training;

28 (f) Monitor and evaluate regional fisheries enhancement projects;

29 (g) Provide guidance to regional fisheries enhancement groups; and

30 (h) Develop recommendations to the director to address identified  
31 impediments to the success of regional fisheries enhancement groups.

32 (3)(a) The regional fisheries enhancement group advisory board  
33 shall develop recommendations for limitations on the amount of overhead  
34 that a regional fisheries enhancement group may charge from each of the  
35 following categories of funding provided to the group:

36 (i) Federal funds;

37 (ii) State funds;

38 (iii) Local funds; and

39 (iv) Private donations.

1 (b) The advisory board shall develop recommendations for  
2 limitations on the number and salary of paid employees that are  
3 employed by a regional fisheries enhancement group. The regional  
4 fisheries enhancement group advisory board shall adhere to the founding  
5 principles for regional groups that emphasize the volunteer nature of  
6 the groups, maximization of field-related fishery resource benefits,  
7 and minimization of overhead.

8 (c) The advisory board shall evaluate and make recommendations for  
9 the limitation or elimination of commissions, finders fees, or other  
10 reimbursements to regional fisheries enhancement group employees.

11 ~~((d) The regional fisheries enhancement group advisory board shall~~  
12 ~~report to the appropriate legislative committees by January 1, 1999, on~~  
13 ~~the board recommendations for overhead limitations, paid employee~~  
14 ~~limitations, and commission limitations for regional fisheries~~  
15 ~~enhancement groups.))~~

16 **Sec. 110.** RCW 75.50.160 and 1997 c 389 s 6 are each amended to  
17 read as follows:

18 The department and the department of transportation shall convene  
19 a fish passage barrier removal task force. The task force shall  
20 consist of one representative each from the department, the department  
21 of transportation, the department of ecology, tribes, cities, counties,  
22 a business organization, an environmental organization, regional  
23 fisheries enhancement groups, and other interested entities as deemed  
24 appropriate by the cochair. The persons representing the department  
25 and the department of transportation shall serve as cochair of the  
26 task force and shall appoint members to the task force. The task force  
27 shall make recommendations to expand the program in RCW 75.50.170 (as  
28 recodified by this act) to identify and expedite the removal of human-  
29 made or caused impediments to anadromous fish passage in the most  
30 efficient manner practical. Program recommendations shall include a  
31 funding mechanism and other necessary mechanisms to coordinate and  
32 prioritize state, tribal, local, and volunteer efforts within each  
33 water resource inventory area. A priority shall be given to projects  
34 that immediately increase access to available and improved spawning and  
35 rearing habitat for depressed, threatened, and endangered stocks. The  
36 department or the department of transportation may contract with cities  
37 and counties to assist in the identification and removal of impediments  
38 to anadromous fish passage.

1       (~~(A report on the recommendations to develop a program to identify~~  
2 ~~and remove fish passage barriers and any additional legislative action~~  
3 ~~needed to implement the program shall be submitted to the appropriate~~  
4 ~~standing committees of the legislature no later than December 1,~~  
5 ~~1997.)~~)

6       **Sec. 111.** RCW 75.52.020 and 1993 sp.s. c 2 s 50 are each amended  
7 to read as follows:

8       Unless the context clearly requires otherwise, the definitions in  
9 this section apply throughout this chapter.

10       (1) "Volunteer group" means any person or group of persons  
11 interested in or party to an agreement with the department relating to  
12 a cooperative fish or wildlife project.

13       (2) "Cooperative project" means a project conducted by a volunteer  
14 group that will benefit the fish, shellfish, game bird, nongame  
15 wildlife, or game animal resources of the state and for which the  
16 benefits of the project, including fish and wildlife reared and  
17 released, are available to all citizens of the state. Indian tribes  
18 may elect to participate in cooperative fish and wildlife projects with  
19 the department.

20       (~~(3) "Department" means the department of fish and wildlife.~~)

21       **Sec. 112.** RCW 75.52.050 and 1995 1st sp.s. c 2 s 42 are each  
22 amended to read as follows:

23       The commission shall establish by rule:

24       (1) The procedure for entering a cooperative agreement and the  
25 application forms for a permit to release fish or wildlife required by  
26 RCW 75.08.295 (~~(or 77.16.150)~~) (as recodified by this act). The  
27 procedure shall indicate the information required from the volunteer  
28 group as well as the process of review by the department. The process  
29 of review shall include the means to coordinate with other agencies and  
30 Indian tribes when appropriate and to coordinate the review of any  
31 necessary hydraulic permit approval applications.

32       (2) The procedure for providing within forty-five days of receipt  
33 of a proposal a written response to the volunteer group indicating the  
34 date by which an acceptance or rejection of the proposal can be  
35 expected, the reason why the date was selected, and a written summary  
36 of the process of review. The response should also include any  
37 suggested modifications to the proposal which would increase its

1 likelihood of approval and the date by which such modified proposal  
2 could be expected to be accepted. If the proposal is rejected, the  
3 department must provide in writing the reasons for rejection. The  
4 volunteer group may request the director or the director's designee to  
5 review information provided in the response.

6 (3) The priority of the uses to which eggs, seed, juveniles, or  
7 brood stock are put. Use by cooperative projects shall be second in  
8 priority only to the needs of programs of the department or of other  
9 public agencies within the territorial boundaries of the state. Sales  
10 of eggs, seed, juveniles, or brood stock have a lower priority than use  
11 for cooperative projects.

12 (4) The procedure for ~~((notice in writing to a volunteer group of~~  
13 ~~cause to revoke))~~ the director to notify a volunteer group that the  
14 agreement for the project is being revoked for cause and the procedure  
15 for revocation. Revocation shall be documented in writing to the  
16 volunteer group. Cause for revocation may include: (a) The  
17 unavailability of adequate biological or financial resources; (b) the  
18 development of unacceptable biological or resource management  
19 conflicts; or (c) a violation of agreement provisions. Notice of cause  
20 to revoke for a violation of agreement provisions may specify a  
21 reasonable period of time within which the volunteer group must comply  
22 with any violated provisions of the agreement.

23 (5) An appropriate method of distributing among volunteer groups  
24 fish, bird, or animal food or other supplies available for the program.

25 **Sec. 113.** RCW 75.52.070 and 1984 c 72 s 7 are each amended to read  
26 as follows:

27 (1) The volunteer group shall:

28 (a) Provide care and diligence in conducting the cooperative  
29 project; and

30 (b) Maintain accurately the required records of the project on  
31 forms provided by the department.

32 (2) The volunteer group shall acknowledge that fish and game reared  
33 in cooperative projects are public property and must be handled and  
34 released for the benefit of all citizens of the state. The fish and  
35 game are to remain public property until reduced to private ownership  
36 under rules of the ~~((department))~~ commission.

1       **Sec. 114.** RCW 75.52.100 and 1993 sp.s. c 2 s 52 are each amended  
2 to read as follows:

3       A salmon spawning channel shall be constructed on the Cedar river  
4 with the assistance and cooperation of the department. The department  
5 shall use existing personnel and the volunteer fisheries enhancement  
6 program outlined under chapter 75.52 RCW (as recodified by this act) to  
7 assist in the planning, construction, and operation of the spawning  
8 channel.

9       **Sec. 115.** RCW 75.52.110 and 1998 c 245 s 156 are each amended to  
10 read as follows:

11       The department shall chair a technical committee, which shall  
12 review the preparation of enhancement plans and construction designs  
13 for a Cedar river sockeye spawning channel. The technical committee  
14 shall consist of not more than eight members: One representative each  
15 from the department, national marine fisheries service, United States  
16 fish and wildlife service, and Muckleshoot Indian tribe; and four  
17 representatives from the public utility described in RCW 75.52.130 (as  
18 recodified by this act). The technical committee will be guided by a  
19 policy committee, also to be chaired by the department, which shall  
20 consist of not more than six members: One representative from the  
21 department, one from the Muckleshoot Indian tribe, and one from either  
22 the national marine fisheries service or the United States fish and  
23 wildlife service; and three representatives from the public utility  
24 described in RCW 75.52.130 (as recodified by this act). The policy  
25 committee shall oversee the operation and evaluation of the spawning  
26 channel. The policy committee will continue its oversight until the  
27 policy committee concludes that the channel is meeting the production  
28 goals specified in RCW 75.52.120 (as recodified by this act).

29       **Sec. 116.** RCW 75.52.130 and 1989 c 85 s 6 are each amended to read  
30 as follows:

31       The legislature recognizes that, if funding for planning, design,  
32 evaluation, construction, and operating expenses is provided by a  
33 public utility that diverts water for beneficial public use, and if the  
34 performance of the spawning channel meets the production goals  
35 described in RCW 75.52.120 (as recodified by this act), the spawning  
36 channel project will serve, at a minimum, as compensation for lost  
37 sockeye salmon spawning habitat upstream of the Landsburg diversion.



1 The amount of funding to be supplied by (~~said~~) the utility will fully  
2 fund the total cost of planning, design, evaluation, and construction  
3 of the spawning channel.

4 **Sec. 117.** RCW 75.52.140 and 1989 c 85 s 7 are each amended to read  
5 as follows:

6 In order to provide operation and maintenance funds for the  
7 facility authorized by RCW 75.52.100 through 75.52.160 (as recodified  
8 by this act), the utility shall place two million five hundred thousand  
9 dollars in the state general fund Cedar river channel construction and  
10 operation account herein created. The interest from the fund shall be  
11 used for operation and maintenance of the spawning channel and any  
12 unused interest shall be added to the fund to increase the principal to  
13 cover possible future operation cost increases. The state treasurer  
14 may invest funds from the account as provided by law.

15 **Sec. 118.** RCW 75.52.160 and 1993 sp.s. c 2 s 54 are each amended  
16 to read as follows:

17 Should the requirements of RCW 75.52.100 through 75.52.160 (as  
18 recodified by this act) not be met, the department shall seek immediate  
19 legal clarification of the steps which must be taken to fully mitigate  
20 water diversion projects on the Cedar river.

21 **Sec. 119.** RCW 75.54.140 and 1998 c 191 s 28 are each amended to  
22 read as follows:

23 As provided in RCW 77.32.440, a portion of each saltwater and  
24 combination fishing license fee shall be deposited in the recreational  
25 fisheries enhancement account created in RCW 75.54.150 (as recodified  
26 by this act).

27 **Sec. 120.** RCW 75.54.150 and 1993 sp.s. c 2 s 98 are each amended  
28 to read as follows:

29 The recreational fisheries enhancement account is created in the  
30 state treasury. All receipts from RCW 75.54.140 (as recodified by this  
31 act) shall be deposited into the account. Moneys in the account may be  
32 spent only after appropriation. Expenditures from the account may be  
33 used only for recreational fisheries enhancement programs.

1       **Sec. 121.** RCW 75.56.050 and 1998 c 60 s 2 are each amended to read  
2 as follows:

3       (1) A pilot program for steelhead recovery is established in Clark,  
4 Cowlitz, Lewis, Skamania, and Wahkiakum counties within the habitat  
5 area classified as evolutionarily significant unit 4 by the federal  
6 national marine fisheries service. The management board created under  
7 subsection (2) of this section is responsible for implementing the  
8 habitat portion of the approved steelhead recovery initiative and is  
9 empowered to receive and disburse funds for the approved steelhead  
10 recovery initiative. The management board created pursuant to this  
11 section shall constitute the ~~((regional council for this area~~  
12 ~~responsible for fulfilling the requirements and exercising the powers~~  
13 ~~of a regional council under chapter 246, Laws of 1998))~~ lead entity and  
14 the committee established under RCW 75.46.060 (as recodified by this  
15 act) responsible for fulfilling the requirements and exercising powers  
16 under this chapter.

17       (2) A management board consisting of fifteen voting members is  
18 created within evolutionarily significant unit 4. The members shall  
19 consist of one county commissioner or designee from each of the five  
20 participating counties selected by each county legislative authority;  
21 one member representing the cities contained within evolutionarily  
22 significant unit 4 as a voting member selected by the cities in  
23 evolutionarily significant unit 4; a representative of the Cowlitz  
24 Tribe appointed by the tribe; one state legislator elected from one of  
25 the legislative districts contained within evolutionarily significant  
26 unit 4 selected by that group of state legislators representing the  
27 area; five representatives to include at least one member who  
28 represents private property interests appointed by the five county  
29 commissioners or designees; one hydro utility representative nominated  
30 by hydro utilities and appointed by the five county commissioners or  
31 designees; and one representative nominated from the environmental  
32 community who resides in evolutionarily significant unit 4 appointed by  
33 the five county commissioners or designees. The board shall appoint  
34 and consult a technical advisory committee, which shall include four  
35 representatives of state agencies one each appointed by the directors  
36 of the departments of ecology, fish and wildlife, and transportation,  
37 and the commissioner of public lands. The board may also appoint  
38 additional persons to the technical advisory committee as needed. The  
39 chair of the board shall be selected from among the five county

1 commissioners or designees and the legislator on the board. In making  
2 appointments under this subsection, the county commissioners shall  
3 consider recommendations of interested parties. Vacancies shall be  
4 filled in the same manner as the original appointments were selected.  
5 No action may be brought or maintained against any management board  
6 member, the management board, or any of its agents, officers, or  
7 employees for any noncontractual acts or omissions in carrying out the  
8 purposes of this section.

9 (3)(a) The management board shall participate in the development of  
10 a recovery plan to implement its responsibilities under (b) of this  
11 subsection. The management board shall consider local watershed  
12 efforts and activities as well as habitat conservation plans in the  
13 implementation of the recovery plan. Any of the participating counties  
14 may continue its own efforts for restoring steelhead habitat. Nothing  
15 in this section limits the authority of units of local government to  
16 enter into interlocal agreements under chapter 39.34 RCW or any other  
17 provision of law.

18 (b) The management board is responsible for implementing the  
19 habitat portions of the local government responsibilities of the lower  
20 Columbia steelhead conservation initiative approved by the state and  
21 the national marine fisheries service. The management board may work  
22 in cooperation with the state and the national marine fisheries service  
23 to modify the initiative, or to address habitat for other aquatic  
24 species that may be subsequently listed under the federal endangered  
25 species act. The management board may not exercise authority over land  
26 or water within the individual counties or otherwise preempt the  
27 authority of any units of local government.

28 (c) The management board shall prioritize as appropriate and  
29 approve projects and programs related to the recovery of lower Columbia  
30 river steelhead runs, including the funding of those projects and  
31 programs, and coordinate local government efforts as prescribed in the  
32 recovery plan. The management board shall establish criteria for  
33 funding projects and programs based upon their likely value in  
34 steelhead recovery. The management board may consider local economic  
35 impact among the criteria, but jurisdictional boundaries and factors  
36 related to jurisdictional population may not be considered as part of  
37 the criteria.

38 (d) The management board shall assess the factors for decline along  
39 each prioritized stream as listed in the lower Columbia steelhead

1 conservation initiative. The management board is encouraged to take a  
2 stream-by-stream approach in conducting the assessment which utilizes  
3 state and local expertise, including volunteer groups, interest groups,  
4 and affected units of local government.

5 (4) The management board has the authority to hire and fire staff,  
6 including an executive director, enter into contracts, accept grants  
7 and other moneys, disburse funds, make recommendations to cities and  
8 counties about potential code changes and the development of programs  
9 and incentives upon request, pay all necessary expenses, and may choose  
10 a fiduciary agent. The management board shall report on its progress  
11 on a quarterly basis to the legislative bodies of the five  
12 participating counties and the state natural resource-related agencies.  
13 The management board shall prepare a final report at the conclusion of  
14 the pilot program describing its efforts and successes in implementing  
15 the habitat portion of the lower Columbia steelhead conservation  
16 initiative. The final report shall be transmitted to the appropriate  
17 committees of the legislature, the legislative bodies of the  
18 participating counties, and the state natural resource-related  
19 agencies.

20 (5) The pilot program terminates on July 1, 2002.

21 (6) For purposes of this section, "evolutionarily significant unit"  
22 means the habitat area identified for an evolutionarily significant  
23 unit of an aquatic species listed or proposed for listing as a  
24 threatened or endangered species under the federal endangered species  
25 act (16 U.S.C. Sec. 1531 et seq.).

26 **Sec. 122.** RCW 75.58.010 and 1998 c 190 s 110 are each amended to  
27 read as follows:

28 (1) The director of agriculture and the director shall jointly  
29 develop a program of disease inspection and control for aquatic farmers  
30 as defined in RCW 15.85.020. The program shall be administered by the  
31 department under rules established under this section. The purpose of  
32 the program is to protect the aquaculture industry and wildstock  
33 fisheries from a loss of productivity due to aquatic diseases or  
34 maladies. As used in this section "diseases" means, in addition to its  
35 ordinary meaning, infestations of parasites or pests. The disease  
36 program may include, but is not limited to, the following elements:

37 (a) Disease diagnosis;

38 (b) Import and transfer requirements;

1 (c) Provision for certification of stocks;  
2 (d) Classification of diseases by severity;  
3 (e) Provision for treatment of selected high-risk diseases;  
4 (f) Provision for containment and eradication of high-risk  
5 diseases;  
6 (g) Provision for destruction of diseased cultured aquatic  
7 products;  
8 (h) Provision for quarantine of diseased cultured aquatic products;  
9 (i) Provision for coordination with state and federal agencies;  
10 (j) Provision for development of preventative or control measures;  
11 (k) Provision for cooperative consultation service to aquatic  
12 farmers; and  
13 (l) Provision for disease history records.

14 (2) The commission shall adopt rules implementing this section.  
15 However, such rules shall have the prior approval of the director of  
16 agriculture and shall provide therein that the director of agriculture  
17 has provided such approval. The director of agriculture or the  
18 director's designee shall attend the rule-making hearings conducted  
19 under chapter 34.05 RCW and shall assist in conducting those hearings.  
20 The authorities granted the department by these rules and by RCW  
21 75.08.080(1)(g), 75.24.080, 75.24.110, 75.28.125, 75.58.020, 75.58.030,  
22 and 75.58.040 (as recodified by this act) constitute the only  
23 authorities of the department to regulate private sector cultured  
24 aquatic products and aquatic farmers as defined in RCW 15.85.020.  
25 Except as provided in subsection (3) of this section, no action may be  
26 taken against any person to enforce these rules unless the department  
27 has first provided the person an opportunity for a hearing. In such a  
28 case, if the hearing is requested, no enforcement action may be taken  
29 before the conclusion of that hearing.

30 (3) The rules adopted under this section shall specify the  
31 emergency enforcement actions that may be taken by the department, and  
32 the circumstances under which they may be taken, without first  
33 providing the affected party with an opportunity for a hearing.  
34 Neither the provisions of this subsection nor the provisions of  
35 subsection (2) of this section shall preclude the department from  
36 requesting the initiation of criminal proceedings for violations of the  
37 disease inspection and control rules.

1 (4) A person shall not violate the rules adopted under subsection  
2 (2) or (3) of this section or violate RCW 75.58.040 (as recodified by  
3 this act).

4 (5) In administering the program established under this section,  
5 the department shall use the services of a pathologist licensed to  
6 practice veterinary medicine.

7 (6) The director in administering the program shall not place  
8 constraints on or take enforcement actions in respect to the  
9 aquaculture industry that are more rigorous than those placed on the  
10 department or other fish-rearing entities.

11 **Sec. 123.** RCW 75.58.020 and 1993 sp.s. c 2 s 56 are each amended  
12 to read as follows:

13 The directors of agriculture and fish and wildlife shall jointly  
14 adopt by rule, in the manner prescribed in RCW 75.58.010(2) (as  
15 recodified by this act), a schedule of user fees for the disease  
16 inspection and control program established under RCW 75.58.010 (as  
17 recodified by this act). The fees shall be established such that the  
18 program shall be entirely funded by revenues derived from the user fees  
19 by the beginning of the 1987-89 biennium.

20 There is established in the state treasury an account known as the  
21 aquaculture disease control account which is subject to appropriation.  
22 Proceeds of fees charged under this section shall be deposited in the  
23 account. Moneys from the account shall be used solely for  
24 administering the disease inspection and control program established  
25 under RCW 75.58.010 (as recodified by this act).

26 **Sec. 124.** RCW 75.58.030 and 1993 sp.s. c 2 s 57 are each amended  
27 to read as follows:

28 (1) The director shall consult regarding the disease inspection and  
29 control program established under RCW 75.58.010 (as recodified by this  
30 act) with federal agencies and Indian tribes to assure protection of  
31 state, federal, and tribal aquatic resources and to protect private  
32 sector cultured aquatic products from disease that could originate from  
33 waters or facilities managed by those agencies.

34 (2) With regard to the program, the director may enter into  
35 contracts or interagency agreements for diagnostic field services with  
36 government agencies and institutions of higher education and private  
37 industry.

(3) The director shall provide for the creation and distribution of a roster of biologists having a (~~speciality~~~~[specialty]~~) 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.

## Repealed Sections

NEW SECTION. **Sec. 125.** The following acts or parts of acts are each repealed:

(1) RCW 75.08.010 (Fisheries Code) and 1983 1st ex.s. c 46 s 2 & 1955 c 12 s 75.08.010;

(2) RCW 75.08.011 (Definitions) and 1998 c 190 s 70, 1996 c 267 s 2, 1995 1st sp.s. c 2 s 6, & 1994 c 255 s 2;

(3) RCW 75.08.014 (Authority of director to administer department--Qualifications of director) and 1995 1st sp.s. c 2 s 22, 1993 sp.s. c 2 s 21, 1983 1st ex.s. c 46 s 6, & 1953 c 207 s 10;

(4) RCW 75.08.035 (Senior environmental corps--Department powers and duties) and 1993 sp.s. c 2 s 22 & 1992 c 63 s 11;

(5) RCW 75.08.274 (Taking food fish for propagation or scientific purposes--Permit required) and 1998 c 190 s 72, 1995 1st sp.s. c 2 s 15, 1983 1st ex.s. c 46 s 28, 1971 c 35 s 1, & 1955 c 12 s 75.16.010;

(6) RCW 75.10.070 (Service of summons and forfeiture if unable to prosecute violator) and 1983 1st ex.s. c 46 s 38 & 1955 c 12 s 75.36.030;

(7) RCW 75.10.160 (Enforcement of watercraft registration and boating safety education) and 1989 c 393 s 16;

(8) RCW 75.25.090 (Personal use fishing licenses--Fees) and 1993 c 215 s 1, 1989 c 305 s 5, & 1987 c 87 s 1;

(9) RCW 75.25.160 (Recreational licenses--Penalties) and 1989 c 305 s 15, 1987 c 87 s 8, 1984 c 80 s 10, 1983 1st ex.s. c 46 s 100, & 1977 ex.s. c 327 s 16;

(10) RCW 75.25.210 (Duplicate licenses, permits, tags, stamps, and catch record cards--Fees) and 1994 c 255 s 9;

(11) RCW 75.28.012 (Licensing districts--Created) and 1993 c 20 s 3, 1983 1st ex.s. c 46 s 102, 1971 ex.s. c 283 s 2, & 1957 c 171 s 1;

(12) RCW 75.28.335 (Wholesale fish dealers--Additional penalties) and 1985 c 248 s 8; and

1 (13) RCW 75.30.160 (Whiting license required in designated areas)  
2 and 1998 c 190 s 103, 1993 c 340 s 38, & 1986 c 198 s 6.

3 **Recodified Sections**

4 NEW SECTION. **Sec. 126.** RCW 75.08.012, 75.08.013, 75.08.020,  
5 75.08.090, and 75.08.110 are each recodified as sections in chapter  
6 77.04 RCW.

7 NEW SECTION. **Sec. 127.** RCW 75.08.025, 75.08.040, 75.08.045,  
8 75.08.055, 75.08.058, 75.08.065, 75.08.070, 75.08.080, 75.08.120,  
9 75.08.160, 75.08.206, 75.08.208, 75.08.230, 75.08.235, 75.08.255,  
10 75.08.265, 75.08.285, 75.08.295, and 75.08.300 are each recodified as  
11 sections in chapter 77.12 RCW.

12 NEW SECTION. **Sec. 128.** RCW 75.12.010, 75.12.015, 75.12.040,  
13 75.12.132, 75.12.140, 75.12.155, 75.12.210, 75.12.230, 75.12.390,  
14 75.12.440, and 75.12.650 are each recodified as sections in a new  
15 chapter in Title 77 RCW.

16 NEW SECTION. **Sec. 129.** RCW 75.20.005, 75.20.015, 75.20.025,  
17 75.20.040, 75.20.050, 75.20.060, 75.20.061, 75.20.090, 75.20.098,  
18 75.20.100, 75.20.103, 75.20.104, 75.20.1041, 75.20.106, 75.20.108,  
19 75.20.110, 75.20.130, 75.20.140, 75.20.150, 75.20.160, 75.20.170,  
20 75.20.180, 75.20.190, 75.20.310, 75.20.320, 75.20.325, 75.20.330,  
21 75.20.340, 75.20.350, and 77.12.830 are each recodified as sections in  
22 a new chapter added to Title 77 RCW.

23 NEW SECTION. **Sec. 130.** RCW 75.24.010, 75.24.030, 75.24.060,  
24 75.24.065, 75.24.070, 75.24.080, 75.24.100, 75.24.110, 75.24.120,  
25 75.24.130, 75.24.140, and 75.24.150 are each recodified as sections in  
26 a new chapter in Title 77 RCW.

27 NEW SECTION. **Sec. 131.** RCW 75.28.010, 75.28.011, 75.28.014,  
28 75.28.020, 75.28.030, 75.28.034, 75.28.040, 75.28.042, 75.28.044,  
29 75.28.045, 75.28.046, 75.28.047, 75.28.048, 75.28.055, 75.28.095,  
30 75.28.110, 75.28.113, 75.28.114, 75.28.116, 75.28.120, 75.28.125,  
31 75.28.130, 75.28.132, 75.28.133, 75.28.280, 75.28.290, 75.28.295,  
32 75.28.300, 75.28.302, 75.28.305, 75.28.315, 75.28.323, 75.28.328,



1 75.28.340, 75.28.690, 75.28.700, 75.28.710, 75.28.720, 75.28.730,  
2 75.28.740, 75.28.750, 75.28.760, 75.28.770, 75.28.780, 75.28.900,  
3 77.32.191, 77.32.197, 77.32.199, and 77.32.211 are each recodified as  
4 sections in a new chapter in Title 77 RCW.

5 NEW SECTION. **Sec. 132.** RCW 75.30.015, 75.30.021, 75.30.050,  
6 75.30.060, 75.30.065, 75.30.070, 75.30.090, 75.30.100, 75.30.120,  
7 75.30.125, 75.30.130, 75.30.140, 75.30.170, 75.30.180, 75.30.210,  
8 75.30.220, 75.30.230, 75.30.240, 75.30.250, 75.30.260, 75.30.270,  
9 75.30.280, 75.30.290, 75.30.300, 75.30.310, 75.30.320, 75.30.330,  
10 75.30.350, 75.30.360, 75.30.370, 75.30.380, 75.30.390, 75.30.410,  
11 75.30.420, 75.30.430, 75.30.440, 75.30.450, 75.30.460, 75.30.470,  
12 75.30.480, 75.30.490, and 75.30.500 are each recodified as sections in  
13 a new chapter in Title 77 RCW.

14 NEW SECTION. **Sec. 133.** A new chapter is added to Title 77 RCW and  
15 is named "Compacts and other agreements." The following sections are  
16 recodified under the following subchapter headings:

17 (1) "Columbia river compact" as follows:

18 RCW 75.40.010; and

19 RCW 75.40.020.

20 (2) "Pacific marine fisheries compact" as follows:

21 RCW 75.40.030; and

22 RCW 75.40.040.

23 (3) "Coastal ecosystems compact" as follows:

24 RCW 75.40.100; and

25 RCW 75.40.110.

26 (4) "Wildlife violator compact" as follows:

27 RCW 77.17.010;

28 RCW 77.17.020; and

29 RCW 77.17.030.

30 (5) "Snake river boundary" as follows:

31 RCW 77.12.450;

32 RCW 77.12.470;

33 RCW 77.12.480; and

34 RCW 77.12.490.

35 (6) "Miscellaneous" as follows:

36 RCW 75.40.060;

37 RCW 77.12.430; and

1 RCW 77.12.440.

2 NEW SECTION. **Sec. 134.** RCW 75.44.100, 75.44.110, 75.44.120,  
3 75.44.130, 75.44.140, and 75.44.150 are each recodified as sections in  
4 a new chapter in Title 77 RCW.

5 NEW SECTION. **Sec. 135.** RCW 75.46.005, 75.46.010, 75.46.030,  
6 75.46.040, 75.46.050, 75.46.060, 75.46.070, 75.46.080, 75.46.090,  
7 75.46.100, 75.46.110, 75.46.120, 75.46.150, 75.46.160, 75.46.170,  
8 75.46.180, 75.46.190, 75.46.200, 75.46.210, 75.46.300, 75.46.350,  
9 75.56.050, and 75.46.900 are each recodified as sections in a new  
10 chapter in Title 77 RCW.

11 NEW SECTION. **Sec. 136.** RCW 75.48.020, 75.48.040, 75.48.050,  
12 75.48.060, 75.48.070, 75.48.080, 75.48.100, and 75.48.110 are each  
13 recodified as sections in a new chapter in Title 77 RCW.

14 NEW SECTION. **Sec. 137.** RCW 75.50.010, 75.50.020, 75.50.030,  
15 75.50.040, 75.50.060, 75.50.070, 75.50.080, 75.50.090, 75.50.100,  
16 75.50.105, 75.50.110, 75.50.115, 75.50.125, 75.50.130, 75.50.150,  
17 75.50.160, 75.50.165, 75.50.170, 75.50.180, 75.50.190, 75.08.245,  
18 75.08.400, 75.08.410, 75.08.420, 75.08.430, 75.08.440, 75.08.450,  
19 75.08.500, 75.08.510, 75.08.520, 75.08.530, and 75.50.900 are each  
20 recodified as sections in a new chapter in Title 77 RCW.

21 NEW SECTION. **Sec. 138.** RCW 75.52.010, 75.52.020, 75.52.030,  
22 75.52.035, 75.52.040, 75.52.050, 75.52.060, 75.52.070, 75.08.047,  
23 75.52.080, 75.52.100, 75.52.110, 75.52.120, 75.52.130, 75.52.140,  
24 75.52.150, 75.52.160, and 75.52.900 are each recodified as sections in  
25 a new chapter in Title 77 RCW.

26 NEW SECTION. **Sec. 139.** RCW 75.54.005, 75.54.010, 75.54.020,  
27 75.54.030, 75.54.040, 75.54.050, 75.54.060, 75.54.070, 75.54.080,  
28 75.54.090, 75.54.100, 75.54.110, 75.54.120, 75.54.130, 75.54.140,  
29 75.54.150, 75.54.900, and 75.54.901 are each recodified as sections in  
30 a new chapter in Title 77 RCW.



1       The fish and wildlife commission consists of nine registered voters  
2 of the state. In January of each odd-numbered year, the governor shall  
3 appoint with the advice and consent of the senate two registered voters  
4 to the commission to serve for terms of six years from that January or  
5 until their successors are appointed and qualified. If a vacancy  
6 occurs on the commission prior to the expiration of a term, the  
7 governor shall appoint a registered voter within sixty days to complete  
8 the term. Three members shall be residents of that portion of the  
9 state lying east of the summit of the Cascade mountains, and three  
10 shall be residents of that portion of the state lying west of the  
11 summit of the Cascade mountains. Three additional members shall be  
12 appointed at-large (~~((effective July 1, 1993; one of whom shall serve a~~  
13 ~~one and one-half year term to end December 31, 1994; one of whom shall~~  
14 ~~serve a three and one-half year term to end December 31, 1996; and one~~  
15 ~~of whom shall serve a five and one-half year term to end December 31,~~  
16 ~~1998. Thereafter all members are to serve a six-year term))~~). No two  
17 members may be residents of the same county. The legal office of the  
18 commission is at the administrative office of the department in  
19 Olympia.

20       **Sec. 204.** RCW 77.04.055 and 1995 1st sp.s. c 2 s 4 are each  
21 amended to read as follows:

22       (1) In establishing policies to preserve, protect, and perpetuate  
23 wildlife, fish, and wildlife and fish habitat, the commission shall  
24 meet annually with the governor to:

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

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

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

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

35       (3) The commission shall establish provisions regulating food fish  
36 and shellfish as provided in RCW 75.08.080 (as recodified by this act).

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

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

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

8 (7) The commission shall select its own staff and shall appoint the  
9 director of the department. The director and commission staff shall  
10 serve at the pleasure of the commission.

11 **Sec. 205.** RCW 77.04.080 and 1995 1st sp.s. c 2 s 5 are each  
12 amended to read as follows:

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

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

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

30 ~~((The director may appoint and employ necessary departmental~~  
31 ~~personnel. The director may delegate to department personnel the~~  
32 ~~duties and powers necessary for efficient operation and administration~~  
33 ~~of the department.))~~

34 **Sec. 206.** RCW 77.04.100 and 1993 sp.s. c 2 s 65 are each amended  
35 to read as follows:

1       The director shall develop proposals to reinstate the natural  
2 salmon and steelhead trout fish runs in the Tilton and upper Cowlitz  
3 rivers in accordance with RCW 75.08.020(3) (as recodified by this act).

4       **Sec. 207.** RCW 77.08.010 and 1998 c 190 s 111 are each amended to  
5 read as follows:

6       As used in this title ~~((or Title 75 RCW))~~ or rules adopted  
7 ~~((pursuant to those))~~ under this title((s)), unless the context clearly  
8 requires otherwise:

9       (1) "Director" means the director of fish and wildlife.

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

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

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

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

24       (6) "Ex officio fish and wildlife officer" means a commissioned  
25 officer of a municipal, county, state, or federal agency having as its  
26 primary function the enforcement of criminal laws in general, while the  
27 officer is in the appropriate jurisdiction. The term "ex officio fish  
28 and wildlife officer" includes special agents of the national marine  
29 fisheries service, state parks commissioned officers, United States  
30 fish and wildlife special agents, department of natural resources  
31 enforcement officers, and United States forest service officers, while  
32 the agents and officers are within their respective jurisdictions.

33       (7) "To hunt" and its derivatives means an effort to kill, injure,  
34 capture, or harass a wild animal or wild bird.

35       (8) "To trap" and its derivatives means a method of hunting using  
36 devices to capture wild animals or wild birds.

1 (9) "To fish," "to harvest," and "to take," and ~~((its))~~ their  
2 derivatives means an effort to kill, injure, harass, or catch a fish or  
3 shellfish.

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

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

20 (12) "Closed area" means a place where the hunting of some species  
21 of wild animals or wild birds is prohibited.

22 (13) "Closed waters" means all or part of a lake, river, stream, or  
23 other body of water, where fishing for game fish is prohibited.

24 (14) "Game reserve" means a closed area where hunting for all wild  
25 animals and wild birds is prohibited.

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

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

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

6 (18) "Wild birds" means those species of the class Aves whose  
7 members exist in Washington in a wild state.

8 (19) "Protected wildlife" means wildlife designated by the  
9 commission that shall not be hunted or fished.

10 (20) "Endangered species" means wildlife designated by the  
11 commission as seriously threatened with extinction.

12 (21) "Game animals" means wild animals that shall not be hunted  
13 except as authorized by the commission.

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

16 (23) "Game birds" means wild birds that shall not be hunted except  
17 as authorized by the commission.

18 (24) "Predatory birds" means wild birds that may be hunted  
19 throughout the year as authorized by the commission.

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

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

26 (27) "Person of disability" means a permanently disabled person who  
27 is not ambulatory without the assistance of a wheelchair, crutches, or  
28 similar devices.

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

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



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

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

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

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

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

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

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

17       (37) "Concurrent waters of the Columbia river" means those waters  
18 of the Columbia river that coincide with the Washington-Oregon state  
19 boundary.

20       (38) "Resident" means a person who has maintained a permanent place  
21 of abode within the state for at least ninety days immediately  
22 preceding an application for a license, has established by formal  
23 evidence an intent to continue residing within the state, and who is  
24 not licensed to hunt or fish as a resident in another state.

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

27       (40) "Shellfish" means those species of marine and freshwater  
28 invertebrates that have been classified and that shall not be taken  
29 except as authorized by rule of the commission. The term "shellfish"  
30 includes all stages of development and the bodily parts of shellfish  
31 species.

32       (41) "Commercial" means related to or connected with buying,  
33 selling, or bartering. Fishing for food fish or shellfish with gear  
34 unlawful for fishing for personal use, or possessing food fish or  
35 shellfish in excess of the limits permitted for personal use are  
36 commercial activities.

37       (42) "To process" and its derivatives mean preparing or preserving  
38 food fish or shellfish.

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

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

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

(46) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW (as recodified by this act).

(47) "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.

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

**NEW SECTION. Sec. 208.** A new section is added to chapter 77.08 RCW 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. The term "food fish" includes all stages of development and the bodily parts of food fish species.

**NEW SECTION. Sec. 209.** A new section is added to chapter 77.08 RCW to read as follows:

"Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in RCW 77.08.020, and includes:

<i>Scientific Name</i>	<i>Common Name</i>
<i>Oncorhynchus tshawytscha</i>	<i>Chinook salmon</i>
<i>Oncorhynchus kisutch</i>	<i>Coho salmon</i>
<i>Oncorhynchus keta</i>	<i>Chum salmon</i>
<i>Oncorhynchus gorbusha</i>	<i>Pink salmon</i>
<i>Oncorhynchus nerka</i>	<i>Sockeye salmon</i>

1       **Sec. 210.** RCW 77.12.010 and 1985 c 438 s 1 are each amended to  
2 read as follows:

3       ~~((Wildlife is the property of the state. The department shall  
4 preserve, protect, and perpetuate wildlife. Game animals, game birds,  
5 and game fish may be taken only at times or places, or in manners or  
6 quantities as in the judgment of the commission maximizes public  
7 recreational opportunities without impairing the supply of wildlife.))~~

8       The commission shall not adopt rules that categorically prohibit  
9 fishing with bait or artificial lures in streams, rivers, beaver ponds,  
10 and lakes except that the commission may adopt rules and regulations  
11 restricting fishing methods upon a determination by the director that  
12 an individual body of water or part thereof clearly requires a fishing  
13 method prohibition to conserve or enhance the fisheries resource or to  
14 provide selected fishing alternatives. ~~((The commission shall attempt  
15 to maximize the public recreational fishing opportunities of all  
16 citizens, particularly juvenile, handicapped, and senior citizens.~~

17       ~~Nothing contained herein shall be construed to infringe on the  
18 right of a private property owner to control the owner's private  
19 property.))~~

20       **Sec. 211.** RCW 77.12.035 and 1995 c 370 s 1 are each amended to  
21 read as follows:

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

32       **Sec. 212.** RCW 77.12.055 and 1998 c 190 s 112 are each amended to  
33 read as follows:

34       (1) Fish and wildlife officers and ex officio fish and wildlife  
35 officers shall enforce this title, ~~((Title 75 RCW,))~~ rules of the  
36 department, and other statutes as prescribed by the legislature.  
37 However, when acting within the scope of these duties and when an

1 offense occurs in the presence of the fish and wildlife officer who is  
2 not an ex officio fish and wildlife officer, the fish and wildlife  
3 officer may enforce all criminal laws of the state. The fish and  
4 wildlife officer must have successfully completed the basic law  
5 enforcement academy course sponsored by the criminal justice training  
6 commission, or a course approved by the department and the criminal  
7 justice training commission and provided by the department or the  
8 criminal justice training commission, prior to enforcing the criminal  
9 laws of the state.

10 (2) Fish and wildlife officers are peace officers.

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

17 (4) Fish and wildlife officers may serve and execute warrants and  
18 processes issued by the courts.

19 (5) Fish and wildlife officers may enforce RCW 79.01.805 and  
20 79.01.810.

21 (6) Fish and wildlife officers are authorized to enforce all  
22 provisions of chapter 88.02 RCW and any rules adopted under that  
23 chapter, and the provisions of RCW 79A.05.310 and any rules adopted  
24 under that section.

25 (7) To enforce the laws of this title (~~and Title 75 RCW~~), fish  
26 and wildlife officers may call to their aid any ex officio fish and  
27 wildlife officer or citizen and that person shall render aid.

28 **Sec. 213.** RCW 77.12.080 and 1998 c 190 s 114 are each amended to  
29 read as follows:

30 Fish and wildlife officers and ex officio fish and wildlife  
31 officers may arrest without warrant persons found violating the law or  
32 rules adopted pursuant to this title (~~and Title 75 RCW~~).

33 **Sec. 214.** RCW 77.12.090 and 1998 c 190 s 115 are each amended to  
34 read as follows:

35 Fish and wildlife officers and ex officio fish and wildlife  
36 officers may make a reasonable search without warrant of a vessel,  
37 (~~container, or~~) conveyances, vehicles, containers, packages, (~~game~~

~~baskets, game coats,~~) or other receptacles for fish and wildlife(~~(, or tents, camps, or similar places)~~) which they have reason to believe contain evidence of a violation of law or rules adopted pursuant to this title (~~(or Title 75 RCW)~~) 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 ((if authorized)) for forfeiture as authorized by law.

**Sec. 215.** RCW 77.12.103 and 1993 sp.s. c 2 s 68 are each amended to read as follows:

~~(1) ((The burden of proof of any exemption or exception to seizure or forfeiture of personal property involved with wildlife offenses is upon the person claiming it.~~

~~(2))~~ An authorized state, county, or municipal officer may be subject to civil liability under RCW ~~((77.12.101))~~ 77.15.070 for willful misconduct or gross negligence in the performance of his or her duties.

~~((3))~~ (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. 216.** RCW 77.12.170 and 1998 c 191 s 38 and 1998 c 87 s 2 are each reenacted and amended to read as follows:

(1) There is established in the state treasury the state wildlife fund which consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes;

(c) The sale of licenses, permits, tags, stamps, and punchcards required by this title, except annual resident adult saltwater and all shellfish licenses, which shall be deposited into the state general fund;

(d) Fees for informational materials published by the department;  
(e) Fees for personalized vehicle license plates as provided in chapter 46.16 RCW;  
(f) Articles or wildlife sold by the director under this title;  
(g) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320 or 77.32.380;  
(h) Excise tax on anadromous game fish collected under chapter 82.27 RCW;  
(i) The sale of personal property seized by the department for food fish, shellfish, or wildlife violations; and  
(j) The department's share of revenues from auctions and raffles authorized by the commission.  
(2) State and county officers receiving any moneys listed in subsection (1) of this section shall deposit them in the state treasury to be credited to the state wildlife fund.

**Sec. 217.** RCW 77.12.204 and 1993 sp.s. c 4 s 6 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 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 ((~~fisheries or~~)) fish and wildlife, for species that these agencies respectively manage, to achieve the goals established under RCW 79.01.295(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.

This section shall in no way prevent the department of fish and wildlife from managing its lands ((~~to accomplish its statutory mandate pursuant to RCW 77.12.010, nor shall it prevent the department from managing its lands~~)) according to the provisions of RCW 75.08.012, 77.12.210, or rules adopted pursuant to this chapter.

**Sec. 218.** RCW 77.12.210 and 1987 c 506 s 30 are each amended to read as follows:

1 The director shall maintain and manage real or personal property  
2 owned, leased, or held by the department and shall control the  
3 construction of buildings, structures, and improvements in or on the  
4 property. The director may adopt rules for the operation and  
5 maintenance of the property.

6 The commission may authorize the director to sell, lease, convey,  
7 or grant concessions upon real or personal property under the control  
8 of the department. This includes the authority to sell timber, gravel,  
9 sand, and other materials or products from real property held by the  
10 department (~~((and may authorize the director))~~), and to sell or lease the  
11 department's real or personal property or grant concessions or rights  
12 of way for roads or utilities in the property. Oil and gas resources  
13 owned by the state which lie below lands owned, leased, or held by the  
14 department shall be offered for lease by the commissioner of public  
15 lands pursuant to chapter 79.14 RCW with the proceeds being deposited  
16 in the state wildlife fund: PROVIDED, That the commissioner of public  
17 lands shall condition such leases at the request of the department to  
18 protect wildlife and its habitat.

19 If the commission determines that real or personal property held by  
20 the department cannot be used advantageously by the department, the  
21 director may dispose of that property if it is in the public interest.

22 If the state acquired real property with use limited to specific  
23 purposes, the director may negotiate terms for the return of the  
24 property to the donor or grantor. Other real property shall be sold to  
25 the highest bidder at public auction. After appraisal, notice of the  
26 auction shall be published at least once a week for two successive  
27 weeks in a newspaper of general circulation within the county where the  
28 property is located at least twenty days prior to sale.

29 Proceeds from the sales shall be deposited in the state wildlife  
30 fund.

31 **Sec. 219.** RCW 77.12.220 and 1987 c 506 s 31 are each amended to  
32 read as follows:

33 For purposes of this title, the commission may make agreements to  
34 obtain real or personal property or to transfer or convey property held  
35 by the state to the United States or its agencies or instrumentalities,  
36 (~~((political subdivisions))~~) units of local government of this state,  
37 public service companies, or other persons, if in the judgment of the  
38 commission and the attorney general the transfer and conveyance is

1 consistent with public interest. For purposes of this section, "local  
2 government" means any city, town, county, special district, municipal  
3 corporation, or quasi-municipal corporation.

4 If the commission agrees to a transfer or conveyance under this  
5 section or to a sale or return of real property under RCW 77.12.210,  
6 the director shall certify, with the attorney general, to the governor  
7 that the agreement has been made. The certification shall describe the  
8 real property. The governor then may execute and the secretary of  
9 state attest and deliver to the appropriate entity or person the  
10 instrument necessary to fulfill the agreement.

11 **Sec. 220.** RCW 77.12.250 and 1980 c 78 s 42 are each amended to  
12 read as follows:

13 The director, (~~((wildlife-agents))~~) fish and wildlife officers, ex  
14 officio (~~((wildlife-agents))~~) fish and wildlife officers, and department  
15 employees may enter upon lands or waters and remain there while  
16 performing their duties without liability for trespass. It is lawful  
17 for aircraft operated by the department to land and take off from  
18 beaches or waters of the state.

19 **Sec. 221.** RCW 77.12.315 and 1987 c 506 s 40 are each amended to  
20 read as follows:

21 If the director determines that a severe problem exists in an area  
22 of the state because deer and elk are being pursued, harassed, attacked  
23 or killed by dogs, the director may declare by emergency rule that an  
24 emergency exists and specify the area where it is lawful for fish and  
25 wildlife (~~((agents))~~) officers to take into custody or destroy the dogs  
26 if necessary. Fish and wildlife (~~((agents))~~) officers who take into  
27 custody or destroy a dog pursuant to this section are immune from civil  
28 or criminal liability arising from their actions.

29 **Sec. 222.** RCW 77.12.470 and 1980 c 78 s 63 are each amended to  
30 read as follows:

31 To enforce RCW 77.12.480 and 77.12.490 (as recodified by this act),  
32 courts in the counties contiguous to the boundary waters, fish and  
33 wildlife (~~((agents))~~) officers, and ex officio fish and wildlife  
34 (~~((agents))~~) officers have jurisdiction over the boundary waters to the  
35 furthest shoreline. This jurisdiction is concurrent with the courts  
36 and law enforcement officers of Idaho.



1       **Sec. 223.** RCW 77.12.480 and 1980 c 78 s 64 are each amended to  
2 read as follows:

3       The taking of wildlife from the boundary waters or islands of the  
4 Snake river shall be in accordance with the wildlife laws of the  
5 respective states. Fish and wildlife (~~((agents))~~) officers and ex  
6 officio fish and wildlife (~~((agents))~~) officers shall honor the license  
7 of either state and the right of the holder to take wildlife from the  
8 boundary waters and islands in accordance with the laws of the state  
9 issuing the license.

10       **Sec. 224.** RCW 77.12.490 and 1980 c 78 s 65 are each amended to  
11 read as follows:

12       The purpose of RCW 77.12.450 through 77.12.490 (as recodified by  
13 this act) is to avoid the conflict, confusion, and difficulty of  
14 locating the state boundary in or on the boundary waters and islands of  
15 the Snake river. These sections do not allow the holder of a  
16 Washington license to fish or hunt on the shoreline, sloughs, or  
17 tributaries on the Idaho side, nor allow the holder of an Idaho license  
18 to fish or hunt on the shoreline, sloughs, or tributaries on the  
19 Washington side.

20       **Sec. 225.** RCW 77.12.610 and 1982 c 155 s 1 are each amended to  
21 read as follows:

22       The purposes of RCW 77.12.610 through 77.12.630 (~~((and 77.16.610))~~)  
23 are to facilitate the department's gathering of biological data for  
24 managing wildlife, fish, and shellfish resources of this state and to  
25 protect (~~((wildlife))~~) these resources by assuring compliance with Title  
26 77 RCW, and rules adopted thereunder, in a manner designed to minimize  
27 inconvenience to the public.

28       **Sec. 226.** RCW 77.12.620 and 1982 c 155 s 2 are each amended to  
29 read as follows:

30       The department is authorized to require hunters and fishermen  
31 occupying a motor vehicle approaching or entering a check station to  
32 stop and produce for inspection: (1) Any wildlife, fish, shellfish, or  
33 seaweed in their possession; (2) licenses, permits, tags, stamps, or  
34 (~~((punchcards))~~) catch record cards, required under Title 77 RCW, or  
35 rules adopted thereunder. For these purposes, the department is  
36 authorized to operate check stations which shall be plainly marked by

1 signs, operated by at least one uniformed fish and wildlife ((agent))  
2 officer, and operated in a safe manner.

3 **Sec. 227.** RCW 77.12.630 and 1982 c 155 s 4 are each amended to  
4 read as follows:

5 The powers conferred by RCW 77.12.610 through 77.12.630 ((and  
6 77.16.610)) are in addition to all other powers conferred by law upon  
7 the department. Nothing in RCW 77.12.610 through 77.12.630 ((and  
8 77.16.610)) shall be construed to prohibit the department from  
9 operating wildlife information stations at which persons shall not be  
10 required to stop and report, or from executing arrests, searches, or  
11 seizures otherwise authorized by law.

12 **Sec. 228.** RCW 77.12.655 and 1990 c 84 s 3 are each amended to read  
13 as follows:

14 The department, in accordance with chapter 34.05 RCW, shall adopt  
15 and enforce necessary rules defining the extent and boundaries of  
16 habitat buffer zones for bald eagles. Rules shall take into account  
17 the need for variation of the extent of the zone from case to case, and  
18 the need for protection of bald eagles. The rules shall also establish  
19 guidelines and priorities for purchase or trade and establishment of  
20 conservation easements and/or leases to protect such designated  
21 properties. The department shall also adopt rules to provide adequate  
22 notice to property owners of their options under RCW 77.12.650  
23 ((through 77.12.655)) and this section.

24 **Sec. 229.** RCW 77.12.830 and 1997 c 425 s 3 are each amended to  
25 read as follows:

26 (1) Beginning in January 1998, the department of fish and wildlife  
27 and the department of natural resources shall implement a habitat  
28 incentives program based on the recommendations of federally recognized  
29 Indian tribes, landowners, the regional fisheries enhancement groups,  
30 the timber, fish, and wildlife cooperators, and other interested  
31 parties. The program shall allow a private landowner to enter into an  
32 agreement with the departments to enhance habitat on the landowner's  
33 property for food fish, game fish, or other wildlife species. In  
34 exchange, the landowner shall receive state regulatory certainty with  
35 regard to future applications for hydraulic project approval or a  
36 forest practices permit on the property covered by the agreement. The

1 overall goal of the program is to provide a mechanism that facilitates  
2 habitat development on private property while avoiding an adverse state  
3 regulatory impact to the landowner at some future date. A single  
4 agreement between the departments and a landowner may encompass up to  
5 one thousand acres. A landowner may enter into multiple agreements  
6 with the departments, provided that the total acreage covered by such  
7 agreements with a single landowner does not exceed ten thousand acres.  
8 The departments are not obligated to enter into an agreement unless the  
9 departments find that the agreement is in the best interest of  
10 protecting fish or wildlife species or their habitat.

11 (2) A habitat incentives agreement shall be in writing and shall  
12 contain at least the following: A description of the property covered  
13 by the agreement, an expiration date, a description of the condition of  
14 the property prior to the implementation of the agreement, and other  
15 information needed by the landowner and the departments for future  
16 reference and decisions.

17 (3) As part of the agreement, the department of fish and wildlife  
18 may stipulate the factors that will be considered when the department  
19 evaluates a landowner's application for hydraulic project approval  
20 under RCW 75.20.100 or 75.20.103 (as recodified by this act) on  
21 property covered by the agreement. The department's identification of  
22 these evaluation factors shall be in concurrence with the department of  
23 natural resources and affected federally recognized Indian tribes. In  
24 general, future decisions related to the issuance, conditioning, or  
25 denial of hydraulic project approval shall be based on the conditions  
26 present on the landowner's property at the time of the agreement,  
27 unless all parties agree otherwise.

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

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

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

11 **Sec. 230.** RCW 77.12.858 and 1999 c 342 s 6 are each amended to  
12 read as follows:

13 All receipts from the salmon stamp program created under RCW  
14 77.12.850 through 77.12.860 must be deposited into the regional  
15 fisheries enhancement salmonid recovery account created under RCW  
16 75.50.125 (as recodified by this act). Expenditures from the account  
17 may be used only for the purposes specified in RCW 75.50.125 (as  
18 recodified by this act) and chapter 342, Laws of 1999. The department  
19 shall report biennially to the legislature on the amount of money the  
20 salmon stamp program has generated.

21 **Sec. 231.** RCW 77.15.070 and 1998 c 190 s 69 are each amended to  
22 read as follows:

23 (1) Fish and wildlife officers and ex officio fish and wildlife  
24 officers may seize without warrant boats, airplanes, vehicles,  
25 motorized implements, conveyances, gear, appliances, or other articles  
26 they have probable cause to believe have been held with intent to  
27 violate or used in violation of this ((chapter)) title or rule of the  
28 commission or director. However, fish and wildlife officers or ex  
29 officio fish and wildlife officers may not seize any item or article,  
30 other than for evidence, if under the circumstances, it is reasonable  
31 to conclude that the violation was inadvertent. The property seized is  
32 subject to forfeiture to the state under this section regardless of  
33 ownership. Property seized may be recovered by its owner by depositing  
34 into court a cash bond equal to the value of the seized property but  
35 not more than twenty-five thousand dollars. Such cash bond is subject  
36 to forfeiture in lieu of the property. Forfeiture of property seized

1 under this section is a civil forfeiture against property and is  
2 intended to be a remedial civil sanction.

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

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

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

27 (5) The hearing to contest forfeiture and any subsequent appeal  
28 shall be as provided for in (~~Title 34 RCW~~) chapter 34.05 RCW, the  
29 administrative procedure act. The seizing authority has the burden to  
30 demonstrate that it had reason to believe the property was held with  
31 intent to violate or was used in violation of this title or rule of the  
32 commission or director. The person contesting forfeiture has the  
33 burden of production and proof by a preponderance of evidence that the  
34 person owns or has a right to possess the property and:

35 (a) That the property was not held with intent to violate or used  
36 in violation of this title (~~or Title 75 RCW~~); or

37 (b) If the property is a boat, airplane, or vehicle, that the  
38 illegal use or planned illegal use of the boat, airplane, or vehicle  
39 occurred without the owner's knowledge or consent, and that the owner

1 acted reasonably to prevent illegal uses of such boat, airplane, or  
2 vehicle.

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

8 (7) If seized property is forfeited under this section the  
9 department may retain it for official use unless the property is  
10 required to be destroyed, or upon application by any law enforcement  
11 agency of the state, release such property to the agency for the use of  
12 enforcing this title, or sell such property, and deposit the proceeds  
13 to the wildlife fund, as provided for in RCW 77.12.170.

14 NEW SECTION. **Sec. 232.** A new section is added to chapter 77.15  
15 RCW to read as follows:

16 Fish and wildlife officers and ex officio fish and wildlife  
17 officers may seize without a warrant wildlife, fish, and shellfish they  
18 have probable cause to believe have been taken, transported, or  
19 possessed in violation of this title or rule of the commission or  
20 director.

21 **Sec. 233.** RCW 77.15.080 and 1998 c 190 s 113 are each amended to  
22 read as follows:

23 Based upon articulable facts that a person is engaged in fishing or  
24 hunting activities, fish and wildlife officers have the authority to  
25 temporarily stop the person and check for valid licenses, tags,  
26 permits, stamps, or catch record cards, and to inspect all fish and  
27 wildlife in possession as well as the equipment being used to ensure  
28 compliance with the requirements of this title (~~((and Title 75 RCW))~~).

29 **Sec. 234.** RCW 77.15.090 and 1998 c 190 s 117 are each amended to  
30 read as follows:

31 On a showing of probable cause that there has been a violation of  
32 any fish or wildlife law of the state of Washington, or upon a showing  
33 of probable cause to believe that evidence of such violation may be  
34 found at a place, a court shall issue a search warrant or arrest  
35 warrant. Fish and wildlife officers may execute any such arrest or  
36 search warrant reasonably necessary to their duties under this title

1 (~~((or Title 75 RCW))~~) and may seize fish and wildlife or any evidence of  
2 a crime and the fruits or instrumentalities of a crime as provided by  
3 warrant. The court may have a building, enclosure, vehicle, vessel,  
4 container, or receptacle opened or entered and the contents examined.

5 **Sec. 235.** RCW 77.15.100 and 1998 c 190 s 63 are each amended to  
6 read as follows:

7 (1) Unless otherwise provided in this title (~~((or Title 75 RCW))~~),  
8 fish, shellfish, or wildlife unlawfully taken or possessed, or involved  
9 in a violation shall be forfeited to the state upon conviction. Unless  
10 already held by, sold, destroyed, or disposed of by the department, the  
11 court shall order such fish or wildlife to be delivered to the  
12 department. Where delay will cause loss to the value of the property  
13 and a ready wholesale buying market exists, the department may sell  
14 property to a wholesale buyer at a fair market value.

15 (2) (~~((The department may use, sell, or destroy any other))~~) When  
16 seized property is forfeited ((by the court or)) to the department, the  
17 department may retain it for official use unless the property is  
18 required to be destroyed, or upon application by any law enforcement  
19 agency of the state, release the property to the agency for the use of  
20 enforcing this title, or sell such property and deposit the proceeds  
21 into the state wildlife fund established under RCW 77.12.170. Any sale  
22 of other property shall be at public auction or after public  
23 advertisement reasonably designed to obtain the highest price. The  
24 time, place, and manner of holding the sale shall be determined by the  
25 director. The director may contract for the sale to be through the  
26 department of general administration as state surplus property, or,  
27 except where not justifiable by the value of the property, the director  
28 shall publish notice of the sale once a week for at least two  
29 consecutive weeks before the sale in at least one newspaper of general  
30 circulation in the county in which the sale is to be held. (~~((Proceeds~~  
31 ~~of the sale shall be deposited in the state treasury to be credited to~~  
32 ~~the state wildlife fund.))~~)

33 **Sec. 236.** RCW 77.15.120 and 1998 c 190 s 13 are each amended to  
34 read as follows:

35 (1) A person is guilty of unlawful taking of endangered fish or  
36 wildlife in the second degree if the person hunts, fishes, possesses,  
37 maliciously harasses or kills fish or wildlife, or maliciously destroys

1 the nests or eggs of fish or wildlife and the fish or wildlife is  
2 designated by the commission as endangered, and the taking has not been  
3 authorized by rule of the commission.

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

6 (a) Convicted under subsection (1) of this section or convicted of  
7 any crime under this title involving the killing, possessing,  
8 harassing, or harming of endangered fish or wildlife; and

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

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

13 (b) Unlawful taking of endangered fish or wildlife in the first  
14 degree is a class C felony. The department shall revoke any licenses  
15 or tags used in connection with the crime and order the person's  
16 privileges to hunt, fish, trap, or obtain licenses under this title  
17 (~~((and Title 75 RCW))~~) to be suspended for two years.

18 **Sec. 237.** RCW 77.15.160 and 1998 c 190 s 17 are each amended to  
19 read as follows:

20 A person is guilty of an infraction, which shall be cited and  
21 punished as provided under chapter 7.84 RCW, if the person:

22 (1) Fails to immediately record a catch of fish or shellfish on a  
23 catch record card required by RCW (~~((75.25.190 or 77.32.050))~~) 77.32.430,  
24 or required by rule of the commission under this title (~~((or Title 75~~  
25 ~~RCW))~~); or

26 (2) Fishes for personal use using barbed hooks in violation of any  
27 rule; or

28 (3) Violates any other rule of the commission or director that is  
29 designated by rule as an infraction.

30 NEW SECTION. **Sec. 238.** A new section is added to chapter 77.15  
31 RCW to read as follows:

32 Any person who is damaged by any act prohibited in RCW 77.15.210  
33 may bring a civil action to enjoin further violations, and recover  
34 damages sustained, including a reasonable attorneys' fee. The trial  
35 court may increase the award of damages to an amount not to exceed  
36 three times the damages sustained. A party seeking civil damages under  
37 this section may recover upon proof of a violation by a preponderance



1 of the evidence. The state of Washington may bring a civil action to  
2 enjoin violations of this section.

3       **Sec. 239.** RCW 77.15.300 and 1998 c 190 s 52 are each amended to  
4 read as follows:

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

8       (a) Fails to have a hydraulic project approval required under  
9 chapter 75.20 RCW (as recodified by this act) for such construction or  
10 work; or

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

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

15       **Sec. 240.** RCW 77.15.310 and 1998 c 190 s 53 are each amended to  
16 read as follows:

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

21       (a) The device is not equipped with a fish guard, screen, or bypass  
22 approved by the director as required by RCW 75.20.040 (as recodified by  
23 this act) or 77.16.220; or

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

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

33       **Sec. 241.** RCW 77.15.320 and 1998 c 190 s 54 are each amended to  
34 read as follows:

35       (1) A person is guilty of unlawful failure to provide, maintain, or  
36 operate a fishway for dam or other obstruction if the person owns,

1 operates, or controls a dam or other obstruction to fish passage on a  
2 river or stream and:

3 (a) The dam or obstruction is not provided with a durable and  
4 efficient fishway approved by the director as required by RCW 75.20.060  
5 (as recodified by this act);

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

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

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

15 **Sec. 242.** RCW 77.15.350 and 1998 c 190 s 58 are each amended to  
16 read as follows:

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

19 (a) Violates any rule adopted under chapter 75.58 RCW (as  
20 recodified by this act) regarding the inspection and disease control  
21 program for an aquatic farm; or

22 (b) Fails to register or report production from an aquatic farm as  
23 required by chapter 75.58 RCW (as recodified by this act).

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

26 **Sec. 243.** RCW 77.15.360 and 1998 c 190 s 61 are each amended to  
27 read as follows:

28 (1) A person is guilty of unlawful interfering in department  
29 operations if the person prevents department employees from carrying  
30 out duties authorized by this title (~~(or Title 75 RCW)~~), including but  
31 not limited to interfering in the operation of department vehicles,  
32 vessels, or aircraft.

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

35 **Sec. 244.** RCW 77.15.380 and 1998 c 190 s 18 are each amended to  
36 read as follows:

(1) A person is guilty of unlawful recreational fishing in the second degree if the person fishes for, takes, possesses, or harvests fish or shellfish and:

(a) The person does not have and possess the license or the catch record card required by chapter 75.25 (as recodified by this act) or 77.32 RCW for such activity; or

(b) The action violates any rule of the commission or the director 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 or possession of fish, except for use of a net to take fish as provided for in RCW 77.15.580.

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

**Sec. 245.** RCW 77.15.390 and 1998 c 190 s 20 are each amended to read as follows:

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

(a) The person does not have and possess the license required by chapter 75.25 RCW (as recodified by this act) for taking seaweed; or

(b) The action violates any rule of the department or the department of natural resources regarding seasons, possession limits, closed areas, closed times, or any other rule addressing the manner or method of taking, possessing, or harvesting 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. 246.** RCW 77.15.470 and 1998 c 190 s 29 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 wildlife officer; or

(c) Produce for inspection upon request by a 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 ~~((or Title 75-RCW))~~.

(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. 247.** RCW 77.15.480 and 1980 c 78 s 27 are each amended to read as follows:

Articles or devices unlawfully used, possessed, or maintained for catching, taking, killing, attracting, or decoying wildlife are public nuisances. If necessary, fish and wildlife ((agents)) officers and ex officio fish and wildlife ((agents)) officers may seize, abate, or destroy these public nuisances without warrant or process.

**Sec. 248.** RCW 77.15.500 and 1998 c 190 s 35 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 food fish, shellfish, or game fish while acting for commercial purposes and:

(a) The person does not hold a fishery license or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish; or

(b) The person is not a licensed operator designated as an alternate operator on a fishery or delivery license under chapter 75.28 RCW (as recodified by this act) for the food fish or shellfish.

(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 food fish or shellfish with a value of two hundred fifty dollars or more; or

(b) The violation involves taking, delivery, or possession of food fish or shellfish from an area that was closed to the taking of such food 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. 249.** RCW 77.15.530 and 1998 c 190 s 38 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 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 75.28 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 75.28 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, 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 75.28 RCW (as recodified by this act) for a period of one year.

**Sec. 250.** RCW 77.15.540 and 1998 c 190 s 39 are each amended to read as follows:

(1) A person who holds a fishery license required by chapter 75.28 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 75.28 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. 251.** RCW 77.15.570 and 1998 c 190 s 49 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 fisherman to

1 participate in the taking of fish or shellfish in a treaty Indian  
2 fishery, or to be on board a vessel, or associated equipment, operating  
3 in a treaty Indian fishery. A violation of this subsection is a gross  
4 misdemeanor.

5 (2) A person who violates subsection (1) of this section with the  
6 intent of acting for commercial purposes, including any sale of catch,  
7 control of catch, profit from catch, or payment for fishing assistance,  
8 is guilty of a class C felony. Upon conviction, the department shall  
9 order revocation of any license and a one-year suspension of all  
10 commercial fishing privileges requiring a license under chapter 75.28  
11 or 75.30 RCW (as recodified by this act).

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

16 (b) Other treaty Indian fishermen with off-reservation treaty  
17 fishing rights in the same usual and accustomed places, whether or not  
18 the fishermen are members of the same tribe or another treaty tribe,  
19 may assist a treaty Indian fisherman in exercising treaty Indian  
20 fishing rights when the treaty Indian fisherman is present at the  
21 fishing site.

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

24 (4) For the purposes of this section:

25 (a) "Treaty Indian fisherman" means a person who may exercise  
26 treaty Indian fishing rights as determined under United States v.  
27 Washington, 384 F. Supp. 312 (W.D. Wash. 1974), or Sohappay v. Smith,  
28 302 F. Supp. 899 (D. Oregon 1969), and post-trial orders of those  
29 courts;

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

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

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

1       **Sec. 252.** RCW 77.15.580 and 1998 c 190 s 50 are each amended to  
2 read as follows:

3       (1) A person is guilty of unlawful use of a net to take fish in the  
4 second degree if the person:

5       (a) Lays, sets, uses, or controls a net or other device or  
6 equipment capable of taking fish from the waters of this state, except  
7 if the person has a valid license for such fishing gear from the  
8 director under this title and is acting in accordance with all rules of  
9 the commission and director; or

10       (b) Fails to return unauthorized fish to the water immediately  
11 while otherwise lawfully operating a net under a valid license.

12       (2) A person is guilty of unlawful use of a net to take fish in the  
13 first degree if the person:

14       (a) Commits the act described by subsection (1) of this section;  
15 and

16       (b) The violation occurs within five years of entry of a prior  
17 conviction for a gross misdemeanor or felony under this title (~~or~~  
18 ~~Title 75 RCW~~) involving fish, other than a recreational fishing  
19 violation, or involving unlawful use of nets.

20       (3)(a) Unlawful use of a net to take fish in the second degree is  
21 a gross misdemeanor. Upon conviction, the department shall revoke any  
22 license held under this title (~~or Title 75 RCW~~) allowing commercial  
23 net fishing used in connection with the crime.

24       (b) Unlawful use of a net to take fish in the first degree is a  
25 class C felony. Upon conviction, the department shall order a one-year  
26 suspension of all commercial fishing privileges requiring a license  
27 under this title (~~or Title 75 RCW~~).

28       (4) Notwithstanding subsections (1) and (2) of this section, it is  
29 lawful to use a landing net to land fish otherwise legally hooked.

30       **Sec. 253.** RCW 77.15.620 and 1998 c 190 s 43 are each amended to  
31 read as follows:

32       (1) A person is guilty of engaging in fish dealing activity without  
33 a license in the second degree if the person:

34       (a) Engages in the commercial processing of fish or shellfish,  
35 including custom canning or processing of personal use fish or  
36 shellfish and does not hold a wholesale dealer's license required by  
37 RCW 75.28.300(1) or 77.32.211 (as recodified by this act) for  
38 anadromous game fish;

1 (b) Engages in the wholesale selling, buying, or brokering of food  
2 fish or shellfish and does not hold a wholesale dealer's or buying  
3 license required by RCW 75.28.300(2) or 77.32.211 (as recodified by  
4 this act) for anadromous game fish;

5 (c) Is a fisher who lands and sells his or her catch or harvest in  
6 the state to anyone other than a licensed wholesale dealer within or  
7 outside the state and does not hold a wholesale dealer's license  
8 required by RCW 75.28.300(3) or 77.32.211 (as recodified by this act)  
9 for anadromous game fish; or

10 (d) Engages in the commercial manufacture or preparation of  
11 fertilizer, oil, meal, caviar, fish bait, or other byproducts from food  
12 fish or shellfish and does not hold a wholesale dealer's license  
13 required by RCW 75.28.300(4) or 77.32.211 (as recodified by this act)  
14 for anadromous game fish.

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

17 (3) A person is guilty of engaging in fish dealing activity without  
18 a license in the first degree if the person commits the act described  
19 by subsection (1) of this section and the violation involves fish or  
20 shellfish worth two hundred fifty dollars or more. Engaging in fish  
21 dealing activity without a license in the first degree is a class C  
22 felony.

23 **Sec. 254.** RCW 77.15.630 and 1998 c 190 s 44 are each amended to  
24 read as follows:

25 (1) A person who holds a fish dealer's license required by RCW  
26 75.28.300 (as recodified by this act), an anadromous game fish buyer's  
27 license required by RCW 77.32.211 (as recodified by this act), or a  
28 fish buyer's license required by RCW 75.28.340 (as recodified by this  
29 act) is guilty of unlawful use of fish buying and dealing licenses in  
30 the second degree if the person:

31 (a) Possesses or receives fish or shellfish for commercial purposes  
32 worth less than two hundred fifty dollars; and

33 (b) Fails to document such fish or shellfish with a fish-receiving  
34 ticket required by statute or rule of the department.

35 (2) A person is guilty of unlawful use of fish buying and dealing  
36 licenses in the first degree if the person commits the act described by  
37 subsection (1) of this section and:



1 (a) The violation involves fish or shellfish worth two hundred  
2 fifty dollars or more;

3 (b) The person acted with knowledge that the fish or shellfish were  
4 taken from a closed area, at a closed time, or by a person not licensed  
5 to take such fish or shellfish for commercial purposes; or

6 (c) The person acted with knowledge that the fish or shellfish were  
7 taken in violation of any tribal law.

8 (3)(a) Unlawful use of fish buying and dealing licenses in the  
9 second degree is a gross misdemeanor.

10 (b) Unlawful use of fish buying and dealing licenses in the first  
11 degree is a class C felony. Upon conviction, the department shall  
12 suspend all privileges to engage in fish buying or dealing for two  
13 years.

14 **Sec. 255.** RCW 77.15.640 and 1998 c 190 s 45 are each amended to  
15 read as follows:

16 (1) A person who holds a wholesale fish dealer's license required  
17 by RCW 75.28.300 (as recodified by this act), an anadromous game fish  
18 buyer's license required by RCW 77.32.211 (as recodified by this act),  
19 or a fish buyer's license required by RCW 75.28.340 (as recodified by  
20 this act) is guilty of violating rules governing wholesale fish buying  
21 and dealing if the person:

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

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

26 (c) Files a signed fish-receiving ticket but fails to provide all  
27 information required by rule of the department; or

28 (d) Violates any other rule of the department regarding wholesale  
29 fish buying and dealing.

30 (2) Violating rules governing wholesale fish buying and dealing is  
31 a gross misdemeanor.

32 **Sec. 256.** RCW 77.15.650 and 1998 c 190 s 59 are each amended to  
33 read as follows:

34 (1) A person is guilty of unlawful purchase or use of a license in  
35 the second degree if the person buys, holds, uses, displays, transfers,  
36 or obtains any license, tag, permit, or approval required by this title  
37 ~~((or Title 75 RCW))~~ and the person:

1 (a) Uses false information to buy, hold, use, display, or obtain a  
2 license, permit, tag, or approval;

3 (b) Acquires, holds, or buys in excess of one license, permit, or  
4 tag for a license year if only one license, permit, or tag is allowed  
5 per license year;

6 (c) Uses or displays a license, permit, tag, or approval that was  
7 issued to another person;

8 (d) Permits or allows a license, permit, tag, or approval to be  
9 used or displayed by another person not named on the license, permit,  
10 tag, or approval;

11 (e) Acquires or holds a license while privileges for the license  
12 are revoked or suspended.

13 (2) A person is guilty of unlawful purchase or use of a license in  
14 the first degree if the person commits the act described by subsection  
15 (1) of this section and the person was acting with intent that the  
16 license, permit, tag, or approval be used for any commercial purpose.  
17 A person is presumed to be acting with such intent if the violation  
18 involved obtaining, holding, displaying, or using a license or permit  
19 for participation in any commercial fishery issued under this title  
20 (~~or Title 75 RCW~~) or a license authorizing fish or wildlife buying,  
21 trafficking, or wholesaling.

22 (3)(a) Unlawful purchase or use of a license in the second degree  
23 is a gross misdemeanor. Upon conviction, the department shall revoke  
24 any unlawfully used or held licenses and order a two-year suspension of  
25 participation in the activities for which the person unlawfully  
26 obtained, held, or used a license.

27 (b) Unlawful purchase or use of a license in the first degree is a  
28 class C felony. Upon conviction, the department shall revoke any  
29 unlawfully used or held licenses and order a five-year suspension of  
30 participation in any activities for which the person unlawfully  
31 obtained, held, or used a license.

32 (4) For purposes of this section, a person "uses" a license,  
33 permit, tag, or approval if the person engages in any activity  
34 authorized by the license, permit, tag, or approval held or possessed  
35 by the person. Such uses include but are not limited to fishing,  
36 hunting, taking, trapping, delivery or landing fish or wildlife, and  
37 selling, buying, or wholesaling of fish or wildlife.

38 (5) Any license obtained in violation of this section is void upon  
39 issuance and is of no legal effect.

1       **Sec. 257.** RCW 77.15.710 and 1998 c 190 s 67 are each amended to  
2 read as follows:

3       (1) The commission shall revoke all hunting, fishing, or other  
4 licenses issued under this title and order a ten-year suspension of all  
5 privileges extended under the authority of the department of a person  
6 convicted of assault on a fish and wildlife officer (~~((or other law~~  
7 ~~enforcement officer provided that:~~

8       ~~((a) The fish and wildlife officer or other law enforcement officer~~  
9 ~~was on duty at the time of the assault; and~~

10       ~~((b) The fish and wildlife officer or other law enforcement officer~~  
11 ~~was enforcing the provisions of this title)), ex officio officer,~~  
12 employee, agent, or personnel acting for the department, if the  
13 employee assaulted was on duty at the time of the assault and carrying  
14 out the provisions of this title. The suspension shall be continued  
15 beyond this period if any damages to the victim have not been paid by  
16 the suspended person.

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

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

26       **Sec. 258.** RCW 77.15.720 and 1998 c 190 s 68 are each amended to  
27 read as follows:

28       (1) If a person shoots another person or domestic livestock while  
29 hunting, the director shall revoke all hunting licenses and suspend all  
30 hunting privileges for three years. If the shooting of another person  
31 or livestock is the result of criminal negligence or reckless or  
32 intentional conduct, then the person's privileges shall be suspended  
33 for ten years. The suspension (~~((may))~~) shall be continued beyond these  
34 periods if damages owed to the victim or livestock owner have not been  
35 paid by the suspended person. A hunting license shall not be reissued  
36 to the suspended person unless authorized by the director.

1       ~~((If a person commits any assault upon employees, agents, or~~  
2 ~~personnel acting for the department, the director shall suspend hunting~~  
3 ~~or fishing privileges for ten years.~~

4       ~~(3))~~ Within twenty days of service of an order suspending  
5 privileges or imposing conditions under this section or RCW 77.15.710,  
6 a person may petition for administrative review under chapter 34.05 RCW  
7 by serving the director with a petition for review. The order is final  
8 and unappealable if there is no timely petition for administrative  
9 review.

10       ~~((4))~~ (3) The commission may by rule authorize petitions for  
11 reinstatement of administrative suspensions and define circumstances  
12 under which reinstatement will be allowed.

13       **Sec. 259.** RCW 77.16.020 and 1998 c 190 s 119 are each amended to  
14 read as follows:

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

19       **Sec. 260.** RCW 77.16.360 and 1997 c 1 s 1 are each amended to read  
20 as follows:

21       (1) Notwithstanding the provisions of RCW 77.12.240 ~~((and~~  
22 ~~77.12.265))~~ or other provisions of law, it is unlawful to take, hunt,  
23 or attract black bear with the aid of bait.

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

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

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

36       (d) As used in this subsection, "bait" means a substance placed,  
37 exposed, deposited, distributed, scattered, or otherwise used for the

1 purpose of attracting black bears to an area where one or more persons  
2 hunt or intend to hunt them.

3 (2) Notwithstanding RCW 77.12.240 or any other provisions of law,  
4 it is unlawful to hunt or pursue black bear, cougar, bobcat, or lynx  
5 with the aid of a dog or dogs.

6 (a) Nothing in this subsection shall be construed to prohibit the  
7 killing of black bear, cougar, bobcat, or lynx with the aid of a dog or  
8 dogs by employees or agents of county, state, or federal agencies while  
9 acting in their official capacities for the purpose of protecting  
10 livestock, domestic animals, private property, or the public safety.  
11 A dog or dogs may be used by the owner or tenant of real property  
12 consistent with a permit issued and conditioned by the director ((under  
13 RCW 77.12.265)).

14 (b) Nothing in this subsection shall be construed to prohibit the  
15 director from issuing a permit or memorandum of understanding to a  
16 public agency, university, or scientific or educational institution for  
17 the use of a dog or dogs for the pursuit of black bear, cougar, bobcat,  
18 or lynx for scientific purposes.

19 (3) A person who violates subsection (1) or (2) of this section is  
20 guilty of a gross misdemeanor. In addition to appropriate criminal  
21 penalties, the director shall revoke the hunting license of a person  
22 who violates subsection (1) or (2) of this section and a hunting  
23 license shall not be issued for a period of five years following the  
24 revocation. Following a subsequent violation of subsection (1) or (2)  
25 of this section by the same person, a hunting license shall not be  
26 issued to the person at any time.

27 **Sec. 261.** RCW 77.17.020 and 1994 c 264 s 56 are each amended to  
28 read as follows:

29 For purposes of Article VII of RCW 77.17.010 (as recodified by this  
30 act), the term "licensing authority," with reference to this state,  
31 means the department. The director is authorized to appoint a compact  
32 administrator.

33 **Sec. 262.** RCW 77.18.010 and 1993 sp.s. c 2 s 76 are each amended  
34 to read as follows:

35 Unless the context clearly requires otherwise, the definitions in  
36 this section apply throughout this chapter.

37 (1) (~~"Department" means the department of fish and wildlife.~~

1       ~~(2))~~ "Contract" means an agreement setting at a minimum, price,  
2 quantity of fish to be delivered, time of delivery, and fish health  
3 requirements.

4       ~~((3))~~ (2) "Fish health requirements" means those site specific  
5 fish health and genetic requirements actually used by the department of  
6 fish and wildlife in fish stocking.

7       ~~((4))~~ (3) "Aquatic farmer" means a private sector person who  
8 commercially farms and manages private sector cultured aquatic products  
9 on the person's own land or on land in which the person has a present  
10 right of possession.

11       ~~((5) "Person" means a natural person, corporation, trust, or other  
12 legal entity.))~~

13       (4) "Warm water game fish" includes the following species: Bass,  
14 channel catfish, walleye, crappie, and other species as defined by the  
15 department.

16       **Sec. 263.** RCW 77.21.090 and 1993 c 82 s 5 are each amended to read  
17 as follows:

18       (1) Upon receipt of a report of failure to comply with the terms of  
19 a citation from the licensing authority of a state that is a party to  
20 the wildlife violator compact under RCW 77.17.010 (as recodified by  
21 this act), the department shall suspend the violator's license  
22 privileges under this title until satisfactory evidence of compliance  
23 with the terms of the wildlife citation has been furnished by the  
24 issuing state to the department. The department shall adopt by rule  
25 procedures for the timely notification and administrative review of  
26 such suspension of licensing privileges.

27       (2) Upon receipt of a report of a conviction from the licensing  
28 authority of a state that is a party to the wildlife violator compact  
29 under RCW 77.17.010 (as recodified by this act), the department shall  
30 enter such conviction in its records and shall treat such conviction as  
31 if it occurred in the state of Washington for the purposes of  
32 suspension, revocation, or forfeiture of license privileges.

33       **Sec. 264.** RCW 77.32.010 and 1998 c 191 s 7 are each amended to  
34 read as follows:

35       (1) Except as otherwise provided in this chapter, a license issued  
36 by the director is required to:

1 (a) Hunt for wild animals, except bullfrogs, or wild birds, fish or  
2 harvest shellfish and seaweed, except smelt, albacore, carp, and  
3 crawfish;

4 (b) Practice taxidermy for profit;

5 (c) Deal in raw furs for profit;

6 (d) Act as a fishing guide;

7 (e) Operate a game farm;

8 (f) Purchase or sell anadromous game fish; or

9 (g) Use department-managed lands or facilities as provided by rules  
10 adopted pursuant to this title.

11 (2) A permit issued by the director is required to:

12 (a) Conduct, hold, or sponsor hunting or game fish fishing contests  
13 or competitive field trials using live wildlife;

14 (b) Collect wild animals, wild birds, game fish, food fish,  
15 shellfish, or protected wildlife for research or display; or

16 (c) Stock game fish.

17 (3) Aquaculture as defined in RCW 15.85.020 is exempt from the  
18 requirements of this section, except when being stocked in public  
19 waters under contract with the department.

20 **Sec. 265.** RCW 77.32.014 and 1998 c 191 s 8 are each amended to  
21 read as follows:

22 (1) Licenses, tags, and stamps issued pursuant to this chapter  
23 shall be invalid for any period in which a person is certified by the  
24 department of social and health services or a court of competent  
25 jurisdiction as a person in noncompliance with a support order. Fish  
26 and wildlife officers and ex officio fish and wildlife officers shall  
27 enforce this section through checks of the department of licensing's  
28 computer data base. A listing on the department of licensing's data  
29 base that an individual's license is currently suspended pursuant to  
30 RCW 46.20.291((+7)) (8) shall be prima facie evidence that the  
31 individual is in noncompliance with a support order. Presentation of  
32 a written release issued by the department of social and health  
33 services stating that the person is in compliance with an order shall  
34 serve as prima facie proof of compliance with a support order.

35 (2) It is unlawful to purchase, obtain, or possess a license  
36 required by this chapter during any period in which a license is  
37 suspended.

1       **Sec. 266.** RCW 77.32.050 and 1999 c 243 s 2 are each amended to  
2 read as follows:

3       All recreational licenses, permits, tags, and stamps required by  
4 ~~((Titles 75 and 77 RCW))~~ this title and raffle tickets authorized under  
5 chapter 77.12 RCW shall be issued under the authority of the  
6 commission. The commission shall adopt rules for the issuance of  
7 recreational licenses, permits, tags, stamps, and raffle tickets, and  
8 for the collection, payment, and handling of license fees, terms and  
9 conditions to govern dealers, and dealers' fees. A transaction fee on  
10 recreational licenses may be set by the commission and collected from  
11 licensees. The department may authorize all or part of such fee to be  
12 paid directly to a contractor providing automated licensing system  
13 services. Fees retained by dealers shall be uniform throughout the  
14 state. The department shall authorize dealers to collect and retain  
15 dealer fees of at least two dollars for purchase of a standard hunting  
16 or fishing recreational license document, except that the commission  
17 may set a lower dealer fee for issuance of tags or when a licensee buys  
18 a license that involves a stamp or display card format rather than a  
19 standard department licensing document form.

20       **Sec. 267.** RCW 77.32.090 and 1998 c 191 s 12 are each amended to  
21 read as follows:

22       The commission may adopt rules pertaining to the form, period of  
23 validity, use, possession, and display of licenses, permits, tags,  
24 ~~((and))~~ stamps, and raffle tickets required by this chapter ~~((and~~  
25 ~~raffle tickets authorized under chapter 77.12 RCW))~~.

26       **Sec. 268.** RCW 77.32.199 and 1987 c 372 s 4 are each amended to  
27 read as follows:

28       The ~~((commission))~~ director may revoke the trapper's license of a  
29 person placing unauthorized traps on private property and may remove  
30 those traps.

31       **Sec. 269.** RCW 77.32.250 and 1998 c 191 s 22 are each amended to  
32 read as follows:

33       Licenses, permits, tags, and stamps required by this chapter and  
34 raffle tickets authorized under this chapter ~~((77.12 RCW))~~ shall not be  
35 transferred.



1       Upon request of a fish and wildlife officer or ex officio fish and  
2 wildlife officer, persons licensed, operating under a permit, or  
3 possessing wildlife under the authority of this chapter shall produce  
4 required licenses, permits, tags, stamps, ~~((or))~~ raffle tickets, or  
5 catch record cards for inspection and write their signatures for  
6 comparison and in addition display their wildlife. Failure to comply  
7 with the request is prima facie evidence that the person has no license  
8 or is not the person named.

9       **Sec. 270.** RCW 77.32.350 and 1998 c 191 s 25 are each amended to  
10 read as follows:

11       In addition to a small game hunting license, a supplemental permit  
12 or stamp is required to hunt for western Washington pheasant or  
13 migratory birds.

14       (1) A western Washington pheasant permit is required to hunt for  
15 pheasant in western Washington. Western Washington pheasant permits  
16 must contain numbered spaces for recording the location and date of  
17 harvest of each western Washington pheasant. ~~((It is unlawful to~~  
18 ~~harvest a western Washington pheasant without immediately recording~~  
19 ~~this information on the permit.))~~

20       (2) The permit shall be available as a season option, a youth full  
21 season option, or a three-day option. The fee for this permit is:

22       (a) For the resident and nonresident full season option, thirty-six  
23 dollars;

24       (b) For the youth full season option, eighteen dollars;

25       (c) For the three-day option, twenty dollars.

26       (3) A migratory bird stamp affixed to a hunting license designated  
27 by rule of the commission is required for all persons sixteen years of  
28 age or older to hunt migratory birds. The fee for the stamp for  
29 hunters is six dollars for residents and nonresidents. The fee for the  
30 stamp for collectors is six dollars.

31       (4) The migratory bird stamp shall be validated by the signature of  
32 the licensee written across the face of the stamp.

33       **Sec. 271.** RCW 77.32.380 and 1998 c 87 s 1 are each amended to read  
34 as follows:

35       (1) Persons who enter upon or use clearly identified department  
36 improved access facilities with a motor vehicle may be required to  
37 display a current annual fish and wildlife lands vehicle use permit on

1 the motor vehicle while within or while using an improved access  
2 facility. An "improved access facility" is a clearly identified area  
3 specifically created for motor vehicle parking, and includes any boat  
4 launch or boat ramp associated with the parking area, but does not  
5 include the department parking facilities at the Gorge Concert Center  
6 near George, Washington. The vehicle use permit is issued in the form  
7 of a decal. One decal shall be issued at no charge with each annual  
8 saltwater, freshwater, combination, small game hunting, big game  
9 hunting, and trapping license issued by the department. The annual fee  
10 for a fish and wildlife lands vehicle use permit, if purchased  
11 separately, is ten dollars. A person to whom the department has issued  
12 a decal or who has purchased a vehicle use permit separately may  
13 purchase a decal from the department for each additional vehicle owned  
14 by the person at a cost of five dollars per decal upon a showing of  
15 proof to the department that the person owns the additional vehicle or  
16 vehicles. Revenue derived from the sale of fish and wildlife lands  
17 vehicle use permits shall be used solely for the stewardship and  
18 maintenance of department improved access facilities. ((Revenue  
19 derived from the sale of fish and wildlife lands vehicle use permits  
20 shall be used solely for the stewardship and maintenance of department  
21 improved access facilities.))

22 Youth groups may use department improved access facilities without  
23 possessing a vehicle use permit when accompanied by a vehicle use  
24 permit holder.

25 The department may accept contributions into the state wildlife  
26 fund for the sound stewardship of fish and wildlife. Contributors  
27 shall be known as "conservation patrons" and, for contributions of  
28 twenty dollars or more, shall receive a fish and wildlife lands vehicle  
29 use permit free of charge.

30 (2) The decal must be affixed in a permanent manner to the motor  
31 vehicle before entering upon or using the motor vehicle on a department  
32 improved access facility, and must be displayed on the rear window of  
33 the motor vehicle, or, if the motor vehicle does not have a rear  
34 window, on the rear of the motor vehicle.

35 (3) Failure to display the fish and wildlife lands vehicle use  
36 permit if required by this section is an infraction under chapter 7.84  
37 RCW, and department employees are authorized to issue a notice of  
38 infraction to the registered owner of any motor vehicle entering upon  
39 or using a department improved access facility without such a decal.

1 The penalty for failure to display or improper display of the decal is  
2 sixty-six dollars.

3 **Sec. 272.** RCW 77.32.420 and 1998 c 191 s 4 are each amended to  
4 read as follows:

5 ((~~{1}~~)) Recreational licenses are not transferable. Upon request  
6 of a fish and wildlife officer, ex officio fish and wildlife officer,  
7 or authorized fish and wildlife employee, a person digging for, fishing  
8 for, or possessing shellfish, or seaweed or fishing for or possessing  
9 food fish or game fish for personal use shall exhibit the required  
10 recreational license and write his or her signature for comparison with  
11 the signature on the license. Failure to comply with the request is  
12 prima facie evidence that the person does not have a license or is not  
13 the person named on the license.

14 ((~~{2}~~ The personal use shellfish and seaweed license shall be  
15 visible on the licensee while harvesting shellfish or seaweed.))

16 **Repealed Sections**

17 NEW SECTION. **Sec. 273.** The following acts or parts of acts are  
18 each repealed:

19 (1) RCW 77.08.070 ("Raffle" defined) and 1996 c 101 s 4;

20 (2) RCW 77.12.101 (Seizure of contraband wildlife and devices--  
21 Forfeiture) and 1989 c 314 s 2;

22 (3) RCW 77.12.200 (Acquisition of property) and 1987 c 506 s 28,  
23 1980 c 78 s 35, 1965 ex.s. c 97 s 1, & 1955 c 36 s 77.12.200;

24 (4) RCW 77.16.210 (Fishways to be provided and maintained) and 1980  
25 c 78 s 88 & 1955 c 36 s 77.16.210;

26 (5) RCW 77.16.290 (Law enforcement officers, exemption) and 1994  
27 sp.s. c 7 s 444, 1980 c 78 s 95, & 1955 c 36 s 77.16.290;

28 (6) RCW 77.16.340 (Obstructing the taking of fish or wildlife--  
29 Penalty--Defenses) and 1988 c 265 s 1;

30 (7) RCW 77.16.350 (Obstructing the taking of fish or wildlife--  
31 Civil action) and 1988 c 265 s 2;

32 (8) RCW 77.21.020 (Revocation of hunting license for big game  
33 violation--Subsequent issuance--Appeal) and 1998 c 191 s 35, 1987 c 506  
34 s 70, 1980 c 78 s 124, & 1975 1st ex.s. c 6 s 1;

(9) RCW 77.21.030 (Revocation for shooting person or livestock-- Subsequent issuance) and 1998 c 191 s 36, 1987 c 506 s 71, 1980 c 78 s 123, & 1955 c 36 s 77.32.280;

(10) RCW 77.21.070 (Illegal killing or possession of wildlife-- Restitution to state--Amounts--Bail--License revoked) and 1997 c 226 s 2, 1989 c 11 s 28, 1987 c 506 s 74, 1986 c 318 s 1, 1984 c 258 s 336, & 1983 1st ex.s. c 8 s 3;

(11) RCW 77.32.005 (Definitions) and 1998 c 191 s 6, 1989 c 305 s 17, 1980 c 78 s 102, 1961 c 94 s 1, & 1957 c 176 s 14;

(12) RCW 77.32.060 (Licenses, permits, tags, stamps, and raffle tickets--Amount of fees to be retained by license dealers) and 1998 c 245 s 160, 1996 c 101 s 9, 1995 c 116 s 2, 1987 c 506 s 78, 1985 c 464 s 1, 1981 c 310 s 17, 1980 c 78 s 107, 1979 ex.s. c 3 s 3, 1970 ex.s. c 29 s 2, 1957 c 176 s 2, & 1955 c 36 s 77.32.060; and

(13) RCW 77.44.020 (Species included in term "warm water game fish") and 1996 c 222 s 2.

#### **Recodified Sections**

NEW SECTION. **Sec. 274.** RCW 77.04.100, 77.16.020, 77.16.095, and 77.21.080 are each recodified as sections in chapter 77.12 RCW.

NEW SECTION. **Sec. 275.** RCW 77.12.080, 77.12.090, 77.12.095, 77.12.103, 77.16.070, 77.16.360, and 77.21.090 are each recodified as sections in chapter 77.15 RCW.

NEW SECTION. **Sec. 276.** RCW 77.12.530, 77.12.770, 77.12.780, 77.16.010, and 77.16.170 are each recodified as sections in chapter 77.32 RCW.

NEW SECTION. **Sec. 277.** RCW 77.18.005, 77.18.010, 77.18.020, and 77.18.030 are each recodified as sections in chapter 77.44 RCW.

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