

## Summary

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**Meeting dates:** September 4, 2014, Fish and Wildlife Commission Meeting

**Agenda item:** 2015 Agency Request Legislative Package

**Presenter(s):** Ann Larson, Legislative Liaison

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### **Background summary:**

WDFW's Executive Management Team has worked over the last six months preparing the agency's 2014 legislative request package. The Fish and Wildlife Commission received a full briefing on the package at its' August meeting in Olympia. The package consists of seven components. There have been several refinements since the August meeting that will be described by staff during the discussion at this meeting. The deadline for submission of agency-request legislation to OFM and the Governor's Office for the 2015 Legislative Session is September 17 for proposals with a fiscal impact and October 1 without a fiscal impact.

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

The agency request package is made up of several legislative proposals that include:

- Recreational License Fee Bill
  - Commercial License Fee Bill
  - Shellfish Excise Tax
  - Aquatic Invasive Species
  - PILT
  - Fishing Charter Guides
  - Hunting Under the Influence
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### **Public involvement process used and what you learned:**

Current stakeholder and outreach efforts are underway and will continue through the fall time period. Staff will work and refine the package as we get feedback and throughout the legislative process.

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### **Action requested:**

The Fish and Wildlife Commission is being requested to approve the legislative package as presented by staff.

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### **Draft motion language:**

I move that the Fish and wildlife Commission approve the 2014 agency request legislative proposals as presented for submission to the Governor's Office.

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### **Justification for Commission action:**

The Fish and Wildlife Commission sets policy for the Department of Fish and Wildlife, and is responsible for final review and approval of Department goals, objectives, and budget proposals (RCW 77.04.055).

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### **Communications Plan:**

Department staff will begin an extensive outreach process that includes multiple public workshops in different locations across the state in addition to our normal outreach efforts.

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# Washington Department of Fish and Wildlife

## Recreational and Commercial License Fee Revenue and Opportunities

FWC Conference Call- September 4

### Recreational Fee Components

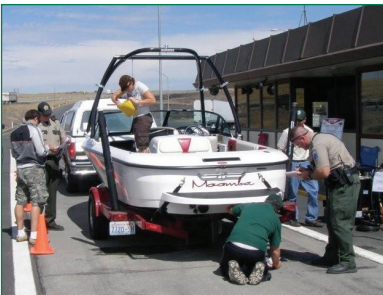
Revenue		Opportunities		
Fee Changes	Revenue Estimate	Description	Statement of Need	Minimum Annual Need
<p><b>Recreational Fishing License Fee Changes:</b></p> <p>Increases to all recreational fishing licenses. (Resident and Non-Resident including: Youth, Senior and Disabled Veterans)</p> <p>\$1.00 increase on annual combination licenses for all residents.</p> <p>\$2.00 increase for all other annual and temporary fishing licenses for all residents. Includes shellfish and razor clam licenses.</p> <p>\$5.00 increase on all non-resident annual and temporary fishing licenses including shellfish and razor clam licenses.</p>	<p>Revenue is estimated to be approximately \$2 million per year from all increases.</p> <p>Funding will be deposited into the non-restricted portion of the State Wildlife Account.</p>	<p><b>Sustainable Coastal Sport Fisheries</b></p>	<p>-Salmon/Steelhead Production on LCR and Coastal Rivers                      -0.5 FTE Enforcement Officer                      -Ocean Recreational Sampling                      -Recreational Coastal Advisory Group</p>	<p>\$921,000</p>
		<p><b>Sustainable Puget Sound Sport Fisheries</b></p>	<p>-New PS Hatchery Production                      -Long-Term Recreational Fishing Plans with Community                      -Targeted Enhancements to hatcheries, access areas, seasons                      -ESA Permitting Work</p>	<p>\$409,000</p>
		<p><b>Maintain Hatchery Infrastructure</b></p>	<p>-Recreational State hatchery preventative maintenance                      -Commercial Hatchery Maintenance included in Commercial Fees</p>	<p>\$461,000</p>
		<p><b>Protect Shellfish and Public Safety</b></p>	<p>-2.0 FTE Enforcement Officers to ensure that recreational shellfish clam and oyster resources are adequately protected, and to ensure that recreationalists harvest in areas that are safe for consumption.</p>	<p>\$302,000</p>
		<b>Annual Totals:</b>		<b>\$2,093,000</b>
<p><b>Hunting License Fee Changes</b></p>	<p>Various changes to hunting license fees estimated to net to zero.</p>	<p><b>Sustain and Expand Hunter Participation</b></p>	<p>Several fee adjustments seek to address reduced fees for disabled hunters, and other changes to increase participation in hunting.</p>	<p>\$0</p>
		<b>Annual Totals:</b>		<b>\$0</b>

## Commercial Fee Components

Revenue		Opportunities		
Fee Changes	Revenue Estimate	Description	Statement of Need	Minimum Annual Need
<p>Creates a NEW Commercial Salmon Endorsement required for all commercial resident and non-resident salmon fishing licenses. Endorsement price is <i>equal</i> to the cost of license fee + resident and non-resident surcharge + resident and non-resident application fee for each salmon license type. Current fees range from \$155.00 to \$735.00 per year.</p> <p>Following salmon license types are affected:</p> <p>Wholesale Salmon Dealers Direct Retail Endorsement Fish Buyer Salmon Delivery and Waivers Salmon Roe Gillnet and Waivers Purse Seine and Waivers Reef Net and Waivers Troll and Waivers Charter and Waivers Salmon Fishing Guides Food Fish Guide</p>	<p>Revenue is estimated to be approximately \$830,000 per year. Funding will be deposited into the non-restricted portion of the State Wildlife Account.</p>	<p><b>Sustain Commercial Salmon Fisheries</b></p>	<p>Salmon Production: Puget Sound, Grays Harbor, Willapa Bay and Lower Columbia River</p> <p>Hatchery Maintenance</p> <p>0.5 FTE Enforcement Officer</p> <p>Enhanced Commercial Fishery Monitoring: Willapa Bay, Grays Harbor and Lower Columbia River</p> <p>Commercial Troll Ocean Sampling</p> <p>ESA Permitting Work</p>	<p>\$815,000</p>
	<p>Additionally, \$200,000 per year will be requested from the state general fund to pay for Department's comanagement responsibility with Tribes</p>	<p><b>Tribal Comanagement Work</b></p> <p>Funding to come from GF-S request. Commercial or recreational license fees are not supporting this work.</p>	<p>ESA Permitting Work</p> <p>Negotiations with Tribal Comanagers</p>	<p>\$200,000</p>



# Aquatic invasive species prevention



## Problem:

The Washington Department of Fish and Wildlife (WDFW) strives to conserve and protect native fish and wildlife by preventing new aquatic invasive species (AIS) from becoming established in Washington State. However, funding for prevention efforts has been declining since 2007. Today there is broad consensus that the state's prevention effort requires additional resources to address the risks posed by these species.

Invasive species are plants, animals, and other organisms that can harm Washington's environment – and cause significant economic damage – by out-competing and displacing native and commercially grown species. Aquatic invasive species are commonly spread by shipping vessels and recreational boats and trailers, and by less obvious means such as on the soles of fishing boots or when home aquariums are emptied into lakes and streams.

Once established, AIS can threaten key sectors of the state's economy by damaging irrigation and water systems, clogging hydroelectric dam intakes, and undermining efforts to clean up Puget Sound and recover endangered fish stocks. For example, experts estimate it would cost hundreds of millions of dollars per year to combat an infestation of invasive zebra/quagga mussels in the Northwest.

Preventing the spread of AIS in Washington is challenging and unpredictable. Success requires vigilance against known and unknown threats, rapid response when they are discovered, and containment of species that have established themselves. However, current funding levels are inadequate to provide basic education and outreach, watercraft inspections, and ballast water management activities. State lawmakers made important progress in 2014 by strengthening the state's invasive species law (ESSB 6040), but the measure was not accompanied by the new funding required to implement the law and address existing gaps in prevention activities.

## Proposed solution

The Washington Department of Fish and Wildlife (WDFW) is asking state lawmakers to increase funding by \$1.8 million per year to start improving the state's ability to prevent and respond to AIS threats. Currently, the program receives \$485,000 per year for prevention and enforcement activities from a \$2 fee on recreational watercraft registrations and \$232,000 a year for ballast water management from the Aquatic Lands Enhancement Account.

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## Aquatic invasive species prevention



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The proposed new funding would be generated by:

- Redirecting 4 percent of the Watercraft Excise Tax into the AIS management program. Currently, all of this revenue goes to the state general fund;
- Giving recreational watercraft owners the option of donating \$5 for AIS management when they renew their annual registrations;
- Collecting a \$300 fee each time a shipping vessel arrives at a Washington port from out of state.

Successful prevention programs rely on a combination of outreach and education, vessel inspections, and enforcement efforts. Therefore, the department's proposal would:

- Increase the number of mandatory inspections of watercraft transported into the state from the current level of 3,000 to more than 10,000 per year. Inspections would target boats from the Great Lakes and lower Colorado River system, waters invested with zebra and quagga mussels;
- Establish a federal/state cooperative management agreement and develop recommendations to the 2017 Legislature for a comprehensive 10-year shipping vessel management program; and
- Enhance education and public outreach about AIS threats and responses, including prevention training for local districts and watercraft owners.

The proposal would enable WDFW to begin implementing recommendations by several state and regional organizations, including the Northwest Power and Conservation Council; the Pacific Northwest Economic Region; the Washington Invasive Species Council; and WDFW's Ballast Water Work Group.





# Strengthening charter stamp laws



## Problem:

Under state law, charter boat operators and fishing guides can purchase multiple fishing license stamps – each good for one day of fishing – from Washington Department of Fish and Wildlife (WDFW). The boat operators and fishing guides can then re-sell these stamps to anglers who arrive at the dock without a valid fishing license, avoiding delays in the day's fishing trip.

However, some charter boat operators and guides have avoided purchasing the proper number of stamps by intentionally reissuing previously used licenses to different customers.

Several investigations by WDFW Police officers have uncovered this activity, resulting in thousands of dollars – \$10,000 in one case alone – of lost fishing license revenue that should have gone to the state.

Unfortunately, these cases could not be prosecuted because of deficiencies in state law.

## Proposed solution:

WDFW proposes adding a new section to the Fish and Wildlife Enforcement Code (Chapter 77.15 RCW) to make it a crime for licensed game fish guides, food fish guides, or charter boat operators to fail to perform duties required under RCW 77.32.430 or violate any department rule regarding the sale, possession, issuing, or reporting of temporary fishing licenses, temporary short-term charter stamps, or catch record cards. Violation of this section is a gross misdemeanor.

The charter boat and guide fishing industry supports WDFW's proposal to create a criminal penalty associated with reissuing charter stamps.

## Benefits:

The goal is to discourage this behavior and help ensure the state does not lose revenue from licensing the industry's clients. In addition, the proposed changes would level the playing field for charter boat operators and fishing guides who properly license their clients.



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# Protecting public safety, shellfish industry



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## Problem:

Shellfish, such as clams and oysters, thrive along many of Washington's shorelines, offering recreational harvest opportunities and helping to support a multimillion dollar commercial industry that continues to grow.

But as demand for Washington's shellfish increases both locally and internationally, the black market for this resource appears to be growing as well.

In one recent case alone, Washington Department of Fish and Wildlife (WDFW) police officers confiscated more than \$2 million in shellfish stolen from public and private tidelands in Puget Sound, successfully preventing tens of thousands of pounds of potentially contaminated clams and oysters from entering the marketplace.

WDFW police officers are charged with protecting the state's natural resources and enforcing laws specifically designed to ensure only safe shellfish are available for recreational and commercial harvest.

However, current funding levels do not provide adequate enforcement at the marketplace, shipping terminals and along Washington's beaches, where only half of the harvestable tides are patrolled.

This lack of funding threatens the sustainability of the resource, the safety of consumers and the reputation and viability of an important industry, which currently injects about \$270 million a year into the region's economy and provides more than 3,200 jobs.

## Proposed solution:

WDFW is requesting an increase in funding to add 10 full-time positions – nine patrol officers and one detective – to help protect the resource and meet the demands of enforcing sanitary shellfish laws vital to the safety of consumers and the state's industry.

These additional officers would be stationed in shellfish producing areas to increase the frequency of patrols along the hundreds of miles of harvestable tidelands, at the region's marketplaces, shipping terminals and border crossings, as well as investigations of large-scale commercial violations and illegal trafficking.



# Protecting public safety, shellfish industry



Increasing harvestable shell fish acres requires additional Officer presence to protect this resource

"The Puget Sound Partnership has targeted a net increase from 2007 to 2020 of 10,800 harvestable shell fish acres, which includes 7,000 acres where harvest is currently prohibited in Puget Sound."

(Washington Shellfish Initiative 2011)

## Benefits:

Increased enforcement would help:

- **Protect public safety.** In 2013, the Washington Department of Health reported 109 cases of vibriosis, an intestinal disease caused by eating shellfish with elevated levels of bacteria. However, the actual number of illnesses was likely much higher. For every illness reported, up to 156 cases go unreported, according to the Centers for Disease Control and Prevention.

Additional officers would allow for a greater enforcement along Washington's beaches, helping to ensure shellfish is only harvested from certified tidelands.

- **Maintain consumer confidence.** Safety concerns can diminish consumer confidence and quickly reduce the demand for Washington's shellfish locally, nationally and overseas.

That was the case in December 2013, when China banned shellfish imports from Washington after tests showed high levels of inorganic arsenic in a clam from Puget Sound. The five-month long ban cost Washington's shellfish industry hundreds of thousands of dollars a week.

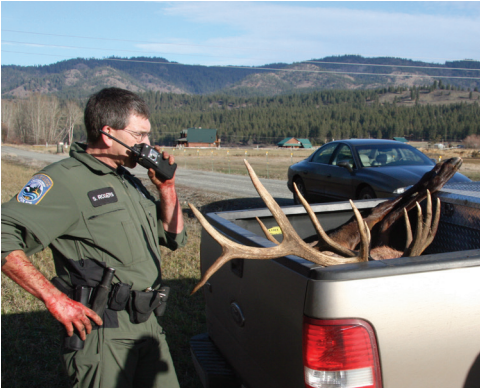
- **Sustain the resource.** An effective enforcement presence helps protect the resource and maintain a sustainable population of clams and oysters for the state's shellfish industry and future generations of recreational harvesters.







# Hunting while intoxicated



## Problem:

Hunting while intoxicated is against the law in Washington and most other states. Here and elsewhere, lawmakers have long recognized the inherent risk this activity poses to public safety and have taken steps to prevent it. Yet, Washington state's law (RCW 77.15.675) is extremely difficult to enforce. One reason is that it does not require hunters suspected of being intoxicated in the field to take a breath test, depriving officers of this important piece of evidence. As a result, prosecutors often decline a case that is based entirely on an officer's observation. In addition, the current law does not authorize a mandatory suspension of hunting privileges upon conviction, which would otherwise constitute a powerful deterrent to this behavior.

## Solution:

Amend RCW 77.15.675 to include an "implied consent" provision that would penalize hunters who refuse to take a breath test or field test (e.g. walking in a straight line) when probable cause of a violation exists. Also, allow the Washington Department of Fish and Wildlife (WDFW) to immediately revoke and suspend the hunting licenses and privileges of those convicted of hunting while intoxicated by alcohol or drugs.

## Benefits:

The state's Hunter Education student manual describes drinking while hunting as a "Deadly Mix." This bill addresses this behavior accordingly, and aligns the law with other offenses, such as driving under the influence. It will help to convict and appropriately penalize those who abuse alcohol and other drugs while hunting. Perhaps more important, the increased chance of prosecution and loss of hunting privileges will present a powerful deterrent to those tempted to engage in this dangerous behavior.

## The proposed legislation would:

1. Increase the clarity of the elements of the offense;
2. Apply implied consent to a breath test while hunting in Washington;
3. Mirror boating while intoxicated and driving while intoxicated laws that penalize failing to provide a breath test when probable cause exists; and
4. Impose a mandatory suspension of hunting licenses and privileges for two (2) years upon conviction for a first-time offense and ten (10) years upon conviction if the person has a previous conviction under RCW 77.15.675.



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## Background:

WDFW officers have reported that enforcing RCW 77.15.675 is problematic due to the law's lack of specificity. The statute, in its entirety, currently reads:

*(1) A person is guilty of hunting while under the influence of intoxicating liquor or drugs if the person hunts wild animals or wild birds while under the influence of intoxicating liquor or drugs.*

*(2) Hunting while under the influence of intoxicating liquor or drugs is a gross misdemeanor.*

While the law does prescribe penalties, prosecution is difficult because it does not require hunters to take a breath or field-sobriety test. As a result, prosecutors often decline to take these cases due to a lack of objective evidence.

Moreover, a conviction under RCW 77.15.675 does not result in automatic revocation and suspension of the violator's hunting licenses and privileges. Under current law, the only option for removing those licenses and privileges for hunters found to be intoxicated is RCW 77.15.700, which requires three violations of "recreational hunting or fishing laws" – including intoxication in the field – over a 10-year period.

This is out of sync with other offenses that do not involve such a high risk to public safety, such as unlawful hunting of big game, which carry automatic suspension of privileges upon conviction. If a person injures another person or livestock while hunting, no conviction is needed to suspend licenses and privileges under RCW 77.15.720. Considering these other statutes, it makes sense to include automatic suspension of hunting licenses and privileges upon a conviction under RCW 77.15.675.

DRAFT



## Reforming the Payments 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.

Under current state law (RCW 77.12.203), counties may choose to base PILT collections on one of three different rates:

- The rate paid for private land in open-space classification, or
- 70 cents per acre, or
- The amount of PILT paid on the parcel in 1984.

As an alternative to PILT, counties may elect to retain game violation fines and forfeitures collected by WDFW within their borders.

Some counties, however, have expressed frustration with the PILT program after the state Legislature froze those payments two years ago to levels paid to the counties in 2009. That dissatisfaction has led to a lack of support from local officials for WDFW land purchases in some counties.

Gov. Jay Inslee last year directed the state Department of Revenue to work with WDFW and the Office of Financial Management to review the methodology used to calculate the payments and develop recommendations to revise the program. The state Association of Counties participated in the study, as did several county assessors.

The study resulted in three recommendations:

- Use a single calculation method for PILT based upon open space valuation, and remove the requirement that payments are frozen to 2009 levels; and
- Remove the requirement for the counties to choose between receiving fees, fines and forfeitures or PILT; and
- Have the PILT payments made through the State Treasurer's Office rather than WDFW.

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## **Recommendation:**

WDFW is proposing legislation that incorporates the first two recommendations.

The recommendation of the workgroup to have PILT payments made through the Office of the State Treasurer is not included in WDFW's proposal. Instead, the department, which maintains the parcel records and coordinates the ledger, would continue to make the payments directly to the counties, allowing for an efficient process. This would also allow WDFW to maintain a direct relationship with county officials.

## **Benefits:**

This legislation will clarify the process by establishing a single method for calculating PILT payments, and ensure counties receive an equitable amount in PILT when WDFW acquires land and removes the property from the county's tax rolls.

Revising the program and addressing the concerns expressed by county officials also will help WDFW gain local support for the acquisition of properties to protect critical fish and wildlife habitat and allow for outdoor recreation.

