

# Agency Request Legislation Technical Corrections to Two WDFW Accounts



**This bill makes technical corrections. These corrections do not change any substantive provisions and do not change how funds are allocated or expended.**

#### For more information:

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## The State Wildlife Account is now gone

The 2020 Legislature enacted Substitute Senate Bill 6072 (State Wildlife Account - Dividing) separating the State Wildlife account into two separate accounts. The purpose of the legislation was to provide increased transparency about the financial health of the dedicated revenue sources that support the Department.

### The Problem

In SB 6072, a portion of personalized license plate revenue was identified for deposit into the newly created Limited Fish and Wildlife Account. This is because the revenue is limited to “non-consumptive” uses for wildlife.

Current authorized expenditures associated with this revenue were mistakenly referenced in Section 24 of SB 6072 as coming from the Fish, Wildlife, and Conservation Account. This was incorrect.

### The Solution

Fix the latter reference so that deposits and expenditures are from the Limited Fish and Wildlife Account. This will realign the revenue and associated expenditure authority as authorized transactions from the Limited Fish and Wildlife Account. This is a technical correction and does not change any substantive provisions of SB 6072.

## HPA Account - Repeal

WDFW has identified an account that is no longer used and therefore proposes that the account be eliminated. The Department's authority to charge application fees for Hydraulic Project Approval (HPA) permits expired in 2017. With the elimination of this fee revenue, and no ability for other revenue to be deposited into the account, the Department recommends that the authorizing statute be repealed.

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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0888.1/20

ATTY/TYPIST: ML:lel

BRIEF DESCRIPTION: Making technical changes to certain natural resources-related accounts.

1 AN ACT Relating to making technical changes to certain natural  
2 resources-related accounts; amending RCW 77.36.170; and repealing RCW  
3 77.55.331.

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

5 **Sec. 1.** RCW 77.36.170 and 2020 c 148 s 24 are each amended to  
6 read as follows:

7 (1) The department may pay no more than fifty thousand dollars  
8 per fiscal year from the (~~(fish, wildlife, and conservation)~~) limited  
9 fish and wildlife account created in RCW 77.12.170(~~(+3)~~) (1) for  
10 claims and assessment costs for injury or loss of livestock caused by  
11 wolves submitted under RCW 77.36.100.

12 (2) Notwithstanding other provisions of this chapter, the  
13 department may also accept and expend money from other sources to  
14 address injury or loss of livestock or other property caused by  
15 wolves consistent with the requirements on that source of funding.

16 (3) If any wildlife account expenditures authorized under  
17 subsection (1) of this section are unspent as of June 30th of a  
18 fiscal year, the state treasurer shall transfer the unspent amount to  
19 the wolf-livestock conflict account created in RCW 77.36.180.

1        NEW SECTION.    **Sec. 2.**    RCW 77.55.331 (Hydraulic project approval  
2    account) and 2012 1st sp.s. c 1 s 104 are each repealed.

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# Agency Request Legislation Federal Indemnification Authority



## Opportunity

Leverage Federal Funding for  
Ecosystem Restoration  
(65% Federal Match)

Large-Scale Puget Sound  
Restoration (Authorized):  
**\$452M; 2,100 acres restored**

For more information,  
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## Problem Statement

Some Federal agencies require indemnification language in their contracts and WDFW does not have the authority to indemnify federal agencies. The U.S. Army Corps of Engineers is one federal agency that requires indemnification for damages arising from the design, construction and operation of aquatic ecosystem restoration projects (except those due to fault or negligence of the federal agency - see RCW 4.24.115). The inability to enter into contracts that require indemnification broadly prevents WDFW from using the Corps as a project and funding partner and undermines over \$32M (state and federal funding) already invested in feasibility and design of Puget Sound habitat restoration over the last 20 years.

## Proposed Solution

The proposed solution the department brings forward, after consulting with the Attorney General's Office, is to amend RCW 77.12.320 and add a new subsection that reads:

*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.*

## Benefits for Habitat Restoration

The ability to enter into agreements with the Federal Government will allow access to Corps funding tools for aquatic ecosystem restoration. Typically, the Corps funds 65% of design and construction costs for this type of project.

The WIIN Act of 2016 (P.L. 114-322, Sec. 1401(4)) authorized \$452M to the Corps for the Puget Sound Nearshore Ecosystem Restoration Project which would restore up to 2,100 acres of Puget Sound shoreline and estuaries and would benefit many species, including salmon and killer whales.

As a result of the authorization, WDFW and the Corps are currently designing a project at the Duckabush River estuary in Hood Canal. The proposed indemnification solution will enable the Duckabush restoration project to continue forward in partnership with Corps and bring significant federal funding to the project

In the future, an indemnification solution will allow WDFW to partner with the Corps on other important potential restoration sites identified by the Puget Sound Nearshore Ecosystem Restoration Project. WDFW is partnering with, or considering partnering with, the Corps for several projects across the state including in the Puget Sound, Yakima River, Chehalis River, and the Columbia River.

# Duckabush Estuary Restoration Project



## **Current Project Spending for PSNERP**

State Feasibility funding	\$11M
Federal Feasibility funding	\$11M
State Design funding	\$5.5M
Federal Design funding	\$4.9M
<b>Total PSNERP spending*</b>	<b>\$32M</b>

\*covers funding for all projects including Duckabush



WDFW, in partnership with the [U.S. Army Corps of Engineers](#) and the [Hood Canal Salmon Enhancement Group \(HCSEG\)](#), is proposing a restoration project on the Duckabush River estuary in Jefferson County. The project would occur primarily on public land at the [Duckabush Wildlife Area Unit](#) managed by WDFW.

The project would reconnect the Duckabush River to neighboring floodplains and wetlands by modifying local roads and elevating Highway 101 onto a bridge spanning the area where freshwater from the Duckabush River meets saltwater of Hood Canal. The Duckabush River estuary is currently impacted by fill, dikes, and road infrastructure, which blocks water channels and limits critical habitat for fish and wildlife, including endangered salmon species.

This project would contribute to a Puget Sound-wide objective to restore river deltas and their wetlands. Over 50% of historical wetlands (57,823 acres) in Puget Sound's 16 largest river deltas have been eliminated by development, which means there is significantly less natural habitat available for fish and wildlife to survive and thrive.

Fortunately, the Duckabush estuary provides a valuable opportunity to restore important habitat that would provide long-lasting benefits to fish, wildlife, and people.

## **Project-specific objectives**

- Reconnect and restore estuarine and freshwater tidal wetlands.
- Re-establish channels to promote greater diversity of delta wetland habitats.
- Restore mudflats and salt marsh.

## **Anticipated project benefits**

- Improved estuarine habitat for fish, birds, and wildlife, including endangered Hood Canal summer chum and chinook salmon, which is a main food source for endangered Southern Resident Killer Whales (Orcas).
- Modernized highway design with updated safety features.
- Improved opportunity for natural filtration of water flowing through the estuary.
- Reduced seasonal flooding by eliminating existing water bottlenecks and allowing for natural tidal flows.



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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0889.1/20

ATTY/TYPIST: ML:lcl

BRIEF DESCRIPTION: Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds.



1 AN ACT Relating to authorizing the fish and wildlife commission  
2 to indemnify the federal government as a condition of securing  
3 certain funds; and amending RCW 77.12.320.

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

5 **Sec. 1.** RCW 77.12.320 and 2001 c 253 s 19 are each amended to  
6 read as follows:

7 (1) The commission may make agreements with persons, political  
8 subdivisions of this state, or the United States or its agencies or  
9 instrumentalities, regarding fish, shellfish, and wildlife-oriented  
10 recreation and the propagation, protection, conservation, and control  
11 of fish, shellfish, and wildlife.

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

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

1       (4) The commission may indemnify the United States and its  
2 agencies as a condition of securing federal funds for purposes of  
3 fish, shellfish, and wildlife projects.

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# Agency Request Legislation Hunting and Fishing Recruitment and Retention



## Increasing participation

Recreational hunting and fishing are favorite pastimes for many Washington residents and are significant economic drivers. Each year, hunters and anglers spend \$3.4 billion in Washington state alone and about \$71.7 billion nationally. Outdoor recreation provides crucial business to local communities and is a critical revenue stream for rural economies.

Given the importance of recreation to the state, WDFW is working to increase participation in hunting and fishing and is seeking the Legislature's support.

### Problem Statement:

Currently, the Washington Department of Fish and Wildlife experiences a 1-2% decline in license sales annually, which make up approximately one quarter of the Department's operating budget.

Additionally, WDFW is looking for ways to encourage young people to make hunting and fishing lifetime recreational activities.

### Solution:

WDFW is seeking legislative changes to remove barriers to participation and provide financial incentives, in particular to youth or those new to these activities, to aid in WDFW's recruitment efforts. Further, the proposal includes several incentives to retain current hunters and fishers.

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## The department is pursuing legislative changes that would:



### Fishing

- Allow young anglers to fish without a license until the age of 16, aligning with the age young hunters are required to buy a discounted license. Currently, youth are defined as persons under the age of 15 for fishing, and under the age of 16 for hunting.
- Allow the public to purchase temporary fishing licenses, rather than annual licenses, to participate in the popular lowland lake trout opener, which typically provides anglers a great opportunity to catch fish.
- Allow youth to use a second pole free of charge.



### Hunting

- Provide an incentive—a \$20 discount—toward the first purchase of a hunting license for new hunter education graduates.
- Remove barriers to the hunter education deferral program and allow the department to increase participation in mentored hunting through rule
- Exempt retired members of the U.S. military and current or retired federal peace officers from firearm skills portions of hunter education.



### Licensing

- Give the department the authority to create bundled license packages, multi-year packages, and license exemptions through rule, and provide the ability for the Director to offer promotional pricing.
- Adjust the residency definition of active duty members of the U.S. military, as well as their spouses and children, so service members qualify for licenses at resident rates.
- Allow the department to sell merchandise to better market to hunters, fishers, and the general public, driving more participation.
- Allow out-of-state, full-time, post-secondary students at an accredited institution to purchase hunting and fishing licenses at resident rates. Children and spouses of eligible students would also qualify for resident rates.



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**BILL REQUEST - CODE REVISER'S OFFICE**

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BILL REQ. #: Z-0890.1/20

ATTY/TYPIST: ML:lcl

BRIEF DESCRIPTION: Increasing participation in recreational hunting  
and fishing.



1 AN ACT Relating to increasing participation in recreational  
2 hunting and fishing; amending RCW 77.08.010, 77.08.075, 77.12.184,  
3 77.32.155, 77.32.470, 77.32.480, and 77.32.520; and adding a new  
4 section to chapter 77.32 RCW.

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

6 **Sec. 1.** RCW 77.08.010 and 2017 3rd sp.s. c 8 s 2 are each  
7 amended to read as follows:

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

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

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

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

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

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

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

12 (7) "Commercial" means related to or connected with buying,  
13 selling, or bartering.

14 (8) "Commission" means the state fish and wildlife commission.

15 (9) "Concurrent waters of the Columbia river" means those waters  
16 of the Columbia river that coincide with the Washington-Oregon state  
17 boundary.

18 (10) "Contraband" means any property that is unlawful to produce  
19 or possess.

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

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

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

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

34 (15) "Director" means the director of fish and wildlife.

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

37 (17) "Endangered species" means wildlife designated by the  
38 commission as seriously threatened with extinction.

39 (18) "Ex officio fish and wildlife officer" means:

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

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

14 (c) A commissioned fish and wildlife peace officer from another  
15 state who meets the training standards set by the Washington state  
16 criminal justice training commission pursuant to RCW 10.93.090,  
17 43.101.080, and 43.101.200, and who is acting under a mutual law  
18 enforcement assistance agreement between the department and the  
19 primary commissioning agency; or

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

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

30 (20) "To fish" and its derivatives means an effort to kill,  
31 injure, harass, harvest, or capture a fish or shellfish.

32 (21) "Fish and wildlife officer" means a person appointed and  
33 commissioned by the director, with authority to enforce this title  
34 and rules adopted pursuant to this title, and other statutes as  
35 prescribed by the legislature. Fish and wildlife officer includes a  
36 person commissioned before June 11, 1998, as a wildlife agent or a  
37 fisheries patrol officer.

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

1 (23) "Fish dealer" means a person who engages in any activity  
2 that triggers the need to obtain a fish dealer license under RCW  
3 77.65.280.

4 (24) "Fishery" means the taking of one or more particular species  
5 of fish or shellfish with particular gear in a particular  
6 geographical area.

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

10 (26) "Fresh water" means all waters not defined as salt water  
11 including, but not limited to, rivers upstream of the river mouth,  
12 lakes, ponds, and reservoirs.

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

15 (28) "Fur dealer" means a person who purchases, receives, or  
16 resells raw furs for commercial purposes.

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

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

21 (31) "Game farm" means property on which wildlife is held,  
22 confined, propagated, hatched, fed, or otherwise raised for  
23 commercial purposes, trade, or gift. The term "game farm" does not  
24 include publicly owned facilities.

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

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

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

30 (35)(a) "Intentionally feed, attempt to feed, or attract" means  
31 to purposefully or knowingly provide, leave, or place in, on, or  
32 about any land or building any food, food waste, or other substance  
33 that attracts or could attract large wild carnivores to that land or  
34 building.

35 (b) "Intentionally feed, attempt to feed, or attract" does not  
36 include keeping food, food waste, or other substance in an enclosed  
37 garbage receptacle or other enclosed container unless specifically  
38 directed by a fish and wildlife officer or animal control authority  
39 to secure the receptacle or container in another manner.

40 (36) "Large wild carnivore" includes wild bear, cougar, and wolf.

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

4 (38) "Limited-entry license" means a license subject to a license  
5 limitation program established in chapter 77.70 RCW.

6 (39) "Limited fish seller" means a licensed commercial fisher who  
7 sells his or her fish or shellfish to anyone other than a wholesale  
8 fish buyer thereby triggering the need to obtain a limited fish  
9 seller endorsement under RCW 77.65.510.

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

12 (41) "Natural person" means a human being.

13 (42)(a) "Negligently feed, attempt to feed, or attract" means to  
14 provide, leave, or place in, on, or about any land or building any  
15 food, food waste, or other substance that attracts or could attract  
16 large wild carnivores to that land or building, without the awareness  
17 that a reasonable person in the same situation would have with regard  
18 to the likelihood that the food, food waste, or other substance could  
19 attract large wild carnivores to the land or building.

20 (b) "Negligently feed, attempt to feed, or attract" does not  
21 include keeping food, food waste, or other substance in an enclosed  
22 garbage receptacle or other enclosed container unless specifically  
23 directed by a fish and wildlife officer or animal control authority  
24 to secure the receptacle or container in another manner.

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

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

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

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

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

7 (48) "Personal property" or "property" includes both corporeal  
8 and incorporeal personal property and includes, among other property,  
9 contraband and money.

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

12 (50) "Predatory birds" means wild birds that may be hunted  
13 throughout the year as authorized by the commission.

14 (51) "To process" and its derivatives mean preparing or  
15 preserving fish, wildlife, or shellfish.

16 (52) "Protected wildlife" means wildlife designated by the  
17 commission that shall not be hunted or fished.

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

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

24 (55) "Salt water" means those marine waters seaward of river  
25 mouths.

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

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

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

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

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

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

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

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

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

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

17 (65) "To trap" and its derivatives means a method of hunting  
18 using devices to capture wild animals or wild birds.

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

24 (67) "Unclassified wildlife" means wildlife existing in  
25 Washington in a wild state that have not been classified as big game,  
26 game animals, game birds, predatory birds, protected wildlife,  
27 endangered wildlife, or deleterious exotic wildlife.

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

37 (69) "Wholesale fish buyer" means a person who engages in any  
38 fish buying or selling activity that triggers the need to obtain a  
39 wholesale fish buyer endorsement under RCW 77.65.340.

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

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

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

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

19 (74) "Youth" means a person (~~((fifteen years old for fishing and))~~)  
20 under sixteen years old for fishing and hunting.

21 **Sec. 2.** RCW 77.08.075 and 2014 c 48 s 2 are each amended to read  
22 as follows:

23 (1) For the purposes of this title or rules adopted under this  
24 title, "resident" means: (~~((1))~~) A natural person who has maintained  
25 a permanent place of abode within the state for at least ninety days  
26 immediately preceding an application for a license, has established  
27 by formal evidence an intent to continue residing within the state,  
28 is not licensed to hunt or fish as a resident in another state or  
29 country, and is not receiving resident benefits of another state or  
30 country.

31 (~~((a))~~) (2) For purposes of this section, "permanent place of  
32 abode" means a residence in this state that a person maintains for  
33 personal use.

34 (~~((b))~~) (a) A natural person can demonstrate that the person has  
35 maintained a permanent place of abode in Washington by showing that  
36 the person:

37 (i) Uses a Washington state address for federal income tax or  
38 state tax purposes;



1 (ii) Designates this state as the person's residence for  
2 obtaining eligibility to hold a public office or for judicial  
3 actions;

4 (iii) Is a registered voter in the state of Washington; or

5 (iv) Is a custodial parent with a child attending  
6 prekindergarten, kindergarten, elementary school, middle school, or  
7 high school in this state.

8 ~~((e))~~ (b) A natural person can demonstrate the intent to  
9 continue residing within the state by showing that he or she:

10 (i) Has a valid Washington state driver's license; or

11 (ii) Has a valid Washington state identification card, if the  
12 person is not eligible for a Washington state driver's license; and

13 (iii) Has registered the person's vehicle or vehicles in  
14 Washington state(~~(~~

15 ~~(2) The spouse of a member of the United States armed forces if~~  
16 ~~the member qualifies as a resident under subsection (1), (3), or (4)~~  
17 ~~of this section, or a natural person age eighteen or younger who does~~  
18 ~~not qualify as a resident under subsection (1) of this section, but~~  
19 ~~who has a parent or legal guardian who qualifies as a resident under~~  
20 ~~subsection (1), (3), or (4) of this section;~~

21 ~~(3) A member of the United States armed forces temporarily~~  
22 ~~stationed in Washington state on predeployment orders. A copy of the~~  
23 ~~person's military orders is required to meet this condition;~~

24 ~~(4) An active duty, nonretired member of the United States armed~~  
25 ~~forces who is permanently stationed in Washington or who designates~~  
26 ~~Washington on his or her military "state of legal residence~~  
27 ~~certificate" or enlistment or reenlistment documents. A copy of the~~  
28 ~~person's "state of legal residence certificate" or enlistment or~~  
29 ~~reenlistment documents is required to meet the conditions of this~~  
30 ~~subsection)).~~

31 **Sec. 3.** RCW 77.12.184 and 2020 c 148 s 7 are each amended to  
32 read as follows:

33 (1) The department shall deposit all moneys received from the  
34 following activities into the fish, wildlife, and conservation  
35 account created in RCW 77.12.170(3):

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

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

1 (c) The sale of merchandise, including clothing and sundries; and  
2 (d) Enrollment fees in department-sponsored educational training  
3 events.

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

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

12 (4) The director may enter into joint ventures with other  
13 agencies and organizations to generate revenue for providing public  
14 information and education on wildlife and hunting and fishing rules.

15 **Sec. 4.** RCW 77.32.155 and 2017 c 255 s 1 are each amended to  
16 read as follows:

17 (1)(a) When purchasing any hunting license, persons under the age  
18 of eighteen shall present certification of completion of a course of  
19 instruction of at least ten hours in the safe handling of firearms,  
20 safety, conservation, and sporting/hunting behavior. All persons  
21 purchasing any hunting license for the first time, if born on or  
22 after January 1, 1972, shall present such certification.

23 (b)(i) The director may establish a program for training persons  
24 in the safe handling of firearms, conservation, and sporting/hunting  
25 behavior and shall prescribe the type of instruction and the  
26 qualifications of the instructors. The director shall, as part of  
27 establishing the training program, exempt the following individuals  
28 from the firearms skills portion of any instruction course completed  
29 over the internet:

30 (A) (~~(Members)~~) Current and retired members of the United States  
31 military;

32 (B) Current or retired general authority Washington peace  
33 officers as defined in RCW 10.93.020;

34 (C) Current or retired limited authority Washington peace  
35 officers as defined in RCW 10.93.020, if the officer is or was duly  
36 authorized by his or her employer to carry a concealed pistol;

37 (D) Current or retired specially commissioned Washington peace  
38 officers as defined in RCW 10.93.020, if the officer is or was duly

1 authorized by his or her commissioning agency to carry a concealed  
2 pistol; (~~and~~)

3 (E) Current or retired Washington peace officers as defined in  
4 RCW 43.101.010 who have met the requirements of RCW 43.101.095 or  
5 43.101.157 and whose certification is in good standing or has not  
6 been revoked; and

7 (F) Current or retired federal peace officers as defined in RCW  
8 10.93.020.

9 (ii) The director may cooperate with the national rifle  
10 association, organized sports/outdoor enthusiasts' groups, or other  
11 public or private organizations when establishing the training  
12 program.

13 (c) Upon the successful completion of a course established under  
14 this section, the trainee shall receive a hunter education  
15 certificate signed by an authorized instructor. The certificate is  
16 evidence of compliance with this section.

17 (d) The director may accept certificates from other states that  
18 persons have successfully completed firearm safety, hunter education,  
19 or similar courses as evidence of compliance with this section.

20 (2)(a) The director may authorize a once in a lifetime, one  
21 license year deferral of hunter education training for individuals  
22 who are accompanied, while hunting, by a nondeferred Washington-  
23 licensed hunter who (~~has held a Washington hunting license for the~~  
24 ~~prior three years and is over~~) is at least eighteen years of age.  
25 The commission shall adopt rules for the administration of this  
26 subsection to avoid potential fraud and abuse.

27 (b) The director is authorized to collect an application fee (~~(~~  
28 ~~not to exceed twenty dollars,~~) for obtaining the once in a lifetime,  
29 one license year deferral of hunter education training from the  
30 department. This fee must be deposited into the fish and wildlife  
31 enforcement reward account and must be used exclusively to administer  
32 the deferral program created in this subsection.

33 (c) For the purposes of this subsection, "accompanied" means to  
34 go along with another person while staying within a range of the  
35 other person that permits continual unaided visual and auditory  
36 communication.

37 (3) To encourage the participation of an adequate number of  
38 instructors for the training program, the commission shall develop  
39 nonmonetary incentives available to individuals who commit to serving

1 as an instructor. The incentives may include additional hunting  
2 opportunities for instructors.

3 (4) The commission is authorized to adopt rules to offer a one-  
4 time discount of up to twenty dollars on a hunting license purchase  
5 to first-time resident hunters who have completed the Washington  
6 hunter education training program.

7 **Sec. 5.** RCW 77.32.470 and 2020 c 148 s 20 are each amended to  
8 read as follows:

9 (1) A personal use saltwater, freshwater, combination, or  
10 temporary(~~(, or family fishing weekend)~~) license is required for all  
11 persons (~~(fifteen)~~) sixteen years of age or older to fish for or  
12 possess fish taken for personal use from state waters or offshore  
13 waters.

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

16 (a) A combination license allows the holder to fish for or  
17 possess fish, shellfish, and seaweed from state waters or offshore  
18 waters. The fee for this license is forty-five dollars for  
19 residents(~~(7)~~) and one hundred eight dollars for nonresidents(~~(7, and~~  
20 ~~five dollars for youth)~~). There is an additional fifty-cent surcharge  
21 for this license, to be deposited in the rockfish research account  
22 created in RCW 77.12.702.

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

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

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

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

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

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

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

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

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

19 ~~((e))~~ (d) There is an additional fifty-cent surcharge on the  
20 temporary combination fishing license and the associated charter  
21 stamp, to be deposited in the rockfish research account created in  
22 RCW 77.12.702.

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

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

34 ~~(6))~~ The commission may adopt rules to allow the use of two  
35 fishing poles per fishing license holder for use on selected state  
36 waters. If authorized by the commission, license holders sixteen  
37 years of age or older must purchase a two-pole stamp to use a second  
38 pole. The proceeds from the sale of the two-pole stamp must be  
39 deposited into the limited fish and wildlife account created in RCW  
40 77.12.170(1) and used for the operation and maintenance of state-

1 owned fish hatcheries. The fee for a two-pole stamp is thirteen  
2 dollars for residents and nonresidents, and five dollars for seniors.

3 **Sec. 6.** RCW 77.32.480 and 2016 c 78 s 1 are each amended to read  
4 as follows:

5 (1) Upon written application, a combination fishing license shall  
6 be issued at the reduced rate of five dollars and all hunting  
7 licenses shall be issued at the reduced rate of a youth hunting  
8 license fee for the following individuals:

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

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

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

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

18 (e) A resident with a developmental disability as defined in RCW  
19 71A.10.020 with documentation of the disability certified by a  
20 physician licensed to practice in this state.

21 (2) Upon department verification of eligibility, a ~~((nonstate  
22 resident veteran with a disability who otherwise satisfies the  
23 criteria of subsection (1)(a) and (b) of this section must be issued  
24 a combination fishing license or any hunting license at the same cost  
25 charged to a nondisabled Washington resident for the same license))~~  
26 combination fishing license or any hunting license must be issued at  
27 the same cost charged to a nondisabled Washington resident for the  
28 following individuals:

29 (a) A nonstate resident veteran with a disability who otherwise  
30 satisfies the criteria of subsection (1)(a) or (b) of this section;

31 (b) An active duty member of the United States armed forces;

32 (c) A full-time student who is enrolled in and attending an  
33 accredited institution of higher education, as defined in RCW  
34 28B.10.016, in Washington for at least six months immediately prior  
35 to the date of application for any license. A student is deemed full-  
36 time under the rules of the educational institution the student is  
37 attending;

38 (d) A natural person age eighteen or younger, who does not  
39 qualify as a resident, but who has a parent or legal guardian who

1 qualifies for a discount under (a) through (c) of this subsection;  
2 and

3 (e) The spouse of an individual who qualifies for a discount  
4 under (a) through (c) of this subsection.

5 (3) Upon written application and department verification, the  
6 following recreational hunting licenses must be issued at no cost to  
7 a resident member of the state guard or national guard, as defined in  
8 RCW 38.04.010, as long as the state guard or national guard member  
9 is: An active full-time state guard or national guard employee; or a  
10 state guard or national guard member whose status requires the state  
11 guard or national guard member to participate in drill training on a  
12 part-time basis:

- 13 (a) A small game hunting license under RCW 77.32.460(1);
- 14 (b) A supplemental migratory bird permit under RCW 77.32.350; and
- 15 (c) A big game hunting license under RCW 77.32.450 (1) and (2).

16 **Sec. 7.** RCW 77.32.520 and 2011 c 339 s 13 are each amended to  
17 read as follows:

18 (1) A personal use shellfish and seaweed license is required for  
19 all persons other than residents or nonresidents under (~~fifteen~~)  
20 sixteen years of age to fish for, take, dig for, or possess seaweed  
21 or shellfish, including razor clams, for personal use from state  
22 waters or offshore waters including national park beaches.

23 (2) A razor clam license allows a person to harvest only razor  
24 clams for personal use from state waters, including national park  
25 beaches.

26 (3) The fees for annual personal use shellfish and seaweed  
27 licenses are:

28 (a) For a resident (~~fifteen~~) sixteen years of age or older, ten  
29 dollars;

30 (b) For a nonresident (~~fifteen~~) sixteen years of age or older,  
31 twenty-seven dollars; and

32 (c) For a senior, five dollars.

33 (4) The fee for an annual razor clam license is eight dollars for  
34 residents, fifteen dollars for nonresidents, and eight dollars for  
35 seniors.

36 (5) The fee for a three-day razor clam license is five dollars  
37 for both residents and nonresidents.

38 (6) A personal use shellfish and seaweed license or razor clam  
39 license must be in immediate possession of the licensee and available

1 for inspection while a licensee is harvesting shellfish or seaweed.  
2 However, the license does not need to be visible at all times.

3 NEW SECTION. **Sec. 8.** A new section is added to chapter 77.32  
4 RCW to read as follows:

5 (1) The commission may adopt rules to create and sell combination  
6 licenses for all hunting and fishing activities at or below a fee  
7 equal to the total cost of the individual license contained within  
8 any combination. Combination licenses may span one or more license  
9 years.

10 (2) The director may offer temporary discounted promotional  
11 pricing to increase angler, hunting, or wildlife viewing  
12 participation.

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# Funding and Reforming the WDFW Payment in Lieu of Taxes Program

## Issue:

Each year, the Washington Department of Fish and Wildlife (WDFW) provides Payments In Lieu of Taxes (PILT) to counties on land owned by the department. These PILT payments are designed to compensate counties for the loss of local property taxes – which cannot be levied on state-owned lands – on parcels purchased by WDFW to protect critical habitat for fish and wildlife and for outdoor recreation.

The payments are critical to local government, schools, and junior taxing districts, especially in rural Washington with large acreages of state ownership. Payment of PILT was an obligation made by the Legislature to counties to counter negative tax impacts of state land acquisitions that provide not only local but important statewide conservation and recreation opportunities.

WDFW and DNR are the only agencies authorized to pay PILT. PILT payments by DNR are currently processed through the State Treasurer's Office. Moving to a single process for PILT payments will reduce confusion and inequities.

## 2021 Recommendation:

WDFW officials propose legislation to implement the following recommendations:

- Have the PILT payments made through the State Treasurer's Office rather than WDFW.

## Currently:

- Full funding was provided for 13 counties currently electing to receive PILT payments; and
- PILT payments for 19-21 were made through the State Treasurer's Office in the operating budget, but not codified into law.

### For more information contact:

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Washington  
Department of  
**FISH and  
WILDLIFE**



**YAKIMA  
COUNTY**



Washington  
**Wildlife &  
Recreation  
COALITION**



**The Nature  
Conservancy**



**Washington State  
Association of Counties**



**RMEF**



**THE  
TRUST  
FOR  
PUBLIC  
LAND**



**TROUT  
UNLIMITED**

## Counties Electing to Receive PILT

Adams

Asotin

Chelan

Columbia

Ferry

Garfield

Grant

Grays Harbor

Kittitas

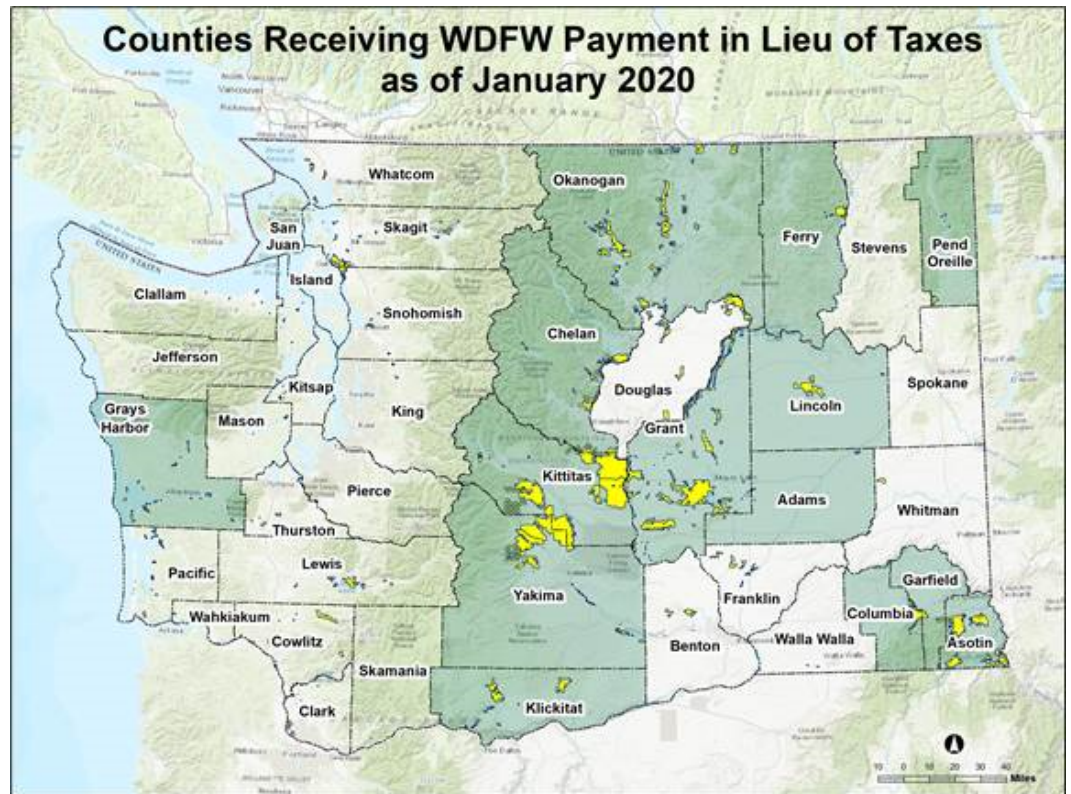
Klickitat

Lincoln

Okanogan

Pend Oreille

Yakima

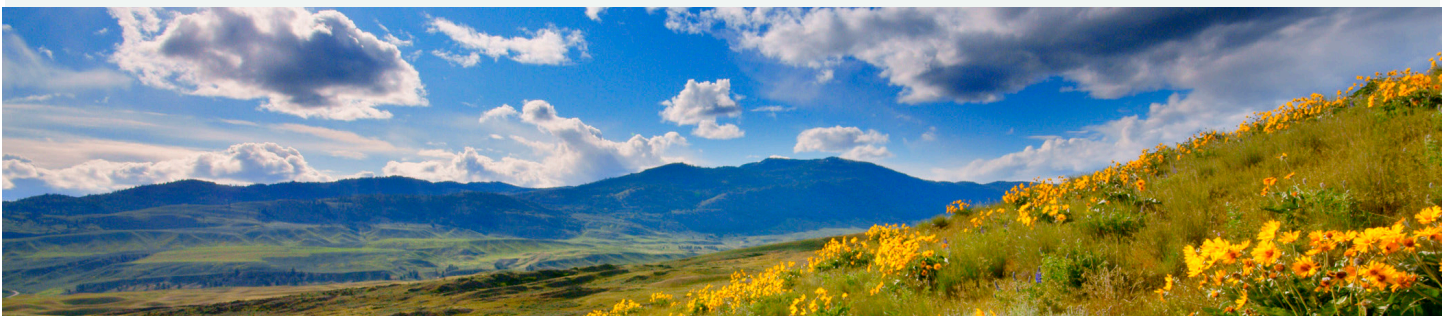


## History and Background:

In the 1960's PILT was based solely on the acreage of WDFW property. Counties were given the option to either receive PILT or their share of fines/forfeitures. If they chose to forego their share of the fines/forfeitures and receive PILT, then their share of the fines/forfeitures went into the Public Safety Fund. By 1984 PILT was doubling every year. This was a great deal of money for a "non-general fund" agency. The 1984 Legislature froze the amount that counties could receive for current properties. New property/land received a payment of either \$.70 per acre or the 1984 rate. In 1987 the Department of Game became the Department of Wildlife and in 1994 the Department of Wildlife was merged with the Department of Fisheries becoming the Department of Fish and Wildlife. This did not change any lands PILT was paid on. In 2005 The Department of Natural Resources started paying PILT on all conservation lands in each county. In 2009 several counties moved to Open Space rate and PILT payments increased from \$500,000 to over \$1 million per year. In 2011 the Legislature again froze the PILT amounts to 2009 levels. Fees/Fines/Forfeitures continued to not be tracked and not paid to the state. The freeze on PILT rates continued through the 17-19 biennium.

## PILT Coalition:

In 2016 the PILT Coalition was formed as an informal association of stakeholders committed to ensuring that Payments in Lieu of Taxes were fully funded and the process streamlined for those counties electing to receive PILT. The PILT Coalition includes WDFW, the Washington Association of Counties, The Nature Conservancy, Washington Wildlife and Recreation Coalition, Rocky Mountain Elk Foundation, Trust for Public Land, Yakima County, Kittitas County, Washington Association of Land Trusts, and Trout Unlimited. This Coalition has worked together to raise awareness of the issue and developed and supported legislation to align the WDFW PILT program with the recommendations of the 2013 Department of Revenue report.



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SENATE BILL 6365

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State of Washington

66th Legislature

2020 Regular Session

By Senators Warnick and Van De Wege

1 AN ACT Relating to payments in lieu of real property taxes by the  
2 department of fish and wildlife; amending RCW 77.12.203; and  
3 providing an effective date.

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

5 **Sec. 1.** RCW 77.12.203 and 2019 c 415 s 983 are each amended to  
6 read as follows:

7 (1) (~~Except as provided in subsections (5), (6), and (7) of this~~  
8 ~~section and notwithstanding~~) Notwithstanding RCW 84.36.010 or other  
9 statutes to the contrary, the (~~director must pay~~) state treasurer,  
10 on behalf of the department, must distribute to counties by April  
11 30th of each year on game lands, regardless of acreage, in each  
12 county, if requested by an election under RCW 77.12.201, an amount in  
13 lieu of real property taxes equal to that amount paid on similar  
14 parcels of open space land taxable under chapter 84.34 RCW or the  
15 greater of seventy cents per acre per year or the amount paid in 1984  
16 plus an additional amount for control of noxious weeds equal to that  
17 which would be paid if such lands were privately owned. This amount  
18 may not be assessed or paid on department buildings, structures,  
19 facilities, game farms, fish hatcheries, water access sites,  
20 tidelands, or public fishing areas.



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

7 (3) This section does not apply to lands transferred after April  
8 23, 1990, to the department from other state agencies.

9 (4) The county must distribute the amount received under this  
10 section in lieu of real property taxes to all property taxing  
11 districts except the state in appropriate tax code areas the same way  
12 it would distribute local property taxes from private property. The  
13 county must distribute the amount received under this section for  
14 weed control to the appropriate weed district.

15 ~~((5) For the 2013-2015 and 2015-2017 fiscal biennia, the~~  
16 ~~director must pay by April 30th of each year on game lands in each~~  
17 ~~county, if requested by an election under RCW 77.12.201, an amount in~~  
18 ~~lieu of real property taxes and must be distributed as follows:~~

19 **County**

20	Adams.....	1,909
21	Asotin.....	36,123
22	Chelan.....	24,757
23	Columbia.....	7,795
24	Ferry.....	6,781
25	Garfield.....	4,840
26	Grant.....	37,443
27	Kittitas.....	143,974
28	Klickitat.....	21,906
29	Lincoln.....	13,535
30	Okanogan.....	151,402
31	Pend Oreille.....	3,309
32	Yakima.....	126,225

33 ~~These amounts may not be assessed or paid on department buildings,~~  
34 ~~structures, facilities, game farms, fish hatcheries, water access~~  
35 ~~sites, tidelands, or public fishing areas.~~

1 ~~(6) For the 2017-2019 fiscal biennium, the director must pay by~~  
2 ~~April 30th of each year on game lands in each county, if requested by~~  
3 ~~an election under RCW 77.12.201, an amount in lieu of real property~~  
4 ~~taxes and must be distributed as follows:~~

5 **County**

6 Adams.....	1,909
7 Asotin.....	36,123
8 Chelan.....	39,858
9 Columbia.....	20,713
10 Ferry.....	22,798
11 Garfield.....	12,744
12 Grant.....	71,930
13 Kittitas.....	382,638
14 Klickitat.....	51,019
15 Lincoln.....	13,535
16 Okanogan.....	264,036
17 Pend Oreille.....	5,546
18 Yakima.....	186,056

19 ~~These amounts may not be assessed or paid on department buildings,~~  
20 ~~structures, facilities, game farms, fish hatcheries, water access~~  
21 ~~sites, tidelands, or public fishing areas.~~

22 ~~(7) During the 2019-21 [2021 fiscal] biennium, the state~~  
23 ~~treasurer must distribute the payments required under this section on~~  
24 ~~behalf of the director.)~~

25 NEW SECTION. **Sec. 2.** This act takes effect July 1, 2021.

--- END ---