



Strengthening laws that protect fish and wildlife

HB 2460 AND SB 6041



Problem: Current penalties for violating laws designed to protect Washington's fish and wildlife are not strong enough to deter people from unlawfully taking fish from distressed populations or illegally interacting with orca whales. For example, it is a gross misdemeanor to possess brood stock sturgeon, and the maximum penalty is a \$5,000 fine and up to one year in jail. However, most violators receive no jail time and fines of less than \$250. The penalty for feeding or coming too close to a southern resident orca whale used to be \$500, but that was reduced to \$42 in 2012 after the state Supreme Court eliminated the bail schedule for fish and wildlife crimes.

In addition, no state law prohibition exists to address wildlife illegally taken from another state or country and transported into Washington State, hampering our ability to address cross border violations. Often, violators that operate in other jurisdictions also violate our states laws.

Proposed solution: The Washington Department of Fish and Wildlife (WDFW) proposes legislation to increase penalties to more effectively deter illegal behavior that negatively impacts natural resources. The proposal also includes technical changes that increases the enforceability and clarity of WDFW' title.

Highlights include:

- Applying additional penalties for possessing certain fish species.
- Increasing the penalty for coming too close to or feeding endangered southern resident orca whales.
- Strengthening the prohibitions on shark fin trafficking.
- Establishing a penalty for possessing illegally harvested wildlife taken from another state or country.
- Decriminalizing wildlife-rehabilitator record-keeping and reporting violations, and created a separate section for existing wildlife rehabilitator offenses.
- Incorporating technical changes to clarify laws relating to commercial fish and shellfish catch-accounting.

Benefits: This proposal is designed to increase the protection of fish and wildlife species by providing adequate penalty deterrents, offering law enforcement additional tools to combat poaching, and reducing regulatory confusion.

Contact Information:

Mike Cenci

WDFW Enforcement Deputy Chief
360-581-3305
mike.cenci@dfw.wa.gov

Ann Larson

WDFW Legislative Liaison
360-902-2226
ann.larson@dfw.wa.gov

wdfw.wa.gov

Strengthening laws that protect fish and wildlife—Proposal detail:

Increasing penalties for illegally taking certain fish

WDFW’s proposal would impose a criminal penalty of \$2,000 for possessing endangered green sturgeon or white sturgeon measuring longer than department-set maximum limits, and \$500 for possessing wild salmon or wild steelhead.

Increasing the penalty for violations involving endangered southern resident orca whales

The proposal would increase the fine from \$42 to \$500 for illegal interactions with endangered southern resident orca whales. It would more closely align the penalty with the actual impact to the resource. The federal civil penalty in such cases is up to \$10,000 per violation, but federal settlements are generally \$500.

Strengthening prohibitions on trafficking in shark fin

The proposal would remove a “grandfather clause” that permits trafficking in shark fin and shark-fin derivative products if the shark fin were lawfully harvested or lawfully acquired before July 22, 2011. WDFW Enforcement officers are unable to differentiate between pre- and post-ban shark fins, making the current law difficult to enforce.

Creating penalties for possessing wildlife unlawfully taken in another state or country

The legislation would create a crime for possessing wildlife in Washington that was illegally taken in another state or country. This provision mirrors similar laws in other states and the federal Lacey Act of 1900, which prohibits trafficking in wildlife, fish, and plants that have been illegally taken, transported or sold. Partnerships with other jurisdictions are strengthened as a result.

Providing penalties for unlawful wildlife-rehabilitation activities

The proposal reduces punishment for less than serious violations and reorganizes existing prohibitions, such as rehabilitating wildlife without a WDFW permit, or habituating wildlife to humans.

Refining statutes relating to commercial fish and shellfish catch accounting

The legislation would amend state law (RCW 77.08.010) to more clearly define the term “fish buyer;” ensure consistency between the law and the department’s administrative rules; and clarify catch-accounting requirements for commercial fishers, brokers, buyers, and sellers. It also combines and streamlines commercial catch accounting statutes and includes technical changes to ensure clarity (RCW 77.15.630, 77.65.280, and 77.65.340).