

Title 77 omnibus legislation

SB 5201 & HB 1282: Regarding issues that impact the Department of Fish and Wildlife



Problem: Under current law, penalties are inadequate or non-existent for some activities that harm fish, wildlife or habitat, or threaten human health and safety. Insufficient penalties currently exist for activities including starting fires that burn state wildlife lands; endangering, killing or injuring another person or livestock, and killing or possessing sensitive bird species. There is no penalty for feeding dangerous wildlife. Some statutes conflict with one another, or fail to provide for management and enforcement of wildlife-related businesses.

Proposed solution: WDFW is seeking legislation to correct deficiencies in current Title 77 fish and wildlife laws. The proposal would strengthen statutory penalties for certain fish-and wildlife-related crimes that endanger people and natural resources. It also would amend statutory loopholes, eliminate conflicting statutory language and correct funding accounts. Among other improvements the proposed legislation would:

- Establish criminal and civil penalties for starting fires that burn state wildlife lands.
- Strengthen penalties for shooting another person or livestock while hunting.
- Apply additional penalties for killing or possessing protected birds.
- Create penalties for feeding predatory wildlife.
- Clarify requirements for resident-license purchases, to include allowing out-of-state members of the armed services to qualify for resident licenses under specific conditions.
- Require taxidermists, fur dealers and wildlife meat cutters to report their activity.

Benefits: This proposal would enhance public safety and further protect the state's fish, wildlife and their habitats. Fish and wildlife resources support commercial and recreational opportunities that generate more than \$6 billion annually for the Washington economy.

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WDFW Title 77 omnibus legislation— Proposal detail:

Unlawful burning on WDFW lands

WDFW's Proposal (Policy change): Would establish a strict liability standard for negligent fire-starters and allow entities that fight, investigate and litigate fires to recover costs through liens against responsible parties' land.

Unlawful purchase/use of a license

WDFW's Proposal (Technical change): Would make it illegal for residents of other countries who hold resident licenses in those countries to attempt to buy or possess a recreational license as a Washington resident.

Record-keeping requirements/Special permits reporting

WDFW's Proposal (Policy change): Would require taxidermists, fur dealers and meat cutters who process, hold, or store wildlife for valuable consideration to abide by WDFW rules for record-keeping and reporting requirements.

New definitions of resident license requirements

WDFW's Proposal (Policy and technical changes): Would allow active-duty military personnel to purchase resident licenses if they are permanently stationed in Washington, temporarily stationed on pre-deployment orders, or designate Washington on their military "State of Legal Residence Certificate" and do not have a resident license in another state or country. This proposal also clarifies qualifications for achieving residency status.

Alternate operator exemptions

WDFW's Proposal (Technical change): Aligns two conflicting statutes to reflect original legislative intent that alternate operators do not need to be designated on charter boat licenses.

License suspension for shooting another person/livestock

WDFW's Proposal (Policy and technical changes): Would increase penalties and allow hunting license suspension for anyone shooting a firearm, bow or crossbow in a manner likely to injure or kill— or who does injure or kill—another person or domestic livestock; provides for three-year suspension of hunting privileges for a shooting that could or does result in injury and provides for 10-year license suspension if a shooting results in a human death.

Penalties for taking protected wildlife

WDFW's Proposal (Policy change): Would impose a criminal penalty of \$2,000 and a two-year hunting license suspension for possessing or maliciously killing ferruginous hawk, common loon, bald eagle, peregrine falcon, tundra swan and/or trumpeter swan, most of which are sensitive species requiring additional protection

Feeding predatory wildlife

WDFW's Proposal (Policy change): Would make it an infraction to negligently feed or negligently attempt to feed predatory wildlife, and a misdemeanor to intentionally feed or to fail to remove food or attractants after a notice of violation has been issued. The measure would exempt generally accepted farming practices, waste-disposal facilities, zoos, legal wildlife and legal hunting or trapping.