

Summary Sheet

Meeting dates: May 4, 2018

Agenda item: Commercial Fish Receiving Ticket Rules – General Restructuring and Expansion of Electronic Reporting – Briefing and Public Hearing

Presenter(s): Corey Niles, Coastal Marine Policy Lead
Scott Bird, Rules Coordinator

Background summary:

Fish receiving tickets are mandatory reporting documents that record transactions between commercial fishers and seafood buyers. They provide fundamental data to fisheries managers and the public and are key tools for enforcement and seafood traceability. Since 2011 electronic fish tickets have been used to report certain groundfish deliveries in the state, although 99% of fish tickets are still submitted on paper forms to the department.

At this meeting, department staff will recommend that the Commission adopt regulatory changes that would do the following:

1. Establish a voluntary program for expanding the use of electronic fish receiving tickets within the state;
 2. Expand mandatory electronic fish ticket reporting to the commercial Pacific Halibut fisheries, groundfish deliveries from Alaska and Canada, and research landings;
 3. Restructure and streamline WAC Chapter 220-352 on fish tickets to provide clarity and allow more flexibility in future rulemakings; and
 4. Review and accept post-hearing changes to WAC sections 220-352-035, 220-352-040 and 220-352-060.
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Staff recommendation:

Adopt the regulation changes as proposed.

Policy issue(s) and expected outcome:

By adopting the regulation changes, the Commission would be expanding mandatory electronic fish ticket reporting to a few new categories of fish deliveries and be giving the department the necessary regulatory tools to expand electronic fish ticket reporting on a voluntary basis.

Fiscal impacts of agency implementation:

The proposed rule changes would not be expected to have any fiscal impact.

Public involvement process used and what you learned:

The Commission conducted a public hearing on April 13. No public testimony occurred. Department staff sent notice letters to 3,400 license holders authorizing the delivery or receipt of fish and shellfish in the state. Only two written comments were submitted to the department following this notice. One commenter expressed interest in potentially using electronic fish tickets. The other expressed concern about electronic fish tickets becoming mandatory across more fisheries in the future but was not opposed to the expansion of mandatory reporting in the current rule making.

Action requested and/or proposed next steps:

Department staff is recommending that the Commission consider adoption on the March 8 or at the June meeting depending on the volume and type of comments received on the proposed rule changes.

After the April 13 public hearing, department staff made minor changes to the following WAC sections:

- WAC 220-352-035 - reference to allowing delivery of fish to “another jurisdiction”
- WAC 220-352-040 – description of “fish ticket number”, removal of “date of harvest provision” and specification of “receiver’s retained copy of paper or electronic fish receiving ticket form”
- WAC 220-352-060 – clarification of the weight or measure used in a fish delivery amount

Draft motion language:

Motion: I move to adopt repealed, new and amended rules as presented by staff.

Post decision communications plan:

Department staff will be contacting fish and shellfish receivers to promote participation in voluntary electronic fish ticket reporting. Furthermore, the department’s adopted rule will be posted on the department website.

OTS-9487.3 Post Commission Change

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17,
effective 3/18/17)

WAC 220-352-060 (~~(Distribution)~~) Completion, submission, distribution, and retention of copies of nontreaty fish receiving tickets. (1) Original receivers must complete state of Washington nontreaty fish receiving tickets by recording ~~scale weights for all delivered~~ the delivery amount using the appropriate weight or quantity measure for all fish at the conclusion of the offload and prior to the fish being processed or transported away from the delivery site.

(2) Fish receiving tickets paper forms must be made out in quadruplicate (four copies) at the time of delivery of fish (~~or shellfish. It is unlawful for the~~)). Original receivers must use fish receiving tickets in numerical sequence, starting with the lowest numbered ticket issued. Original receivers (~~who completes a fish receiving ticket to fail to distribute the copies as follows~~) reporting using paper forms must:

(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 220-352-180 (14) (e), the original receiver must~~) Mail the state copy (green) of the fish receiving ticket to the department of fish and wildlife (department), 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 220-352-315, 220-352-320, 220-352-325 and 220-352-330. The department must receive the state copy no later than the sixth working day after the day 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) for his or her records.

~~((2) It is unlawful for an 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 punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting~~

Penalty.) (3) Original receivers who submit fish receiving tickets using an electronic form must:

(a) Submit the ticket within twenty-four hours of completion of the delivery if required by WAC 220-352-035(2).

(b) Submit the ticket in compliance with the timely reporting conditions set forth in an electronic fish receiving ticket reporting agreement under WAC 220-352-035(3).

(c) Print and retain a copy of the completed electronic fish receiving ticket for three years unless an alternative fish ticket retention requirement is specified in an electronic fish receiving ticket agreement.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-352-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-69-260, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, and 50 C.F.R.]

660. WSR 12-04-028 (Order 12-09), § 220-69-260, filed 1/26/12, effective 2/26/12. Statutory Authority: RCW 77.12.047. WSR 04-17-096 (Order 04-210), § 220-69-260, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-260, filed 12/20/99, effective 1/20/00; WSR 94-01-001, § 220-69-260, filed 12/1/93, effective 1/1/94; WSR 91-05-015 (Order 91-07), § 220-69-260, filed 2/8/91, effective 3/11/91; WSR 90-03-068 (Order 90-05), § 220-69-260, filed 1/19/90, effective 2/19/90. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-260, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 83-24-049 (Order 83-203), § 220-69-260, filed 12/2/83; WSR 80-05-093 (Order 80-27), § 220-69-260, filed 5/2/80; Order 76-153, § 220-69-260, filed 12/17/76.]

OTS-9475.2 Post Commission Change

NEW SECTION

WAC 220-352-035 Requirement to prepare fish receiving ticket forms completely and accurately—Determining the appropriate form. (1) Receivers must completely, accurately, and legibly prepare fish receiving tickets using a department-approved electronic or department-supplied paper form, as further specified in this section.

(2) Receivers must use an electronic fish receiving ticket form for the following:

(a) Deliveries from vessels fishing under the Pacific Fishery Management Council's Pacific Coast Groundfish Fishery Management Plan and related regulations under 50 C.F.R., Part 660. This requirement includes deliveries from research vessels but excludes deliveries of groundfish made under the trip limits for salmon troll and pink shrimp trawl vessels.

(b) Deliveries from directed commercial halibut vessels fishing under 50 C.F.R., Part 300 or vessels conducting research

surveys for the International Pacific Halibut Commission-if not previously delivered in another jurisdiction.

(c) Deliveries of groundfish harvested from the offshore waters off Alaska or British Columbia-if not previously delivered in another jurisdiction.

(3) Receivers not required to report under subsection (2) of this section may report using electronic fish receiving ticket forms if they enter into an electronic fish receiving ticket reporting agreement with the department.

(a) The department reserves the discretion to limit the use of electronic fish receiving ticket reporting agreements based on species, gears, areas, times, or other factors.

(b) Electronic fish receiving ticket reporting agreements will identify how to access the appropriate electronic forms and may include terms and conditions related to the timing and manner of completion and submittal.

(c) Receivers may not submit paper fish receiving tickets for deliveries covered by an electronic fish receiving ticket reporting agreement.

(d) The department or receiver may terminate an electronic fish receiving ticket reporting agreement with thirty days notice to the other party.

(e) A receiver who fails to comply with the terms of the electronic fish receiving ticket agreement commits a violation of this chapter.

(4) A receiver that is not required or authorized by agreement to use electronic fish receiving ticket forms must report using the appropriate paper form. There are separate forms for nontreaty troll fish, marine fish, shellfish, and Puget Sound salmon; and separate forms for treaty fish and treaty shellfish.

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OTS-9428.4 Post Commission Change

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