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## Summary Sheet

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<b>Meeting dates:</b>	August 9, 2018
<b>Agenda Item 2:</b>	2019-21 Operating Budget and Agency Request Legislation
<b>Presenter(s):</b>	Nate Pamplin, Policy Director Raquel Crosier, Legislative Director

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### **Background summary:**

The Washington Department of Fish and Wildlife will submit the 2019 second supplemental budget request, the 2019-21 operating budget requests, and the agency request legislation to the Governor's Office in September 2018. The Department has been developing proposals over the past few months.

This year is unique because when they enacted the 2017-19 biennial operating budget, state lawmakers directed WDFW to complete three tasks to improve the Department's long-term financial stability and operational efficiency:

- Develop a long-term plan to balance projected expenses and revenues by providing prioritized options for spending reductions and revenue increases.
- Identify and implement management improvements and operating efficiencies.
- Conduct a "zero-based budget review" to accompany the Department's proposed 2019-21 operating budget.

Department staff have been working on the proviso since fall of 2018, and the Commission has had numerous workshops about the budget and draft proviso work products. The Commission will be asked to approve the operating budget, the long-term funding plan, and the agency request legislation at their August meeting.

### Update

Since the June Commission meeting:

- The Department met with its Budget and Policy Advisory Group on August 1. They have completed providing guidance on the findings and recommendations that will be included in the Long-Term Funding Plan, and have provided guidance to the Department's draft budget decision packages.
- The Department has met with a number of other advisory groups, NGOs, and tribes about the budget proposals.
- The Department hosted two webinars on July 23 (one for media; one for the public) to discuss the budget proposals.
- The Department conducted a public opinion survey about its budget proposals, and it served as a way to collect and inventory comments about the proposals.
- The Department led a tour for OFM budget analysts to discuss WDFW activities as they relate to the various budget proposals.

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### **Policy issue(s) you are bringing to the Commission for consideration:**

The 2019 second supplemental operating budget, the 2019-21 operating budget proposals, the long-term funding plan, and the agency-request legislation for the 2019 legislative session.

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**Fiscal impacts of agency implementation:**

Without new funding, the Department is anticipating a \$30.5M reduction in services in the 2019-21 biennium. With the total requested funding, the Department's funding would be stable and the Department would increase capacity for conservation, hunting, and fishing.

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**Public involvement process used and what you learned:**

Outreach over the past year has included the summary listed above, as well as numerous Commission workshops. WDFW's mission is broad and has a complicated budget with 50 different fund sources and hundreds of contracts; making it difficult to quickly explain to stakeholders.

We are hearing support for the Department's mission but a reluctance to increase recreational fees. Thus, two-thirds of the Department's request are for State General Fund funding and the component that is fee-based is a moderate level that is below the inflation adjustment since the last recreational fee adjustment in 2011.

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**Action requested:**

The Department is requesting that the Fish and Wildlife Commission approve the 2019 second supplemental operating budget, the 2019-21 operating budget proposals, the long-term funding plan, and the agency-request legislation for the 2019 legislative session.

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**Draft motion language:**

Two motions are requested; one for budget and one for agency-request legislation. *Note: The language for the agency-request legislation may be modified based on FWC deliberations on 8/9/18 and the refinement or selection of a recreational fee bill option.*

I move to approve the 2019 second supplemental operating budget proposals, the 2019-21 operating budget proposals, and the long-term funding plan as presented by staff.

I move to approve the agency-request legislation proposals as presented by staff.

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**Justification for Commission action:** This action is needed for the Department staff to continue to refine proposals and submit to the Governor's Office in mid-September, 2018.

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**Post decision communications plan:** The Department will update its communication and outreach materials after the Commission meeting to reflect the scope and content of the Commission's decisions and continue to conduct extensive outreach with the public and legislators to advance these proposals through the 2019 legislative session.

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**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE  
2019 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

**OVERVIEW**

**Draft Bill Title:** An Act related to broadening the eligibility for a reduced recreational hunting and fishing license rate for resident disabled hunters and fishers.

**Statement of Need:**

The Washington Department of Fish and Wildlife (Department) offers a reduced rate license to hunters and fishers who permanently use a wheelchair, are blind or visually impaired, or have a developmental disability (RCW 77.32.480(1)(c-e)). The Department also accommodates disabled customers in a number of other ways: by designating hunting seasons and opportunities to disabled hunters; maintaining accessible water access sites; providing disabled hunters with access to hunting blinds; partnering with landowners to provide road access permits for hunting; and providing special use permits to tailor harvest technology accommodations to an individual's limitation.

The Department's reduced fees statute (RCW 77.32.480) which provides reduced fees for only a subset of disabilities is likely not consistent with federal ADA laws. Federal ADA requires equal and consistent treatment, regardless of limitation. Charging different rates based on disability may be considered discriminatory under federal ADA. The Department is requesting to address this by broadening the eligibility for who qualifies for a disability-based discount to all those residents with a permanent disability.

**Is the bill needed this year? If so, why?:**

Yes. The Department has been advised by our Assistant Attorney General that our current statutes would be considered discriminatory under Federal ADA law and puts the Department at legal risk.

**Does it address a Results Washington objective?:**

Yes, this legislation helps reach Results Washington Goal 3 (Sustainable energy & a clean environment), Objective 4.3c: *"Increase the number of individual fishing and hunting licenses issued by 1% each year from 2,168,689 in FY 2016 to 2,256,746 by FY 2020."*

**Lead Program Contact(s):** Sam Taylor, 360-902-2625, [Samuel.Taylor@dfw.wa.gov](mailto:Samuel.Taylor@dfw.wa.gov)

**Lead AAG Contact(s):** Michael Young, 360-664-2962, [michaely@atg.wa.gov](mailto:michaely@atg.wa.gov)

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**POLICY IMPACTS**

**Summary of Major Provisions and Impact on Existing Laws (by Section number):**

**RCW 77.32.480**

**Section 1:** eliminates subsection 1) (a), (b) and (c) to eliminate discount for those in a wheelchair, blind or developmentally disabled.

**Section 2:** adds a new section 2 to create a discounted combo fishing license and hunting license for any resident with a permanent disability documented by a physician.

**Legal Review:** Yes.

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**FISCAL IMPACTS**

**Agency Fiscal Impact:**

There is a significant revenue impact from broadening the discount from license holders that previously qualified for the discount to nearly 20,000 additional license holders that will now qualify for the discount. But changing the discount rate for disabled hunters and fishers from the current rate to 50% off will allow the Department to remain nearly revenue neutral.

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**STAKEHOLDER/ LEGISLATIVE OUTREACH**

**Description of legislative outreach on this proposal:**

The Department requested ADA statute revisions during the 2018 legislative session to consolidate statutes and rule-making authority describing ADA activities. The bill passed with unanimous support through both chambers. The Department is working with Representative Barkis to develop the concepts in this bill.

**Affected Agencies:**

Name	Summary of Position	Contact Information

**Description of stakeholder outreach and feedback on this proposal:**

The Department has worked with its ADA Advisory Committee to shape this proposal. The Department also participated in the Ruckleshaus Recreational Access Workgroup on Discounts and Exemptions and developed this idea based on the recommendation to align agency discounts so they are more simple and consistent. The Department also met with State Parks to model the process and discount so it is consistent with what Parks' provide to their disabled customers.

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**PROPOSED RCW REVISIONS**

**RCW 77.32.480 - Reduced rate licenses**

(1) Upon written application and department verification, a combination fishing license shall be issued at the reduced rate of five dollars and fifty cents and all hunting licenses shall be issued at the reduced rate of a youth hunting license fee for the following individuals:

- (a) A resident sixty-five years old or older who is an honorably discharged veteran of the United States armed forces having a service-connected disability;
- (b) A resident who is an honorably discharged veteran of the United States armed forces with a thirty percent or more service- connected disability;
- ~~(c) A resident with a disability who permanently uses a wheelchair;~~
- ~~(d) A resident who is blind or visually impaired; and~~
- ~~(e) A resident with a developmental disability as defined in RCW 71A.10.020 with documentation of the disability certified by a physician licensed to practice in this state.~~

(2) Upon written application and department verification of eligibility, a combination fishing license and hunting licenses defined by the department in rule shall be issued at the reduced rate of fifty percent of the price of a

resident license to a resident with a permanent disability documented by a physician, physician's assistant, or registered nurse practitioner.

~~(3)~~ Upon ~~written application and department verification~~ ~~department verification of eligibility~~, a nonstate resident veteran with a disability who otherwise satisfies the criteria of subsection (1)(a) and (b) of this section must be issued a combination fishing license or any hunting license at the same cost charged to a nondisabled Washington resident for the same license.

~~(3)~~ (4) Upon written application and department verification, the following recreational hunting licenses must be issued at no cost to a resident member of the state guard or national guard, as defined in RCW 38.04.010, as long as the state guard or national guard member is: An active full-time state guard or national guard employee; or a state guard or national guard member whose status requires the state guard or national guard member to participate in drill training on a part-time basis:

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

DRAFT

**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE  
2019 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

**OVERVIEW**

**Draft Bill Title:** An Act related to making the Columbia River Salmon and Steelhead Endorsement Program permanent.

**Statement of Need:**

The Columbia River Recreational Salmon and Steelhead Endorsement (CRSSE) program was established by the Legislature in 2009 and established a new endorsement required to fish for salmon and steelhead in the Columbia River. Funds generated from this endorsement are used to improve recreational salmon and steelhead fishing opportunities on the Columbia River and its tributaries by supplementing the resources available to the Washington Department of Fish and Wildlife (Department) to carry out the scientific monitoring and evaluation, permitting, reporting, and enforcement. The Department would like to make the program permanent in order to support the \$87 million fishing industry on the Columbia River and provide certainty and stability of the program.

**Is the bill needed this year? If so, why?:**

Yes. The CRSSE program expires June 30, 2019 so this is necessary during the 2019 legislative session in order to preserve Columbia River fishing opportunities.

**Does it address a Results Washington objective?:**

Yes. This legislation helps reach Results Washington Goal 3 (Sustainable energy & a clean environment), Objective 4.3c: *"Increase the number of individual fishing and hunting licenses issued by 1% each year from 2,168,689 in FY 2016 to 2,256,746 by FY 2020."*

**Lead Program Contact(s):** Kelly Cunningham, [Kelly.cunningham@dfw.wa.gov](mailto:Kelly.cunningham@dfw.wa.gov), 360-902-2325

**Lead AAG Contact(s):** Joe Panesko, [JoeP@ATG.WA.GOV](mailto:JoeP@ATG.WA.GOV), 360-586-0643

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**POLICY IMPACTS**

**Summary of Major Provisions and Impact on Existing Laws (by Section number):**

**Section 1** Changes the reporting period for the Columbia river recreational salmon and steelhead endorsement program revenue and expenditures report to a biennial reporting cycle.

**Section 2:** Repeals the sunset date so the program can continue past June 30, 2018.

**Section 3:** Is an emergency clause which will allow the program to continue as soon as the legislation is passed instead of waiting the normal 30 days. This is important because the licenses are sold in the spring and generally the season begins July 1.

**Legal Review:**

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**FISCAL IMPACTS**

**Agency Fiscal Impact:** The CRSSE generates approximately \$3.3M per biennium. Without renewing or making the CRSSE permanent in SFY2019, this revenue stream ceases.

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**STAKEHOLDER/ LEGISLATIVE OUTREACH**

**Description of legislative outreach on this proposal:**

**Affected Agencies:**

Name	Summary of Position	Contact Information

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**Description of stakeholder outreach and feedback on this proposal:**

WDFW is meeting with the Columbia River Salmon and Steelhead Endorsement Board to get their feedback.

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**PROPOSED RCW REVISIONS**

AN ACT Relating to authorizing the permanent status of the Columbia river recreational salmon and steelhead endorsement program; amending RCW 77.12.718; repealing 2009 c 420 s 7, 2011 c 339 s 40, 2016 c 223 ss 7, 8, and 9, and 2017 3rd sp.s. c 3 ss 1, 2, and 3 (uncodified); and declaring an emergency.

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

**Sec. 1.** RCW 77.12.718 and 2016 c 223 s 4 are each amended to read as follows:

(1) The department shall maintain updated information about Columbia river recreational salmon and steelhead endorsement program revenue and expenditures on its internet site. The information may include project summaries, analysis and figures similar to the 2014 report to the legislature on the program, and other information deemed appropriate by the department and the Columbia river salmon and steelhead recreational anglers board.

(2) By December 1, ~~((2014))~~ 2021, and every two years thereafter, the department and the Columbia river salmon and steelhead recreational anglers board shall review the Columbia river recreational salmon and steelhead endorsement program, prepare a brief summary of the activities

conducted under the program, and provide this summary (~~and a recommendation whether the program should be continued~~) to the appropriate committees of the senate and house of representatives.

NEW SECTION. **Sec. 2.** The following acts or parts of acts are each repealed:

- (1)2017 3rd sp.s. c 3 s 1, 2016 c 223 s 7, & 2009 c 420 s 7 (uncodified);
- (2)2017 3rd sp.s. c 3 s 2, 2016 c 223 s 8, & 2011 c 339 s 40 (uncodified); and
- (3)2017 3rd sp.s. c 3 s 3 & 2016 c 223 s 9 (uncodified).

NEW SECTION. **Sec. 3.** 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.

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**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE  
2019 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

**OVERVIEW**

**Draft Bill Title:** An act relating to increasing participation in recreational fishing and hunting.

**Statement of Need:**

Nationally, there is a declining trend in participation in hunting and fishing. Currently, the Washington Department of Fish and Wildlife (hereafter, WDFW or Department) experiences a 1-2% decline in license sales, which make up approximately one-third of the Department's operating budget when coupled with the leveraged federal contracts that incorporate license sales in the allocation formula. WDFW is seeking legislative changes to remove barriers to participation and provide financial incentives, in particular to youth or those new to the sports, to aid in WDFW's recruitment efforts. A few important changes can be made immediately to promote recruitment in hunting and fishing.

This proposed bill will:

- Align the definition of youth to be those persons under 16 for both hunting and fishing. Currently, youth are defined as persons less than 15 for fishing, and less than 16 for hunting. This legislation adjusts statutes that reference fishing age to set the age needed for a full-price resident fishing license at 16 or older.
- Removes the requirement that a licensed hunter, who is over 18 years of age, must also hold a hunting license for three consecutive years prior to accompanying a deferred licensed hunter on a hunt.
- Provides a financial incentive to resident hunter education graduates by providing a \$20 discount to the purchase of their first hunting license.
- Provides additional authority for the Department to create bundled license packages and multi-year license packages through rule, and provides the ability for the Director to offer promotional pricing.
- Removes the restriction that prohibits temporary fishing combination licenses from being used for the popular lowland lakes fishing opener.

Additional background on the hunter deferral and lowland lakes opener is below.

**Hunting Deferral Program**

Currently, an individual who has not completed a hunter education class may be eligible for a one-time deferral of the hunter education requirement, allowing them to hunt during the current license year. In order to receive a deferral, the department must approve an individual's application, and they must be accompanied by a licensed hunter who is over 18 years of age and has held a hunting license for the prior three years. This bill would remove the three-year requirement for the accompanying hunter.

Every year the Department receives about 1,300 deferral requests, a number that has increased dramatically due to recent outreach and marketing efforts. A large number of deferral applications are not approved each year (14-18%), the vast majority of which are denied because the accompanying hunter (i.e. the mentor) does not meet the 3-year license requirement. In some cases, applicants have held hunting licenses for many years, but missed one of the last 3 years, and so are denied.

The hunter education deferral program increases hunter recruitment and participation by allowing those who have not hunted previously a gateway and opportunity to enjoy the sport, while promoting mentorship of new hunters. The program also aligns with work the Department is doing to boost mentorship opportunities for experienced and prospective hunters.

### **Lowland Lakes**

Although many lakes are open to fishing year-round, the fourth Saturday in April marks the traditional start of the lowland lakes fishing season, when estimates of 300,000 anglers turn out to fish.

To participate on opening day of the lowland lakes, Washington anglers must have an annual freshwater or combination fishing license. WDFW sells temporary 1-, 2-, and 3-day temporary combination fishing licenses year-round, however, RCW 77.32.470(3)(c) prohibits an angler with a temporary combination fishing license from using it to fish for game fish (such as trout) during the first eight days of the lowland lakes opener.

The original rationale for this statute was to prevent anglers that might only participate in the lowland lakes opener from just buying the discounted temporary combination license. The statute requires those wanting to participate to possess an annual fishing license.

In order to increase fishing participation, it is important that new customers have a positive experience, both during the license purchase and during their fishing experience, so they will get hooked and continue to enjoy the sport. Ultimately, returning customers will either buy additional temporary licenses or upgrade to an annual license, which contributes funding for the agency's mission to conserve fish and wildlife and provide for sustainable opportunities.

### **Is the bill needed this year? If so, why?:**

This bill will help the Department address the immediate issue of declining participation in hunting and fishing and increase recruitment.

In addition, there is confusion by anglers and retail dealers that offer the temporary license but are not aware that the temporary license doesn't allow them to legally fish for trout in the first eight days of the lowland lakes opener. WDFW still offers the temporary licenses because temporary combination licenses are allowed for food fish. Addressing the issue in the 2019 session would eliminate this issue for the 2019 lowland lakes opener.

### **Does it address a Results Washington objective?:**

Yes, this legislation helps reach Results Washington Goal 3 (Sustainable energy & a clean environment), Objective 4.3c: *"Increase the number of individual fishing and hunting licenses issued by 1% each year from 2,168,689 in FY 2016 to 2,256,746 by FY 2020."*

**Lead Program Contact(s):** Peter Vernie, Licensing Division Manager, 360-902-2302

**Lead AAG Contact(s):** Joe Panesko, 360-586-0643

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**POLICY IMPACTS**

**Summary of Major Provisions and Impact on Existing Laws (by Section number):**

The statutes amended are solely within WDFW and will not impact other functional areas. If adopted, WDFW would need to amend some WACs regarding definition of youth, hunter education requirements, and lowland lakes license requirements.

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**FISCAL IMPACTS**

**Agency Fiscal Impact:** Indeterminate.

The total revenue impact from this legislation is indeterminate. WDFW recognizes that initially raising the age of youth who don't need to buy a license will have a financial impact to the agency. However, for the purposes of this fiscal note it is assumed that raising the age requirement for youth licenses will provide the Department a better opportunity to retain these customers as they transition into adult customers.

The changes in this bill related to youth age alignment, combination and promotional licenses, and hunter education discounts may result in a minimal loss of license revenue under current law. The potential revenue losses from this bill in the context of approximately \$75 million in general hunting and fishing license revenue collected in recent biennia are assumed to be minimal and well within historical revenue variances. It is expected that these potential revenue losses will be offset by increased participation and/or future recruitment and additional license purchases.

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**STAKEHOLDER/ LEGISLATIVE OUTREACH**

**Description of stakeholder outreach and feedback on this proposal:**

**Affected Stakeholders:**

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**PROPOSED RCW REVISIONS**

AN ACT Relating to increasing participation in recreational fishing and hunting; amending RCW 77.08.010, 77.32.155, 77.32.470, 77.32.520, and 77.32.580; adding new sections to chapter 77.32 RCW; and providing an expiration date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) A Washington state tribal police officer who successfully completes the requirements set forth under RCW 43.101.157, is employed by a tribal nation that has complied with RCW

10.92.020(2) (a) and (b), and is acting under a mutual law enforcement assistance agreement between the department and the tribal government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(53) "Raffle" means an activity in which tickets bearing an individual number are sold for not more than twenty-five dollars each and in which a permit or permits are awarded to hunt or



for access to hunt big game animals or wild turkeys on the basis of a drawing from the tickets by the person or persons conducting the raffle.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 2.** RCW 77.32.155 and 2017 c 255 s 1 are each amended to read as follows:

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

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

(A) Members of the United States military;

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

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

(D) Current or retired specially commissioned Washington peace officers as defined in RCW 10.93.020, if the officer is or was duly authorized by his or her commissioning agency to carry a concealed pistol; and

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

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

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

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

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

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

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

(3) To encourage the participation of an adequate number of instructors for the training program, the commission shall develop nonmonetary incentives available to individuals who commit to serving as an instructor. The incentives may include additional hunting opportunities for instructors.

**Sec. 3.** RCW 77.32.470 and 2011 c 339 s 12 are each amended to read as follows:

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

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

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

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

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

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

- (i) One day - Eight dollars for residents and sixteen dollars for nonresidents;
- (ii) Two days - Twelve dollars for residents and twenty-four dollars for nonresidents; and
- (iii) Three days - Fifteen dollars for residents and thirty dollars for nonresidents.

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

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

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

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

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

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

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

**Sec. 4.** RCW 77.32.520 and 2011 c 339 s 13 are each amended to read as follows:

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

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

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

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

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

(c) For a senior, five dollars.

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

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

(6) A personal use shellfish and seaweed license or razor clam license must be in immediate possession of the licensee and available for inspection while a licensee is harvesting shellfish or seaweed. However, the license does not need to be visible at all times.

**Sec. 5.** RCW 77.32.580 and 2016 c 223 s 5 are each amended to read as follows:

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

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

NEW SECTION. **Sec. 6.** A new section is added to chapter 77.32 RCW to read as follows:

The commission is authorized to adopt rules to offer a one-time discount of up to twenty dollars on a hunting license purchase to first-time resident hunters who have completed the Washington hunter education training program established in RCW 77.32.155.

NEW SECTION. **Sec. 7.** A new section is added to chapter 77.32 RCW to read as follows:

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

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

NEW SECTION. **Sec. 8.** Section 5 of this act expires June 30, 2019.

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**WASHINGTON STATE DEPARTMENT OF FISH AND WILDLIFE  
2019 AGENCY REQUEST LEGISLATIVE PROPOSAL FORM**

**OVERVIEW**

**Draft Bill Title:** An Act relating to increasing revenue to the state wildlife account by adjusting recreational fishing and hunting fees.

**Statement of Need:**

With Washington's population growing at one of the fastest rates in the country, the Washington Department of Fish and Wildlife (WDFW) is increasingly important to millions of longtime and new state residents. Unfortunately, WDFW has experienced chronic budget shortfalls – essentially a gap between available funding and required spending. Today, the projected reduction in services needed to balance the budget for the next biennium has increased to \$30 million, and half of it is within the State Wildlife Account.

**What's causing the shortfall?**

The shortfall has several causes:

- State funding from general taxes and the sale of recreational licenses has not kept pace with the cost of managing fish, wildlife, and their habitat.
- Several one-time funding solutions will expire soon.
- The department still has not fully recovered from the deep cuts imposed during the recession, and recreational license fees have not been adjusted since 2011, yet the legislature has approved expenses that outpace the revenue earned.

**Steps already taken by WDFW**

The Legislature in 2017 directed WDFW to find efficiencies in current operations, examine the Department's management and operational effectiveness, and develop a long-term funding plan with the help of a stakeholder advisory group.

In response, WDFW:

- **Contracted with an independent consultant** for an [extensive management review](#), which concluded that the WDFW's management practices had not contributed to the funding problem.
- **Identified \$2.4 million in spending cuts** that will be implemented over the next six to twelve months, including reductions in fish stocking, habitat restoration, and grants to volunteer organizations.
- **Conducted a "zero-based" funding analysis** that connected the dots between WDFW's mission and its day-to-day operation and organizes funding based on eight major outcome areas rather than administrative programs.
- **Developed a long-term funding plan**, with help from the advisory group, describing the current budget situation and offering a vision to stabilize funding.

**Is the bill needed this year? If so, why?:**

Yes. If the Department does not receive adequate funds during the 2019 legislative session, then programs, services, and facilities will have to be reduced, and, in some cases, eliminated if the problem is not addressed. Some of the programs and services, which will be affected without the passage of this important legislation, include:

- Salmon and trout production at 7 hatcheries and rearing ponds
- Reduced quality of warmwater fishing for 30,000 anglers



- Cessation of clam and oyster seed planting and crab pot removals, impacting \$40M to coastal economies
- Monitoring reductions affecting return models, requiring more conservative fisheries management
- Reduced game species research and data management, may result in decreased hunting opportunity
- Reduced pheasant hunting opportunity
- Reduced hunter education opportunities and service to existing hunters
- Reduced customer service across the agency

**Does it address a Results Washington objective?:**

Yes. This legislation helps achieve objectives in Results Washington Goal 3 (Sustainable energy & a clean environment). Specifically, 2.2, 2.3, 4.3 and 4.4.

2.2: Increase the percentage of ESA listed salmon and steelhead populations at healthy, sustainable levels from 16% to 25% by 2022

2.3: Increase the percentage of current state listed species recovering from 28% to 35% by 2020

4.3: Increase participation in outdoor experiences on state public recreational lands and waters 1% each year from 927,838 in 2016 to 965,512 in 2020

4.4: Reduce the rate of loss of priority habitats (oak woodland) from 0.4% (123 acres) to 0.1% (34 acres) by 2016

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**Lead AAG Contact(s):** Joe Panesko, [JoeP@ATG.WA.GOV](mailto:JoeP@ATG.WA.GOV), 360-586-0643

**POLICY IMPACTS**

**Summary of Major Provisions and Impact on Existing Laws (by Section number):**

**[Section 1]** Increases recreational hunting and fishing license fees 12-15% **OR** single surcharge/stamp to all recreational license buyers (\$10 for annual licenses, \$3 for temporary licenses).

**[Section 2]** Removes 2- and 3-day temporary fishing licenses. This change would then shift anglers to either purchase multiple 1-day temporary fishing licenses or purchase an annual license.

**[Section 3]** Administrative fee collected on next purchase (hunting tags and Puget Sound Crab Endorsement). Currently, if a hunter or Puget Sound crabber fails to report their harvest activity, they can avoid this fee if they either a.) buy their license early, before the deadline or b.) wait another year to buy the license. This change would ensure that the penalty remains in effect and would not to be paid at the next time a license is bought (and the penalty wouldn't "expire" after a year delay).

**[Section 4]** Doubles the cost of multiple catch record cards (the first catch record card continues to be free). Currently, avid anglers can purchase a multiple catch record card for \$10 (\$11.50 out-the-door). This would increase that cost to \$20 (\$22.50 out-the-door).

**[Section 5]** Provides the fish and wildlife commission the authority to adjust all fees for costs approved by the legislature. This would allow the commission to make minor inflationary adjustments in fees to support maintenance level funding and avoid the situation that is created every 8-10 years and avoid large fee increases in the future.

**Legal Review:**

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**FISCAL IMPACTS**

**Agency Fiscal Impact:**

The fiscal impact differs based on the options of 12% across-the-board recreational hunting and fishing fee increase, 15% across-the-board recreational hunting and fishing fee increase, or single surcharge to all recreational license buyers. Each option generates the following revenue:

- 12% increase: \$11,387,681
- 15% increase: \$14,233,846
- Surcharge: \$15,728,453

The other changes in the bill—1-day temporary licenses only, administrative penalty, and additional catch record cards—generate the following revenue, regardless of the option chosen above:

- 1-day temporary licenses only: \$1,323,640
- Administrative penalty: \$180,000
- Additional catch record cards: \$124,338

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**STAKEHOLDER/ LEGISLATIVE OUTREACH**

**Description of legislative outreach on this proposal:**

**Affected Agencies:**

Name	Summary of Position	Contact Information

**Description of stakeholder outreach and feedback on this proposal:**

The Department established a Budget and Policy Advisory Group (BPAG), made up of a diverse group of stakeholders, representing recreational and commercial fishers, hunters, non-profits, advocacy groups, ag and timber interests, and others. The BPAG met through the winter and spring of 2018 legislative session to advise the Department on the response to the legislative proviso in the 2017 budget, and helped the Department write the long-term funding plan.

The recreational fee increase, in particular, was vetted by the BPAG and positions vary by individual group. WDFW and the BPAG members continue to do outreach to key fishing and hunting groups to get their input on components of this fee legislation.

One finding in the long-term funding plan, is that the majority of WDFW activities should be supported by broad-based funding, and fees should supplement those activities. Further, the plan recommended re-setting fees to stabilize agency funding and then requesting authority to adjust for inflation to avoid large increases in the future.

**PROPOSED RCW REVISIONS**

DRAFT