

**Item #7 : WAC Overhaul Technical Amendments and Repeal – Batch 5 –
Rule Briefing and Public Hearing**

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Summary

Meeting dates: November 8-9, 2013

Agenda item: WAC Overhaul Technical Amendments and Repeal, Batch 5
Briefing and Public Hearing

Presenter(s): Joanna Eide, Administrative Regulations Analyst

Background summary:

A WAC overhaul project is currently underway to update, reorganize, and streamline the department's administrative code. The department's RCWs were combined and updated after the department of wildlife and the department of fisheries merged into one department, but the WACs of the respective agencies were never consolidated and streamlined. This resulted in disorganization, redundancy and lingering outdated rules and references to the former departments.

The department's administrative code needs to be updated, reorganized, and consolidated under one WAC title. To accomplish the reorganization, the department has brought several batches of technical rule changes to the Commission to increase clarity, uniformity, adequacy, and accuracy of department rules, and to repeal outdated and unnecessary rules. These batches of rule changes are to prepare for the renumbering and reorganization of the department's WACs. This agenda item is to brief the Commission and hold a public hearing on the fifth batch of technical rule changes associated with the WAC Overhaul.

The proposal amends WAC sections to update and clarify rules relating to sales of oysters and clams from state reserves and fish receiving ticket rules. The proposal includes:

- Corrections to WAC and RCW references
- Technical changes and organizational improvements for clarity
- Updates to contact information
- New language to reflect a new treaty Indian shellfish ticket already in use

Policy issue(s) you are bringing to the Commission for consideration: None. The proposed changes in this rulemaking project are technical in nature.

Public involvement process used and what you learned: A public hearing will be held in conjunction with the Commission briefing during the November Fish and Wildlife Commission Meeting. The department also sent notification of proposed rule changes to members of the public who indicated that they wished to be notified of proposed rule changes. The department contacted industry stakeholders (licensed wholesale dealers, etc.) to notify them of the proposed rule changes.

Action requested: N/A

Draft motion language: N/A

Justification for Commission action: Rule language is supposed to be efficient, clear, legally adequate and accurate. The proposed amendments are in accordance with and will promote these goals. Additionally, the proposed changes remove the requirement to mail in a hard copy of a fish receiving ticket if a person chooses to satisfy quick reporting requirements for salmon and sturgeon by submitting a copy of the ticket electronically. This will reduce redundancy and make reporting easier for people who choose to take advantage of this option. Contact information for reporting and statutory references are also updated so commercial fishers can better understand requirements. Lastly, the amendments incorporate provisions for a treaty Indian shellfish receiving ticket already in use, making the rule provisions in-line with actual practice.

Communications Plan: This rule proposal is listed on the department's website on the Current Rule Making Activities page. The department sent notification of the rule change proposal to members of the public who expressed interest in receiving notification of proposed rule changes. The department also shared the proposed rule changes with stakeholders. Because the rule changes in this proposal are largely technical in nature, no extensive formal communications plan was needed.

Form revised 12/5/12



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Preproposal Statement of Inquiry was filed as WSR 12-19-090 on 9/19/12;
 or
 Expedited Rule Making--Proposed notice was filed as WSR _____; or
 Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Original Notice
 Supplemental Notice to WSR _____
 Continuance of WSR _____

Title of rule and other identifying information: The title of this project is "Technical WAC amendments and repeal, Round 5 (Changes to commercial fishing rules, reporting rules, and other WACs)" as found on the department's rulemaking activity web page. This project involves changes to rules relating to oyster reserve sales and fish receiving tickets. See Attachment A for a complete list of rules included in this rule-making.

Hearing location(s):
 Natural Resources Building,
 First Floor, Room 172
 1111 Washington St. SE
 Olympia, WA 98504

Date: November 8-9, 2013 Time: 8:30 a.m.

Submit written comments to:

Name: Joanna Eide
 Address: Enforcement Program
 600 Capitol Way N., Olympia, WA 98501
 E-mail: Joanna.Eide@dfw.wa.gov
 Fax: (360) 902-2155 by (date) October 31, 2013

Assistance for persons with disabilities: Contact:

Tami Lininger by October 31, 2013

TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: On or after December 6, 2013
 (Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Washington Department of Fish and Wildlife's (WDFW's) administrative code is in need of updating and consolidation. This proposed rule-making is to streamline, reorganize, and update rules in accordance with the WAC Overhaul Project currently underway. This rule project updates, clarifies, and streamlines language in oyster reserve sales rules and fish receiving ticket rules, and removes the requirement to submit a hard copy of a fish receiving ticket for those people who submit an electronic PDF of a fish receiving ticket to satisfy quick-reporting requirements for salmon and sturgeon. Changes also implement a treaty Indian shellfish receiving ticket, replacing the use of an outdated form that did not specifically capture shellfish species harvested under a treaty right. The proposed changes include updates to RCW references and penalty language due to statute changes.

Reasons supporting proposal: WDFW needs these changes to increase efficiency, functionality, and clarity of the rules within WDFW's administrative code. The changes promote increases in conservation and the availability of resources, clarity for stakeholders and the department, and flexibility for people using electronic means to submit fish tickets for salmon and sturgeon quick-reporting.

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.04.055, 77.15.045, and 77.12.047.

Statute being implemented: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047.

Is rule necessary because of a:

Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION:

DATE
 October 2, 2013

NAME (type or print)
 Joanna Eide

SIGNATURE

TITLE
 Administrative Regulations Analyst/Acting Rules Coordinator

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED**

**DATE: October 02, 2013
 TIME: 10:10 AM**

WSR 13-20-136

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: Washington Department of Fish and Wildlife.

- Private
- Public
- Governmental

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
|---------------------|--------------------|---|----------------|
| Drafting..... | Joanna Eide | 1111 Washington St. SE, Olympia, WA 98504 | (360) 902-2403 |
| Implementation..... | Captain Mike Cenci | 1111 Washington St. SE, Olympia, WA 98504 | (360) 902-2938 |
| Enforcement..... | Chief Steve Crown | 1111 Washington St. SE, Olympia, WA 98504 | (360) 902-2373 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Joanna Eide

Address:

WDFW Enforcement
 600 Capitol Way N
 Olympia, WA 98501
 phone (360) 902-2403
 fax (360) 902-2155
 e-mail Joanna.eide@dfw.wa.gov

No. Explain why no statement was prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____
 fax () _____
 e-mail _____

No: Please explain: These proposals do not involve hydraulics.

Attachment A

The following WAC chapter and sections are involved in this rulemaking:

| | |
|------------------|---|
| Chapter 220-60 | Oysters and clams—Sales from state reserves. |
| WAC 220-69-210 | Definitions. |
| WAC 220-69-230 | Description of Washington state nontreaty fish receiving tickets. |
| WAC 220-69-234 | Description of treaty Indian fish receiving ticket. |
| WAC 220-69-240 | Duties of commercial purchasers and receivers. |
| WAC 220-69-241 | Duties of commercial fishers. |
| WAC 220-69-243 | Duties of aquatic farmers. |
| WAC 220-69-250 | Required information on nontreaty fish receiving tickets. |
| WAC 220-69-254 | Required information on treaty Indian fish receiving tickets. |
| WAC 220-69-260 | Distribution of copies of nontreaty fish receiving tickets. |
| WAC 220-69-264 | Distribution of copies of treaty Indian fish receiving tickets. |
| WAC 220-69-26401 | Distribution of copies of shellfish receiving ticket. |
| WAC 220-69-280 | Fish receiving ticket accountability. |

Small Business Economic Impact Statement WAC Overhaul Round 5 Oyster Reserve Sales and Fish Receiving Tickets

1. Description of the reporting, record keeping, and other compliance requirements of the proposed rule:

This proposed rule change involves documentation, record keeping, and reporting requirements for small businesses engaged in commercial fishing, fish dealing, and fish buying. Required information includes quick reporting information, summary data reporting, and fish receiving tickets. The underlying requirements are mostly unchanged, though the project clarifies language and improves rule structure, and updates references and contact information.

This rule making adds specific provisions for a new treaty Indian shellfish receiving ticket. However, these requirements are not new as the underlying reporting requirements have been in effect for some time; the information was merely reported on a general treaty Indian fish receiving ticket which did not delineate species. The changes to WAC 220-69-234 are to implement a separate treaty Indian shellfish receiving ticket already developed and in use by the Fish Program. The new treaty Indian shellfish receiving ticket requires the same information, including some additional detail specific to shellfish. The new form should not result in increased workload and time for small businesses as these businesses already had to provide this information. In fact, the new form may make reporting easier on small businesses.

The project also involves reporting information for quick reporting and summary data reporting. Most changes to these provisions are technical, though one specific change will affect small businesses. This change is removing the requirement to mail in a hard copy of a fish receiving ticket to the department if the person chooses to satisfy quick reporting requirements for salmon and sturgeon by electronically sending in the fish receiving ticket in portable document format (PDF).

There are reporting, permit, and contact requirements involved in the rules relating to clam and oyster sales on state reserves, however, changes to these rules are technical and no new provisions or requirements are proposed.

2. Kinds of professional services that a small business is likely to need in order to comply with such requirements:

There are no professional service requirements for a small business to comply with the requirements.

3. Costs of compliance for businesses, including costs of equipment, supplies, labor, and increased administrative costs:

The costs of compliance with the provisions within the proposal may be in employee/owner working time, but any costs will be negligible as the requirements for the treaty Indian shellfish receiving ticket are essentially the same as the requirements that have been in effect for some time. A new, separate form specific to treaty Indian shellfish is proposed instead of having to report the same information on a treaty Indian fish receiving ticket.

Small businesses that take advantage of new electronic reporting requirements for quick reporting and fish receiving ticket submission may actually reduce costs to small businesses. This change actually increases flexibility in reporting requirements and may actually reduce costs for small businesses as they will not have to pay for printing and postage if they choose to send the fish receiving ticket in a PDF to the department. Additionally, there are no software costs associated with taking advantage of this reporting capability since software to make and view PDFs is generally free.

4. Will compliance with the rule cause businesses to lose sales or revenue?

No. Compliance with the changes to department requirements in this rule making will not cause businesses to lose sales or revenue. Most of the changes are technical and do not change or increase requirements for small businesses. The changes merely clarify pre-existing requirements and correct contact information and references.

5. Cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules, using one or more of the following as a basis for comparing costs:

- 1. Cost per employee;**
- 2. Cost per hour of labor; or**
- 3. Cost per one hundred dollars of sales.**

The costs of complying with the proposed changes to the rules in this project will be negligible as most changes are technical and do not increase any pre-existing requirements. The change in this rule project regarding allowing PDFs of fish tickets to serve as meeting both the quick-reporting requirements for salmon and sturgeon, and the general submission of the fish ticket to the department increases flexibility and may actually reduce costs of compliance for small businesses.

6. Steps taken by the agency to reduce the costs of the rule on small businesses, or reasonable justification for not doing so:

Costs are negligible, the requirements already apply to small businesses, and changes to the rule are technical in nature. The department took steps to reduce costs associated with fish ticket reporting for salmon and sturgeon by allowing those who use PDFs of fish receiving

tickets to satisfy quick-reporting requirements for salmon and sturgeon to avoid costs of mailing hard copies to the department.

7. A description of how the agency will involve small businesses in the development of the rule:

The department has received feedback from those who use fish tickets that they are interested in exploring ways to satisfy reporting requirements electronically. The changes to fish receiving ticket rules to allow those who use PDFs of fish receiving tickets to satisfy quick-reporting requirements for salmon and sturgeon is the first step toward more electronic fish receiving ticket reporting. The department is currently exploring future programs to increase electronic reporting for commercial fishing, fish dealing, and fish buying. The department will involve small business stakeholders in developing any plans for additional electronic reporting.

WDFW sends out a notice of proposed rule-making projects after the proposed rule changes are filed to people who notified the department that they are interested in the department's rule-making activities. This notice directs those people to information on how they can participate in the rule-making process and comment on proposed changes.

8. A list of industries that will be required to comply with the rule:

Commercial fishers, commercial fish processors, and people engaged in commercial activity involving fish or wildlife must comply with fish receiving reporting requirements. Additionally, small businesses that purchase clams or oysters from state clam and oyster reserves are required to comply with department rules related to those purchases.

AMENDATORY SECTION (Amending WSR 04-01-054, filed 12/11/03, effective 1/11/04)

WAC 220-60-010 ((Publishing)) State oyster reserves sales-Notice ((of)) for sales over 50 bushels. (1) Sales of oysters ((and/)) or clams from ((the)) state oyster reserves ((of the state)) in excess of 50 bushels ((shall take place only after)) must occur by bid at public auction.

(2) The department must publish notice of ((such)) sales ((has been published)) of over 50 bushels of oysters or clams from state oyster reserves in one newspaper of general circulation in the area ((in which such)) where the state oyster reserves sales ((shall)) will occur before the oyster reserves sale may take place.

AMENDATORY SECTION (Amending Order 248, filed 3/1/60)

WAC 220-60-040 ((Loads to be measured.)) State oyster reserves sales-Harvest and measuring loads. ((Before each)) (1) Oyster harvest from state reserves must occur under the supervision of authorized department personnel. Harvest from state reserves may only occur as specified in writing in the department contract with the harvester.

(2) Purchasers must contact department personnel to measure loads of oysters or clams before leaving a state oyster reserve. It is unlawful for any scow, ((or)) dredge, or other conveyance((r)) containing oysters or clams to leave((s any)) a state oyster reserve((r the person in charge of such scow or dredge shall contact the nearest authorized agent of the director for measuring the load. Such load shall not be removed from the reserve without permission of the director or his authorized agent. Invoices will be issued in triplicate, showing the number of bushels and/or pounds in each such load. One copy of such invoice shall be given to the buyer, one copy shall be forwarded to the central office of the department, and the third copy shall be retained by the authorized agent of the director)) unless department personnel grants permission to leave the reserve.

(3) A violation of subsection (1) or (2) of this section is a gross misdemeanor under RCW 77.15.560, Commercial fish, shellfish harvest or delivery-Failure to report-Penalty.

AMENDATORY SECTION (Amending Order 1179, filed 11/19/74)

WAC 220-60-050 State oyster reserves sales-Invoices and Payment. ((All)) (1) The department issues invoices for loads of oysters or clams leaving state reserves in triplicate. Invoices must show the number of bushels or pounds in each load of oysters or clams. The department agent must retain a copy of the invoice, give one copy to the buyer, and forward a copy to the department's central office.

(2) Purchasers of oysters or clams from ((any of the)) state oyster reserves ((shall make remittance)) must pay for purchases by bank draft or check payable to the treasurer of the state of Washington((r and shall render such)). Purchasers must make payments to ((the)) au-

thorized (~~(agent of the director)~~) department personnel by the Friday of (~~each~~) the week following the week (~~(for)~~) invoices (~~(of the previous week)~~) are issued.

AMENDATORY SECTION (Amending Order 248, filed 3/1/60)

WAC 220-60-060 State oyster reserves sales-Oyster growers' associations-Representative. (~~(Any)~~) and organized oyster growers' association may, at (~~(its discretion)~~) the association's expense, appoint a (~~(qualified)~~) representative to be present (~~(at any or all times)~~) during purchases of oysters (~~(and/)~~) or clams from state oyster reserves. (~~(Such)~~) The representative (~~(shall)~~) will have access to the department's boat and all records pertaining to (~~(such)~~) those state oyster reserves sales. (~~(Any expenses of such representative shall not be borne by the department of fisheries.)~~)

AMENDATORY SECTION (Amending WSR 85-24-045, filed 11/27/85)

WAC 220-60-070 State oyster reserves sales-Purchasers' licenses. (~~(All)~~) (1) It is unlawful for purchasers of oysters or clams from (~~(any of the)~~) state oyster reserves (~~(shall, in advance of the removal of)~~) to remove any oysters (~~(and/)~~) or clams from any (~~(such)~~) state oyster reserve (~~(, obtain from the department)~~) without first obtaining an oyster reserve license from the department as required by RCW (~~(75.28.290)~~) 77.65.260.

(2) A violation of this section is a gross misdemeanor or class C felony under RCW 77.15.500, Commercial fishing without a license-Penalty, depending on the circumstances of the violation.

AMENDATORY SECTION (Amending WSR 85-24-045, filed 11/27/85)

WAC 220-60-080 State oyster reserves sales-Director may limit use of licenses. (~~(Nothing in this chapter shall prevent the director or his authorized agent from limiting)~~) The department may limit the number of bushels of oysters or pounds of clams (~~(which may be)~~) sold to (~~(any one)~~) an oyster reserve licensee. The department (~~(of fisheries reserves the right to)~~) may also limit the number of dredges operated by (~~(any one)~~) a licensee.

AMENDATORY SECTION (Amending WSR 85-24-045, filed 11/27/85)

WAC 220-60-090 (~~(Director to establish)~~) State oyster reserves sales-Broodstock sale prices. (1) Sale of oysters from the state oyster reserves (~~(for broodstock purposes)~~) to registered oyster farmers for broodstock purposes in amounts of 50 bushels or less may occur at

a price established by the director (~~(taking into)~~) that accounts for costs associated with the sale(~~(, but in no event may)~~). However, the director's established price cannot be less than the average price paid at the (~~(latest)~~) most recent bid sale.

(2) Sales of oysters for broodstock purposes in amounts over 50 bushels (~~(shall be)~~) must occur by bid at public auction.

AMENDATORY SECTION (Amending WSR 12-04-028, filed 1/26/12, effective 2/26/12)

WAC 220-69-210 Fish receiving ticket definitions. The following definitions apply to this chapter:

(1) "Broker" means a person whose business it is to bring a seller of fish and shellfish and a purchaser of those fish and shellfish together. A broker is not required to have a wholesale fish dealer's license if the fish or shellfish only transit the state of Washington, and no storage, handling, processing, or repackaging occurs within the state.

(2) A broker who takes physical possession of fish or shellfish is an original receiver and ~~((is required to))~~ must complete a fish receiving ticket. A broker acting strictly as an intermediary is not required to complete a fish receiving ticket for fish or shellfish that are delivered to an original receiver in the state of Washington. A broker ~~((is required to))~~ must complete a fish receiving ticket for brokering an interstate or foreign sale from a Washington fisher who is not a holder of a direct retail endorsement, or a sale of fish or shellfish that have entered the state from another state, territory, or country, if the fish or shellfish are placed into interstate or foreign commerce without having been delivered to an original receiver in the state of Washington.

~~(3) ("Buyer" means a person who receives fish or shellfish and who is required to complete a fish receiving ticket. A wholesale fish dealer or a retail seller who directly receives fish or shellfish from a commercial fisher or receives fish or shellfish in interstate or foreign commerce is acting in the capacity of a buyer and is required to complete a fish receiving ticket. A buyer who is acting as an agent for a wholesale fish dealer is required to have a fish buyer's license.~~

~~(4))~~ "Department" means ~~((+))~~ the Washington Department of Fish and Wildlife, ~~((Information Systems))~~ Fish Program - Commercial Harvest Data Team, 600 Capitol Way North, Olympia, Washington 98501-1091.

~~((5))~~ (4) "Delivery" means arrival at a place or port and includes arrivals from offshore waters to waters within the state, arrivals ashore from state or offshore waters, and arrivals within the state from interstate or foreign commerce.

~~((6))~~ (5) "Electronic fish receiving ticket" means the ground-fish catch reporting system described in 50 C.F.R. § 660.113 (b)(4) (ii) that is used to submit harvest and fishing information to the department and the National Marine Fisheries Service.

~~((7))~~ (6) "Fish" means food fish classified under WAC 220-12-010 and game fish taken by treaty fishers and sold commercially.

(7) "Fish buyer" or "buyer" means a person who receives fish or shellfish and who is required to complete a fish receiving ticket. A wholesale fish dealer or a retail seller who directly receives fish or shellfish taken by a commercial fisher, or receives fish or shellfish in interstate or foreign commerce is acting in the capacity of a buyer and is required to complete a fish receiving ticket. A buyer who is acting as an agent for a wholesale fish dealer is required to have a fish buyer's license issued by the department.

(8) "Fish receiving ticket" means a document produced by the department for commercial catch accounting purposes and includes non-treaty fish receiving tickets, such as Puget Sound salmon, troll, ma-

rine, utility, and shellfish receiving tickets; treaty Indian fish receiving tickets; and treaty Indian shellfish receiving tickets.

~~((9))~~ (9) "Fisher" means a ~~((Washington licensed commercial fisher or holder of a delivery permit))~~ person engaged in commercial fishing activities.

~~((10))~~ (10) "Fresh" means unprocessed and unfrozen, regardless of whether the fish or shellfish are in the round, cleaned, or packaged for retail sale.

~~((11))~~ (11) "Frozen" means completely frozen throughout. Flash frozen and surface glaze frozen fish and shellfish are unfrozen fish and shellfish.

~~((12))~~ (12) "Nontreaty" means all entities not qualified by definition as "treaty."

~~((13))~~ (13) "Original receiver" or "receiver" means the first person in possession of fish or shellfish in the state of Washington who is acting in the capacity of a buyer. A fisher who is not the holder of a direct retail endorsement and who sells fish or shellfish to anyone other than a dealer, or a fisher who delivers fish or shellfish and places the fish or shellfish into interstate or foreign commerce, is the original receiver of the fish or shellfish. A cold storage facility that holds fish or shellfish for a fisher is not an original receiver, provided that the facility does not process, package, or otherwise handle the fish or shellfish. A person transporting fish or shellfish on behalf of a fisher, and who is in possession of an accurately completed commercial food fish and shellfish transportation ticket, is not an original receiver, provided that the fish or shellfish are transported only to a cold storage facility or to a buyer.

~~((14))~~ (14) "Processed" means preparing and preserving, and requires a wholesale fish dealer's license. Preserving includes treating with heat, including smoking and kippering. Cooked crab is processed. Preserving also includes freezing fish and shellfish.

~~((15))~~ (15) "Shellfish" means shellfish classified under WAC 220-12-020.

~~((16))~~ (16) "Treaty" and "treaty Indian," for purposes of fish receiving tickets only, means persons who are members of federally recognized Indian tribes that are entitled to harvest fish or shellfish under the Makah, Medicine Creek, Nez Perce, Point Elliott, Point-No-Point, Quinault, Umatilla and Walla Walla, and Yakima treaties, or persons who are members of federally recognized treaty tribes whose reservations are located within Washington state and who harvest fish or shellfish within their tribe's reservation.

~~((17))~~ (17) "Wholesale fish dealer" or "dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barter, or exchanges or attempts to sell, barter, or exchange fish or shellfish that have been landed into the state of Washington or entered the state of Washington in interstate or foreign commerce. A wholesale fish dealer ~~((is required to))~~ must be licensed. A fisher who is not a holder of a direct retail endorsement and sells fish or shellfish to anyone other than a wholesale fish dealer is required to have a wholesale dealer's license. A retail seller who receives fish or shellfish in interstate or foreign commerce, or from a person who is not a wholesale fish dealer, is required to have a wholesale fish dealer's license.

~~((18))~~ (18) "Working day" means Monday through Friday, exclusive of a Washington state or federal holiday.

AMENDATORY SECTION (Amending WSR 12-04-028 and 12-05-009, filed 1/26/12 and 2/3/12, effective 2/26/12 and 3/5/12)

WAC 220-69-240 Duties of commercial purchasers and receivers. (1) It is unlawful for any person originally receiving or buying fresh ~~((or))~~, iced ~~((fish or shellfish))~~, or frozen fish or shellfish ~~((that have))~~, whether or not ((been)) the fish or shellfish was previously delivered in another state, territory, or country, ((except purchases or receipts made by individuals or consumers at retail,)) to fail to:

(a) Be a licensed wholesale fish dealer or fish buyer; ~~((or))~~ and
(b) Immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities. ~~((Each delivery))~~

(i) The original receiver must ((be recorded)) record each delivery on a separate fish receiving ticket; and

(ii) The original receiver must prepare a fish receiving ticket for purchases of fish or shellfish from fishers who are also fish dealers if the fisher/dealer has not previously completed a fish receiving ticket and provided a copy of the fish receiving ticket or the ticket number as proof.

(2) ~~((This section does))~~ Failure to be licensed under subsection (1) of this section is punishable under RCW 77.15.620. Failure to properly prepare a fish receiving ticket is punishable under RCW 77.15.630.

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. If delivery of the catch takes more than one day, the original receiver must enter the date that the delivery is completed on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the date the vessel leaves the delivery site on the fish receiving ticket.

(4) It is unlawful for any original receiver of shellfish to fail to record all shellfish aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish that are unmarketable, discards, or weigh backs must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for those fish or shellfish.

(5) Any employee of a licensed wholesale dealer who is authorized to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its plant locations as declared on the license application, is authorized to initiate and sign fish receiving tickets on behalf of his or her employer. The business, firm, and/or licensed wholesale fish dealer the buyers are operating under is responsible for the accuracy and legibility of all documents initiated in its name.

(6) This section does not apply to purchases or receipts made by individuals or consumers at retail.

(7) Subsections (1) through (4) of this section do not apply to persons delivering or receiving fish taken under the Pacific Coast Groundfish Shoreside Individual Fishing Quota (IFQ) Program (50 C.F.R. § 660.140) who are in compliance with the provisions of WAC 220-69-250(5) and who:

(a) Complete electronic fish receiving tickets prior to either processing fish or removing the fish from the delivery site; and

(b) Electronically submit the electronic fish receiving tickets to the National Marine Fisheries Service and the department no later than twenty-four hours after the date the fish are received.

(c) Electronically submit any amendments made to the mandatory information required under WAC 220-69-256 after the initial submission required under (b) of this subsection.

~~((3))~~ (8) For purposes of this section ~~((7))~~;

(a) The term "completed" means that scale weights have been recorded for all delivered fish ~~((7))~~; and

(b) The term "submitted" means that all mandatory information required under WAC 220-69-256 has been entered and timelines under subsection ~~((2))~~ (7)(b) of this section have been met.

~~((4)) Failure to be licensed under subsection (1) of this section is punishable under RCW 77.15.620. Failure to properly prepare a fish receiving ticket is punishable under RCW 77.15.630.~~

~~(5) It is unlawful for any person originally receiving fresh or iced fish or shellfish previously delivered in another state, territory, or country, to fail to be a licensed wholesale fish dealer or fish buyer, and to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities. Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.~~

~~(6) It is unlawful for any original receiver of shellfish to fail to record all shellfish aboard the vessel making the delivery to the original receiver. The poundage of any fish or shellfish deemed to be unmarketable, discards, or weigh backs must be shown on the fish receiving ticket and identified as such, but a zero dollar value may be entered for such fish or shellfish. Failure to prepare a fish receiving ticket under this subsection is punishable under RCW 77.15.630.~~

~~(7) Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its plant locations as declared on the license application, shall be authorized to initiate and sign fish receiving tickets on behalf of his or her employer. The business, firm, and/or licensed wholesale fish dealer who the buyers are operating under shall be responsible for the accuracy and legibility of all such documents initiated in its name.~~

~~(8) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. Should the delivery of the catch take more than one day, the date that the delivery is completed must be entered on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the current date on the fish receiving ticket. Violation of this subsection is punishable under RCW 77.15.630.)~~

(9) Forage fish:

(a) It is unlawful for any person receiving forage fish to fail to report the forage fish on fish receiving tickets initiated and completed on the day the forage fish are delivered.

(i) Herring ~~((are))~~ must also ~~((required to))~~ be reported on herring harvest logs.

(ii) The harvested amount of forage fish must be entered upon the fish ticket when the forage fish are off-loaded from the catcher vessel.

(iii) An estimate of herring, candlefish, anchovy, or sardine caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

(b) In the coastal sardine fishery, it is unlawful to purchase, per sardine fishery vessel, more than fifteen percent cumulative weight of sardines for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products, for purposes other than human consumption or fishing bait during the sardine fishery season. Sardines purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(c) In any forage fish fishery, it is unlawful to purchase anchovy in excess of fifteen percent, by weight, of the total landing weight per vessel, for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products. Anchovy purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

~~((d) Any violation under this subsection is a gross misdemeanor, punishable under RCW 77.15.630.))~~

(10) Geoduck: It is unlawful for any person receiving geoduck, ~~((regardless of))~~ whether or not the receiver holds a license as required under Title 77 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual delivery of geoduck from the harvesting vessel onto the shore. This fish receiving ticket ~~((shall))~~ must accompany the harvested geoduck from the department of natural resources harvest tract to the point of delivery. ~~((Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.))~~

(11) Puget Sound shrimp - Pot gear:

~~((It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by pot gear to fail to report to the department the previous week's purchases by 10:00 a.m. the following Monday. For harvest in Crustacean Management Regions 1 or 2, reports must be made to the La Conner district office by phone at 360 466 4345, extension 245, or by fax at 360 466 0515. For harvest in Crustacean Management Regions 3, 4, or 6, reports must be made to the Point Whitney Shellfish Laboratory by phone at 1 360 796 4601, option 1, or by fax at 360 586 8408. All reports must specify the serial numbers of the fish receiving tickets on which the previous week's shrimp were sold, plus the total number of pounds caught by gear type, the Marine Fish Shellfish Management and Catch Reporting Area (Catch Area), and the species listed on each ticket. Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.))~~

~~((b))~~ It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record 23A-C, 23A-E, 23A-W, or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. ~~((Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.))~~

~~((e))~~ (b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. ~~((Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.))~~

~~((d))~~ (c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving

tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. (~~Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.~~

~~(e))~~ (d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051. (~~Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.~~)

(12) Puget Sound shrimp - Trawl gear:

(a) It is unlawful for the original receiver of shrimp other than ghost shrimp taken from Puget Sound by trawl gear to fail to report to the department the previous day's purchases by 10:00 a.m. the following morning.

~~(b) ((For harvest in Crustacean Management Region 1, reports must be made to the La Conner district office by phone at 360 466 4345, extension 245, or by fax at 360 466 0515.))~~ Reports must be made by fax at 360-796-0108 or by text message or e-mail at shrimpreport@dfw.wa.gov.

~~(c) ((For harvest in Crustacean Management Region 3, reports must be made to the Point Whitney Shellfish Laboratory by phone at 1 360 796 4601, option 1, or by fax at 360 586 8408.~~

~~(d) All reports must specify the serial numbers of the fish receiving tickets on which the previous day's shrimp were sold, the total number of pounds caught by gear type, the Marine Fish Shellfish Management and Catch Reporting Area, and the species listed on each ticket.~~

~~(e) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.)~~ Reports must include, for each fish receiving ticket prepared:

(i) The buyer name, fisher name, and date of sale;

(ii) The fish receiving ticket number, including the first alphanumeric letter;

(iii) The total number of pounds caught per shrimp species; and

(iv) The Marine Fish-Shellfish Management and Catch Reporting Area where the shrimp was harvested.

(13) Puget Sound crab:

(a) It is unlawful for any wholesale dealer acting in the capacity of an original receiver of Dungeness crab taken (~~by nontreaty fishers,~~) from Puget Sound(~~(7)~~) by nontreaty fishers to fail to report to the department the previous day's purchases by 10:00 a.m. the following business day.

(b) Reports must be made to the Mill Creek Regional Office by fax at 425-338-1066, or by e-mail at crabreport@dfw.wa.gov.

(c) Reports must ((be made to the Point Whitney Shellfish Laboratory by fax at 360 586 8408 or by phone at 1 866 859 8439, option 5, and must specify)) include:

(i) The ((dealer)) dealer's name; ((dealer))

(ii) The dealer's phone number;

(iii) The date of delivery of crab to the original receiver; and

(iv) The total number of pounds of crab caught by nontreaty fishers, by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area. ((Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.))

(14) Salmon and sturgeon:

(a) During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC 220-47-001:

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include:

(A) The dealer or DRE holder name and purchasing location;

(B) The date of purchase;

(C) Each fish receiving ticket number, including ((alpha)) the first alphanumeric letter, used on the purchasing date; and

(D) The following catch data for each fish ticket used: The total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Puget Sound reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be submitted via fax at 360-902-2949; via e-mail at psfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279. In fisheries under Fraser Panel Control within Fraser Panel Area Waters (area defined under Art. XV, Annex II, Pacific Salmon Treaty 1985), other reporting requirements not listed in this subsection may be necessary under Subpart F of the International Fisheries Regulations, 50 C.F.R. Ch. III § 300.93.

(b) During any coastal troll fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a DRE holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including ((alpha)) the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, coastal troll reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-902-2949; via e-mail at trollfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279.

(c) During any Grays Harbor or Willapa Bay fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon made on the previous calendar day, or for a DRE holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including ((alpha)) the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used:

(A) The total number of days fished((τ)):
(B) The gear((τ)) used;
(C) The catch area((τ)) fished; and
(D) The species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Grays Harbor and Willapa Bay reports must be submitted by 10:00 a.m. on the day after the purchase date. Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at ~~((360-664-0689))~~ 360-249-1229; e-mail at harborfishtickets@dfw.wa.gov; or phone at 1-866-791-1280.

(d) During any Columbia River fishery opening that is designated by rule as "quick reporting required":

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases of salmon and sturgeon, or for a DRE holder to fail to report all salmon offered, for retail sale.

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including ((alpha)) the first alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

(iii) When quick reporting is required, Columbia River reports must be submitted within 5, 8, 12, or 24 hours of closure of the designated fishery.

(A) The department establishes the time frame for submitting reports ~~((will be established by the department))~~ at the time of adoption of the quick reporting fishery. Adoption and communication of the quick reporting regulations for a given fishery ~~((will))~~ occurs in conjunction with the adoption of ~~((said))~~ the fishery through the Columbia River Compact.

(B) Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-906-6776 or 360-906-6777; via e-mail at crfishtickets@dfw.wa.gov; or via phone at 1-866-791-1281.

(e) Faxing or reporting electronically in portable document format (PDF) a copy of each fish receiving ticket used, within the previously indicated time frames specified per area, satisfies the quick reporting requirement.

~~((f) Violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.))~~

(15) ~~((a))~~ Sea urchins and sea cucumbers:

(a) It is unlawful for any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers to fail to report to the department each day's purchases by 10:00 a.m. the following day.

(i) Wholesale dealers must report by:

(A) Fax at 360-902-2943;

(B) Toll-free telephone at 866-207-8223; or

(C) Text message or e-mail at seaurchinreport@dfw.wa.gov for sea urchins or seacucumberreport@dfw.wa.gov for sea cucumbers.

(ii) For red sea urchins, the report must specify the number of pounds received from each sea urchin district.

(iii) For green sea urchins and sea cucumbers, the report must specify the number of pounds received from each Marine Fish-Shellfish Management and Catch Reporting Area.

(iv) For sea cucumbers, the report must specify whether the landings were "whole-live" or "split-drained." (~~The report must be made by fax at 360 902 2943, or by toll free telephone at 866 207 8223.~~)

(b) It is unlawful for the original receiver of red sea urchins to fail to record on the fish receiving ticket the sea urchin district where the red sea urchins were taken(~~(7)~~) and (~~it is unlawful for the original receiver of any sea urchins to fail to record on the fish receiving ticket~~) the name of the port of landing where the sea urchins were landed ashore.

(c) It is unlawful for the original receiver of sea cucumbers to fail to record on the fish receiving ticket whether the sea cucumbers were delivered "whole-live" or "split-drained."

~~((d))~~ (16) A violation of ((this subsection)) the documentation or reporting requirements in this section is ((a gross misdemeanor,)) punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

AMENDATORY SECTION (Amending WSR 10-02-002, filed 12/23/09, effective 1/23/10)

WAC 220-69-230 Description of Washington state nontreaty fish receiving tickets. (1) ~~((There is hereby created))~~ The department creates, prepares, prints, and distributes upon request the following nontreaty fish receiving ticket forms ~~((to be prepared, printed, and distributed upon request, by the department))~~:

- (a) Puget Sound salmon((τ));
- (b) Troll((τ));
- (c) Marine((τ));
- (d) Utility((τ)); and
- (e) Shellfish. ~~((These))~~

(2) Fish receiving ticket forms ~~((shall))~~ must contain space for the following information:

- (a) Fisherman: The name of the licensed deliverer.
- (b) Address: The address of the licensed deliverer.
- (c) Boat name: The name or Coast Guard number of the landing vessel.
- (d) WDFW boat registration: The Washington department of fish and wildlife boat registration number.
- (e) Gear: The code number or name of the specific type of gear used.
- (f) Fisherman's signature: The signature of the licensed deliverer.
- (g) Date: Date of landing.
- (h) Dealer: Name of dealer((τ)) and the department number assigned to dealer.
- (i) Buyer: The name of buyer((τ)) and the department number assigned to buyer.
- (j) Receiver's signature: The signature of the original receiver.
- (k) Number of days fished: Days spent catching fish.
- (l) Fish or shellfish caught inside or outside 3-mile limit: Check one box.
 - (m) Catch area:
 - (i) The salmon catch area code if salmon are caught.
 - (ii) The marine fish/shellfish catch area code if marine fish are caught or shellfish are caught or harvested.
 - (n) Tally space for dealer's use: Used at the dealer's discretion.
 - (o) Species code: The department assigned species code.
 - (p) Individual number of salmon and sturgeon.
 - (q) Individual numbers of other fish species((τ)) if ~~((such))~~ fish other than salmon or sturgeon are landed as part of an incidental catch allowance or catch ratio restriction ~~((that is expressed in numbers of fish rather than in pounds))~~.
 - (r) The number of ghost shrimp in dozens, the number of oysters in dozens or gallons, and the species description for all fish and shellfish.
 - (s) The original total weight in round pounds of all shellfish or fish, except that pounds of legally dressed fish and shellfish may be recorded in original dressed weight((-)) so long as dressed fish and shellfish ~~((must be))~~ are designated as dressed on the fish receiving ticket.
 - (t) Value of fish and shellfish sold or purchased: Summary information for species, or species groups landed.

~~((t))~~ (u) All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-44-050).

~~((u))~~ (v) Work area for dealer's use: Used at dealer's discretion, ~~((with the following exceptions))~~ except:

(i) Federal sablefish endorsed limited entry permit numbers ~~((must be recorded in this area))~~ for each delivery of sablefish landed under the authority of ~~((this))~~ the permit must be recorded on the fish receiving ticket in the space reserved for dealer's use. Separate fish tickets are required for each permit number ~~((being))~~ used.

(ii) At the time of landing of coastal bottomfish into a Washington port, the fish buyer receiving the fish ~~((is required to))~~ must clearly ((mark on the fish receiving ticket in the space reserved for dealer's use)) record all legally defined trawl gear aboard the vessel at the time of delivery of the bottomfish on the fish receiving ticket in the space reserved for dealer's use. The ~~((three))~~ 3 trawl gear types are: Midwater trawl, roller trawl, and small foot rope trawl (foot rope less than ~~((eight))~~ 8 inches in diameter). The ~~((notation of the))~~ gear type(s) aboard the vessel ~~((is required prior to the signing of))~~ must be recorded on the fish receiving ticket ((by)) before the vessel representative signs the fish receiving ticket.

~~((v))~~ (w) Total amount: Total value of landing.

~~((w))~~ (x) Take-home fish: Species, number, and pounds of fish or shellfish retained for personal use.

~~((x))~~ (y) Crew: The name and signature of crew members who take home fish for personal use.

~~((2) The))~~ (3) A Puget Sound salmon fish receiving ticket ((shall be used)) must be completely, accurately, and legibly prepared for:

(a) Deliveries of nontreaty salmon caught in inland waters~~((-))~~; and

~~((Any other delivery of nontreaty salmon where the catch may be easily recorded.~~

~~((e))~~ Any imports of fresh salmon into the state of Washington.

~~((3) The))~~ (4) A troll fish receiving ticket ((shall be used)) must be completely, accurately, and legibly prepared for:

(a) Deliveries of nontreaty coastal salmon and incidental catch~~((-))~~; and

~~((Any other nontreaty deliveries where the species delivered may be easily recorded.~~

~~((e))~~ Any imports of fresh salmon into the state of Washington~~((- (d))~~; and

(c) Any bottomfish or halibut ((that are)) subject to a catch allowance or ratio restriction, when those species are taken incidental to salmon fishing.

~~((4) The))~~ (5) A marine fish receiving ticket ((shall be used)) must be completely, accurately, and legibly prepared for:

(a) Nontreaty deliveries of marine fish or bottomfish that do not include salmon~~((-))~~; and

(b) Any imports of fresh marine fish or bottomfish.

~~((5) The))~~ (6) A marine or utility fish receiving ticket ((shall be used)) must be completely, accurately, and legibly prepared for:

(a) Any nontreaty deliveries that do not include salmon, where other fish receiving tickets are not appropriate~~((-))~~; and

(b) Any imports of fresh fish or shellfish that do not include salmon.

~~((6) The))~~ (7) A shellfish receiving ticket ((shall be used)) must be completely, accurately, and legibly prepared for:

- (a) Any nontreaty deliveries of shellfish((-));
- (b) Any imports of fresh shellfish((-); and
- (c) Any incidental catch of bottomfish made while fishing for shellfish. The species name, total pounds, and price per pounds must be entered for each species of bottomfish caught.

AMENDATORY SECTION (Amending WSR 07-04-030, filed 1/29/07, effective 3/1/07)

WAC 220-69-234 Description of treaty Indian fish receiving ticket and treaty Indian shellfish receiving ticket. (1) ~~((There is hereby created a))~~ The department creates, prepares, prints, and distributes upon request the following treaty Indian fish receiving ticket forms ~~((to be prepared, printed, and distributed upon request, by the department, which shall))~~:

- (a) The treaty Indian fish receiving ticket; and
- (b) The treaty Indian shellfish receiving ticket.

(2) Treaty Indian fish receiving ticket forms must contain space for the following information:

(a) ~~((Tribal name))~~ Tribe: Name or identification number of tribe.

(b) ~~((Fisherman))~~ Name: Name ~~((or))~~ and identification number of deliverer or fisher.

(c) Signature: Signature of deliverer ~~((on tribal copy of ticket)).~~

(d) Date: Date of harvest for bivalves (clams, oysters, geoduck), and date of landing for all fish and shellfish.

(e) Dealer: Name of the dealer, and the department number assigned to the dealer.

(f) Buyer: Name of the buyer, and the department number assigned to the buyer.

(g) Gear: Code name or number of the specific gear type used.

(h) ~~((Receiver's))~~ Dealer's signature: Signature of the original receiver.

(i) Catch area:

(i) River name for ((river catch,)) river-caught species;

(ii) Salmon catch area for ((saltwater)) saltwater-caught salmon ((catch,)) species;

(iii) Marine fish/shellfish catch area for ((nonsalmon saltwater catch)) saltwater-caught nonsalmon species, except bivalve shellfish; or

(iv) The catch area, department of natural resources tract number, or department beach identification number for harvested bivalve shellfish.

~~((Tally space for dealer's use: Used at dealer's discretion.))~~ The individual number of salmon, steelhead, and sturgeon.

~~((Individual number of salmon, steelhead, sturgeon,))~~ Species description for all fish and shellfish.

(1) On treaty Indian shellfish receiving tickets only:

(i) The Washington department of health issued certification number (WDOH certification);

(ii) The number of ghost shrimp in dozens((-));

(iii) The number of oysters in dozens or gallons((-, species description for all fish and shellfish,)); and

- (iv) The number of razor clams.
- (m) Species code: The department assigned species code for the species harvested.
- (n) The original total weight for each species or species group in round pounds, except:
- (i) Pounds of legally dressed fish and shellfish may be recorded in original dressed weight (~~(-Dressed)~~) so long as the fish and shellfish (~~(must be)~~) are designated as dressed (~~(-)~~); and
- (ii) Weight is not required for oysters.
- (o) The value of fish and shellfish purchased. (~~(Summary information for species, or species group landed. All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-44-050).~~)
- (~~1~~) (p) Tribal tax: The amount of tribal tax collected.
- (~~(m)~~) (q) Take-home (~~(fish)~~), ceremonial, subsistence: The species, number, and pounds of fish or shellfish retained for personal, ceremonial, or subsistence use.
- (~~(2)~~) (r) Tally space for dealer's use: Used at the dealer's discretion.
- (3) The treaty Indian fish receiving ticket (~~(shall)~~) or treaty Indian shellfish receiving ticket, whichever is applicable, must be (~~(used)~~) completed for any deliveries of fish or shellfish caught by Washington treaty Indians.

AMENDATORY SECTION (Amending WSR 12-04-028, filed 1/26/12, effective 2/26/12)

WAC 220-69-250 Required information on nontreaty fish receiving tickets. (1) (~~(Except as provided in subsection (5) of this section,)~~) It is unlawful for a person required to complete a nontreaty fish receiving ticket to fail to enter the mandatory information referenced in WAC 220-69-230 (~~(1)~~) (2)(a) through (m) and (p) through (~~(x)~~) (y) on each nontreaty fish receiving ticket, except as provided in subsection (5) of this section.

(2) A valid license card or duplicate license card issued by the department (~~(shall be)~~) used (~~(in conjunction)~~) with an approved mechanical imprinter (~~(in lieu of)~~) satisfies the requirements in WAC 220-69-230 (~~(1)~~) (2)(a) through (e), except as provided in WAC 220-69-273.

(3) A valid dealer or buyer card issued by the department (~~(shall be)~~) used (~~(in conjunction)~~) with an approved mechanical imprinter (~~(in lieu of)~~) satisfies the requirements in WAC 220-69-230 (~~(1)~~) (2)(h) and (i).

(4) (~~(During the period)~~) December 1 through December 30, the crab inspection certificate number is a required entry on all shellfish receiving tickets documenting landings and sale of Dungeness crab from the Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly (~~(on the left hand side of the ticket)~~) in the space indicated for dealer's use.

(5) (~~(Persons selling or receiving)~~) A person who sells or receives deliveries of fish made under the Pacific Coast Groundfish Shoreside Individual Fishing Quota (IFQ) Program (50 C.F.R. § 660.140) may use the electronic fish ticket system described in 50 C.F.R. §

660.113 (b)(4)(ii) to enter mandatory information in lieu of completing a nontreaty fish receiving ticket, (~~provided that the following conditions are met~~) so long as:

(a) All information required under WAC 220-69-256 (~~has been~~) is entered on the electronic fish receiving ticket;

(b) Both the fisherman and original receiver (~~have signed~~) sign a legible, printed copy of the original electronic fish receiving ticket, plus all amended copies declaring the document and information contained therein as being true and accurate, and (~~they have submitted such~~) submit those signed copies as prescribed in WAC 220-69-260; and

(c) A signed copy of the electronic fish receiving ticket and all amended copies are maintained by the original receiver at the original receiver's place of business for (~~a period of three~~) 3 years (~~preceeding~~) after the date of initiation.

(6) Violation of this section is a gross misdemeanor(~~7~~) or a class C felony punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting-Penalty, depending on the circumstances of the violation.

AMENDATORY SECTION (Amending WSR 07-04-030, filed 1/29/07, effective 3/1/07)

WAC 220-69-254 Required information on treaty Indian fish and shellfish receiving tickets. (1) It is unlawful for a person required to complete a treaty Indian fish receiving ticket or a treaty Indian shellfish receiving ticket to fail to enter the mandatory information, when applicable, referenced in WAC 220-69-234 (~~(1)~~) (2)(a) through (1) and (~~(p)~~) (n) through (q) on each treaty Indian fish receiving ticket or treaty Indian shellfish receiving ticket, whichever is appropriate.

(2) A valid treaty Indian identification card may be used in lieu of WAC 220-69-234 (~~(1)~~) (2)(a) and (b).

(3) A valid dealer or buyer card issued by the department (~~shall~~) may be used in lieu of WAC 220-69-234 (~~(1)~~) (2)(e) and (f).

(4) Violation of this section is a gross misdemeanor, punishable under RCW (~~77.15.640~~) 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

AMENDATORY SECTION (Amending WSR 07-23-001, filed 11/7/07, effective 12/8/07)

WAC 220-69-241 Duties of commercial fishers. (1) ~~((a) Every fisher selling food))~~ It is unlawful for a fisher who does not possess a valid wholesale dealer's license or a direct retail endorsement to:

(a) Sell fish or shellfish to a consumer, restaurant, ~~((boat house,))~~ or other retail outlet ~~((, or donating))~~;

(b) Donate fish or shellfish that have not been previously delivered to an original receiver to a nonprofit or other organization ~~((,))~~; and

~~((every fisher who places))~~ (c) Place, or attempt ~~((s))~~ to place, into ~~((inter state))~~ interstate commerce any ~~((food))~~ fish or shellfish previously landed in ~~((this))~~ Washington state, or caught or harvested from the territorial waters of ~~((this))~~ Washington state ~~((, is required to possess a valid wholesale dealer's license or a direct retail endorsement))~~.

~~((b))~~ (2) A violation of subsection (1) of this section is punishable under RCW 77.15.620, Engaging in fish dealing activity-Unlicensed-Penalty.

(3) It is unlawful for ~~((such))~~ fishers engaging in activities described in subsection (1) of this section to fail to immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket in ~~((their))~~ the fisher's own name for each delivery of fish or shellfish. The fish receiving ticket must show the total of all fish and shellfish aboard the harvesting vessel upon delivery. A violation of this subsection is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

~~((e))~~ (4) It is unlawful for a fisher selling at retail to fail to complete ~~((a))~~ the appropriate fish receiving ticket before offering fish or shellfish for retail sale, except ~~((that the))~~ a fisher may complete a fish receiving ticket with an estimated number or weight if ~~((food))~~ the fisher offers the fish or shellfish ~~((are being offered))~~ for sale directly off the catcher vessel. ~~((At the completion of))~~ After the retail activity is completed, the fisher who ~~((has))~~ completed a fish receiving ticket with an estimated number or weight of fish or shellfish is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish ~~((that were))~~ sold at retail. ~~((d) Failure to be licensed under this subsection is punishable under RCW 77.15.620.~~

~~((e) Failure to prepare a fish receiving ticket under))~~ A violation of this subsection is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

~~((2)(a))~~ (5) It is unlawful for a fisher offering ~~((food))~~ fish or shellfish for retail sale to fail to maintain a sequentially numbered receipt book ~~((, which receipt book shall contain a receipt duplicate copy and shall))~~. The fisher must give purchaser of ~~((salmon or crab))~~ fish or shellfish a receipt showing the number, weight, and value of ~~((food))~~ fish or shellfish sold to that purchaser. The receipt book must contain a duplicate copy of the receipt given to the purchaser that remains with the receipt book.

~~((b) It is unlawful for the retail seller to fail to))~~ The fisher must retain the duplicate receipts for one year.

~~((e))~~ A violation of this subsection is ~~((a gross misdemeanor,))~~ punishable under RCW ~~((77.15.640))~~ 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

~~((3))~~ (6) (a) In the commercial geoduck fishery, it is unlawful for a vessel operator (~~se~~) designated by the geoduck tract holder to fail to be present at all times on each vessel commercially harvesting geoducks or having commercially harvested geoducks aboard.

(b) For each day's harvest of geoducks from each tract, it is unlawful for the designated operator to fail to completely, legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract:

(i) Enter in the "dealer's use" column the number of cages of geoducks harvested(~~(-)~~);

(ii) Write (~~across the top of the fish receiving ticket, directly below the tear strip,~~) the harvest vessel name, its Washington department of fish and wildlife identification number, and the date(~~(-)~~) across the top of the fish receiving ticket directly below the tear strip; and

(iii) Sign the fish receiving ticket as the fisher.

~~((e))~~ (7) A violation of (~~this~~) subsection (6) of this section is (~~a gross misdemeanor,~~) punishable under RCW (~~77.15.640~~) 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

~~((4))~~ (8) (a) It (~~shall be~~) is unlawful for operators of commercial fishing vessels catching (~~their own~~) forage fish for the purposes of using them as bait(~~(-)~~) to fail to accurately report (~~such~~) those harvests on a state of Washington fish receiving ticket along with the target (~~feed~~) fish or shellfish when (~~such feed~~) those fish or shellfish are delivered to an original receiver.

(b) A violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.560.

~~((5))~~ (9) (a) It (~~shall be~~) is unlawful for an operator(~~(s)~~) of a commercial fishing vessel(~~(s)~~) to allow(~~(, for monetary consideration,~~) the distribution or transfer of forage fish for monetary consideration from (~~their~~) the nets or other holding devices under (~~their~~) his or her control to anyone other than a licensed wholesale fish dealer(~~(-)~~) unless the operator(~~(s)~~) of the commercial fishing vessel(~~(s hold)~~);

(i) Possesses a wholesale fish dealers license(~~(- Fishermen who are also licensed wholesale fish dealers and who distribute or transfer forage fish to others for use as bait in other commercial fisheries will be responsible for completing)~~); and

(ii) Completes a fish receiving ticket for (~~such~~) those transfers.

(b) A violation of this subsection is (~~a gross misdemeanor,~~) punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

AMENDATORY SECTION (Amending WSR 12-04-028, filed 1/26/12, effective 2/26/12)

WAC 220-69-260 Distribution of copies of nontreaty fish receiving tickets. (1) State of Washington nontreaty fish receiving tickets ~~((shall))~~ must be made out in quadruplicate (four copies) at the time of delivery of fish or shellfish. ~~((Upon completion of the fish receiving ticket,))~~ It is unlawful for the original receiver who completes a fish receiving ticket to fail to distribute the copies as follows:

~~(a) Except for original receivers who submit a fish receiving ticket in portable document format (PDF) to satisfy quick reporting requirements for salmon and sturgeon under WAC 220-69-240 (14)(e), the ((person completing the fish receiving ticket to fail to distribute the copies as follows:~~

~~(a) The dealer copies (white and yellow) shall be retained by the receiver for his or her use.~~

~~(b)) original receiver must mail the state copy (green) ((shall be mailed)) of the fish receiving ticket to the department of fish and wildlife (department). ((It is required that)) The department must receive the state ((copies be received by the department)) copy no later than the sixth working day after the day ((the ticket was completed by)) the original receiver completes the fish ticket.~~

~~(b) The original receiver must retain the dealer copies (white and yellow) of the fish receiving ticket for his or her records.~~

~~(c) The deliverer must retain the fisher copy (gold) ((shall be retained by the deliverer)) for his or her ((use)) records.~~

(2) It is unlawful for an original receiver ~~((to fail to comply with the following provisions:~~

~~(a) signed copy of all electronic fish receiving ticket submissions must be mailed to the department.~~

~~(b) The electronic fish receiving tickets must be received by the department no later than the sixth working day after the ticket was completed or amended by the original receiver)) who submits an electronic fish receiving ticket to fail to retain a signed copy of the electronic fish receiving ticket for three years.~~

(3) A violation of this section is ((a gross misdemeanor,)) punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

AMENDATORY SECTION (Amending WSR 04-17-096, filed 8/17/04, effective 9/17/04)

WAC 220-69-264 Distribution of copies of treaty Indian fish receiving tickets. (1) State of Washington treaty Indian fish receiving tickets ~~((shall))~~ must be made out in quintuplicate (five copies) at the time of landing. ~~((Upon completion of the treaty Indian fish receiving ticket,))~~ It is unlawful for the ((person completing)) original receiver who completes the fish receiving ticket to fail to distribute the copies as follows:

~~((1) The dealer copy (white) shall be retained by receiver for their use.~~

~~(2))~~ (a) The original receiver must mail the state copy (green) and the NWIFC copy (pink) ((shall be mailed)) to the Northwest Indian Fisheries Commission (NWIFC), P.O. Box 5247, Lacey, Washington 98509. ((It is required that)) The NWIFC must receive the state copy and ((game)) NWIFC copy ((be received by the Northwest Indian Fisheries Commission)) no later than the sixth working day after the day ((the ticket was completed by)) the original receiver((-

~~(3))~~ completes the fish ticket;

(b) The original receiver must mail the tribal copy (yellow) ((shall be mailed)) with the state and NWIFC copies to the Northwest Indian Fisheries Commission, P.O. Box 5247, Lacey, Washington 98509((- Provided, That upon)). However, if the department has a written agreement ((received by the department)) from a specific tribe and buyer indicating the desire to transmit the tribe's copy directly to the fisher's tribe, then that one copy may be ((so disposed-)) sent directly to the fisher's tribe;

(c) The original receiver must retain the dealer copy (white) for his or her records; and

~~((4))~~ (d) The ((fisherman)) deliverer must retain the fisher's copy (gold) ((shall be retained by the deliverer)) for ((their use)) his or her records.

~~((5))~~ (2) A violation of this section is ((a gross misdemeanor,)) punishable under RCW ((77.15.640)) 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

AMENDATORY SECTION (Amending WSR 08-21-023, filed 10/6/08, effective 11/6/08)

WAC 220-69-26401 Distribution of copies of shellfish receiving ticket. (1) State of Washington shellfish receiving tickets must be made out in quintuplicate (five copies) at the time of delivery of shellfish. ((Upon completing these tickets,)) It is unlawful for the ((fish)) original receiver ((must)) to fail to distribute the fish receiving ticket copies as follows:

~~((1) The dealer copies (white and yellow) stay with the receiver for his or her records.~~

~~(2))~~ (a) (i) For shellfish other than geoduck clams from department of natural resources (DNR) geoduck tracts, the original receiver must mail the state copies (green and pink) ((must be mailed)) to the department of fish and wildlife (department). The department must receive ((these)) the state copies no later than the sixth working day after the day the original receiver ((completed)) completes the ticket.

~~((b))~~ (ii) For geoduck clams from ((department of natural resources geoduck)) DNR tracts, the original receiver must mail one state copy (green) ((must be mailed)) to the department ((of fish and wildlife)). The department must receive its copy no later than the sixth working day after the day the original receiver ((completed)) completes the ticket. The original receiver must give the other state copy (pink) ((must be given)) to ((the department of natural resources)) DNR at the time of weigh-out, unless otherwise directed by ((the department of natural resources)) DNR.

(b) The original receiver must retain the dealer copies (white and yellow) for his or her records.

~~((3))~~ (c) The ~~((fisherman's))~~ deliverer must retain the fisher's copy (gold) ~~((must be retained by the deliverer))~~ for his or her ~~((use))~~ records.

~~((4))~~ It is unlawful for a fish receiver to fail to distribute fish receiving tickets as directed above. (2) A violation of this section is ~~((a gross misdemeanor,))~~ punishable under RCW ~~((77.15.640))~~ 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

AMENDATORY SECTION (Amending WSR 07-04-030, filed 1/29/07, effective 3/1/07)

WAC 220-69-280 Fish receiving ticket accountability. (1) Only current state of Washington fish receiving tickets ~~((shall))~~ may be used ~~((, and shall be subject to the following orders-~~

~~(1))~~ .

(2) Official state of Washington fish receiving tickets may be ordered free of charge from the department.

~~((2))~~ (3) It is unlawful:

(a) To fail to use fish receiving ticket books and fish receiving tickets in numerical sequence, starting with the lowest numbered ticket issued to the original receiver ~~((-~~

~~(3) It is unlawful))~~ ;

(b) To transfer fish receiving tickets or ticket books from one original receiver to another original receiver without written permission from the department ~~((-~~

~~(4) It is unlawful))~~ ;

(c) For any purchaser or receiver terminating business to fail to notify the department in writing and to fail to return all unused fish receiving tickets and ticket books to the department within thirty days after termination of business ~~((-~~

~~(5) It is unlawful))~~ ;

(d) To fail to return the state copy of all fish receiving tickets to the state. All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, ~~((are required to))~~ must be submitted to the department accompanying, and in sequence with, other fish receiving tickets ~~((-~~

~~(6) It is unlawful))~~ ;

(e) To fail to account for all ~~((fish receiving tickets that are))~~ lost, destroyed, or otherwise missing fish receiving tickets in writing to the department ~~((-~~

~~(7) It is unlawful))~~ ;

(f) To transfer fish receiving tickets to anyone who is not a licensed wholesale fish dealer, licensed fish buyer, or holder of a direct retail sale license endorsement ~~((, and it is unlawful for))~~ ;

(g) For any person who is not ~~((se))~~ a licensed wholesale fish dealer, licensed fish buyer, or holder of a direct retail sale license endorsement to have fish receiving tickets in his or her possession ~~((-~~

~~(8) It is unlawful))~~ ; and

(h) For a wholesale dealer or holder of a direct retail sale endorsement to fail to maintain the dealer copy or copies of a completed fish receiving ticket at the dealer's or holder's regular place of business for three years after the date of use of the fish ticket.

~~((9))~~ (4) A violation of this section is ~~((a gross misdemeanor))~~ punishable under RCW ~~((77.15.640))~~ 77.15.630, Unlawful fish and shellfish catch accounting-Penalty.

AMENDATORY SECTION (Amending WSR 04-17-096, filed 8/17/04, effective 9/17/04)

WAC 220-69-243 Duties of aquatic farmers. (1) It is unlawful for an aquatic farmer shipping out-of-state or selling private sector cultured aquatic products to fail to:

(a) Keep complete and accurate records showing the quantity of ~~((these))~~ products sold and the location of the aquatic farm where ~~((they))~~ products were grown ~~((, and to fail to))~~; and

(b) Completely, accurately, and legibly prepare an aquatic farm production report.

(2) An aquatic farm production report ~~((shall))~~ must document each aquatic farm's monthly production ~~((, showing))~~ and contain the information required in WAC 220-69-23402 (1) ~~((d))~~ (a) through (g) ~~((, and shall be mailed))~~. Aquatic farmers must submit aquatic farm production reports for each quarter to the department within thirty days of the end of each quarter for which production is reported.

~~((2))~~ (3) The aquatic farmer must retain copies of quarterly production reports ~~((copies are required to be maintained by the aquatic farmer))~~ for one year and ~~((presented on demand))~~ make the reports available for inspection upon request by authorized department personnel.

~~((3))~~ (4) Violation of this section is a misdemeanor, punishable under RCW 77.15.350, Inspection and disease control of aquatic farms-Rules violation-Penalty.