

Chapter 77.12 RCW
POWERS AND DUTIES

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Wild salmonid policy: RCW 77.65.420.

RCW 77.12.010 Limitation on prohibiting fishing with bait or artificial lures. The commission shall not adopt rules that categorically prohibit fishing with bait or artificial lures in streams, rivers, beaver ponds, and lakes except that the commission may adopt rules and regulations restricting fishing methods upon a determination by the director that an individual body of water or part thereof clearly requires a fishing method prohibition to conserve or enhance the fisheries resource or to provide selected fishing alternatives. [2000 c 107 s 210; 1985 c 438 s 1; 1980 c 78 s 12; 1977

c 74 s 1; 1955 c 36 s 77.12.010. Prior: 1947 c 275 s 11; Rem. Supp. 1947 s 5992-21.]

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.020 Wildlife to be classified. (1) The director shall investigate the habits and distribution of the various species of wildlife native to or adaptable to the habitats of the state. The commission shall determine whether a species should be managed by the department and, if so, classify it under this section.

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

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

(4) In addition to those species listed in RCW 77.08.020, the commission may classify by rule as game fish other species of the class Osteichthyes that are commonly found in fresh water except those classified as food fish by the director.

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

(6) If the director determines that a species of wildlife is seriously threatened with extinction in the state of Washington, the director may request its designation as an endangered species. The commission may designate an endangered species.

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

(8) Upon recommendation by the director, the commission may develop a work plan to eradicate native aquatic species that threaten human health. Priority shall be given to water bodies that the department of health has classified as representing a threat to human health based on the presence of a native aquatic species. [2014 c 202 s 302; 2002 c 281 s 3; 1994 c 264 s 53; 1987 c 506 s 13; 1980 c 78 s 13; 1969 ex.s. c 18 s 1; 1955 c 36 s 77.12.020. Prior: 1947 c 275 s 12; Rem. Supp. 1947 s 5992-22.]

Findings—2014 c 202: See note following RCW 77.135.010.

Purpose—2002 c 281: See note following RCW 77.08.010.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.031 Llamas and alpacas. The authority of the department does not extend to preventing, controlling, or suppressing

diseases in llamas or alpacas or to controlling the movement or sale of llamas or alpacas.

This section shall not be construed as granting or denying authority to the department to prevent, control, or suppress diseases in any animals other than llamas and alpacas. [1994 c 264 s 54; 1993 c 80 s 4.]

RCW 77.12.035 Protection of grizzly bears—Limitation on transplantation or introduction—Negotiations with federal and state agencies. The commission shall protect grizzly bears and develop management programs on publicly owned lands that will encourage the natural regeneration of grizzly bears in areas with suitable habitat. Grizzly bears shall not be transplanted or introduced into the state. Only grizzly bears that are native to Washington state may be utilized by the department for management programs. The department is directed to fully participate in all discussions and negotiations with federal and state agencies relating to grizzly bear management and shall fully communicate, support, and implement the policies of this section. [2000 c 107 s 211; 1995 c 370 s 1.]

RCW 77.12.037 Acquisition, use, and management of property—Condemnation—When authorized. The commission may acquire by gift, easement, purchase, lease, or condemnation lands, buildings, water rights, rights-of-way, or other necessary property, and construct and maintain necessary facilities for purposes consistent with this title. The commission may authorize the director to acquire property under this section, but the power of condemnation may only be exercised by the director when an appropriation has been made by the legislature for the acquisition of a specific property, except to clear title and acquire access rights-of-way.

The commission may sell, lease, convey, or grant concessions upon real or personal property under the control of the department. [2000 c 107 s 4; 1995 1st sp.s. c 2 s 23 (Referendum Bill No. 45, approved November 7, 1995); 1983 1st ex.s. c 46 s 9; 1955 c 212 s 1; 1955 c 12 s 75.08.040. Prior: 1949 c 112 s 7(2); Rem. Supp. 1949 s 5780-206(2). Formerly RCW 75.08.040.]

Referral to electorate—1995 1st sp.s. c 2: See note following RCW 77.04.013.

Effective date—1995 1st sp.s. c 2: See note following RCW 43.17.020.

Tidelands reserved for recreational use and taking of fish and shellfish: RCW 79.125.740, 79.125.750.

RCW 77.12.038 Notification requirements. Actions under this chapter are subject to the notification requirements of RCW 43.17.400. [2007 c 62 s 8.]

Finding—Intent—Severability—2007 c 62: See notes following RCW 43.17.400.

RCW 77.12.039 Acceptance of funds or property for damage claims or conservation of fish, shellfish, and wildlife resources. The director may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state wildlife, fish, and shellfish resources, or in settlement of claims for damages to wildlife, fish, and shellfish resources. The director shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of fish, shellfish, and wildlife resources. [2001 c 253 s 11; 2000 c 107 s 5; 1995 1st sp.s. c 2 s 24 (Referendum Bill No. 45, approved November 7, 1995); 1983 1st ex.s. c 46 s 11; 1955 c 12 s 75.16.050. Prior: 1949 c 112 s 51; Rem. Supp. 1949 s 5780-325. Formerly RCW 75.08.045, 75.16.050.]

Referral to electorate—1995 1st sp.s. c 2: See note following RCW 77.04.013.

Effective date—1995 1st sp.s. c 2: See note following RCW 43.17.020.

RCW 77.12.043 Contracts and agreements for propagation of fish or shellfish. (1) The director may enter into contracts and agreements with a person to secure fish or shellfish or for the construction, operation, and maintenance of facilities for the propagation of fish or shellfish.

(2) The director may enter into contracts and agreements to procure from private aquaculturists fish or shellfish with which to stock state waters. [2001 c 253 s 12; 1985 c 458 s 7; 1983 1st ex.s. c 46 s 13; 1955 c 12 s 75.16.070. Prior: 1949 c 112 s 53; Rem. Supp. 1949 s 5780-327. Formerly RCW 75.08.065, 75.16.070.]

RCW 77.12.045 Territorial authority of commission—Adoption of federal regulations and rules of fisheries commissions and compacts. Consistent with federal law, the commission's authority extends to all areas and waters within the territorial boundaries of the state, to the offshore waters, and to the concurrent waters of the Columbia river.

Consistent with federal law, the commission's authority extends to fishing in offshore waters by residents of this state.

The commission may adopt rules consistent with the regulations adopted by the United States department of commerce for the offshore waters. The commission may adopt rules consistent with the recommendations or regulations of the Pacific marine fisheries commission, Columbia river compact, the Pacific salmon commission as provided in chapter 77.75 RCW, or the international Pacific halibut commission. [2001 c 253 s 13; 1995 1st sp.s. c 2 s 10 (Referendum Bill No. 45, approved November 7, 1995); 1989 c 130 s 1; 1983 1st ex.s. c 46 s 14; 1955 c 12 s 75.08.070. Prior: 1949 c 112 s 6, part; Rem. Supp. 1949 s 5780-205, part. Formerly RCW 75.08.070.]

Referral to electorate—1995 1st sp.s. c 2: See note following RCW 77.04.013.

Effective date—1995 1st sp.s. c 2: See note following RCW 43.17.020.

RCW 77.12.047 Scope of commission's authority to adopt rules—Application to private tideland owners or lessees of the state. (1)

The commission may adopt, amend, or repeal rules as follows:

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

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

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

(d) Regulating the importation, transportation, possession, disposal, landing, and sale of wildlife, fish, shellfish, or seaweed within the state, whether acquired within or without the state.

However, this authority must be exercised consistent with RCW 77.125.050 and 77.125.060. Additionally, the rules of the department must prohibit any person, including department staff, from translocating a live elk from an area with elk affected by hoof disease to any other location except:

(i) Consistent with a process developed by the department with input from the affected federally recognized tribes for translocation for monitoring or hoof disease management purposes; or

(ii) Within an elk herd management plan area affected by hoof disease.

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

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

(g) Specifying the statistical and biological reports required from fishers, dealers, boathouses, or processors of wildlife, fish, or shellfish.

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

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

(j) Regulating the taking, sale, possession, and distribution of wildlife, fish, shellfish, or deleterious exotic wildlife.

(k) Establishing game reserves and closed areas where hunting for wild animals or wild birds may be prohibited.

(l) Regulating the harvesting of fish, shellfish, and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

(m) Authorizing issuance of permits to release, plant, or place fish or shellfish in state waters.

(n) Governing the possession of fish, shellfish, or wildlife so that the size, species, or sex can be determined visually in the field or while being transported.

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

(2) (a) Subsections (1) (a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate

family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

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

(3) Except for subsection (1)(g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1)(g) of this section does apply to such products. [2018 c 179 s 10; 2017 c 159 s 2; 2001 c 253 s 14; 2000 c 107 s 7; 1995 1st sp.s. c 2 s 11 (Referendum Bill No. 45, approved November 7, 1995); 1993 c 117 s 1; 1985 c 457 s 17; 1983 1st ex.s. c 46 s 15; 1980 c 55 s 1; 1955 c 12 s 75.08.080. Prior: 1949 c 112 s 6, part; Rem. Supp. 1949 s 5780-205, part. Formerly RCW 75.08.080.]

Finding—2017 c 159: "The legislature finds that elk hoof disease poses a significant threat to the state, including elk populations and livestock. While the legislature recognizes the efforts of the department of fish and wildlife thus far, more aggressive steps are necessary to achieve a better understanding of the hoof disease epidemic facing the state's elk populations and to ensure proactive management and treatment actions are pursued." [2017 c 159 s 1.]

Required rule making—2017 c 159: "The department of fish and wildlife must immediately adopt or amend any rule as necessary to implement, and ensure rules are consistent with, this act." [2017 c 159 s 4.]

Referral to electorate—1995 1st sp.s. c 2: See note following RCW 77.04.013.

Effective date—1995 1st sp.s. c 2: See note following RCW 43.17.020.

RCW 77.12.058 Pollinator habitat. (1) The department must implement practices necessary to maintain pollinator habitat on department-owned and managed agricultural and grazing lands where practicable.

(2) The department must evaluate various restoration techniques with the goal of improving habitat for native pollinators. The department must update its riparian habitat recommendations to encourage development of pollinator habitat where practicable when making habitat improvements or for riparian restoration.

(3) For the purposes of this section, "pollinator habitat" means an area of land that is or may be developed as habitat beneficial for the feeding, nesting, and reproduction of all pollinators, including honey bees, as determined by the department. [2021 c 278 s 8; 2019 c 353 s 8.]

Purpose—Intent—2021 c 278: See note following RCW 43.23.300.

Findings—Intent—2019 c 353: See note following RCW 43.23.300.

RCW 77.12.068 Dissemination of information about RCW 77.15.740 and responsible wildlife viewing. The department and the state parks and recreation commission shall disseminate information about RCW 77.15.740, whale and wildlife viewing guidelines, and other responsible wildlife viewing messages to educate Washington's citizens on how to reduce the risk of disturbing southern resident orca whales. The department and the state parks and recreation commission must, at minimum, disseminate this information on their internet sites and through appropriate agency publications, brochures, and other information sources. The department and the state parks and recreation commission shall also attempt to reach the state's boating community by coordinating with appropriate state and nongovernmental entities to provide this information at marinas, boat shows, boat dealers, during boating safety training courses, and in conjunction with vessel registration or licensing. [2008 c 225 s 4.]

Findings—Intent—2008 c 225: See notes following RCW 77.15.740.

RCW 77.12.071 Sampling of fish, wildlife, or shellfish by department employees. (1) Department employees, in carrying out their duties under this title on public lands or state waters, may:

- (a) Collect samples of tissue, fluids, or other bodily parts of fish, wildlife, or shellfish; or
- (b) Board vessels in state waters engaged in commercial and recreational harvest activities to collect samples of fish, wildlife, or shellfish.

- (i) Department employees shall ask permission from the owner or his or her agent before boarding vessels in state waters.
- (ii) If an employee of the department is denied access to any vessel where access was sought for the purposes of (b) of this subsection, the department employee may contact an enforcement officer for assistance in applying for a search warrant authorizing access to the vessel in order to carry out the department employee's duties under this section.

(2) Department employees must have official identification, announce their presence and intent, and perform their duties in a safe and professional manner while carrying out the activities in this section.

(3) This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(4) This section does not apply to fish and wildlife officers and ex officio fish and wildlife officers carrying out their duties under this title. [2007 c 337 s 2.]

Intent—Finding—2007 c 337: "The legislature intends that sampling of fish, wildlife, and shellfish by department of fish and wildlife employees will ensure the conservation and management of fish, shellfish, and wildlife. Because the harvest of fish and wildlife is regulated by the department, the legislature finds that sampling by departmental employees will benefit the resource, and will further the department's research related to fish, wildlife, and shellfish. This section and RCW 77.12.071 do not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020." [2007 c 337 s 1.]

RCW 77.12.075 Fish and wildlife federal lands revolving account.

The fish and wildlife federal lands revolving account is created in the custody of the state treasurer. All receipts from the proceeds of good neighbor agreements as defined in RCW 79.02.010 and implemented by the department of fish and wildlife and all legislative transfers, gifts, grants, and federal funds designated for use in conjunction with a good neighbor agreement implemented by the department of fish and wildlife must be deposited into the account. Expenditures from the account are subject to the limitations of the agreements under which proceeds were generated and may be used only for the planning and implementation of good neighbor agreements, including management or administrative costs and relevant goods and services. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. The fish and wildlife federal lands revolving account is an interest-bearing account and the interest must be credited to the account. [2018 c 258 s 2.]

Effective date—2018 c 258: See note following RCW 79.02.010.

RCW 77.12.077 Use of dogs to hunt/pursue black bear, cougar, bobcat—Rules—Training program—Nonlethal pursuit. (1) The commission shall adopt by rule a process and criteria to select persons who may act as agents of the state for the purpose of using one or more dogs to hunt or pursue black bear, cougar, or bobcat to protect livestock, domestic animals, private property, or the public safety. The commission rule must outline the requirements an applicant must comply with when applying for the program including, but not limited to, a criminal background check.

(2) The department shall administer a training program to enable persons who have been selected pursuant to subsection (1) of this section to train dogs for use consistent with this section. The purpose of this program is to provide dog training opportunities using nonlethal pursuit. [2019 c 226 s 1.]

RCW 77.12.085 Liberalized bag limits for bass, walleye, and channel catfish. The commission shall adopt rules to liberalize bag limits for bass, walleye, and channel catfish in all anadromous waters of the state in order to reduce the predation risk to salmon smolts. [2019 c 290 s 2.]

Finding—Intent—2019 c 290: "(1) The legislature finds that the population of southern resident killer whales has declined in recent years and currently stands at a thirty-year low of seventy-four animals.

(2) The governor convened the southern resident killer whale task force after the 2018 legislative session to study and identify actions that could be taken to help sustain and recover this important species. In the course of its work, the task force found that chinook salmon compose the largest portion of the whales' diet, and are therefore critical to the recovery of the species. Further, several runs of chinook salmon in Washington state are listed under the

federal endangered species act, making chinook recovery all the more urgent.

(3) The task force identified four overarching southern resident killer whale recovery goals and adopted several recommendations for specific actions under each goal. Goal one identified by the task force is to increase chinook abundance, and actions under that goal relate to habitat protection, protection of chinook prey, such as forage fish, and reducing impacts of nonnative chinook predators.

(4) To address the need identified by the task force to increase chinook abundance, the legislature intends to take initial, important steps consistent with recommendations made by the governor's southern resident killer whale task force." [2019 c 290 s 1.]

RCW 77.12.115 Collaboration with volunteer and nonprofit organizations. (1) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Nonprofit organization" means any:

(i) Organization described in section 501(c)(3) of the internal revenue code of 1986 (26 U.S.C. Sec. 501(c)(3)) and exempt from tax under section 501(a) of the internal revenue code; or

(ii) Not-for-profit organization that is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(b) (i) "Volunteer" or "volunteer organization" means an individual or entity performing services for a nonprofit organization or a governmental entity who does not receive compensation, other than reasonable reimbursement or allowances for expenses actually incurred, or any other thing of value, in excess of \$500 per year.

(ii) "Volunteer" includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

(2) The director is authorized to enter into those contracts, agreements, or other arrangements as are necessary to collaborate with volunteer organizations and nonprofit organizations to maintain, protect, and enhance department lands including, but not limited to, entering into:

(a) Agreements with nonprofit organizations and volunteer organizations for work; and

(b) Master agreements with nonprofit organizations and volunteer organizations, allowing for the issuing of work orders as needed pursuant to the terms of those master agreements.

(3) Agreements under this section are limited to a duration of five years and work valued at less than \$250,000 per year.

(4) The requirements of chapter 39.04 RCW do not apply to contracts, agreements, or other arrangements between the department and nonprofit organizations, volunteers, and volunteer organizations, for the purposes set forth in this section.

(5) Whenever volunteers or volunteer organizations are authorized to perform activities or carry out projects under this section or agreements entered into pursuant to this section, the volunteers or members of the volunteer organization may not be considered employees or agents of the department and the department is not subject to any liability whatsoever arising out of volunteer activities or projects. The liability of the department to volunteers and members of the volunteer organizations is limited in the same manner as provided for in RCW 4.24.210.

(6) (a) Nothing in this section shall diminish the responsibility of the department to protect the resources and access guaranteed to federally recognized Indian tribes in certain treaties made with the United States.

(b) Nothing in this section shall alter, diminish, or expand the rights of any federally recognized Indian tribe with treaty reserved rights. [2024 c 160 s 1.]

RCW 77.12.140 Acquisition or sale of wildlife. The director, acting in a manner not inconsistent with criteria established by the commission, may obtain by purchase, gift, or exchange and may sell or transfer wildlife and their eggs for stocking, research, or propagation. [1987 c 506 s 23; 1980 c 78 s 28; 1955 c 36 s 77.12.140. Prior: 1947 c 275 s 24; Rem. Supp. 1947 s 5992-34.]

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.150 Game seasons—Opening and closing—Special hunt.

(1) By emergency rule only, and in accordance with criteria established by the commission, the director may close or shorten a season for game animals, game birds, or game fish, and after a season has been closed or shortened, may reopen it and reestablish bag limits on game animals, game birds, or game fish during that season. The director shall advise the commission of the adoption of emergency rules. A copy of an emergency rule, certified as a true copy by the director or by a person authorized in writing by the director to make the certification, is admissible in court as prima facie evidence of the adoption and validity of the rule.

(2) (a) If the director finds that game animals have increased in numbers in an area of the state so that they are damaging public or private property or over-utilizing their habitat, the commission may establish a special hunting season and designate the time, area, and manner of taking and the number and sex of the animals that may be killed or possessed by a licensed hunter. The director shall include notice of the special season in the rules establishing open seasons.

(b) When the department receives six complaints concerning damage to commercial agricultural and horticultural crop production by wildlife from the owner or tenant of real property, or from several owners or tenants in a locale, the commission shall conduct a special hunt or special hunts or take remedial action to reduce the potential for the damage, and shall authorize either one or two permits per hunter. Each complaint must be confirmed by qualified department staff, or their designee.

(c) The director shall determine by random selection the identity of hunters who may hunt within the area of the special hunt and shall determine the conditions and requirements of the selection process. Within this process, the department must maintain a list of all persons holding valid wildlife hunting licenses, arranged by county of residence, who may hunt deer or elk that are causing damage to crops. The department must update the list annually and utilize the list when

contacting persons to assist in controlling game damage to crops. The department must make all reasonable efforts to contact individuals residing within the county where the hunting of deer or elk will occur before contacting a person who is not a resident of that county. The department must randomize the names of people on the list in order to provide a fair distribution of the hunting opportunities. Hunters who participate in hunts under this section must report any kills to the department. The department must include a summary of the wildlife harvested in these hunts in the annual game management reports it makes available to the public. [2003 c 385 s 2; 1987 c 506 s 24; 1984 c 240 s 4; 1980 c 78 s 29; 1977 ex.s. c 58 s 1; 1975 1st ex.s. c 102 s 1; 1955 c 36 s 77.12.150. Prior: 1949 c 205 s 2; 1947 c 275 s 25; Rem. Supp. 1949 s 5992-35.]

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

Special hunting season permits: RCW 77.32.370.

RCW 77.12.152 Commission may designate fishing areas. The commission may designate the boundaries of fishing areas by driving piling or by establishing monuments or by description of landmarks or section lines and directional headings. [1995 1st sp.s. c 2 s 14 (Referendum Bill No. 45, approved November 7, 1995); 1983 1st ex.s. c 46 s 18; 1955 c 12 s 75.08.120. Prior: 1949 c 112 s 10; Rem. Supp. 1949 s 5780-209. Formerly RCW 75.08.120.]

Referral to electorate—1995 1st sp.s. c 2: See note following RCW 77.04.013.

Effective date—1995 1st sp.s. c 2: See note following RCW 43.17.020.

RCW 77.12.154 Right of entry—Aircraft operated by department. The director, fish and wildlife officers, ex officio fish and wildlife officers, and department employees may enter upon any land or waters and remain there while performing their duties without liability for trespass.

It is lawful for aircraft operated by the department to land and take off from the beaches or waters of the state. [1998 c 190 s 71; 1983 1st ex.s. c 46 s 19; 1955 c 12 s 75.08.160. Prior: 1949 c 112 s 13; Rem. Supp. 1949 s 5780-212. Formerly RCW 75.08.160.]

RCW 77.12.170 Limited fish and wildlife account—Deposits—Fish, wildlife, and conservation account—Established—Deposits. (1) There is established in the state treasury the limited fish and wildlife account which consists of moneys received from:

(a) Fees for personalized vehicle, Wild on Washington, and Endangered Wildlife license plates, Washington's Wildlife license

plate collection, and Washington's fish license plate collection as provided in chapter 46.17 RCW;

(b) The department's share of revenues from auctions and raffles authorized by the commission;

(c) The sale of watchable wildlife decals under RCW 77.32.560;

(d) Moneys received from the recreation access pass account created in RCW 79A.80.090 must be dedicated to stewardship, operations, and maintenance of department lands used for public recreation purposes;

(e) Fees for informational materials published by the department;

(f) Those portions of the sale of licenses, permits, tags, stamps, endorsements, and application fees that are specified for a limited purpose within chapters 77.32, 77.65, and 77.70 RCW; and

(g) Income directed to the limited fish and wildlife account by any other statute not listed in this subsection.

(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 limited fish and wildlife account.

(3) There is established in the state treasury the fish, wildlife, and conservation account that consists of moneys received from:

(a) Rentals or concessions of the department;

(b) The sale of real or personal property held for department purposes, unless the property is seized or recovered through a fish, shellfish, or wildlife enforcement action;

(c) The assessment of administrative penalties;

(d) Those portions of the sale of licenses, permits, tags, stamps, endorsements, and application fees that are not specified for a limited purpose within chapters 77.32, 77.65, and 77.70 RCW;

(e) Articles or wildlife sold by the director under RCW 77.12.140;

(f) Excise tax on anadromous game fish collected under chapter 82.27 RCW;

(g) Donations received by the director under RCW 77.12.039;

(h) Income directed to the fish, wildlife, and conservation account by any other statute not listed in this subsection.

(4) State and county officers receiving any moneys listed in subsection (3) of this section shall deposit them in the state treasury to be credited to the fish, wildlife, and conservation account.

(5) Compensation for damage to department property or wildlife losses or contributions, gifts, or grants received under RCW 77.12.320 must be deposited into the special wildlife account created in RCW 77.12.323. However, this excludes fish and shellfish overages and court-ordered restitution or donations associated with any fish, shellfish, or wildlife enforcement action, as such moneys must be deposited in the enforcement reward account pursuant to RCW 77.15.425. [2020 c 148 s 5; 2017 3rd sp.s. c 8 s 3; 2016 c 30 s 5. Prior: 2011 c 339 s 3; 2011 c 320 s 23; 2011 c 171 s 112; 2009 c 333 s 13; prior: 2005 c 418 s 3; 2005 c 225 s 4; 2005 c 224 s 4; 2005 c 42 s 4; 2004 c 248 s 4; 2003 c 317 s 3; 2001 c 253 s 15; 2000 c 107 s 216; prior: 1998 c 191 s 38; 1998 c 87 s 2; 1996 c 101 s 7; 1989 c 314 s 4; 1987 c 506 s 25; 1984 c 258 s 334; prior: 1983 1st ex.s. c 8 s 2; 1983 c 284 s 1; 1981 c 310 s 2; 1980 c 78 s 30; 1979 c 56 s 1; 1973 1st ex.s. c 200 s 12 (Referendum Bill No. 33); 1969 ex.s. c 199 s 33; 1955 c 36 s 77.12.170; prior: 1947 c 275 s 27; Rem. Supp. 1947 s 5992-37.]

Calculation, transfer of money—2020 c 148: "The department of fish and wildlife must calculate the amount of money contained in the state wildlife account on July 1, 2021, that is derived from the revenue sources described in RCW 77.12.170(3) and provide this information to the office of financial management. If the office of financial management certifies the amount to be correct, the state treasurer must transfer the amount certified from the state wildlife account to the fish, wildlife, and conservation account created in RCW 77.12.170." [2020 c 148 s 29.]

Intent—2020 c 148: "In 2017, the legislature directed the department of fish and wildlife to conduct a budget and performance assessment.

That assessment identified a structural deficit in the current state wildlife account, which does not differentiate between restricted use revenues and nonrestricted revenues.

The legislature intends to increase transparency and accountability to the public by clearly dividing restricted and nonrestricted revenues into two separate accounts.

This act does not alter any current legal restrictions on revenue uses or alter the amounts of revenue collected." [2020 c 148 s 1.]

Effective date—2020 c 148: "This act takes effect July 1, 2021." [2020 c 148 s 30.]

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Effective date—2016 c 30: See note following RCW 46.18.200.

Effective date—2011 c 339: See note following RCW 43.84.092.

Effective date—2011 c 320: See note following RCW 79A.80.005.

Findings—Intent—2011 c 320: See RCW 79A.80.005.

Intent—Effective date—2011 c 171: See notes following RCW 4.24.210.

Findings—2003 c 317: See note following RCW 77.32.560.

Effective date—1998 c 191: See note following RCW 77.32.410.

Effective date—1998 c 87: "This act takes effect January 1, 1999." [1998 c 87 s 3.]

Findings—1996 c 101: See note following RCW 77.32.530.

Finding—1989 c 314: See note following RCW 77.15.098.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.34.130.

Findings—Intent—1983 c 284: See note following RCW 82.27.020.

Effective dates—1981 c 310: "(1) Sections 9 and 10 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1981.

(2) Section 13 of this act shall take effect on May 1, 1982.

(3) Sections 8, 11, 12, and 14 of this act shall take effect on July 1, 1982.

(4) All other sections of this act shall take effect on January 1, 1982." [1981 c 310 s 32.]

Legislative intent—1981 c 310: "The legislature finds that abundant deer and elk populations are in the best interest of the state, and for many reasons the state's deer and elk populations have apparently declined. The legislature further finds that antlerless deer and elk seasons have been an issue of great controversy throughout the state, and that antlerless deer and elk seasons may contribute to a further decline in the state's deer and elk populations." [1981 c 310 s 1.]

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

Personalized license plates—Legislative declaration: "It is declared to be the public policy of the state of Washington to direct financial resources of this state toward the support and aid of the wildlife resources existing within the state of Washington in order that the general welfare of these inhabitants of the state be served. For the purposes of *this chapter, wildlife resources are understood to be those species of wildlife other than that managed by the department of fisheries under their existing jurisdiction as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries. The legislature further finds that the preservation, protection, perpetuation, and enhancement of such wildlife resources of the state is of major concern to it, and that aid for a satisfactory environment and ecological balance in this state for such wildlife resources serves a public interest, purpose, and desire.

It is further declared that such preservation, protection, perpetuation, and enhancement can be fostered through financial support derived on a voluntary basis from those citizens of the state of Washington who wish to assist in such objectives; that a desirable manner of accomplishing this is through offering personalized license plates for certain vehicles and campers the fees for which are to be directed to the state treasury to the credit of the **state game fund for the furtherance of the programs, policies, and activities of the state **game department in preservation, protection, perpetuation, and enhancement of the wildlife resources that abound within the geographical limits of the state of Washington.

In particular, the legislature recognizes the benefit of this program to be specifically directed toward those species of wildlife including but not limited to song birds, protected wildlife, rare and endangered wildlife, aquatic life, and specialized-habitat types, both

terrestrial and aquatic, as well as all unclassified marine fish, shellfish, and marine invertebrates which shall remain under the jurisdiction of the director of fisheries that exist within the limits of the state of Washington." [1975 c 59 s 7; 1973 1st ex.s. c 200 s 1. Formerly RCW 77.12.175.]

Reviser's note: *(1) The term "this chapter" refers to chapter 77.12 RCW, where this section was originally codified, pursuant to legislative directive, as RCW 77.12.175. It was subsequently decodified by 1980 c 78 s 32.

** (2) References to the "state game fund" and "game department" mean the "state wildlife fund" and "department of wildlife." See note following RCW 77.04.020. The "state wildlife fund" was renamed the "state wildlife account" pursuant to 2005 c 224 s 4 and 2005 c 225 s 4.

RCW 77.12.177 Disposition of moneys collected—Proceeds from sale of commercial licenses and fish, shellfish, or wildlife. (1) Except as provided in this title, state and county officers receiving the following moneys shall deposit them in the fish, wildlife, and conservation account:

(a) The sale of commercial licenses required under this title; and

(b) Moneys received for damages to fish, shellfish, or wildlife.

(2) Beginning with fiscal year 2018, and each fiscal year thereafter, the director must determine both the total amount of fees deposited in the fish, wildlife, and conservation account for the sale of commercial licenses required under this title, and the portion of those fees that is attributable to the fee increases enacted in chapter 8, Laws of 2017 3rd sp. sess. The director must certify these amounts to the state treasurer, who must transfer the difference between these two amounts to the state general fund within one month of the close of the fiscal year. The portion of those fees that is attributable to the fee increases enacted in chapter 8, Laws of 2017 3rd sp. sess. is retained in the fish, wildlife, and conservation account.

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

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

(5) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department shall be deposited in the regional fisheries enhancement group account established in RCW 77.95.090.

(6) 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. [2020 c 148 s 6; 2017 3rd sp.s. c 8 s 4; 2015 c 225 s 114; 2011 c 339 s 4; 2001 c 253 s 16; 2000 c 107 s 10; 1996 c 267 s 3;

1995 c 367 s 11; 1993 c 340 s 48; 1989 c 176 s 4; 1987 c 202 s 230; 1984 c 258 s 332; 1983 1st ex.s. c 46 s 23; 1979 c 151 s 175; 1977 ex.s. c 327 s 33; 1975 1st ex.s. c 223 s 1; 1969 ex.s. c 199 s 31; 1969 ex.s. c 16 s 1; 1965 ex.s. c 72 s 2; 1955 c 12 s 75.08.230. Prior: 1951 c 271 s 2; 1949 c 112 s 25; Rem. Supp. 1949 s 5780-223. Formerly RCW 75.08.230.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Finding—Intent—Effective date—2017 3rd sp.s. c 8: See notes following RCW 77.08.010.

Effective date—2011 c 339: See note following RCW 43.84.092.

Intent—1996 c 267: "It is the intent of this legislation to begin to make the statutory changes required by the fish and wildlife commission in order to successfully implement Referendum Bill No. 45." [1996 c 267 s 1.]

Effective date—1996 c 267: "This act shall take effect July 1, 1996." [1996 c 267 s 36.]

Severability—Effective date—1995 c 367: See notes following RCW 77.95.150.

Finding, intent—Captions not law—Effective date—Severability—1993 c 340: See notes following RCW 77.65.010.

Intent—1987 c 202: See note following RCW 2.04.190.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.34.130.

Severability—Effective date—1977 ex.s. c 327: See notes following RCW 77.65.150.

RCW 77.12.184 Deposit of moneys from various activities—Production of regulation booklets. (1) The department shall deposit

all moneys received from the following activities into the fish, wildlife, and conservation account created in RCW 77.12.170(3):

(a) The sale of interpretive, recreational, historical, educational, and informational literature and materials;

(b) The sale of advertisements in regulation pamphlets and other appropriate mediums; and

(c) Enrollment fees in department-sponsored educational training events.

(2) Moneys collected under subsection (1) of this section shall be spent primarily for producing regulation booklets for users and for the development, production, reprinting, and distribution of informational and educational materials. The department may also spend these moneys for necessary expenses associated with training activities, and other activities as determined by the director.

(3) Regulation pamphlets may be subsidized through appropriate advertising, but must be made available free of charge to the users.

(4) The director may enter into joint ventures with other agencies and organizations to generate revenue for providing public information and education on wildlife and hunting and fishing rules. [2020 c 148 s 7; 2009 c 333 s 31; 2000 c 252 s 1.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

RCW 77.12.190 Use of moneys in the limited fish and wildlife account and fish, wildlife, and conservation account. Moneys in the limited fish and wildlife account and fish, wildlife, and conservation account created in RCW 77.12.170 may be used only for the purposes of this title, including the payment of principal and interest on bonds issued for capital projects. [2020 c 148 s 8; 2009 c 333 s 32; 1991 sp.s. c 31 s 17; 1987 c 506 s 27; 1980 c 78 s 34; 1955 c 36 s 77.12.190. Prior: 1947 c 275 s 28; Rem. Supp. 1947 s 5992-38.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.201 Counties may elect to receive an amount in lieu of taxes—County to record collections for violations of law or rules—Deposit. The legislative authority of a county may elect, by giving written notice to the director and the treasurer prior to January 1st of any year, to obtain for the following year an amount in lieu of real property taxes on game lands as provided in RCW 77.12.203. Upon the election, the county shall keep a record of all fines, forfeitures, reimbursements, and costs assessed and collected, in whole or in part, under this title for violations of law or rules adopted pursuant to this title, with the exception of the 2015-2017 and 2017-2019 fiscal biennia, and shall monthly remit an amount equal to the amount collected to the state treasurer for deposit in the state general fund. The election shall continue until the department is notified differently prior to January 1st of any year. [2017 3rd sp.s. c 1 s 983; 2016 sp.s. c 36 s 947; 2013 2nd sp.s. c 4 s 998; 2012 2nd sp.s. c 7 s 923; 2009 c 479 s 63; 1987 c 506 s 29. Prior: 1984 c 258 s 335; 1984 c 214 s 1; 1980 c 78 s 36; 1977 ex.s. c 59 s 1; 1965 ex.s. c 97 s 2.]

Effective date—2017 3rd sp.s. c 1: See note following RCW 43.41.455.

Effective date—2016 sp.s. c 36: See note following RCW 18.20.430.

Effective dates—2013 2nd sp.s. c 4: See note following RCW 2.68.020.

Effective date—2012 2nd sp.s. c 7: See note following RCW 2.68.020.

Effective date—2009 c 479: See note following RCW 2.56.030.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Court Improvement Act of 1984—Effective dates—Severability—Short title—1984 c 258: See notes following RCW 3.30.010.

Intent—1984 c 258: See note following RCW 3.34.130.

Effective date—1984 c 214: "This act takes effect on January 1, 1985." [1984 c 214 s 3.]

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.203 In lieu payments authorized—Procedure—Game lands defined. (1) Notwithstanding RCW 84.36.010 or other statutes to the contrary, the state treasurer, on behalf of the department, must distribute to counties by April 30th of each year on game lands, regardless of acreage, in each county, if requested by an election under RCW 77.12.201, an amount in lieu of real property taxes equal to that amount paid on similar parcels of open space land taxable under chapter 84.34 RCW or the greater of seventy cents per acre per year or the amount paid in 1984 plus an additional amount for control of noxious weeds equal to that which would be paid if such lands were privately owned. This amount may not be assessed or paid on department buildings, structures, facilities, game farms, fish hatcheries, water access sites, tidelands, or public fishing areas.

(2) "Game lands," as used in this section and RCW 77.12.201, means those tracts, regardless of acreage, owned in fee by the department and used for wildlife habitat and public recreational purposes. All lands purchased for wildlife habitat, public access, or recreation purposes with federal funds in the Snake River drainage basin are considered game lands regardless of acreage.

(3) This section does not apply to lands transferred after April 23, 1990, to the department from other state agencies.

(4) The county must distribute the amount received under this section in lieu of real property taxes to all property taxing districts except the state in appropriate tax code areas the same way it would distribute local property taxes from private property. The county must distribute the amount received under this section for weed control to the appropriate weed district. [2021 c 184 s 1; 2019 c 415 s 983; 2018 c 299 s 913; 2017 3rd sp.s. c 1 s 984; 2015 3rd sp.s. c 4 s 971; 2014 c 55 s 1; 2013 2nd sp.s. c 4 s 999; 2012 2nd sp.s. c 7 s 924; 2005 c 303 s 14; 1990 1st ex.s. c 15 s 11; 1984 c 214 s 2; 1980 c 78 s 37; 1965 ex.s. c 97 s 3.]

Effective date—2019 c 415: See note following RCW 28B.20.476.

Effective date—2018 c 299: See note following RCW 43.41.433.

Effective date—2017 3rd sp.s. c 1: See note following RCW 43.41.455.

Effective dates—2015 3rd sp.s. c 4: See note following RCW 28B.15.069.

Effective date—2014 c 55: "This act takes effect July 1, 2015." [2014 c 55 s 2.]

Effective dates—2013 2nd sp.s. c 4: See note following RCW 2.68.020.

Effective date—2012 2nd sp.s. c 7: See note following RCW 2.68.020.

Effective date—2005 c 303 ss 1-14: See note following RCW 79A.15.010.

Limitations—1990 1st ex.s. c 15: "Amounts saved by operation of section 11 of this act during the 1989-91 fiscal biennium may be used only for financing capital facilities." [1990 1st ex.s. c 15 s 12.]

Severability—1990 1st ex.s. c 15: See note following RCW 43.99H.010.

Effective date—1984 c 214: See note following RCW 77.12.201.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.204 Grazing lands—Fish and wildlife goals—Implementation. 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 fish and wildlife 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 according to the provisions of RCW 77.04.012, 77.12.210, or rules adopted pursuant to this chapter. [2001 c 253 s 17; 2000 c 107 s 217; 1993 sp.s. c 4 s 6.]

***Reviser's note:** RCW 79.01.295 was recodified as RCW 79.13.610 pursuant to 2003 c 334 s 557.

Findings—Grazing lands—1993 sp.s. c 4: See RCW 79.13.600.

RCW 77.12.210 Department property—Management, sale. The director shall maintain and manage real or personal property owned, leased, or held by the department and shall control the construction of buildings, structures, and improvements in or on the property. The director may adopt rules for the operation and maintenance of the property.

The commission may authorize the director to sell, lease, convey, or grant concessions upon real or personal property under the control of the department. This includes the authority to sell timber, gravel, sand, and other materials or products from real property held by the department, and to sell or lease the department's real or personal property or grant concessions or rights-of-way for roads or utilities in the property. Oil and gas resources owned by the state which lie below lands owned, leased, or held by the department shall be offered for lease by the commissioner of public lands pursuant to chapter 79.14 RCW with the proceeds being deposited in the fish, wildlife, and conservation account created in RCW 77.12.170(3): PROVIDED, That the commissioner of public lands shall condition such leases at the request of the department to protect wildlife and its habitat.

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

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

Proceeds from the sales shall be deposited in the fish, wildlife, and conservation account created in RCW 77.12.170(3). [2020 c 148 s 9; 2009 c 333 s 33; 2000 c 107 s 218; 1987 c 506 s 30; 1980 c 78 s 38; 1969 ex.s. c 73 s 1; 1955 c 36 s 77.12.210. Prior: 1947 c 275 s 30; Rem. Supp. 1947 s 5992-40.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.220 Acquisition or transfer of property. For purposes of this title, the commission may make agreements to obtain real or personal property or to transfer or convey property held by the state to the United States or its agencies or instrumentalities, units of local government of this state, public service companies, or other persons, if in the judgment of the commission and the attorney general the transfer and conveyance is consistent with public interest. For purposes of this section, "local government" means any city, town, county, special district, municipal corporation, or quasi-municipal corporation.

If the commission agrees to a transfer or conveyance under this section or to a sale or return of real property under RCW 77.12.210, the director shall certify, with the attorney general, to the governor that the agreement has been made. The certification shall describe the real property. The governor then may execute and the secretary of state attest and deliver to the appropriate entity or person the instrument necessary to fulfill the agreement. [2000 c 107 s 219; 1987 c 506 s 31; 1980 c 78 s 39; 1955 c 36 s 77.12.220. Prior: 1949 c 205 s 3; 1947 c 275 s 31; Rem. Supp. 1949 s 5992-41.]

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.230 Local assessments against department property. The director may pay lawful local improvement district assessments for projects that may benefit wildlife or wildlife-oriented recreation made against lands held by the state for department purposes. The payments may be made from money appropriated from the fish, wildlife, and conservation account created in RCW 77.12.170(3) to the department. [2020 c 148 s 10; 2009 c 333 s 34; 1987 c 506 s 32; 1980 c 78 s 40; 1955 c 36 s 77.12.230. Prior: 1947 c 275 s 32; Rem. Supp. 1947 s 5992-42.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.235 Bridge jumping hazard signs. (1) Before entering into any contract for the construction of or replacement of any bridge on department controlled land, the director must consider whether to require the installation of informational signs that address the hazards of diving or jumping off the bridge as part of the contract. These signs are meant to provide more information than just a "no jumping" sign so that people can better understand the hazards related to a particular location. Signs with information on the hazard of cold-water shock that leads to drowning are encouraged to be installed in locations where people might otherwise think a location is safe for swimming. Signs under this section may include the statewide 988 suicide prevention hotline.

(2) Signs created under this section for placement within the right-of-way of the state highway system may not conflict with provisions of the manual on uniform traffic control devices or existing state laws related to placement and design of signs that are placed along transportation corridors.

(3) This section does not create a private right of action by, or a legal duty to, any party, and may not be used to impose liability on

the department if a sign has or has not been erected on its property. The state of Washington, including all of its agencies, subdivisions, employees, and agents, shall not be liable in tort for any violation of chapter 54, Laws of 2023, notwithstanding any other provision of law. [2023 c 54 s 10.]

Short title—Intent—Finding—2023 c 54: See notes following RCW 35.21.095.

RCW 77.12.240 Authority to take wildlife—Disposition. (1) The department may authorize the removal or killing of wildlife that is destroying or injuring property, or when it is necessary for wildlife management or research.

(2) The department shall dispose of wildlife taken or possessed by them under this title in the manner determined by the director to be in the best interest of the state. Proceeds from sales shall be deposited in the state treasury to be credited to the fish, wildlife, and conservation account created in RCW 77.12.170(3). [2020 c 148 s 11; 2009 c 333 s 63; 1989 c 197 s 1; 1987 c 506 s 33; 1980 c 78 s 41; 1955 c 36 s 77.12.240. Prior: 1947 c 275 s 33; Rem. Supp. 1947 s 5992-43.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Effective date—Application—2009 c 333 ss 53-66: See notes following RCW 77.36.010.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.262 Fish and wildlife officers compensation insurance—Medical aid. The director shall provide compensation insurance for fish and wildlife officers, insuring these employees against injury or death in the performance of enforcement duties not covered under the workers' compensation act of the state. The beneficiaries and the compensation and benefits under the compensation insurance shall be the same as provided in chapter 51.32 RCW, and the compensation insurance also shall provide for medical aid and hospitalization to the extent and amount as provided in RCW 51.36.010 and 51.36.020. [2000 c 107 s 8; 1983 1st ex.s. c 46 s 20; 1971 ex.s. c 289 s 73; 1953 c 207 s 14. Formerly RCW 75.08.206, 43.25.047.]

Effective date—Severability—1971 ex.s. c 289: See RCW 51.98.060 and 51.98.070.

RCW 77.12.264 Fish and wildlife officers—Relieved from active duty when injured—Compensation. The director shall relieve from active duty fish and wildlife officers who are injured in the performance of their official duties to such an extent as to be

incapable of active service. While relieved from active duty, the employees shall receive one-half of their salary less any compensation received through the provisions of RCW 41.26.470, 41.40.200, 41.40.220, and 77.12.262. [2006 c 39 s 2; 2001 c 253 s 18; 2000 c 107 s 9; 1983 1st ex.s. c 46 s 22; 1957 c 216 s 1. Formerly RCW 75.08.208, 75.08.024.]

Effective date—2006 c 39: See note following RCW 41.26.470.

RCW 77.12.266 Relocation or introduction of wolves, coyotes, lynx, bobcats, and other big game—Notice and public hearing. (1) The department must provide notice and hold a public hearing prior to department personnel relocating or introducing any wolves, coyotes, lynx, bobcats, and animals defined as big game in RCW 77.08.030, where the action is intended for population enhancement.

(2) (a) The notice of the public hearing must be made at least thirty days prior to the date of the hearing. The notice must state the public hearing date, time, and location, and provide a brief explanation of the department's proposed action. The brief explanation must include the species of wildlife, the estimated number of animals, the general location where the wildlife will be released, and the potential range the wildlife is likely to roam.

(b) A press release of the notice of the public hearing must be sent to media outlets providing news services to the communities that are likely to be impacted by the wildlife's presence. The notice of the public hearing must be posted on the department's website, and if possible, posted on a local government or community website near where the wildlife will be relocated or introduced; and be provided in writing to the town, city, or county legislative members and the mayor or county executive of any location that is likely to be impacted by the presence of the wildlife.

(3) The public hearing must be open to the public and held within the community most likely to be impacted by the presence of the relocated or introduced wildlife. The presiding official or department personnel must present information explaining the department's proposed actions and related management of the wildlife in sufficient detail to provide an understanding of the reasons for the proposed movement and potential impacts of the action in or near the community. The hearing must be conducted by the presiding official to afford interested persons the opportunity to present comments. Written or electronic submissions will also be accepted and included in the department's hearing record. [2018 c 212 s 1.]

RCW 77.12.272 Elk hoof disease—Program to monitor and assess causes of and potential solutions for—Washington State University college of veterinary medicine designated as state lead. Subject to the availability of amounts appropriated for this specific purpose, the legislature designates Washington State University college of veterinary medicine as the state lead in developing a program to monitor and assess causes of and potential solutions for elk hoof disease. The college must establish an elk monitoring system in southwest Washington in order to carry out this mission. In conducting this work, the college must work collaboratively with entities including the department, the state veterinarian, and any tribes with

interest in participating. The college must provide regular updates, at minimum on an annual basis, to the appropriate committees of the legislature and the commission on its findings, program needs, and any recommendations. [2017 c 159 s 3.]

Finding—Required rule making—2017 c 159: See notes following RCW 77.12.047.

RCW 77.12.275 Agreements with department of defense. The commission may negotiate agreements with the United States department of defense to coordinate fishing in state waters over which the department of defense has assumed control. [1995 1st sp.s. c 2 s 7 (Referendum Bill No. 45, approved November 7, 1995); 1983 1st ex.s. c 46 s 8; 1955 c 12 s 75.08.025. Prior: 1953 c 207 s 11. Formerly RCW 75.08.025.]

Referral to electorate—1995 1st sp.s. c 2: See note following RCW 77.04.013.

Effective date—1995 1st sp.s. c 2: See note following RCW 43.17.020.

RCW 77.12.285 Agreements with United States to protect Columbia river fish—Fish cultural stations and protective devices. (1) The commission may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia river basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The director and the department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States. [2000 c 107 s 6; 1995 1st sp.s. c 2 s 8 (Referendum Bill No. 45, approved November 7, 1995); 1993 sp.s. c 2 s 23; 1987 c 506 s 94; 1983 1st ex.s. c 46 s 12; 1955 c 12 s 75.16.060. Prior: 1949 c 112 s 52; Rem. Supp. 1949 s 5780-326. Formerly RCW 75.08.055, 75.16.060.]

Referral to electorate—1995 1st sp.s. c 2: See note following RCW 77.04.013.

Effective date—1995 1st sp.s. c 2: See note following RCW 43.17.020.

Effective date—1993 sp.s. c 2 ss 1-6, 8-59, and 61-79: See RCW 43.300.900.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

RCW 77.12.320 Agreements for purposes related to fish, shellfish, and wildlife—Acceptance of compensation, gifts, grants—Indemnification. (1) The commission may make agreements with persons,

political subdivisions of this state, or the United States or its agencies or instrumentalities, regarding fish, shellfish, and wildlife-oriented recreation and the propagation, protection, conservation, and control of fish, shellfish, and wildlife.

(2) The director may make written agreements with the owners or lessees of real or personal property to provide for the use of the property for fish, shellfish, and wildlife-oriented recreation. The director may adopt rules governing the conduct of persons in or on the real property.

(3) The director may accept compensation for fish, shellfish, and wildlife losses or gifts or grants of personal property for use by the department.

(4) The commission may indemnify the United States and its agencies as a condition of securing federal funds for purposes of fish, shellfish, and wildlife projects. [2021 c 182 s 1; 2001 c 253 s 19; 1987 c 506 s 41; 1980 c 78 s 50; 1975 1st ex.s. c 207 s 1; 1974 ex.s. c 67 s 1; 1955 c 36 s 77.12.320. Prior: 1947 c 275 s 37; Rem. Supp. 1947 s 5992-47.]

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.323 Special wildlife account—Investments. (1) There is established in the state treasury a special wildlife account. Moneys received under RCW 77.12.320 as now or hereafter amended as compensation for wildlife losses shall be deposited in the state treasury to be credited to the special wildlife account.

(2) The state treasurer may invest and reinvest the surplus as provided by RCW 43.84.080. [2020 c 148 s 12; 2012 c 187 s 7; 2009 c 333 s 35; 1987 c 506 s 42; 1982 c 10 s 15. Prior: 1981 c 3 s 43; 1980 c 78 s 51; 1975 1st ex.s. c 207 s 2.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Severability—1982 c 10: See note following RCW 6.13.080.

Effective dates—Severability—1981 c 3: See notes following RCW 43.33A.010.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.325 Cooperation with Oregon to assure yields of Columbia river fish, shellfish, and wildlife. The commission may cooperate with the Oregon fish and wildlife commission in the adoption of rules to ensure an annual yield of fish, shellfish, and wildlife on the Columbia river and to prevent the taking of fish, shellfish, and

wildlife at places or times that might endanger fish, shellfish, and wildlife. [2001 c 253 s 20; 1980 c 78 s 52; 1959 c 315 s 2.]

Effective date—Intent, construction—Savings—Severability—1980
c 78: See notes following RCW 77.04.010.

RCW 77.12.330 Exclusive fishing waters for youths. The commission may establish by rule exclusive fishing waters for minors within specified ages. [1980 c 78 s 53; 1955 c 36 s 77.12.330. Prior: 1947 c 275 s 38; Rem. Supp. 1947 s 5992-48.]

Effective date—Intent, construction—Savings—Severability—1980
c 78: See notes following RCW 77.04.010.

RCW 77.12.360 Withdrawal of state land from lease—Compensation. Upon written request of the department, the department of natural resources may withdraw from lease state-owned lands described in the request. The request shall bear the endorsement of the county legislative authority if the lands were acquired under *RCW 76.12.030 or 76.12.080. Withdrawals shall conform to the state outdoor recreation plan. If the lands are held for the benefit of the common school fund or another fund, the department shall pay compensation equal to the lease value of the lands to the appropriate fund. [1980 c 78 s 54; 1969 ex.s. c 129 s 3; 1955 c 36 s 77.12.360. Prior: 1947 c 130 s 1; Rem. Supp. 1947 s 8136-10.]

***Reviser's note:** RCW 76.12.030 and 76.12.080 were recodified as RCW 79.22.040 and 79.22.020, respectively, by 2003 c 334 s 245.

Effective date—Intent, construction—Savings—Severability—1980
c 78: See notes following RCW 77.04.010.

RCW 77.12.370 Withdrawal of state land from lease—County procedures, approval, hearing. Prior to the forwarding of a request needing endorsement under RCW 77.12.360, the director shall present the request to the legislative authority of the county in which the lands are located for its approval. The legislative authority, before acting on the request, may call a public hearing. The hearing shall take place within thirty days after presentation of the request to the legislative authority.

The director shall publish notice of the public hearing called by the legislative authority in a newspaper of general circulation within the county at least once a week for two successive weeks prior to the hearing. The notice shall contain a copy of the request and the time and place of the hearing.

The chair of the county legislative authority shall preside at the public hearing. The proceedings shall be informal and all persons shall have a reasonable opportunity to be heard.

Within ten days after the hearing, the county legislative authority shall endorse its decision on the request for withdrawal. The decision is final and not subject to appeal. [2013 c 23 s 239; 1987 c 506 s 43; 1980 c 78 s 55; 1955 c 36 s 77.12.370. Prior: 1947 c 130 s 2; Rem. Supp. 1947 s 8136-11.]

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.380 Withdrawal of state land from lease—Actions by commissioner of public lands. Upon receipt of a request under RCW 77.12.360, the commissioner of public lands shall determine if the withdrawal would benefit the people of the state. If the withdrawal would be beneficial, the commissioner shall have the lands appraised for their lease value. Before withdrawal, the department shall transmit to the commissioner a voucher authorizing payment from the fish, wildlife, and conservation account created in RCW 77.12.170(3) in favor of the fund for which the lands are held. The payment shall equal the amount of the lease value for the duration of the withdrawal. [2020 c 148 s 13; 2009 c 333 s 36; 1987 c 506 s 44; 1980 c 78 s 56; 1955 c 36 s 77.12.380. Prior: 1947 c 130 s 3; Rem. Supp. 1947 s 8136-12.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.390 Withdrawal of state land from lease—Payment. Upon receipt of a voucher under RCW 77.12.380, the commissioner of public lands shall withdraw the lands from lease. The commissioner shall forward the voucher to the state treasurer, who shall draw a warrant against the fish, wildlife, and conservation account created in RCW 77.12.170(3) in favor of the fund for which the withdrawn lands are held. [2020 c 148 s 14; 2009 c 333 s 37; 1987 c 506 s 45; 1980 c 78 s 57; 1973 c 106 s 35; 1955 c 36 s 77.12.390. Prior: 1947 c 130 s 4; Rem. Supp. 1947 s 8136-13.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.395 Wolves—Conflict mitigation guidelines. The department shall implement conflict mitigation guidelines that distinguish between wolf recovery regions, identified in the 2011 wolf conservation and management plan, that are at or above the regional recovery objective and wolf recovery regions that are below the

regional recovery objective. In developing conflict management [mitigation] guidelines, the department shall consider the provisions of its 2011 wolf recovery and management plan, and all regional plans must include proactive nonlethal deterrents regardless of listing status. [2019 c 450 s 2.]

Intent—Finding—2019 c 450: "(1) It is the legislature's intent to support full recovery of gray wolves in Washington state in accordance with the department of fish and wildlife's 2011 wolf recovery and management plan and state law. It is also the legislature's intent to support the livestock industry and rural lifestyles and ensure that state agencies and residents have the tools necessary to support coexistence with wolves.

(2) The wolf plan requires that the department of fish and wildlife conduct a review of the effectiveness of the plan's implementation every five years. The legislature finds that because the regional recovery goals have been exceeded in the eastern Washington recovery region, but not yet in other regions, it is timely for the department of fish and wildlife to conduct a periodic status review and recommend to the state fish and wildlife commission whether a change in status is warranted.

(3) Furthermore, the legislature recognizes that management of wolf-livestock conflict is key to both wolf recovery and public acceptance of wolves in rural areas and that as the wolf population grows, and even after it achieves recovery, stable and adequate funding for nonlethal wolf deterrence will be needed to support livestock producers and the livestock industry and minimize the need for lethal removal of wolves. As such, it is the intent of the legislature, regardless of the listing status of gray wolves, to continue to sufficiently fund nonlethal deterrents for minimizing depredation of livestock by wolves. Proactive deterrence and community collaboration, as set forth in RCW 16.76.020, are necessary to reduce conflict between wolves and livestock and will be important for maintaining the economic viability of the livestock industry, the state's wolf populations, and public acceptance of wolves in northeast Washington after wolves have recovered and have been delisted.

(4) Further, the legislature intends to expand funding and personnel resources in the department of fish and wildlife for similar nonlethal deterrent efforts to mitigate conflicts statewide, as wolves recover in the remainder of the state beyond northeast Washington." [2019 c 450 s 1.]

RCW 77.12.420 Improvement of conditions for growth of game fish.

The director may spend moneys to improve natural growing conditions for fish by constructing fishways, installing screens, and removing obstructions to migratory fish. The eradication of undesirable fish shall be authorized by the commission. The director may enter into cooperative agreements with state, county, municipal, and federal agencies, and with private individuals for these purposes. [1987 c 506 s 46; 1980 c 78 s 59; 1955 c 36 s 77.12.420. Prior: 1947 c 127 s 1; Rem. Supp. 1947 s 5944-1.]

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980
c 78: See notes following RCW 77.04.010.

RCW 77.12.451 Director may take or sell fish or shellfish—

Restrictions on sale of salmon. (1) The director may take or remove any species of fish or shellfish from the waters or beaches of the state.

(2) The director may sell food fish or shellfish caught or taken during department test fishing operations.

(3) The director shall not sell inedible salmon for human consumption. Salmon and carcasses may be given to state institutions or schools or to economically depressed people, unless the salmon are unfit for human consumption. Salmon not fit for human consumption may be sold by the director for animal food, fish food, or for industrial purposes.

(4) In the sale of surplus salmon from state hatcheries, the director shall require that a portion of the surplus salmon be processed and returned to the state by the purchaser. The processed salmon shall be fit for human consumption and in a form suitable for distribution to individuals. The department shall establish the required percentage at a level that does not discourage competitive bidding for the surplus salmon. The measure of the percentage is the combined value of all of the surplus salmon sold. The department of social and health services shall distribute the processed salmon to economically depressed individuals and state institutions pursuant to rules adopted by the department of social and health services. [2015 c 225 s 115; 1990 c 36 s 1; 1985 c 28 s 1; 1983 1st ex.s. c 46 s 26; 1979 c 141 s 382; 1969 ex.s. c 16 s 2; 1965 ex.s. c 72 s 1; 1955 c 12 s 75.12.130. Prior: 1949 c 112 s 41; Rem. Supp. 1949 s 5780-315. Formerly RCW 75.08.255, 75.12.130.]

RCW 77.12.453 Wanapum (Sokulk) Indians—Permits to take salmon and other freshwater food fish. The director may issue permits to members of the Wanapum band of Indians to take salmon and other freshwater food fish for ceremonial and subsistence purposes. The department shall establish the areas in which the permits are valid and shall regulate the times for and manner of taking the salmon and other freshwater food fish. This section does not create a right to fish commercially. [2018 c 235 s 14; 1983 1st ex.s. c 46 s 27; 1981 c 251 s 2. Formerly RCW 75.08.265, 75.12.310.]

Legislative findings—1981 c 251: "The legislature finds that the Sokulk Indians, otherwise known as the Wanapum band of Indians, have made a significant effort to maintain their traditional tribal culture, including the activity of taking salmon for ceremonial and subsistence purposes. The legislature further finds that previously the state has encouraged ceremonial and subsistence fishing by the Wanapums by chapter 210, Laws of 1939 and other permission. Therefore, the intent of the legislature in enacting RCW 75.08.265 is to recognize the cultural importance of salmon fishing to only the Wanapum Indians by authorizing these people a ceremonial and subsistence fishery, while also preserving the state's ability to conserve and manage the salmon resource." [1983 1st ex.s. c 46 s 62; 1981 c 251 s 1. Formerly RCW 75.12.300.]

RCW 77.12.455 Prevention and suppression of diseases and pests.

The commission may prohibit the introduction, transportation or transplanting of fish, shellfish, organisms, material, or other equipment which in the commission's judgment may transmit any disease or pests affecting fish or shellfish. [2001 c 253 s 22; 1995 1st sp.s. c 2 s 16 (Referendum Bill No. 45, approved November 7, 1995); 1983 1st ex.s. c 46 s 29; 1955 c 12 s 75.16.030. Prior: 1949 c 112 s 43; Rem. Supp. 1949 s 5780-317. Formerly RCW 75.08.285, 75.16.030.]

Referral to electorate—1995 1st sp.s. c 2: See note following RCW 77.04.013.

Effective date—1995 1st sp.s. c 2: See note following RCW 43.17.020.

RCW 77.12.459 Release and recapture of salmon or steelhead prohibited. A person other than the United States, an Indian tribe recognized as such by the federal government, the state, a subdivision of the state, or a municipal corporation or an agency of such a unit of government shall not release salmon or steelhead trout into the public waters of the state and subsequently to recapture and commercially harvest such salmon or trout. This section shall not prevent any person from rearing salmon or steelhead trout in pens or in a confined area under circumstances where the salmon or steelhead trout are confined and never permitted to swim freely in open water. [1998 c 190 s 74; 1985 c 457 s 12. Formerly RCW 75.08.300.]

RCW 77.12.465 Abandoned or derelict vessels. The director has the authority, subject to the processes and limitation outlined in chapter 79.100 RCW, to store, strip, use, auction, sell, salvage, scrap, or dispose of an abandoned or derelict vessel found on or above publicly or privately owned aquatic lands within the jurisdiction of the department. [2002 c 286 s 19.]

Effective date—2002 c 286: See RCW 79.100.901.

RCW 77.12.467 Wildlife rehabilitation program—Requirements to receive funding—Reports accounting for all expenditures of state funds—Permitted expenditures—Adoption of rules. (1) The director shall establish a wildlife rehabilitation program to help support the critical role licensed wildlife rehabilitators play in protecting the public by capturing, testing for disease, and caring for sick, injured, and orphaned wildlife in Washington state. The director shall contract for wildlife rehabilitation services with up to four people in each of the department's six administrative regions. Applicants may submit only one request every two years and must reside in the administrative region for which they have applied. The contracts must be for a term of two years.

(2) In order to receive funding, the wildlife rehabilitator must:
(a) Be properly licensed in wildlife rehabilitation under state and federal law; and (b) furnish information concerning his or her identity, including fingerprints for submission to the Washington state patrol to include a national criminal background check. The

applicant must pay for the cost of the criminal background check. If the background check reveals that the applicant has been convicted of a felony or gross misdemeanor, the applicant is ineligible to receive funding.

(3) The department must require that contractors submit detailed reports accounting for all expenditures of state funds. The reports must be submitted to the department on a quarterly basis. The department may require the contractor to submit to an inspection of the rehabilitation facility to ensure compliance with department rules governing wildlife rehabilitation. Expenditures that are permitted under this program as they specifically relate to wildlife rehabilitation include: (a) Reimbursement for diagnostic and lab support services; (b) purchase and maintenance of proper restraints and equipment used in the capture, transportation, temporary housing, and release of wildlife; (c) reimbursement of contracted veterinary services; (d) reimbursement of the cost of food, medication, and other consumables; and (e) reimbursement of the cost of continuing education. The department shall give priority to applications submitted that provide for the rehabilitation of endangered or threatened species. Funds may not be used to rehabilitate either nonnative species or nuisance animals, or both, including, but not limited to the following: Eastern gray squirrels (*Sciurus carolinensis*); opossum (*Didelphis virginiana*); raccoons (*Procyon lotor*); striped skunk (*Mephitis mephitis*); spotted skunk (*Spilogale putorius*); Eastern cottontail rabbit (*Sylvilagus floridanus*); domestic rabbit (*Oryctolagus cuniculus*); European starling (*Sturnus vulgaris*); and house sparrow (*Passer domesticus*).

(4) The department may adopt any rules as are necessary to carry out this section. [2007 c 246 s 4.]

Finding—2007 c 246: "The legislature finds that licensed wildlife rehabilitators often work closely with local law enforcement, animal control officers, wildlife enforcement officers, and wildlife biologists at the state and federal levels to aid in the safe capture, testing for disease, medical treatment, rehabilitation, and release of wildlife. The state recognizes the critical role licensed wildlife rehabilitators play in capturing and caring for the sick, injured, and orphaned wildlife of Washington state." [2007 c 246 s 1.]

RCW 77.12.469 Renewal of wildlife rehabilitation licenses—Adoption of rules. The department must develop a process for renewing wildlife rehabilitation licenses. All wildlife rehabilitation licenses issued by the department prior to January 1, 2006, must be renewed by January 1, 2010. The department may adopt rules as necessary to implement this section. [2007 c 246 s 5.]

Finding—2007 c 246: See note following RCW 77.12.467.

RCW 77.12.471 Wildlife rehabilitation account. The wildlife rehabilitation account is created in the state treasury. All receipts from moneys directed to the account from RCW 46.68.435 must be deposited into the account. Moneys in the account may be spent only after appropriation. Expenditures from the account may be used only

for the support of the wildlife rehabilitation program created under RCW 77.12.467. [2010 c 161 s 1160; 2007 c 246 s 3.]

Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161: See notes following RCW 46.04.013.

Finding—2007 c 246: See note following RCW 77.12.467.

RCW 77.12.475 Fish and wildlife equipment revolving account.

(1) The fish and wildlife equipment revolving account is created in the custody of the state treasurer. The department must reimburse the account for all moneys expended from the account. Reimbursements may be made with moneys appropriated to the department or from other moneys otherwise available to the department. All moneys generated by the use or repair of vehicles, water vessels, and heavy equipment or generated by the sale or surplusing of vehicles, water vessels, and heavy equipment must be deposited in the account. The department's reimbursements may be prorated over the useful life of the vehicle, water vessel, or heavy equipment acquired with moneys from the account.

(2) Expenditures from the account may be used only for the purchase or lease of vehicles, water vessels, and heavy equipment, to include the payment of costs for the operation, repair, and maintenance of the vehicles, water vessels, and heavy equipment.

(3) Only the director of fish and wildlife or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(4) For the purposes of this section, the terms and charges for the intra-agency use of vehicles, water vessels, or heavy equipment or for the disposal through sale of vehicles, water vessels, or heavy equipment is solely within the discretion of the department and the department's determination of the terms, charges, or sale price is considered a reasonable term, charge, or sale price. [2009 c 368 s 1.]

RCW 77.12.540 Public shooting grounds—Effect of filing—Use for booming. Upon filing a certificate with the commissioner of public lands that shows that lands will be used for public shooting grounds by the department, the lands shall be withdrawn from sale or lease and then may be used as public shooting grounds under control of the department. The commissioner of public lands may also use the lands for booming purposes. [1980 c 78 s 128; 1955 c 36 s 77.40.080. Prior: 1945 c 179 s 2; Rem. Supp. 1945 s 7993-5b. Formerly RCW 77.40.080.]

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.550 Tidelands used as public shooting grounds—Diversion. Tidelands granted to the department to be used as public shooting grounds shall revert to the state if used for another purpose. The department shall certify the reversion to the

commissioner of public lands who shall then supervise and control the lands as provided in Title 79 RCW. [1980 c 78 s 126; 1955 c 36 s 77.40.050. Prior: 1941 c 190 s 3; Rem. Supp. 1941 s 7993-8. Formerly RCW 77.40.050.]

Effective date—Intent, construction—Savings—Severability—1980

c 78: See notes following RCW 77.04.010.

RCW 77.12.560 Tidelands used as public shooting grounds—Rules.

The commission may adopt rules regarding the use of the tidelands as shooting grounds. [1980 c 78 s 127; 1955 c 36 s 77.40.060. Prior: 1941 c 190 s 4; Rem. Supp. 1941 s 7993-9. Formerly RCW 77.40.060.]

Effective date—Intent, construction—Savings—Severability—1980

c 78: See notes following RCW 77.04.010.

RCW 77.12.570 Game farm licenses—Rules—Exemption.

The commission shall establish the qualifications and conditions for issuing a game farm license. The director shall adopt rules governing the operation of game farms. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section. [1987 c 506 s 49; 1985 c 457 s 22; 1980 c 78 s 98; 1975 1st ex.s. c 15 s 2; 1970 ex.s. c 29 s 14; 1955 c 36 s 77.28.020. Prior: 1947 c 275 s 82; Rem. Supp. 1947 s 5992-91. Formerly RCW 77.28.020.]

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980

c 78: See notes following RCW 77.04.010.

RCW 77.12.580 Game farms—Authority to dispose of eggs.

A licensed game farmer may purchase, sell, give away, or dispose of the eggs of game birds or game fish lawfully possessed as provided by rule of the director. [1987 c 506 s 50; 1980 c 78 s 99; 1955 c 36 s 77.28.070. Prior: 1947 c 275 s 87; Rem. Supp. 1947 s 5992-96. Formerly RCW 77.28.070.]

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980

c 78: See notes following RCW 77.04.010.

RCW 77.12.590 Game farms—Tagging of products—Exemption.

Wildlife given away, sold, or transferred by a licensed game farmer shall have attached to each wildlife member, package, or container, a tag, seal, or invoice as required by rule of the director. Private sector cultured aquatic products as defined in RCW 15.85.020 are exempt from regulation under this section. [1987 c 506 s 51; 1985 c 457 s 23; 1980 c 78 s 100; 1955 c 36 s 77.28.080. Prior: 1947 c 275 s 88; Rem. Supp. 1947 s 5992-97. Formerly RCW 77.28.080.]

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.600 Game farms—Shipping of wildlife—Exemption. A common carrier may transport wildlife shipped by a licensed game farmer if the wildlife is tagged, sealed, or invoiced as provided in RCW 77.12.590. Packages containing wildlife shall have affixed to them tags or labels showing the name of the licensee and the consignee. For purposes of this section, wildlife does not include private sector cultured aquatic products as defined in RCW 15.85.020. However, if a means of identifying such products is required by rules adopted under RCW 15.85.060, this exemption from the definition of wildlife applies only if the aquatic products are identified in conformance with those rules. [1985 c 457 s 24; 1980 c 78 s 101; 1955 c 36 s 77.28.090. Prior: 1947 c 275 s 89; Rem. Supp. 1947 s 5992-98. Formerly RCW 77.28.090.]

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.610 Check stations—Purpose. The purposes of RCW 77.12.610 through 77.12.630 are to facilitate the department's gathering of biological data for managing wildlife, fish, and shellfish resources of this state and to protect these resources by assuring compliance with Title 77 RCW, and rules adopted thereunder, in a manner designed to minimize inconvenience to the public. [2000 c 107 s 225; 1982 c 155 s 1.]

RCW 77.12.620 Check stations—Stopping for inspection. The department is authorized to require hunters and fishers occupying a motor vehicle approaching or entering a check station to stop and produce for inspection: (1) Any wildlife, fish, shellfish, or seaweed in their possession; (2) licenses, permits, tags, stamps, or catch record cards, required under Title 77 RCW, or rules adopted thereunder. For these purposes, the department is authorized to operate check stations which shall be plainly marked by signs, operated by at least one uniformed fish and wildlife officer, and operated in a safe manner. [2013 c 23 s 240; 2000 c 107 s 226; 1982 c 155 s 2.]

RCW 77.12.630 Check stations—Other inspections, powers. The powers conferred by RCW 77.12.610 through 77.12.630 are in addition to all other powers conferred by law upon the department. Nothing in RCW 77.12.610 through 77.12.630 shall be construed to prohibit the department from operating wildlife information stations at which persons shall not be required to stop and report, or from executing arrests, searches, or seizures otherwise authorized by law. [2000 c 107 s 227; 1982 c 155 s 4.]

RCW 77.12.650 Protection of bald eagles and their habitats—Cooperation required. The department shall cooperate with other local, state, and federal agencies and governments to protect bald eagles and their essential habitats through existing governmental programs, including but not limited to:

(1) The natural heritage program managed by the department of natural resources under chapter 79.70 RCW;

(2) The natural area preserve program managed by the department of natural resources under chapter 79.70 RCW;

(3) The shoreline management master programs adopted by local governments and approved by the department of ecology under chapter 90.58 RCW. [1987 c 506 s 52; 1984 c 239 s 2.]

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Legislative declaration—1984 c 239: "The legislature hereby declares that the protection of the bald eagle is consistent with a societal concern for the perpetuation of natural life cycles, the sensitivity and vulnerability of particular rare and distinguished species, and the quality of life of humans." [1984 c 239 s 1.]

RCW 77.12.655 Habitat buffer zones for bald eagles—Rules. The department, in accordance with chapter 34.05 RCW, shall adopt and enforce necessary rules defining the extent and boundaries of habitat buffer zones for bald eagles. Rules shall take into account the need for variation of the extent of the zone from case to case, and the need for protection of bald eagles. The rules shall also establish guidelines and priorities for purchase or trade and establishment of conservation easements and/or leases to protect such designated properties. The department shall also adopt rules to provide adequate notice to property owners of their options under RCW 77.12.650 and this section. [2000 c 107 s 228; 1990 c 84 s 3; 1984 c 239 s 3.]

Legislative declaration—1984 c 239: See note following RCW 77.12.650.

RCW 77.12.670 Migratory bird permit/migratory bird license validations—Deposit and use of revenues. (1) Beginning July 1, 2011, the department, after soliciting recommendations from the public, shall select the design for the *migratory bird stamp.

(2) All revenue derived from the sale of migratory bird license validations or stamps by the department to any person hunting waterfowl or to any stamp collector shall be deposited in the limited fish and wildlife account and shall be used only for that portion of the cost of printing and production of the stamps for migratory waterfowl hunters as determined by subsection (4) of this section, and for those migratory waterfowl projects specified by the director of the department for the acquisition and development of migratory waterfowl habitat in the state and for the enhancement, protection, and propagation of migratory waterfowl in the state. Migratory bird license validation and stamp funds may not be used on lands controlled by private hunting clubs or on private lands that charge a fee for public access. Migratory bird license validation and stamp funds may

be used for migratory waterfowl projects on private land where public hunting is provided by written permission or on areas established by the department as waterfowl hunting closures.

(3) All revenue derived from the sale of the license validation and stamp by the department to persons hunting solely nonwaterfowl migratory birds shall be deposited in the limited fish and wildlife account and shall be used only for that portion of the cost of printing and production of the stamps for nonwaterfowl migratory bird hunters as determined by subsection (4) of this section, and for those nonwaterfowl migratory bird projects specified by the director for the acquisition and development of nonwaterfowl migratory bird habitat in the state and for the enhancement, protection, and propagation of nonwaterfowl migratory birds in the state.

(4) With regard to the revenue from license validation and stamp sales that is not the result of sales to stamp collectors, the department shall determine the proportion of migratory waterfowl hunters and solely nonwaterfowl migratory bird hunters by using the yearly migratory bird hunter harvest information program survey results or, in the event that these results are not available, other similar survey results. A two-year average of the most recent survey results shall be used to determine the proportion of the revenue attributed to migratory waterfowl hunters and the proportion attributed to solely nonwaterfowl migratory bird hunters for each fiscal year. For fiscal year 1998-99 and for fiscal year 1999-2000, ninety-six percent of the stamp revenue shall be attributed to migratory waterfowl hunters and four percent of the stamp revenue shall be attributed to solely nonwaterfowl migratory game hunters.

(5) Acquisition shall include but not be limited to the acceptance of gifts of real estate or any interest therein or the rental, lease, or purchase of real estate or any interest therein. If the department acquires any fee interest, leasehold, or rental interest in real property under this section, it shall allow the general public reasonable access to that property and shall, if appropriate, ensure that the deed or other instrument creating the interest allows such access to the general public. If the department obtains a covenant in real property in its favor or an easement or any other interest in real property under this section, it shall exercise its best efforts to ensure that the deed or other instrument creating the interest grants to the general public in the form of a covenant running with the land reasonable access to the property. The private landowner from whom the department obtains such a covenant or easement shall retain the right of granting access to the lands by written permission, but may not charge a fee for access.

(6) The department may produce *migratory bird stamps in any given year in excess of those necessary for sale in that year. The excess stamps may be sold to the public. [2020 c 148 s 15; 2011 1st sp.s. c 21 s 15; 2002 c 283 s 2; 1998 c 191 s 32; 1987 c 506 s 53; 1985 c 243 s 4.]

***Reviser's note:** The term "migratory bird stamp" was changed to "migratory bird permit" pursuant to 2011 c 339 s 2.

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Effective date—1998 c 191: See note following RCW 77.32.050.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

RCW 77.12.690 Annual migratory bird permit design—

Administration, sale, and distribution—Deposit and use of funds. (1) The director is responsible for the selection of the annual *migratory bird stamp design. The department shall create collector art prints and related artwork, utilizing the same design. The administration, sale, distribution, and other matters relating to the prints and sales of stamps with prints and related artwork shall be the responsibility of the department.

(2) The total amount brought in from the sale of prints and related artwork shall be deposited in the limited fish and wildlife account created in RCW 77.12.170(1). The costs of producing and marketing of prints and related artwork shall be paid out of the total amount brought in from sales of those same items. Net funds derived from the sale of prints and related artwork shall be used by the director to contract with one or more appropriate individuals or nonprofit organizations for the development of waterfowl propagation projects within Washington which specifically provide waterfowl for the Pacific flyway. The department shall not contract with any individual or organization that obtains compensation for allowing waterfowl hunting except if the individual or organization does not permit hunting for compensation on the subject property. [2020 c 148 s 16; 2011 1st sp.s. c 21 s 16; 2009 c 333 s 38. Prior: 1998 c 245 s 158; 1998 c 191 s 33; 1987 c 506 s 55; 1985 c 243 s 6.]

***Reviser's note:** The term "migratory bird stamp" was changed to "migratory bird permit" pursuant to 2011 c 339 s 2.

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Effective date—1998 c 191: See note following RCW 77.32.050.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

RCW 77.12.702 Rockfish research and stock assessment program—

Report to the legislature—Rockfish research account. (1) The department is directed to develop and implement a rockfish research and stock assessment program. Using funds from the rockfish research account created in subsection (2) of this section, the department must conduct Puget Sound basin and coastal surveys with new and existing technology to estimate the current abundance and future recovery of rockfish populations and other groundfish species. The stock assessment must include an evaluation of the potential for marine fish enhancement. Beginning December 2008, and every two years thereafter,

the department shall report to the appropriate committees of the legislature on the status of the stock assessment program.

(2) The rockfish research account is created in the custody of the state treasurer. All receipts from surcharges assessed on commercial and recreational fishing licenses for the purposes of rockfish research must be deposited into the account. Expenditures from the account may be used only for rockfish research, including stock assessments. Only the director of the department or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2007 c 442 s 2.]

Findings—Intent—2007 c 442: "(1) The legislature finds that:

(a) Seven rockfish stocks, including canary and yelloweye rockfish, have been designated under federal law by the national marine fisheries services as overfished on the west coast.

(b) The department of fish and wildlife has classified certain rockfish species within Puget Sound as critically depressed. These common species of rockfish have undergone dramatic declines in Puget Sound and the coast during the past three decades.

(c) The Pacific fishery management council and the department of fish and wildlife have eliminated the directed commercial fisheries and greatly reduced the recreational fishing opportunity for these species.

(d) Due to the interactions of these depleted stocks with the healthier ones, commercial and recreational fisheries have been severely constrained in recent years in order to rebuild the populations of these overfished rockfish. For many of these stocks there have been no recent stock assessments, or the current assessments are based on poor data. Improved survey information is essential for assessing abundance and to monitor progress toward rebuilding efforts on the coast and in Puget Sound.

(e) Department of fish and wildlife staff have been developing underwater robot technology or remote operated vehicles to scientifically estimate the abundance of rockfish populations in both the nearshore and in deep waters. These new assessment techniques, coupled with existing bottom trawl surveys, will be used to estimate current abundance and future recovery of rockfish populations along the coast of Washington and in Puget Sound.

(2) Therefore, the legislature intends to implement a targeted surcharge on commercial licenses issued by the department of fish and wildlife that provides for the retention or landing of ground fish, and a targeted surcharge on recreational saltwater fishing licenses. Funds derived from the surcharge will be used by the department of fish and wildlife solely for the purpose of conducting rockfish research and stock assessments." [2007 c 442 s 1.]

Effective date—2007 c 442: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 11, 2007]." [2007 c 442 s 6.]

RCW 77.12.705 Southern resident orcas population threshold—Report to the legislature. If the population of southern resident

orcas reaches a threshold of 70 individuals or fewer, the department must provide a report to the legislature within one year of the threshold being met, consistent with RCW 43.01.036, that includes a study of how mandatory 1,000-yard setbacks for all vessels has been enforced and identifies gaps and solutions to support any improvements, the use of data science with respect to southern resident orca pod health, and evidence-based plans to address southern resident orca pod health. [2023 c 452 s 5.]

Findings—Intent—2023 c 452: See note following RCW 77.15.740.

RCW 77.12.722 Canada goose hunting—Season or bag limit restriction. For the purposes of establishing a season or bag limit restriction on Canada goose hunting, the commission shall not consider leg length or bill length of dusky Canada geese (*Branta canadensis occidentalis*). [2000 c 107 s 259; 1998 c 190 s 119; 1996 c 207 s 3; 1987 c 506 s 59; 1983 c 3 s 196; 1981 c 310 s 3; 1980 c 78 s 70; 1977 c 44 s 1; 1955 c 36 s 77.16.020. Prior: 1947 c 275 s 41; Rem. Supp. 1947 s 5992-50. Formerly RCW 77.16.020.]

Intent—1996 c 207: See note following RCW 77.08.010.

Legislative findings and intent—1987 c 506: See note following RCW 77.04.020.

Effective dates—Legislative intent—1981 c 310: See notes following RCW 77.12.170.

Effective date—Intent, construction—Savings—Severability—1980 c 78: See notes following RCW 77.04.010.

RCW 77.12.732 Transfer of ownership of department-owned vessel—Review of vessel's physical condition. (1) Prior to transferring ownership of a department-owned vessel, the department shall conduct a thorough review of the physical condition of the vessel, the vessel's operating capability, and any containers and other materials that are not fixed to the vessel.

(2) If the department determines that the vessel is in a state of advanced deterioration or poses a reasonably imminent threat to human health or safety, including a threat of environmental contamination, the department may: (a) Not transfer the vessel until the conditions identified under this subsection have been corrected; or (b) permanently dispose of the vessel by landfill, deconstruction, or other related method.

(3) Vessels taken into custody under chapter 79.100 RCW are not subject to this section or RCW 77.12.734. [2013 c 291 s 9.]

RCW 77.12.734 Transfer of ownership of department-owned vessel—Further requirements. (1) Following the inspection required under RCW 77.12.732 and prior to transferring ownership of a department-owned vessel, the department shall obtain the following from the transferee:

(a) The purposes for which the transferee intends to use the vessel; and

(b) Information demonstrating the prospective owner's intent to obtain legal moorage following the transfer, in the manner determined by the department.

(2) (a) The department shall remove any containers or other materials that are not fixed to the vessel and contain hazardous substances, as defined under RCW 70A.305.020.

(b) However, the department may transfer a vessel with:

(i) Those containers or materials described under (a) of this subsection where the transferee demonstrates to the department's satisfaction that the container's or material's presence is consistent with the anticipated use of the vessel; and

(ii) A reasonable amount of fuel as determined by the department, based on factors including the vessel's size, condition, and anticipated use of the vessel, including initial destination following transfer.

(c) The department may consult with the department of ecology in carrying out the requirements of this subsection.

(3) Prior to sale, and unless the vessel has a title or valid marine document, the department is required to apply for a certificate of title for the vessel under RCW 88.02.510 and register the vessel under RCW 88.02.550. [2021 c 65 s 81; 2013 c 291 s 10.]

Explanatory statement—2021 c 65: See note following RCW 53.54.030.

RCW 77.12.755 Ranked inventory of fish passage barriers. In coordination with the department of natural resources and lead entity groups, the department must establish a ranked inventory of fish passage barriers on land owned by small forestland owners based on the principle of fixing the worst first within a watershed consistent with the fish passage priorities of the forest and fish report. The department shall first gather and synthesize all available existing information about the locations and impacts of fish passage barriers in Washington. This information must include, but not be limited to, the most recently available limiting factors analysis conducted pursuant to RCW 77.85.060(2), the stock status information contained in the department of fish and wildlife salmonid stock inventory (SASSI), the salmon and steelhead habitat inventory and assessment project (SSHIAP), and any comparable science-based assessment when available. The inventory of fish passage barriers must be kept current and at a minimum be updated by the beginning of each calendar year. Nothing in this section grants the department or others additional right of entry onto private property. [2003 c 311 s 10.]

Findings—Effective date—2003 c 311: See notes following RCW 76.09.020.

RCW 77.12.760 Steelhead trout fishery. Steelhead trout shall be managed solely as a recreational fishery for non-Indian fishers under the rule-setting authority of the fish and wildlife commission.

Commercial non-Indian steelhead fisheries are not authorized. [2013 c 23 s 241; 1993 sp.s. c 2 s 78.]

Effective date—1993 sp.s. c 2 ss 1-6, 8-59, and 61-79: See RCW 43.300.900.

RCW 77.12.765 Tilton and Cowlitz rivers—Proposals to reinstate salmon and steelhead. The director shall develop proposals to reinstate the natural salmon and steelhead trout fish runs in the Tilton and upper Cowlitz rivers in accordance with RCW 77.04.120(3). [2000 c 107 s 206; 1993 sp.s. c 2 s 65; 1985 c 208 s 2. Formerly RCW 77.04.100.]

Effective date—1993 sp.s. c 2 ss 1-6, 8-59, and 61-79: See RCW 43.300.900.

RCW 77.12.790 Eastern Washington pheasant enhancement program—Purpose. There is created within the department the eastern Washington pheasant enhancement program. The purpose of the program is to improve the harvest of pheasants by releasing pen-reared rooster pheasants on sites accessible for public hunting and by providing grants for habitat enhancement on public or private lands under agreement with the department. The department may either purchase rooster pheasants from private contractors, or produce rooster pheasants from department-sanctioned cooperative projects, whichever is less expensive, provided that the pheasants released meet minimum department standards for health and maturity. Any surplus hen pheasants from pheasant farms or projects operated by the department or the department of corrections for this enhancement program shall be made available to landowners who voluntarily open their lands to public pheasant hunting. Pheasants produced for the eastern Washington pheasant enhancement program must not detrimentally affect the production or operation of the department's western Washington pheasant release program. The release of pheasants for hunting purposes must not conflict with or supplant other department efforts to improve upland bird habitat or naturally produced upland birds. [1997 c 422 s 2.]

Findings—1997 c 422: "The legislature finds that pheasant populations in eastern Washington have greatly decreased from their historic high levels and that pheasant hunting success rates have plummeted. The number of pheasant hunters has decreased due to reduced hunting success. There is an opportunity to enhance the pheasant population by release of pen-reared pheasants and habitat enhancements to create increased hunting opportunities on publicly owned and managed lands." [1997 c 422 s 1.]

RCW 77.12.800 Pheasant hunting—Opportunities for juvenile hunters. The commission must establish special pheasant hunting opportunities for juvenile hunters in eastern Washington for the 1998 season and future seasons. [1997 c 422 s 3.]

Findings—1997 c 422: See note following RCW 77.12.790.

RCW 77.12.810 Small game hunting license—Disposition of fee.

As provided in RCW 77.32.440, a portion of each small game hunting license fee shall be deposited in the eastern Washington pheasant enhancement account created in RCW 77.12.820. [1998 c 191 s 30; 1997 c 422 s 4.]

Effective date—1998 c 191: See note following RCW 77.32.410.

Findings—1997 c 422: See note following RCW 77.12.790.

RCW 77.12.820 Eastern Washington pheasant enhancement account—Created—Use of moneys—Report to the legislature. The eastern Washington pheasant enhancement account is created in the custody of the state treasurer. All receipts under RCW 77.12.810 must be deposited in the account. Moneys in the account are subject to legislative appropriation and shall be used for the purpose of funding the eastern Washington pheasant enhancement program. The department may use moneys from the account to improve pheasant habitat or to purchase or produce pheasants. The department must continue to release rooster pheasants in eastern Washington. The eastern Washington pheasant enhancement account funds must not be used for the purchase of land. The account may be used to offer grants to improve pheasant habitat on public or private lands that are open to public hunting. The department may enter partnerships with private landowners, nonprofit corporations, cooperative groups, and federal or state agencies for the purposes of pheasant habitat enhancement in areas that will be available for public hunting. The department shall submit an annual report to the appropriate committees of the legislature by December 1st regarding the department's eastern Washington pheasant activities. [2009 c 333 s 52; 1997 c 422 s 5.]

Findings—1997 c 422: See note following RCW 77.12.790.

RCW 77.12.850 Definitions. The definitions in this section apply throughout RCW 77.12.850 through 77.12.860 unless the context clearly requires otherwise.

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

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

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

(3) "Stamp" means the stamp created under the Washington salmon stamp program and the Washington junior salmon stamp program, created in RCW 77.12.850 through 77.12.860. [2011 1st sp.s. c 21 s 20; 1999 c 342 s 2.]

Effective date—2011 1st sp.s. c 21: See note following RCW 72.23.025.

Finding—1999 c 342: "The legislature finds that salmon recovery in Washington state will involve everyone and will require funds to accomplish recovery measures. Several species of salmon in Washington are, or are expected to be, listed as threatened or endangered under the federal endangered species act. At present, these species include chinook, chum, bull trout and coho. To bring attention to the importance of the recovery of salmon and their place in Washington's heritage, raise funds for salmon recovery projects, and involve citizens of all ages, the Washington salmon stamp and Washington junior salmon stamp programs are created." [1999 c 342 s 1.]

RCW 77.12.852 Washington salmon stamp program—Creation. (1)

The Washington salmon stamp program is created in the department. The purpose of the program is the creation of a stamp that will portray a salmonid species native to Washington and will be used for stamps, prints, and posters that can be sold in a wide range of prices and editions to appeal to citizens and collectors interested in supporting salmon restoration. The proceeds from the sale of the Washington salmon stamp shall be used for protection, preservation, and restoration of salmonid habitat in Washington.

(2) Every year the department will announce competition, open to all Washington artists, for the creation of the year's Washington salmon stamp. The department will market the stamp and prints through a wide distribution method including websites, license sites, and at public events.

(3) The winning artist will receive a monetary award and a certain number of artist proof prints. [1999 c 342 s 3.]

Finding—1999 c 342: See note following RCW 77.12.850.

RCW 77.12.854 Washington junior salmon stamp program—Creation.

(1) The Washington junior salmon stamp program is created in the department. The purpose of the program is the creation of a stamp that will portray a salmonid species native to Washington and will be used for stamps, prints, and posters that can be sold in a wide range of prices and editions to appeal to citizens and collectors interested in supporting salmon restoration.

(2) Every year the department will announce a competition for the Washington junior salmon stamp program among Washington K-12 students. The top winner will receive a scholarship award. [1999 c 342 s 4.]

Finding—1999 c 342: See note following RCW 77.12.850.

RCW 77.12.858 Deposit of receipts—Expenditures. All receipts from the salmon stamp program created under RCW 77.12.850 through 77.12.860 must be deposited into the regional fisheries enhancement salmonid recovery account created under RCW 77.95.130. Expenditures from the account may be used only for the purposes specified in RCW 77.95.130 and chapter 342, Laws of 1999. The department shall report biennially to the legislature on the amount of money the salmon stamp program has generated. [2000 c 107 s 230; 1999 c 342 s 6.]

Finding—1999 c 342: See note following RCW 77.12.850.

RCW 77.12.860 Stamp design—Department's rule-making authority.

The department is granted the authority to establish by rule the method for selecting appropriate designs for the Washington salmon stamp program and Washington junior salmon stamp program. The stamp shall be designed and produced in accordance with department rules. [1999 c 342 s 7.]

Finding—1999 c 342: See note following RCW 77.12.850.

RCW 77.12.865 Derelict fishing gear—Guidelines for removal and disposal. (1) As used in this section and RCW 77.12.870, "derelict fishing gear" includes lost or abandoned fishing nets, fishing lines, and other commercial and recreational fishing equipment. The term does not include lost or abandoned vessels or shellfish pots.

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

(3) Derelict fishing gear removal conducted in accordance with the guidelines prepared in subsection (2) of this section is not subject to permitting under RCW 77.55.021. [2010 c 193 s 7; 2005 c 146 s 1004; 2002 c 20 s 2.]

Part headings not law—2005 c 146: See note following RCW 77.55.011.

Finding—Purpose—2002 c 20: "The legislature finds that fishing gear that is lost or abandoned may continue to catch marine organisms long after the gear is lost. The purpose of this act is to develop safe, effective methods to remove derelict fishing gear, eliminate regulatory barriers to gear removal, and discourage future losses of fishing gear." [2002 c 20 s 1.]

RCW 77.12.870 Derelict fishing gear and shellfish pots database—Reporting requirements. (1) The department, in partnership with the Northwest straits commission, the department of natural resources, and other interested parties, must create and ensure the maintenance of a database of known derelict fishing gear and shellfish pots, including the type of gear and its location.

(2) A person who loses or abandons commercial net fishing gear within the waters of the state is required to report the location of the loss and the type of gear lost to the department within twenty-four hours of the loss.

(3) A person who loses or abandons shellfish pots within the waters of the state is encouraged to report the location of the loss and the type of gear lost to the department. [2012 c 190 s 2; 2010 c 193 s 8; 2009 c 333 s 21; 2002 c 20 s 3.]

Findings—2012 c 190: "(1) The legislature finds that derelict fishing gear poses a serious threat to human life, the health of the state's marine and freshwater ecosystems, and numerous species of birds, fish, marine mammals, and shellfish. Derelict fishing gear

entraps and kills for decades and threatens endangered species, including federal endangered species act-listed salmon, steelhead, Puget Sound rockfish, green sturgeon, and marbled murrelet. In Puget Sound, estimates from the Northwest straits initiative indicate that derelict commercial fishing nets were killing approximately one thousand two hundred marine mammals, twenty-one thousand birds, and sixty-seven thousand fish per year.

(2) The legislature further finds that while significant progress has been made to remove historic accumulations of lost and abandoned commercial fishing nets in Puget Sound, reforms are needed to stem the ongoing accumulation of commercial fishing nets and commercial and recreational shellfish pots in both marine and freshwater environments. While the Northwest straits initiative received a one-time federal grant of over four million five hundred thousand dollars to remove high priority derelict fishing nets from Puget Sound, no long-term source of funding is currently available for the continued removal of derelict fishing nets or the removal of an estimated twelve thousand derelict shellfish pots. Insufficient funding and information is available to confirm and quantify the likely presence of derelict fishing gear in other state waters. These and other factors increase the need for a mandatory reporting system to quantify ongoing accumulations of lost or abandoned commercial fishing nets and recreational or commercial shellfish pots.

(3) The legislature further finds that the department of fish and wildlife is working cooperatively with the department of natural resources and the Northwest straits initiative to maintain a statewide database of derelict fishing gear. However, despite recent known instances of commercial fishing net losses, only two reports of lost commercial fishing nets have been made by fishers to the department of fish and wildlife database under the current voluntary reporting system since its inception in 2003.

(4) The legislature further finds that instituting a mandatory reporting requirement for persons who lose or abandon commercial fishing nets will help prevent continued accumulations, lead to prompt removal, and better allow state and federal authorities to estimate the impacts. The department of fish and wildlife is also encouraged to provide recreational and commercial shellfish pot users with the opportunity to report lost shellfish pots through existing catch reporting mechanisms. The department of fish and wildlife should rely upon existing authorities to formulate any rules necessary to ensure compliance with mandatory reporting requirements for derelict commercial fishing nets and encourage maximum participation in reporting lost shellfish pots." [2012 c 190 s 1.]

Finding—Purpose—2002 c 20: See note following RCW 77.12.865.

RCW 77.12.880 Wildlife program management. The department shall manage wildlife programs in a manner that provides for public opportunities to view wildlife and supports nature-based and wildlife viewing tourism without impairing the state's wildlife resources. [2003 c 153 s 3.]

Findings—2003 c 153: See note following RCW 43.330.090.

RCW 77.12.885 Reported predatory wildlife interactions—Website posting. (Effective until June 30, 2027.) Except for the personal information on reported depredations by wolves that is exempted from disclosure as provided in RCW 42.56.430, the department shall post on its internet website all reported predatory wildlife interactions, including reported human safety confrontations or sightings as well as the known details of reported depredations by predatory wildlife on humans, pets, or livestock, within ten days of receiving the report. The posted material must include, but is not limited to, the location and time, the known details, and a running summary of such reported interactions by identified specie [species] and interaction type within each affected county. For the purposes of this section and RCW 42.56.430, "predatory wildlife" means grizzly bears, wolves, and cougars. [2017 c 246 s 2; 2007 c 293 s 2.]

Expiration date—2017 c 246: See note following RCW 42.56.430.

RCW 77.12.885 Reported predatory wildlife interactions—Website posting. (Effective June 30, 2027.) The department shall post on its internet website all reported predatory wildlife interactions, including reported human safety confrontations or sightings as well as the known details of reported depredations by predatory wildlife on humans, pets, or livestock, within ten days of receiving the report. The posted material must include, but is not limited to, the location and time, the known details, and a running summary of such reported interactions by identified specie [species] and interaction type within each affected county. For the purposes of this section and RCW 42.56.430, "predatory wildlife" means grizzly bears, wolves, and cougars. [2007 c 293 s 2.]

RCW 77.12.887 Washington conservation corps. The department shall cooperate, when appropriate, as a partner in the Washington conservation corps established in chapter 43.220 RCW. [2011 c 20 s 15.]

Findings—Intent—2011 c 20: See note following RCW 43.220.020.

Intent—Application—2011 c 20: See RCW 43.220.905.