



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 10, 2018

TIME: 10:52 AM

WSR 18-11-052

Agency: Washington Department of Fish and Wildlife (WDFW) 18-92

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The purpose of this proposal is to establish a voluntary program for expanding the use of electronic fish receiving tickets within the state.

Citation of rules affected by this order:

New: WACs 220-352-035, 220-352-290, 220-352-300, 220-352-305, 220-352-310, 220-352-315, 220-352-320, 220-352-325, 220-352-330, 220-352-335, 220-352-340, 220-352-345 and 220-352-350
 Repealed: WACs 220-352-030, 220-352-050, 220-352-110, 220-352-120, 220-352-180 and 220-352-190
 Amended: WACs 220-352-010, 220-352-020, 220-352-040, 220-352-060, 220-352-130, 220-352-140, 220-352-150, 220-352-160, 220-352-230, 220-352-250, 220-354-090, 220-354-250 and 220-354-290
 Suspended:

Statutory authority for adoption: RCW 77.04.090 and RCW 77.04.130

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 18-06-088 on March 6, 2018 (date).
Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>13</u>	Amended	13	Repealed	<u>6</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date adopted: May 8, 2018

Name: Joe Stohr

Title: Director, Department of Fish and Wildlife

Signature:



REPEALER

The following sections of the Washington Administrative Code are repealed:

- | | |
|-----------------|---|
| WAC 220-352-030 | State of Washington fish receiving tickets—When not required—Unlawful acts. |
| WAC 220-352-050 | Required information on nontreaty fish receiving tickets. |
| WAC 220-352-110 | Description of Washington state electronic fish receiving ticket. |
| WAC 220-352-120 | Required information on electronic fish receiving tickets. |
| WAC 220-352-180 | Duties of commercial purchasers and receivers. |
| WAC 220-352-190 | Duties of commercial fishers. |

NEW SECTION

WAC 220-352-290 Unlawful acts. Violation of rules contained in this chapter are punishable as crimes under one or more statutes in chapter 77.15 RCW, including, but not limited to, RCW 77.15.280, 77.15.290, 77.15.620, and 77.15.630; and such rule violations may separately incur financial liability under RCW 77.65.330 and 77.15.565.

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 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.

WAC 220-352-130 Completion, submission, distribution, and retention of copies of shellfish receiving ticket. (1) State of Washington shellfish receiving tickets paper forms must be made out in quintuplicate (five copies) at the time of delivery of shellfish. (~~It is unlawful for~~) Original receivers must use fish receiving tickets in numerical sequence, starting with the lowest numbered ticket issued to the original receiver. The original receiver ((to fail to distribute the fish receiving ticket copies as follows)) must:

(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) to the department of fish and wildlife (department) for any shellfish, other than geoduck clams from department of natural resources (DNR) geoduck tracts. The department must receive the state copies no later than the sixth working day after the day the original receiver completes the ticket.

(ii) (~~For geoduck clams from DNR tracts, the original receiver must~~) Mail one state copy (green) to the department for any geoduck clams from DNR tracts. The department must receive its copy no later than the sixth working day after the day the original receiver completes the ticket. The original receiver must give the other state copy (pink) to DNR at the time of weigh-out, unless otherwise directed by DNR.

(b) (~~The original receiver must~~) Retain the dealer copies (white and yellow) for his or her records for three years.

(c) (~~The deliverer must retain the fisher's~~) Provide the fisher his or her copy (gold) for his or her records.

(2) (~~A violation of this section is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting Penalty.~~) Original receivers who submit fish receiving tickets using an electronic form must:

(a) Submit and retain the fish ticket in compliance with the terms and conditions set forth in the electronic fish receiving ticket reporting agreement under WAC 220-352-035(3).

(b) 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.

WAC 220-352-150 Imprinters—Fish receiving tickets. (~~Use of a mechanical imprinter approved by the department, in conjunction with a license card or treaty Indian identification card to identify the deliverer, and a dealer plate or buyer plate to identify the receiver on all state of Washington fish receiving tickets is hereby made mandatory.~~

~~Provided, That~~) (1) Fishers and original receivers must mechanically imprint the fish receiving ticket paper forms with their department issued license cards.

(2) License card information may be recorded manually on the (~~state of Washington~~) fish receiving tickets in the following exceptions:

~~((1))~~ (a) Oregon licensed fishers delivering fish caught in the Columbia River (~~(-~~

~~(2))~~);

(b) Purchases made from out-of-state firms (~~(-~~

~~(3))~~); and

(c) Fishers selling on a delivery license who have not received a delivery license card from the department at the time of their first sale. All subsequent sales require use of a license card.

WAC 220-352-140 Signatures—Fish receiving tickets. (1) ~~((It is unlawful for the deliverer or))~~ The fisher and original receiver of both treaty and nontreaty fish or shellfish ~~((to fail to))~~ must sign the ~~((complete nontreaty))~~ appropriate completed fish receiving ticket paper form to certify that all entries on the ticket are accurate and correct.

(2) ~~((It is unlawful for the deliverer of treaty fish or shellfish to fail to sign the tribal copy of the treaty Indian fish receiving ticket to certify that all entries on the ticket are accurate and correct. It is unlawful for the original receiver of treaty fish or shellfish to fail to sign the completed treaty Indian fish receiving ticket.~~

(3) ~~It is unlawful for the deliverer or original receiver of fish from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 to fail to print and sign a copy of the completed electronic fish receiving ticket to certify that all entries on the ticket are accurate and correct.~~

(a) ~~A fisher who fails to sign a fish receiving ticket is in violation of RCW 77.15.630.~~

(b) ~~An original receiver who fails to sign a fish receiving ticket is in violation of RCW 77.15.630.~~

(4) ~~Where the fisherman is unable to deliver the catch, an agent of the fisherman is authorized to sign the fish receiving ticket if the agent has first obtained an alternate operator's license for the fishing vessel operated by the fisherman.~~

(5) ~~If an agent of the fisher delivers fish or shellfish to the original receiver ((receives the fish or shellfish by any method other than direct delivery)), the receiver ((shall affix his or her signature to)) and the agent must complete and sign the fish receiving ticket ((, and the fish receiving ticket shall be completed and submitted without the deliverer's signature and)) together with the transportation ticket. The receiver and fisher shall assume complete responsibility for the correctness of all entries on the fish receiving ticket.~~

(3) Any employee of a licensed wholesale fish buyer who is authorized to receive or purchase fish or shellfish for that buyer on the premises of the primary business address or any of its plant locations as declared on the license application or agreement described under WAC 220-352-035(3), is authorized to initiate and sign fish receiving tickets on behalf of his or her employer. The business, firm, or licensed wholesale fish buyer that the receivers are operating under is responsible for the accuracy and legibility of all documents initiated in their name by any employee or agent.

(4) If an original receiver submits an electronic fish receiving ticket form, the fisher and original receiver must sign the printed completed fish receiving ticket form to certify that all entries on the ticket are accurate and correct, unless otherwise specified in an electronic fish receiving ticket reporting agreement (WAC 220-352-035(3)).

(5) If the receiver must complete an electronic fish receiving ticket form away from the place of delivery and it is impractical for the fisher to comply with subsection (4) of this section, the deliver-

er and receiver must sign the completed transportation ticket required by WAC 220-352-230 and attach it to the printed and signed copy of the completed electronic fish receiving ticket form, unless otherwise specified in an electronic fish receiving ticket reporting agreement (WAC 220-352-035(3)).

WAC 220-352-160 Fish receiving ticket accountability—Paper forms. (1) ~~((Only current state of Washington fish receiving tickets may be used.~~

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

~~(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;~~

~~(b) For a wholesale fish buyer)) When reporting using fish receiving ticket paper forms under WAC 220-352-035, receivers must:~~

~~(a) Use only current state of Washington fish receiving tickets;~~

~~(b) Get written permission from the department to transfer fish receiving tickets, except if the receiver is a wholesale fish buyer transferring to another licensed wholesale fish buyer or limited fish seller ~~((with written permission from the department));~~~~

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

~~(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, must be submitted to the department accompanying, and in sequence with, other fish receiving tickets; and~~

~~(e) ~~((To fail to))~~ Account for all lost, destroyed, or otherwise missing fish receiving tickets in writing to the department~~((;~~~~

~~(f) For any person who is not a licensed wholesale fish buyer, or holder of a limited fish seller endorsement to have fish receiving tickets in his or her possession; and~~

~~(g) For a wholesale fish buyer or holder of a limited fish seller endorsement to fail to maintain the buyer copy or copies of a completed fish receiving ticket at the buyer's or holder's regular place of business for three years after the date of use of the fish ticket.~~

~~(4) A violation of this section is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty)).~~

~~(2) Any person who is not a licensed wholesale fish buyer or holder of a limited fish seller endorsement shall not have blank fish receiving ticket paper forms in his or her possession.~~

NEW SECTION

WAC 220-352-320 Grays Harbor and Willapa Bay salmon and sturgeon —Additional reporting requirements. During any Grays Harbor or Willapa Bay fishery opening that is designated by rule as "quick reporting required":

(1) An original receiver must report all purchases of salmon and sturgeon made (wholesale buyer) or offered for retail sale (limited fish seller) on the previous calendar day.

(2) The report must include the following:

(a) The wholesale fish buyer or limited fish seller name and purchasing location;

(b) The date of purchase;

(c) Each fish receiving ticket number, including 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 fish buyer) or sold (limited fish seller).

(3) When quick reporting is required, the original receiver must submit the report by 10:00 a.m. on the day after the purchase date unless otherwise specified in a voluntary electronic fish receiving ticket agreement (WAC 220-352-035(3)). Submission of a report is not complete until the report arrives at the designated department location. Reports can be made via fax at 360-249-1229; via email at harborfishtickets@dfw.wa.gov; or via phone at 1-866-791-1280.

NEW SECTION

WAC 220-352-330 Coastal salmon troll—Additional reporting requirements. During any coastal troll fishery opening that is designated by rule as "quick reporting required":

(1) An original receiver must report all purchases of salmon made (wholesale buyer) or offered for retail sale (limited fish seller) on the previous calendar day.

(2) The report must include:

(a) The wholesale fish buyer or limited fish seller name and purchasing location;

(b) The date of purchase;

(c) Each fish receiving ticket number, including 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 fish buyer) or sold (limited fish seller).

(3) When quick reporting is required, the original receiver must submit the report by 10:00 a.m. on the day after the purchase date unless otherwise specified in a voluntary electronic fish receiving ticket agreement (WAC 220-352-035(3)). 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 email at trollfishtickets@dfw.wa.gov; or via phone at 1-866-791-1279.

NEW SECTION

WAC 220-352-315 Columbia River salmon, sturgeon, and smelt—Additional reporting requirements. During any Columbia River fishery opening that is designated by rule as "quick reporting required":

(1) An original receiver must report all purchases of salmon, sturgeon, or smelt made (wholesale buyer) or offered for retail sale (limited fish seller) on the previous calendar day.

(2) The report must include the following:

(a) The wholesale fish buyer or limited fish seller name and purchasing location;

(b) Date of purchase;

(c) Each fish receiving ticket number, including 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 fish buyer) or sold (limited fish seller).

(3) When quick reporting is required, the original receiver must submit the report within 5, 8, 12, or 24 hours of closure of the designated fishery unless otherwise specified in a voluntary electronic fish receiving ticket agreement (WAC 220-352-035(3)).

(a) The department establishes the time frame for submitting reports at the time of adoption of the quick reporting fishery. Adoption and communication of the quick reporting regulations for a given fishery occurs in conjunction with the adoption of 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 email at crfishtickets@dfw.wa.gov; or via phone at 1-866-791-1281.

(4) 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.

NEW SECTION

WAC 220-352-325 Puget Sound salmon and sturgeon—Additional reporting requirements. During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC 220-354-090:

(1) An original receiver must report all purchases of salmon and sturgeon made (wholesale buyer) or offered for retail sale (limited fish seller) on the previous calendar day.

(2) The report must include:

(a) The wholesale fish buyer or limited fish seller name and purchasing location;

(b) The date of purchase;

(c) Each fish receiving ticket number, including 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 fish buyer) or sold (limited fish seller).

(3) When quick reporting is required, the original receiver must submit the report by 10:00 a.m. on the day after the purchase date unless otherwise specified in a voluntary electronic fish receiving ticket agreement (WAC 220-352-035(3)). 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 email 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. Chapter III Sec. 300.93.

NEW SECTION

WAC 220-352-300 Coastal groundfish and halibut—Additional reporting requirements. For deliveries from groundfish fisheries (as defined in 50 C.F.R., Part 660 and WAC 220-355-070), the original receiver must record:

(1) The legal gear code used to harvest each species on the fish receiving ticket line level if multiple gears were used.

(2)(a) The federal limited entry permit authorizing participation in the limited entry portions of the groundfish fishery (50 C.F.R., Part 660) from which the delivery was made.

(b) For deliveries from the sablefish primary fishery (50 C.F.R., Part 660.231) involving cumulative limits from more than one permit, the pounds of sablefish must be enumerated by permit number using multiple lines on the fish receiving ticket form.

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.

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

WAC 220-354-090 Puget Sound salmon—Quick reporting. All Puget Sound salmon fisheries are designated as "quick reporting required" fisheries, and commercial purchasers and receivers must comply with the provisions of WAC ((~~220-352-180(14)~~) 220-352-325.

WAC 220-354-250 Willapa Bay salmon fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for coho salmon, chum salmon, and Chinook salmon:

Area	Time	Date(s)	Maximum Mesh Size
2M, 2R	7:00 a.m. through 7:00 p.m.	9/5	4.25"
2M, 2N, 2R	7:00 a.m. through 7:00 p.m.	9/11, 9/12	4.25"
2T	6:00 a.m. through 6:00 p.m.	9/18	4.25"
2N	6:00 a.m. through 6:00 p.m.	9/18, 9/19, 9/20, 9/21, 9/22	4.25"
2M	6:00 a.m. through 6:00 p.m.	9/18, 9/19, 9/20	4.25"
2R	6:00 a.m. through 6:00 p.m.	9/18, 9/19, 9/20, 9/21	4.25"
2U	6:00 a.m. through 6:00 p.m.	9/18, 9/19, 9/20, 9/21	4.25"
2N, 2R	7:00 a.m. through 7:00 p.m.	9/25, 9/26, 9/27, 9/28, 9/29	6.5"
2M	7:00 a.m. through 7:00 p.m.	9/25, 9/26, 9/27, 9/28	6.5"
2T	7:00 a.m. through 7:00 p.m.	9/25, 9/26	4.25"
2U	7:00 a.m. through 7:00 p.m.	9/25, 9/26, 9/27, 9/28, 9/29	4.25"
2R	6:00 a.m. through 6:00 p.m.	10/2, 10/3, 10/4, 10/5, 10/6	6.5"
2M, 2N	6:00 a.m. through 6:00 p.m.	10/3, 10/4, 10/5, 10/6	6.5"
2T	6:00 a.m. through 6:00 p.m.	10/2, 10/3, 10/4, 10/5, 10/6	6.5"
2U	6:00 a.m. through 6:00 p.m.	10/2, 10/3, 10/4, 10/5, 10/6	4.25"
2N, 2R	7:00 a.m. through 7:00 p.m.	10/9, 10/10, 10/11, 10/12, 10/13	6.5"
2M	7:00 a.m. through 7:00 p.m.	10/9, 10/10, 10/11, 10/12	6.5"
2T	7:00 a.m. through 7:00 p.m.	10/9, 10/10	6.5"
2U	7:00 a.m. through 7:00 p.m.	10/9, 10/10, 10/11, 10/12, 10/13	4.25"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	10/31 through 11/2	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/6 through 11/10	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/13 through 11/17	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/20 through 11/24	6.5"
2M, 2N, 2R, 2T, 2U	12:01 a.m. through 11:59 p.m.	11/27 through 12/1	6.5"

Gear:

(2) Gillnet gear restrictions - All areas:

(a) Drift gillnet gear only. It is unlawful to use set net gear.

(b) It is permissible to have on board a commercial vessel more than one net, provided the nets are of a mesh size that is legal for the fishery, and the length of any one net does not exceed one thousand five hundred feet in length.

(c) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line.

(d) It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Willapa Bay, provided the net is

properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches or greater.

(e) From 12:01 a.m. September 5 through 11:59 p.m. December 1: Mesh size must not exceed six and one-half inches stretched, except mesh size must not exceed four and one-quarter inches stretched in Areas 2M and 2R on September 5, in Areas 2M on September 11, 12, 18, 19, and 20, 2N on September 11, 12, 18, 19, 20, 21, and 22, and 2R on September 11, 12, 18, 19, 20, and 21, in Area 2T on September 18, 25, and 26, and in Area 2U on September 18, 19, 20, 21, 25, 26, 27, 28, 29, October 2, 3, 4, 5, 6, 9, 10, 11, 12, and 13.

Other:

(3) Recovery boxes and soak time limits described in this section are required from 12:01 a.m. September 5 through 11:59 p.m. October 13:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing in Willapa Bay Areas 2M, 2N, 2R, 2T, and 2U.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river/bay water into each chamber.

(b) All steelhead and wild (unmarked) Chinook must be placed in an operating recovery box, which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection. From September 5 through December 1, 2017, all chum must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (c) of this subsection.

(c) All fish placed in recovery boxes must remain until they are not lethargic and not bleeding and must be released to the river/bay prior to landing or docking.

(d) Soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Quick reporting is required for wholesale dealers and fishers retailing their catch under a "~~(direct-retail-endorsement)~~ limited fish seller endorsement." According to WAC ~~((220-352-180(14)))~~ 220-352-320, reports must be made by 10:00 a.m. the day following landing, unless otherwise specified in an electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(5) Retention prohibitions:

(a) All green and white sturgeon and all steelhead, except as provided in subsection (3) of this section, must be handled with care to minimize injury to the fish and must be released immediately to the river/bay.

(b) Retention of any species other than coho salmon or Chinook is prohibited.

(c) From 12:01 a.m. September 5 through 11:59 p.m. October 13, retention of any species other than coho salmon or hatchery Chinook marked by a healed scar at the site of the adipose fin is prohibited.

(d) From 12:01 a.m. October 31 through 11:59 p.m. December 1, retention of any species other than coho salmon, hatchery Chinook marked by a healed scar at the site of the adipose fin, or wild (unmarked) Chinook is prohibited.

(6) Report ALL encounters of green sturgeon, steelhead, and wild (unmarked) Chinook (your name, date of encounter, and number of species encountered) to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or email at harborfishtickets@dfw.wa.gov. Fishers may have wholesale dealers use the "buyer only" portion of the fish ticket and have encounters included with each day's quick reporting.

(7) Do NOT remove tags from white sturgeon. Please obtain available information from tags without removing tags. Submit tag information to the Washington Department of Fish and Wildlife, 48 Devonshire Rd., Montesano, WA 98563.

(8) Those waters of Area 2T north of a line from Toke Point channel marker 3 easterly through Willapa Harbor channel marker 13 (green), then northeasterly to the power transmission pole located at 46°43.1907'N, 123°50.83134'W are ~~CLOSED~~ from 6:00 a.m. September 18, 2017 through 11:59 p.m., September 30, 2017.

(9) It is unlawful to fish with gillnet gear in Areas 2M, 2N, 2R, 2T, and 2U unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in their possession a department-issued certification card.

(10) Fishers must take department observers if requested by department staff when participating in these openings. Fishers also must provide notice of intent to participate by contacting quick reporting by phone, fax or email. Notice of intent must be given prior to 5:00 p.m. on August 28, 2017.

AMENDATORY SECTION (Amending WSR 17-22-100, filed 10/30/17, effective 1/1/18)

WAC 220-354-290 Grays Harbor salmon fall fishery. From August 16 through December 31 of each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

Fishing periods:

(1) Gillnet gear may be used to fish for Chinook, coho, and chum salmon, and shad as provided in this section and in the times and area identified in the chart below.

Time:	Areas:
12:01 p.m. through 7:00 p.m. October 24;	Area 2A and Area 2D
7:00 a.m. through 7:00 p.m. October 25;	
6:00 a.m. through 6:00 p.m. October 30;	
6:00 a.m. through 6:00 p.m. October 31;	
7:00 a.m. through 7:00 p.m. November 6;	
7:00 a.m. through 7:00 p.m. November 7;	
7:00 a.m. through 7:00 p.m. November 8;	
AND	
7:00 a.m. through 7:00 p.m. November 9;	
6:00 a.m. through 6:00 p.m. October 23;	Area 2C
6:00 a.m. through 6:00 p.m. November 2;	
7:00 a.m. through 7:00 p.m. November 6;	
AND	
7:00 a.m. through 7:00 p.m. November 7.	

Gear:

(2) Gear restrictions:

(a) It is permissible to have on board a commercial vessel more than one net, provided that the length of any one net does not exceed one thousand five hundred feet in length. Nets not specifically authorized for use in this fishery may be aboard the vessel if properly stored. A properly stored net is defined as a net on a drum that is fully covered by a tarp (canvas or plastic) and bound with a minimum of ten revolutions of rope that is 3/8 (0.375) inches in diameter or greater.

(b) Areas 2A and 2D from October 1 through November 30: Gillnet gear only.

(i) It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed six and one-half inch maximum. Nets may be no more than fifty-five meshes deep.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. The lead line must not rest on the bottom in such a manner as to prevent the net from drifting. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

(c) Area 2C from October 1 through November 30: Gillnet gear only.

(i) It is unlawful to use set net gear.

(ii) It is unlawful to utilize any object, except the vessel deploying the gear, to impede a gillnet or its attached line or float from drifting.

(iii) Mesh size must not exceed nine inches.

(iv) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line. The lead line must not rest on the bottom in such a manner as to prevent the net from drifting. It is permissible to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through Grays Harbor.

Other:

(3) Recovery boxes and soak times:

(a) Each boat must have two operable recovery boxes or one box with two chambers on board when fishing Areas 2A, 2C, and 2D.

(i) Each box and chamber must be operating during any time the net is being retrieved or picked and any time a fish is being held in accordance with (b) and (c) of this subsection. The flow in the recovery box must be a minimum of 16 gallons per minute in each chamber of the box, not to exceed 20 gallons per minute.

(ii) Each chamber of the recovery box must meet the following dimensions as measured from within the box:

(A) The inside length measurement must be at or within 39-1/2 inches to 48 inches;

(B) The inside width measurements must be at or within 8 to 10 inches; and

(C) The inside height measurement must be at or within 14 to 16 inches.

(iii) Each chamber of the recovery box must include a water inlet hole between 3/4 inch and 1 inch in diameter, centered horizontally across the door or wall of the chamber and 1-3/4 inches from the floor of the chamber. Each chamber of the recovery box must include a water outlet hole opposite the inflow that is at least 1-1/2 inches in diameter. The center of the outlet hole must be located a minimum of 12 inches above the floor of the box or chamber. The fisher must demonstrate to department employees, fish and wildlife enforcement officers, or other peace officers, upon request, that the pumping system is delivering the proper volume of fresh river or fresh bay water into each chamber.

(b) When fishing in Grays Harbor Areas 2A and 2D, all steelhead and wild (unmarked) Chinook must be placed in an operating recovery

box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(c) When fishing in Grays Harbor Area 2C, all steelhead must be placed in an operating recovery box which meets the requirements in (a) of this subsection prior to being released to the river/bay as set forth in (d) of this subsection.

(d) All fish placed in recovery boxes must remain until they are not lethargic and not bleeding and must be released to the river or bay prior to landing or docking.

(e) For Areas 2A and 2D, soak time must not exceed 45 minutes. Soak time is defined as the time elapsed from when the first of the gillnet web is deployed into the water until the gillnet web is fully retrieved from the water.

(4) Retention of any species other than coho, chum, hatchery Chinook marked by a healed scar at the site of the adipose fin, or shad is prohibited in Areas 2A and 2D from October 1 through November 30.

(5) Retention of any species other than Chinook, chum, coho or shad, is prohibited in Area 2C from October 1 through November 30.

(6) Quick reporting is required for original receivers. According to WAC (~~(220-352-180)~~) 220-352-320, reports must be made by 10:00 a.m. the day following landing, unless otherwise specified in an electronic fish receiving ticket reporting agreement (see WAC 220-352-035(3)).

(7) Report all encounters of green sturgeon to the quick reporting office via phone at 866-791-1280, fax at 360-249-1229, or email at harborfishtickets@dfw.wa.gov. Fishers may have wholesale fish buyers use the "buyer only" portion of the fish ticket and include encounters with each day's quick reporting.

(8) Do NOT remove tags from white or green sturgeon. Please obtain available information from tags without removing tags. Submit tag information to:

Washington Department of Fish and Wildlife
48 Devonshire Rd.
Montesano, WA 98563.

(9)(a) Fishers must take department observers, if requested, by department staff when participating in these openings.

(b) Fishers also must provide notice of intent to participate by contacting Quick Reporting by phone, fax or email. Notice of intent must be given prior to 12:00 p.m. on October 1, for openings in Areas 2A, 2C, or 2D.

(10) It is unlawful to fish for salmon with tangle net or gillnet gear in Areas 2A and 2D unless the vessel operator has attended a "Fish Friendly" best fishing practices workshop and has in his or her possession a department-issued certification card.

NEW SECTION

WAC 220-352-305 Coastal Dungeness crab—Additional reporting requirements. Original receivers of Dungeness crab from the Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters must enter the crab vessel inspection certificate number on all shellfish receiving tickets during the period specified in emergency regulations. The crab inspection certificate number must be entered legibly in the space indicated for dealer's use or where specified by the terms of an electronic fish ticket reporting agreement (WAC 220-352-035(3)).

NEW SECTION

WAC 220-352-310 Forage fish and mackerel—Additional reporting requirements. (1) Fishers and receivers must ensure that forage fish harvests required to be reported as bait under WAC 220-352-020 (5)(b) are accurately reported on the same fish ticket as, and at the time of delivery of, the fish or shellfish harvested with the bait. For forage fish transferred from one vessel to another without monetary consideration, the harvest should be reported on the fish ticket of the fisher who received the bait.

(2) Operators of commercial fishing vessels distributing or transferring forage fish for monetary consideration from the nets or other holding devices under his or her control must either:

(a) Transfer the fish to a licensed wholesale fish buyer; or

(b) Possess a wholesale fish buyer endorsement and complete a fish receiving ticket to record the transaction.

(3) Receivers of forage fish or mackerel must initiate and complete fish receiving tickets on the day the forage fish or mackerel are delivered.

(a) Herring must also be reported on herring harvest logs.

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

(c) Fishers and receivers must ensure that any catches of herring, candlefish, anchovy, sardine, or mackerel that are unmarketable due to mortality are recorded on a fish receiving ticket as a "loss estimate" by weight.

(4) In the coastal sardine fishery or coastal mackerel fishery, receivers may not purchase, per sardine or mackerel fishery vessel, more than fifteen percent cumulative weight of sardine or mackerel 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 or mackerel fishery season. Sardine and mackerel purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

(5) In any forage fish fishery or in the mackerel purse seine fishery, receivers must not 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."

(6) Electronic fish receiving ticket reporting agreements (WAC 220-352-035(3)) may specify alternative procedures for satisfying the catch report requirements under WAC 220-356-050 and 220-356-160.

WAC 220-352-020 When state of Washington fish receiving tickets are required. (1) Wholesale fish buyers must complete a state of Washington fish receiving ticket~~((s are required))~~ for:

(a) ~~((Fresh))~~ All fish and shellfish delivered in the state of Washington~~(, including deliveries not purchased by a dealer, which shall be recorded as weigh back or take home fish or shellfish.~~

~~(b) Fresh fish and shellfish previously delivered in another state, territory or country, and transported into the state of Washington to an original receiver.~~

~~(c) Frozen fish or shellfish not previously delivered in another state, territory, or country, and transported into the state of Washington to an original receiver. Food fish and shellfish in this category are typically an at sea processed product)). This includes fish or shellfish transported into Washington from another state, territory, or country as well as fish or shellfish landed or harvested in Washington and delivered into interstate or foreign commerce. Additionally, any other fish or shellfish landed by the fisher and not delivered to the buyer, such as weigh-back, zero-value product, or take-home, must also be recorded on a fish receiving ticket.~~

~~((d))~~ (b) Raw fish and shellfish that are transported into the state of Washington after being previously delivered in another state, territory, or country must be recorded using an import ticket.

(c) Purchase of fish or shellfish from a fisher who is also a dealer, if the fisher/dealer has not previously completed a fish receiving ticket~~((-~~

~~(e) Forage fish))~~ or has not provided a copy of the fish receiving ticket or ticket number as proof.

(2) State of Washington fish receiving tickets are required for retail sales offered under a limited fish seller endorsement (WAC 220-352-250).

(3) A fish broker must comply with subsection (1) of this section unless receiving raw or frozen fish or shellfish that:

(a) Never enter into the state;

(b) Are in transit through the state of Washington and no storage, handling, processing, or repackaging occurs within the state; or

(c) Have been previously documented on a state of Washington fish receiving ticket.

(4) If a fisher wishes to donate fish or shellfish to a nonprofit or other organization but does not possess a valid wholesale fish buyer or a limited fish seller endorsement, they must deliver to an original receiver who must report the fish or shellfish on a fish receiving ticket.

(5) Fishers must ensure that a fish receiving ticket is completed for any forage fish that are:

(a) Transferred at sea to another vessel.

~~((f) Forage fish))~~ (b) Caught for use as bait by the catching vessel and not transferred to another vessel or an original receiver.

~~((2) It is unlawful to fail to complete a fish receiving ticket when one is required.~~

~~Violation of this section is punishable under RCW 77.15.630.)~~

(6) Fish receiving tickets are not required for the following transactions:

(a) Fish or shellfish purchased from holders of a wholesale fish buyer or limited fish seller endorsement provided that the receiver or buyer complies with the recordkeeping requirements under RCW 77.15.568 and retains this information with the fish or shellfish.

(b) Fish or shellfish purchased at retail.

(c) Fresh or frozen fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or re-packaging occurs within the state.

(d) Private sector cultured aquatic products.

(e) Processed fish or shellfish except frozen fish or shellfish not previously delivered in another state, territory or country.

(f) Any importation of fish that are not classified food fish under WAC 220-300-370 or importation of shellfish that are not classified shellfish under WAC 220-370-010.

NEW SECTION

WAC 220-352-350 Geoduck—Additional reporting requirements. (1)

A commercial geoduck license holder operating under a valid department of natural resources harvest agreement must be present at all times on each vessel commercially harvesting geoducks or if the vessel has harvested geoducks aboard.

(2) For each day's harvest of geoducks from each tract, the commercial geoduck license holder must completely, legibly and accurately enter the following information on a fish receiving ticket before leaving the department of natural resources geoduck harvest tract. This fish receiving ticket must accompany the harvested geoduck from the department of natural resources harvest tract to the point of delivery.

(a) In the "dealer's use" column, enter the number of cages of geoducks harvested.

(b) Enter 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.

(c) Enter the number of days fished, the appropriate option in the distance from shore column, and the Marine Fish-Shellfish Catch and Management Reporting Area and tract number.

(d) Species code, species description, and physical gear actually used.

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

(3) Any person receiving or purchasing geoduck must 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. The original receiver must:

(a) Enter the total quantity of geoduck in pounds received from the fisher, the price per pound paid to the fisher, and the total amount paid to the fisher.

(b) Enter the dealer or buyer name and its Washington department of fish and wildlife identification number below the tear strip.

(c) Sign the fish receiving ticket as the dealer.

(4) Licensed fishers whom are also the licensed dealer for a fish receiving ticket transaction must complete the fisher portion of the fish receiving ticket as required in subsection (2) of this section and the dealer portion of the fish receiving ticket as required in subsection (3) of this section.

(5) Alternate reporting requirements may be specified in a voluntary electronic fish receiving ticket agreement (WAC 220-352-035(3)).

NEW SECTION

WAC 220-352-335 Puget Sound shrimp—Additional reporting requirements. (1) Any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested with pot or trawl gear must record on the shellfish receiving ticket the appropriate catch area based on the location of harvest and the boundary definitions specified in WAC 220-340-520.

(2) Any person originally receiving or purchasing shrimp, other than ghost shrimp, taken from Puget Sound by trawl gear must report to the department the previous day's purchases by 10:00 a.m. the following morning.

(a) Reports must be sent by fax to 360-302-3031 or by text message or email to shrimpreport@dfw.wa.gov.

(b) Reports must include, for each fish receiving ticket prepared:

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

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

(iii) The total number of pounds delivered per shrimp species.

(3) Alternative reporting requirements may be specified in an electronic fish receiving ticket agreement (WAC 220-352-035(3)).

WAC 220-352-040 (~~(Description of)~~) Required information for Washington state nontreaty fish receiving tickets. (1) ~~The (department creates, prepares, prints, and distributes upon request the following nontreaty fish receiving ticket forms:~~

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

~~(2) Fish receiving ticket forms must contain space for the~~) following information is required to be reported on all nontreaty fish receiving ticket forms for all deliveries except imports (WAC 220-352-020 (1)(b)):

(a) ~~((Fisherman:))~~ Fisher identification: The name and license number 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, unless the fishery does not require a vessel.

(d) WDFW boat registration: The Washington department of fish and wildlife boat registration number, unless the fishery does not require a vessel.

(e) Gear: The code number or name of the specific type of gear used.

(f) ~~((Fisherman's))~~ Fisher's signature: The signature of the licensed deliverer as required in WAC 220-352-140.

(g) Date: Date of landing.

(h) Original receiver: Name of original receiver and the department number assigned to original receiver.

(i) Buyer identification: The name of buyer and the department number assigned to buyer.

(j) Receiver's signature: The signature of the original receiver as required in WAC 220-352-140.

(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 wholesale fish buyer's use: Used at the wholesale fish buyer's discretion.))~~ Port: Port or landing location of delivery using the relevant location code in use by the department.

~~(o) Species ((code: The department assigned species code.~~

~~(p) Individual number of salmon and sturgeon.~~

~~(q) Individual numbers of other fish species if fish other than salmon or sturgeon are landed as part of an incidental catch allowance or catch ratio restriction.~~

~~(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))~~ description: Species must be reported using the relevant species or species category code in use by the department.

(p) Delivery amounts:

(i) Number of individuals caught: Deliveries of salmon and sturgeon and all species landed as part of an incidental catch allowance or catch ratio restriction that is expressed in numbers of fish must be reported as counts of individuals.

(ii) The number of ghost shrimp in dozens, the number of oysters in dozens or gallons.

(iii) 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 are designated as dressed on the fish receiving ticket.

~~((t)) (q) Value of fish and shellfish sold or purchased (Summary information for species, or species groups landed.~~

~~(u) All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-355-100).~~

~~(v) Work area for wholesale fish buyer's use: Used at wholesale fish buyer's discretion, except:~~

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

~~(ii) At the time of landing of coastal bottomfish into a Washington port, the wholesale fish buyer receiving the fish must clearly 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 wholesale fish buyer's use. The 3 trawl gear types are: Midwater trawl, roller trawl, and small foot rope trawl (foot rope less than 8 inches in diameter). The gear type(s) aboard the vessel must be recorded on the fish receiving ticket before the vessel representative signs the fish receiving ticket.~~

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

~~(x))~~

(i) Summary information for species or species groups landed: Price per pound or per unit and total value for the line.

(ii) Total amount: Total value of landing.

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

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

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

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

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

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

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

~~(b) Any imports of fresh salmon into the state of Washington; and~~

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

~~(5) A marine fish receiving ticket 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.~~

~~(6) A marine or utility fish receiving ticket 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.~~

~~(7) A shellfish receiving ticket 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.) (t) Fish ticket number: Alphanumeric or numeric code assigned to uniquely identify the fish ticket.~~

~~(u) Any other fishery specific requirements under this chapter.~~

(2) For deliveries reported using paper fish receiving ticket forms:

(a) A valid license card or duplicate license card issued by the department used with an approved mechanical imprinter satisfies the requirements in subsection (1)(a) through (e) of this section except as provided in WAC 220-352-150.

(b) A valid dealer or buyer card issued by the department used with an approved mechanical imprinter satisfies the requirements in subsection (1)(h) and (i) of this section.

(3) For import deliveries under WAC 220-352-020 (1)(b), the receiver must:

(a) Report the following information on the fish receiving ticket form:

(i) Place of origin: Area of harvest using the department provided area code.

(ii) Date of import: Date the fish or shellfish entered Washington state.

(iii) Buyer or broker name.

(iv) Fisher or harvester name.

(v) Deliverer name.

(vi) Delivery amount: Species description and weights.

(b) Attach any previously completed fish receiving ticket, or equivalent document, or the bill of lading to the receiver's retained copy of the paper or electronic fish receiving ticket form.

WAC 220-352-010 Fish receiving ticket definitions. The following definitions apply to this chapter:

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

~~(2) ("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.~~

~~(3) "Electronic fish receiving ticket" means the groundfish catch reporting system described in 50 C.F.R., Part 660 that is used to submit harvest and fishing information to the department and the National Marine Fisheries Service.~~

~~(4)) "Fish" means food fish classified under WAC ((220-12-010 and)) 220-300-370, game fish classified under WAC 220-300-380, and any other fish species subject to catch or harvest reporting requirements under state or federal law.~~

~~((5)) (3) "Fish broker" means a person who facilitates the sale or purchase of raw or frozen fish or shellfish on a fee or commission basis, without assuming title to the fish or shellfish and is required to have a fish dealer license.~~

~~((a)) A broker is not required to have a fish dealer license if the fish or shellfish only transit the state of Washington, and no storage, handling, processing, or repackaging occurs within the state.~~

~~((b) A broker who takes physical possession of fish or shellfish is an original receiver and 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.~~

~~(c) A broker must complete a fish receiving ticket for brokering an interstate or foreign sale from a Washington commercial fisherman when:~~

~~(i) The fisherman is not a holder of a limited fish seller endorsement; or~~

~~(ii) The sale involves fish or shellfish that have entered the state from another state, territory, or country, and the fish or shellfish are placed into interstate or foreign commerce without first having been delivered to an original receiver in the state of Washington.~~

~~(6)) (4) "Fish buyer," "buyer," or "wholesale fish buyer" means a person who:~~

~~(a) Takes first possession or ownership of fish or shellfish directly from a commercial fisher that is landed into the state of Washington; or~~

~~(b) Takes first possession or ownership of raw or frozen fish or shellfish in the state of Washington from interstate or foreign commerce; or~~

~~(c) Engages in the wholesale buying or selling of fish or shellfish harvested by fishers exercising treaty rights; or~~

~~(d) Acts as an agent for a wholesale fish buyer, to include purchasing or receiving fish or shellfish on a contractual basis.~~

~~((7)) (5) "Fish receiving ticket" ((means a document produced by the department for commercial catch accounting purposes and in-~~

cludes electronic fish tickets, nontreaty fish receiving tickets, such as Puget Sound salmon, troll, marine, utility, and shellfish receiving tickets; treaty Indian fish receiving tickets; and treaty Indian shellfish receiving tickets)) is an official department document, available in paper or electronic form, for recording the delivery of commercial fish and shellfish and related transactions identified in WAC 220-352-020.

((+8)) (6) "Fisher" means a person engaged in commercial fishing activities.

((+9)) (7) "Fresh" or "raw" means unprocessed and unfrozen, regardless of whether the fish or shellfish are in the round, cleaned, or packaged for retail sale.

((+10)) (8) "Frozen" means completely frozen throughout. Flash frozen and surface glaze frozen fish and shellfish are unfrozen fish and shellfish.

(9) "Groundfish" refers to the flatfish, rockfish, and roundfish species managed under the Pacific Fishery Management Council's Pacific Coast Groundfish Fishery Management Plan and equivalent management plans in British Columbia and Alaska. The term is largely synonymous with the definition of "bottomfish" at WAC 220-300-040 but identifies a more limited subset of species.

(10) For deliveries made from the groundfish fisheries operating under 50 C.F.R., Part 660, the terms "to land", "landing", and "landed" are equivalent to the term "to deliver" as defined under RCW 77.15.630 (4)(b).

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

(12) Except as provided, "original receiver" or "receiver" means a person who holds a wholesale fish buyer endorsement or a limited fish seller endorsement. Except as provided, an original 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) A fisher who is not the holder of a limited fish seller endorsement and who sells fish or shellfish to anyone other than a wholesale fish buyer, 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;

(b) 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;

(c) 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 wholesale fish buyer.

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

(14) "Shellfish" means shellfish classified under WAC ((220-12-020)) 220-320-010 and any other marine invertebrate species subject to catch or harvest reporting requirements under state or federal law.

(15) "Treaty" and "treaty Indian," for purposes of fish receiving tickets only, means persons who are members of federally recognized Indian tribes who harvest fish or shellfish in Washington pursuant to an Indian treaty, whether such harvest is on or off reservation.

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

NEW SECTION

WAC 220-352-340 Puget Sound crab—Additional reporting requirements. (1) Any person originally receiving or purchasing Dungeness crab taken from Puget Sound by nontreaty fishers must report to the department the previous day's purchases by 10:00 a.m. the following day.

(a) Reports must be sent to the Mill Creek Regional Office by fax to 425-338-1066, or by email to crabreport@dfw.wa.gov.

(b) Reports must include, for each fish receiving ticket submitted:

(i) The name of the wholesale fish buyer or limited fish seller;

(ii) The phone number of the wholesale fish buyer or limited fish seller;

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

(iv) The total number of pounds of crab delivered, by Crab Management Region or by Marine Fish-Shellfish Management and Catch Reporting Area.

(2) Alternative reporting requirements may be specified in an electronic fish receiving ticket agreement (WAC 220-352-035(3)).

NEW SECTION

WAC 220-352-345 Sea urchin and sea cucumber—Additional reporting requirements. (1) Any wholesale dealer acting in the capacity of an original receiver and receiving sea urchins or sea cucumbers from nontreaty fishers must report to the department each day's purchases by 10:00 a.m. the following day.

(a) Reports must be made by phone to 866-207-8223 or by text message or email to seaurchinreport@dfw.wa.gov for sea urchins or seacucumberreport@dfw.wa.gov for sea cucumbers.

(b) Reports must include, for each fish receiving ticket prepared:

(i) The wholesale fish buyer name, fisher name, date of sale, and the name of the port of landings; and

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

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

(d) For red sea urchins, 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.

(e) For sea cucumbers, the report must specify whether the landings were delivered "whole-live" or "split-drained."

(2) Alternate reporting requirements may be specified in an electronic fish receiving ticket agreement (WAC 220-352-035(3)).

WAC 220-352-250 Sale under a limited fish seller endorsement.

~~((It is unlawful for any fisher selling salmon, sturgeon or Dungeness crab))~~ Any holder of a limited fish seller endorsement selling fish or shellfish taken by that fisher under ~~((a limited fish seller))~~ the endorsement, ~~((or for a wholesale fish buyer accepting salmon, sturgeon or crab from such a fisher, to fail to))~~ must comply with the requirements of this section.

(1) ~~((A limited fish seller endorsement will not be issued to a licensee who is other than a natural person. Applicants for the endorsement must present a letter from the county health department of the fisher's county of residence certifying that the methods used by the fisher for transport, storage and display of product meet the county and statewide standards for food service operations. If the fisher is landing product from a documented vessel, the letter may be from the county health department of the hailing port of the vessel. Additionally, applicants must present a valid food and beverage service worker's permit at the time of application, and pay the direct retail administrative cost of fifty dollars. The health department letter, permit, and administrative cost are required for each application or renewal for a limited fish seller endorsement.~~

~~(2) Any fisher who offers salmon, sturgeon or crab))~~ (a) Before offering any fish or shellfish for retail sale under a limited fish seller endorsement, the fisher must complete a fish receiving ticket for all ~~((salmon, sturgeon or crab))~~ fish or shellfish aboard the harvesting vessel ~~((before the product is offered for retail sale, except if the salmon, sturgeon or crab are being offered))~~ upon landing, unless meeting the exception under (b) of this subsection.

(b) If the fisher offers fish or shellfish for sale directly off the catcher vessel, the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher ~~((who has completed a ticket with an estimated number or weight is required to))~~ must enter the actual number ~~((and)),~~ weight, and sale price of ~~((salmon, sturgeon or crab))~~ the fish or shellfish that were sold at retail~~((. The price shown on the fish receiving ticket must be the actual sale price of the salmon, sturgeon or crab.~~

(3) ~~Any fisher selling salmon, sturgeon or crab at retail if the product is taken from an area under the quick reporting requirements of WAC 220-352-180, is required to comply with the quick reporting requirement.~~

~~(4) Sturgeon and crab offered for retail sale must be landed in the round. Salmon may be cleaned or headed but not steaked or filleted prior to landing)).~~

~~((5))~~ (2) In order to allow inspection and sampling, each fisher offering ~~((salmon, sturgeon or crab))~~ fish or shellfish for retail sale at any location other than the harvesting vessel or, if from the harvesting vessel, in an amount having a retail value greater than one hundred fifty dollars must notify the department eighteen hours prior to sale and identify the location of the fisher's vessel, temporary food service establishment or restaurant or other business which prepares and sells food at retail to which the fisher is selling the ~~((salmon, sturgeon or crab))~~ fish or shellfish. The only acceptable notification is by telephone to 360-902-2936, fax to ~~((902-2155))~~ 360-902-2155, or email to enforcement-web@dfw.wa.gov.

~~((6))~~ (3) Each fisher offering ~~((salmon, sturgeon or crab))~~ fish or shellfish for retail sale must maintain a sequentially numbered receipt book, which receipt book contains a receipt duplicate copy, and must give each purchaser of ~~((salmon, sturgeon or crab))~~ fish or shellfish a receipt showing the number, weight and ~~((value))~~ purchase price of ~~((salmon, sturgeon or crab))~~ the fish or shellfish sold to that purchaser. The seller must retain the duplicate receipts ~~((must be retained by the seller))~~ for one year.

~~((7) If salmon, sturgeon or crab))~~ (4) If fish or shellfish offered for retail sale and documented on a fish receiving ticket are subsequently sold to a licensed wholesale fish buyer, the sale must be documented by a sale receipt, not a fish receiving ticket ~~((, and it is the responsibility of the wholesale fish buyer to maintain the product separately, until the product is resold or processed.~~

~~((8) Violations of this section are punishable under RCW 77.15.640, Wholesale fish buying Rules violations)).~~

WAC 220-352-230 Commercial ((~~food~~)) fish and shellfish transportation ticket. (1) ~~((Except as provided in subsection (6) of this section, it is unlawful for commercial fishers or their designees, who are neither wholesale fish buyers nor holders of a limited fish seller endorsement, to fail to))~~ If fish or shellfish are transported from a vessel or catch site (if the fishery does not require a vessel) prior to completing a fish receiving ticket, the fisher must complete a commercial ((~~food~~)) fish and shellfish transportation ticket as required by this section. ((These tickets must be completed prior to transporting fish or shellfish harvested for commercial purposes or in commercial quantities. For a fishery that does not require a vessel, a transportation ticket must be completed prior to leaving the catch site.)) The transportation ticket must accompany the fish or shellfish until the fish receiving ticket is completed. The purpose of this rule is to ensure catch accountability when fish or shellfish are transported by the ((~~fisherman~~)) fisher or his or her designee ~~((from the catching vessel to an original receiver))~~ before a fish receiving ticket is required to be completed. Fish receiving ticket requirements under this chapter are still in effect. ~~((A violation of this subsection or subsection (2) of this section is punishable as a gross misdemeanor under RCW 77.15.290.))~~

(2) ~~((A))~~ The fisher must complete the department provided transportation ticket ((~~must contain all of~~)) with the following information ~~((and space for that information))~~:

(a) The name of the ((~~fisherman~~)) fisher who caught the fish~~((+))~~.

(b) The ((~~fisherman's~~)) fisher's vessel registration number~~((+))~~.

(c) The signature of the ((~~fisherman~~)) fisher or additional operator~~((+))~~.

(d) The name of the transporter~~((+))~~.

(e) ~~((The signature of the transporter;~~

~~+f))~~ The catch area where the ((~~food~~)) fish or shellfish were caught~~((+)~~

~~+g))~~.

(f) The species of ((~~food~~)) fish or shellfish being transported~~((+ and~~

~~+h))~~.

(g) The individual number or approximate pounds of ((~~food~~)) fish or shellfish being transported, as required under WAC 220-352-040.

(3) ~~((It is unlawful for an))~~ In cases where the fisher does not deliver the fish or shellfish to an original receiver within twenty-four hours after offloading, the fisher must send a copy of the completed transportation ticket to the department. The completed ticket must arrive within the sixth working day. Once the fisher delivers the fish or shellfish to the original receiver, a copy of the transportation ticket must be attached or the ticket number must be written on the fish receiving ticket.

(4) In cases where an agent of the fisher delivers fish or shellfish with a transportation ticket to the original receiver, the original receiver ((~~or someone acting in the capacity of an original receiver to fail to~~)) must mail the transportation ticket, together with the state copy of the fish receiving ticket as required in WAC 220-352-060, 220-352-090, and 220-352-130~~((, when the person deliver-~~

~~ing the fish or shellfish does not sign the fish receiving ticket as required in WAC 220-352-140)). If the commercial fisher delivers and signs the fish receiving ticket, only the fish receiving ticket must be mailed in, and the transportation ticket is not required to be submitted with it. (~~Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.~~~~

~~(4) It is unlawful to fail to keep the transportation ticket with the fish or shellfish until a fish receiving ticket is completed. Violation of this subsection is a gross misdemeanor under RCW 77.15.290.~~

~~(5) It is unlawful for~~) Transportation tickets completed for deliveries reported using electronic fish receiving ticket forms should be attached to the printed and signed copy of the form, as required by WAC 220-352-140(5).

(5) Any person transporting commercially taken fish or shellfish or commercial quantities of fish or shellfish (~~to fail to~~) must provide a transportation ticket for inspection upon demand by a fish and wildlife officer(~~. Violation of this subsection is a gross misdemeanor under RCW 77.15.290~~)).

(6) The provisions of this section do not apply to:

(a) (~~Foed~~) Fish and shellfish purchased at retail, provided the purchaser has, in his or her possession, a sales receipt documenting the purchase;

(b) (~~Foed~~) Fish or shellfish for which a fish receiving ticket has been completed and a copy of the fish receiving ticket is in the possession of the person transporting;

(c) (~~Foed~~) Fish or shellfish being transported by the department;

(d) Hatchery carcass sales;

(e) Private sector cultured aquatic products in transport;

(f) (~~Foed~~) Fish or shellfish being transported on a completed Oregon transportation ticket, provided that the fish were caught in the concurrent waters of the Columbia River and were landed on Washington's shore; and

(g) Fish or shellfish being transported in the catching vessel, provided that the vessel is not being transported or towed over land.