
ENGROSSED SUBSTITUTE HOUSE BILL 1597

State of Washington

65th Legislature

2017 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Blake, Kretz, and Doglio; by request of Department of Fish and Wildlife)

READ FIRST TIME 02/13/17.

1 AN ACT Relating to increasing revenue to the state wildlife
2 account by increasing commercial fishing license fees and
3 streamlining wholesale fish dealing, buying, and selling
4 requirements; amending RCW 77.12.170, 77.12.177, 77.15.096,
5 69.04.933, 69.04.934, 77.15.110, 77.15.170, 77.15.500, 77.15.565,
6 77.15.620, 77.15.630, 77.15.640, 77.65.010, 77.65.020, 77.65.090,
7 77.65.110, 77.65.120, 77.65.150, 77.65.160, 77.65.170, 77.65.190,
8 77.65.200, 77.65.240, 77.65.280, 77.65.310, 77.65.320, 77.65.330,
9 77.65.340, 77.65.350, 77.65.390, 77.65.440, 77.65.480, 77.65.490,
10 77.65.500, 77.65.510, 77.65.580, 77.65.590, 77.70.150, 77.70.190,
11 77.70.220, 77.70.280, 77.70.290, 77.70.300, 77.70.430, 77.70.490,
12 82.27.020, 82.27.070, 69.07.100, and 36.71.090; reenacting and
13 amending RCW 77.08.010, 77.65.210, 77.65.220, 77.65.370, and
14 77.15.160; adding a new section to chapter 77.65 RCW; creating new
15 sections; repealing RCW 77.65.290, 77.65.300, 77.65.360, 77.65.515,
16 77.65.520, and 77.65.900; and providing an effective date.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

18 NEW SECTION. **Sec. 1.** (1) The legislature finds that the
19 commercial fishing industry is a benefit to the state as a whole, but
20 particularly to coastal communities where it creates and sustains

1 opportunities for employment. Maintaining a stable and economically
2 viable commercial fishing industry requires:

3 (a) Preserving fishing opportunities by providing a fee structure
4 for all commercial fishing permits that is not overly burdensome on
5 the fishing industry; and

6 (b) Avoiding a strain on fish resources beyond sustainable
7 spawning needs.

8 (2) The legislature intends to balance those needs by making
9 certain adjustments to commercial fishing fees.

10 **Sec. 2.** RCW 77.08.010 and 2016 c 2 s 2 (Initiative Measure No.
11 1401) are each reenacted and amended to read as follows:

12 The definitions in this section apply throughout this title or
13 rules adopted under this title unless the context clearly requires
14 otherwise.

15 (1) (~~("Anadromous game fish buyer" means a person who purchases~~
16 ~~or sells steelhead trout and other anadromous game fish harvested by~~
17 ~~Indian fishers lawfully exercising fishing rights reserved by federal~~
18 ~~statute, treaty, or executive order, under conditions prescribed by~~
19 ~~rule of the director.~~

20 (+2)) "Angling gear" means a line attached to a rod and reel
21 capable of being held in hand while landing the fish or a handheld
22 line operated without rod or reel.

23 ((+3)) (2) "Bag limit" means the maximum number of game animals,
24 game birds, or game fish which may be taken, caught, killed, or
25 possessed by a person, as specified by rule of the commission for a
26 particular period of time, or as to size, sex, or species.

27 ((+4)) (3) "Building" means a private domicile, garage, barn, or
28 public or commercial building.

29 ((+5)) (4) "Closed area" means a place where the hunting of some
30 or all species of wild animals or wild birds is prohibited.

31 ((+6)) (5) "Closed season" means all times, manners of taking,
32 and places or waters other than those established by rule of the
33 commission as an open season. "Closed season" also means all hunting,
34 fishing, taking, or possession of game animals, game birds, game
35 fish, food fish, or shellfish that do not conform to the special
36 restrictions or physical descriptions established by rule of the
37 commission as an open season or that have not otherwise been deemed
38 legal to hunt, fish, take, harvest, or possess by rule of the
39 commission as an open season.

1 (~~(7)~~) (6) "Closed waters" means all or part of a lake, river,
2 stream, or other body of water, where fishing or harvesting is
3 prohibited.

4 (~~(8)~~) (7) "Commercial" means related to or connected with
5 buying, selling, or bartering.

6 (~~(9)~~) (8) "Commission" means the state fish and wildlife
7 commission.

8 (~~(10)~~) (9) "Concurrent waters of the Columbia river" means
9 those waters of the Columbia river that coincide with the Washington-
10 Oregon state boundary.

11 (~~(11)~~) (10) "Contraband" means any property that is unlawful to
12 produce or possess.

13 (~~(12)~~) (11) "Covered animal species" means any species of
14 elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine
15 turtle, shark, or ray either: (a) Listed in appendix I or appendix II
16 of the convention on international trade in endangered species of
17 wild flora and fauna; or (b) listed as critically endangered,
18 endangered, or vulnerable on the international union for conservation
19 of nature and natural resources red list of threatened species.

20 (~~(13)~~) (12) "Covered animal species part or product" means any
21 item that contains, or is wholly or partially made from, any covered
22 animal species.

23 (~~(14)~~) (13) "Deleterious exotic wildlife" means species of the
24 animal kingdom not native to Washington and designated as dangerous
25 to the environment or wildlife of the state.

26 (~~(15)~~) (14) "Department" means the department of fish and
27 wildlife.

28 (~~(16)~~) (15) "Director" means the director of fish and wildlife.

29 (~~(17)~~) (16) "Distribute" or "distribution" means either a
30 change in possession for consideration or a change in legal
31 ownership.

32 (~~(18)~~) (17) "Endangered species" means wildlife designated by
33 the commission as seriously threatened with extinction.

34 (~~(19)~~) (18) "Ex officio fish and wildlife officer" means:

35 (a) A commissioned officer of a municipal, county, or state
36 agency having as its primary function the enforcement of criminal
37 laws in general, while the officer is acting in the respective
38 jurisdiction of that agency;

39 (b) An officer or special agent commissioned by one of the
40 following: The national marine fisheries service; the Washington

1 state parks and recreation commission; the United States fish and
2 wildlife service; the Washington state department of natural
3 resources; the United States forest service; or the United States
4 parks service, if the agent or officer is in the respective
5 jurisdiction of the primary commissioning agency and is acting under
6 a mutual law enforcement assistance agreement between the department
7 and the primary commissioning agency;

8 (c) A commissioned fish and wildlife peace officer from another
9 state who meets the training standards set by the Washington state
10 criminal justice training commission pursuant to RCW 10.93.090,
11 43.101.080, and 43.101.200, and who is acting under a mutual law
12 enforcement assistance agreement between the department and the
13 primary commissioning agency; or

14 (d) A Washington state tribal police officer who successfully
15 completes the requirements set forth under RCW 43.101.157, is
16 employed by a tribal nation that has complied with RCW 10.92.020(2)
17 (a) and (b), and is acting under a mutual law enforcement assistance
18 agreement between the department and the tribal government.

19 ~~((+20))~~ (19) "Fish" includes all species classified as game fish
20 or food fish by statute or rule, as well as all fin fish not
21 currently classified as food fish or game fish if such species exist
22 in state waters. The term "fish" includes all stages of development
23 and the bodily parts of fish species.

24 ~~((+21))~~ (20) "Fish and wildlife officer" means a person
25 appointed and commissioned by the director, with authority to enforce
26 this title and rules adopted pursuant to this title, and other
27 statutes as prescribed by the legislature. Fish and wildlife officer
28 includes a person commissioned before June 11, 1998, as a wildlife
29 agent or a fisheries patrol officer.

30 ~~((+22))~~ (21) "Fish broker" means a person ~~((whose business it is
31 to bring a seller of fish and shellfish and a purchaser of those fish
32 and shellfish together.~~

33 ~~(23) "Fish buyer" means:~~

34 ~~(a) A wholesale fish dealer or a retail seller who directly
35 receives fish or shellfish from a commercial fisher or receives fish
36 or shellfish in interstate or foreign commerce; or~~

37 ~~(b) A person engaged by a wholesale fish dealer who receives fish
38 or shellfish from a commercial fisher))~~ who facilitates the sale or
39 purchase of raw or frozen fish or shellfish on a fee or commission
40 basis, without assuming title to the fish or shellfish.

1 ~~((24))~~ (22) "Fish dealer" means a person who engages in any
2 activity that triggers the need to obtain a fish dealer license under
3 RCW 77.65.280.

4 (23) "Fishery" means the taking of one or more particular species
5 of fish or shellfish with particular gear in a particular
6 geographical area.

7 ~~((25))~~ (24) "Food, food waste, or other substance" includes
8 human and pet food or other waste or garbage that could attract large
9 wild carnivores.

10 ~~((26))~~ (25) "Freshwater" means all waters not defined as
11 saltwater including, but not limited to, rivers upstream of the river
12 mouth, lakes, ponds, and reservoirs.

13 ~~((27))~~ (26) "Fur-bearing animals" means game animals that shall
14 not be trapped except as authorized by the commission.

15 ~~((28))~~ (27) "Fur dealer" means a person who purchases,
16 receives, or resells raw furs for commercial purposes.

17 ~~((29))~~ (28) "Game animals" means wild animals that shall not be
18 hunted except as authorized by the commission.

19 ~~((30))~~ (29) "Game birds" means wild birds that shall not be
20 hunted except as authorized by the commission.

21 ~~((31))~~ (30) "Game farm" means property on which wildlife is
22 held, confined, propagated, hatched, fed, or otherwise raised for
23 commercial purposes, trade, or gift. The term "game farm" does not
24 include publicly owned facilities.

25 ~~((32))~~ (31) "Game reserve" means a closed area where hunting
26 for all wild animals and wild birds is prohibited.

27 ~~((33))~~ (32) "Illegal items" means those items unlawful to be
28 possessed.

29 ~~((34))~~ (33)(a) "Intentionally feed, attempt to feed, or
30 attract" means to purposefully or knowingly provide, leave, or place
31 in, on, or about any land or building any food, food waste, or other
32 substance that attracts or could attract large wild carnivores to
33 that land or building.

34 (b) "Intentionally feed, attempt to feed, or attract" does not
35 include keeping food, food waste, or other substance in an enclosed
36 garbage receptacle or other enclosed container unless specifically
37 directed by a fish and wildlife officer or animal control authority
38 to secure the receptacle or container in another manner.

39 ~~((35))~~ (34) "Large wild carnivore" includes wild bear, cougar,
40 and wolf.

1 (~~(36)~~) (35) "License year" means the period of time for which a
2 recreational license is valid. The license year begins April 1st, and
3 ends March 31st.

4 (~~(37)~~) (36) "Limited-entry license" means a license subject to
5 a license limitation program established in chapter 77.70 RCW.

6 (37) "Limited fish seller" means a licensed commercial fisher who
7 sells his or her fish or shellfish to anyone other than a wholesale
8 fish buyer thereby triggering the need to obtain a limited fish
9 seller endorsement under RCW 77.65.510.

10 (38) "Money" means all currency, script, personal checks, money
11 orders, or other negotiable instruments.

12 (39) "Natural person" means a human being.

13 (40)(a) "Negligently feed, attempt to feed, or attract" means to
14 provide, leave, or place in, on, or about any land or building any
15 food, food waste, or other substance that attracts or could attract
16 large wild carnivores to that land or building, without the awareness
17 that a reasonable person in the same situation would have with regard
18 to the likelihood that the food, food waste, or other substance could
19 attract large wild carnivores to the land or building.

20 (b) "Negligently feed, attempt to feed, or attract" does not
21 include keeping food, food waste, or other substance in an enclosed
22 garbage receptacle or other enclosed container unless specifically
23 directed by a fish and wildlife officer or animal control authority
24 to secure the receptacle or container in another manner.

25 (41) "Nonresident" means a person who has not fulfilled the
26 qualifications of a resident.

27 (42) "Offshore waters" means marine waters of the Pacific Ocean
28 outside the territorial boundaries of the state, including the marine
29 waters of other states and countries.

30 (43) "Open season" means those times, manners of taking, and
31 places or waters established by rule of the commission for the lawful
32 hunting, fishing, taking, or possession of game animals, game birds,
33 game fish, food fish, or shellfish that conform to the special
34 restrictions or physical descriptions established by rule of the
35 commission or that have otherwise been deemed legal to hunt, fish,
36 take, or possess by rule of the commission. "Open season" includes
37 the first and last days of the established time.

38 (44) "Owner" means the person in whom is vested the ownership
39 dominion, or title of the property.

1 (45) "Person" means and includes an individual; a corporation; a
2 public or private entity or organization; a local, state, or federal
3 agency; all business organizations, including corporations and
4 partnerships; or a group of two or more individuals acting with a
5 common purpose whether acting in an individual, representative, or
6 official capacity.

7 (46) "Personal property" or "property" includes both corporeal
8 and incorporeal personal property and includes, among other property,
9 contraband and money.

10 (47) "Personal use" means for the private use of the individual
11 taking the fish or shellfish and not for sale or barter.

12 (48) "Predatory birds" means wild birds that may be hunted
13 throughout the year as authorized by the commission.

14 (49) "Protected wildlife" means wildlife designated by the
15 commission that shall not be hunted or fished.

16 (50) "Raffle" means an activity in which tickets bearing an
17 individual number are sold for not more than twenty-five dollars each
18 and in which a permit or permits are awarded to hunt or for access to
19 hunt big game animals or wild turkeys on the basis of a drawing from
20 the tickets by the person or persons conducting the raffle.

21 (51) "Resident" has the same meaning as defined in RCW 77.08.075.

22 (~~(52) ("Retail-eligible species" means commercially harvested~~
23 ~~salmon, crab, and sturgeon.~~

24 ~~(53))~~ "Saltwater" means those marine waters seaward of river
25 mouths.

26 ~~((54))~~ (53) "Seaweed" means marine aquatic plant species that
27 are dependent upon the marine aquatic or tidal environment, and exist
28 in either an attached or free floating form, and includes but is not
29 limited to marine aquatic plants in the classes Chlorophyta,
30 Phaeophyta, and Rhodophyta.

31 ~~((55))~~ (54) "Senior" means a person seventy years old or older.

32 ~~((56))~~ (55) "Shark fin" means a raw, dried, or otherwise
33 processed detached fin or tail of a shark.

34 ~~((57))~~ (56)(a) "Shark fin derivative product" means any product
35 intended for use by humans or animals that is derived in whole or in
36 part from shark fins or shark fin cartilage.

37 (b) "Shark fin derivative product" does not include a drug
38 approved by the United States food and drug administration and
39 available by prescription only or medical device or vaccine approved
40 by the United States food and drug administration.

1 ~~((58))~~ (57) "Shellfish" means those species of marine and
2 freshwater invertebrates that have been classified and that shall not
3 be taken or possessed except as authorized by rule of the
4 commission. The term "shellfish" includes all stages of development
5 and the bodily parts of shellfish species.

6 ~~((59))~~ (58) "State waters" means all marine waters and fresh
7 waters within ordinary high water lines and within the territorial
8 boundaries of the state.

9 ~~((60))~~ (59) "Taxidermist" means a person who, for commercial
10 purposes, creates lifelike representations of fish and wildlife using
11 fish and wildlife parts and various supporting structures.

12 ~~((61))~~ (60) "To fish" and its derivatives means an effort to
13 kill, injure, harass, harvest, or capture a fish or shellfish.

14 ~~((62))~~ (61) "To hunt" and its derivatives means an effort to
15 kill, injure, harass, harvest, or capture a wild animal or wild bird.

16 ~~((63))~~ (62) "To process" and its derivatives mean preparing or
17 preserving fish, wildlife, or shellfish.

18 ~~((64))~~ (63) "To take" and its derivatives means to kill,
19 injure, harvest, or capture a fish, shellfish, wild animal, bird, or
20 seaweed.

21 ~~((65))~~ (64) "To trap" and its derivatives means a method of
22 hunting using devices to capture wild animals or wild birds.

23 ~~((66))~~ (65) "To waste" or "to be wasted" means to allow any
24 edible portion of any game bird, food fish, game fish, shellfish, or
25 big game animal other than cougar to be rendered unfit for human
26 consumption, or to fail to retrieve edible portions of such a game
27 bird, food fish, game fish, shellfish, or big game animal other than
28 cougar from the field. For purposes of this chapter, edible portions
29 of game birds must include, at a minimum, the breast meat of those
30 birds. Entrails, including the heart and liver, of any wildlife
31 species are not considered edible.

32 ~~((67))~~ (66) "Trafficking" means offering, attempting to engage,
33 or engaging in sale, barter, or purchase of fish, shellfish,
34 wildlife, or deleterious exotic wildlife.

35 ~~((68))~~ (67) "Unclaimed" means that no owner of the property has
36 been identified or has requested, in writing, the release of the
37 property to themselves nor has the owner of the property designated
38 an individual to receive the property or paid the required postage to
39 effect delivery of the property.

1 ~~((+69))~~ (68) "Unclassified wildlife" means wildlife existing in
2 Washington in a wild state that have not been classified as big game,
3 game animals, game birds, predatory birds, protected wildlife,
4 endangered wildlife, or deleterious exotic wildlife.

5 ~~((+70))~~ (69) "Wholesale fish ~~((dealer))~~ buyer" means a person
6 who ~~((, acting for commercial purposes, takes possession or ownership
7 of fish or shellfish and sells, barter, or exchange or attempts to
8 sell, barter, or exchange fish or shellfish that have been landed
9 into the state of Washington or entered the state of Washington in
10 interstate or foreign commerce))~~ engages in any fish buying or
11 selling activity that triggers the need to obtain a wholesale fish
12 buyer endorsement under RCW 77.65.340.

13 ~~((+71))~~ (70) "Wild animals" means those species of the class
14 Mammalia whose members exist in Washington in a wild state. The term
15 "wild animal" does not include feral domestic mammals or old world
16 rats and mice of the family Muridae of the order Rodentia.

17 ~~((+72))~~ (71) "Wild birds" means those species of the class Aves
18 whose members exist in Washington in a wild state.

19 ~~((+73))~~ (72) "Wildlife" means all species of the animal kingdom
20 whose members exist in Washington in a wild state. This includes but
21 is not limited to mammals, birds, reptiles, amphibians, fish, and
22 invertebrates. The term "wildlife" does not include feral domestic
23 mammals, old world rats and mice of the family Muridae of the order
24 Rodentia, or those fish, shellfish, and marine invertebrates
25 classified as food fish or shellfish by the director. The term
26 "wildlife" includes all stages of development and the bodily parts of
27 wildlife members.

28 ~~((+74))~~ (73) "Wildlife meat cutter" means a person who packs,
29 cuts, processes, or stores wildlife for consumption for another for
30 commercial purposes.

31 ~~((+75))~~ (74) "Youth" means a person fifteen years old for
32 fishing and under sixteen years old for hunting.

33 **Sec. 3.** RCW 77.12.170 and 2016 c 30 s 5 are each amended to read
34 as follows:

35 (1) There is established in the state treasury the state wildlife
36 account which consists of moneys received from:

37 (a) Rentals or concessions of the department;

1 (b) The sale of real or personal property held for department
2 purposes, unless the property is seized or recovered through a fish,
3 shellfish, or wildlife enforcement action;

4 (c) The assessment of administrative penalties;

5 (d) The sale of licenses, permits, tags, and stamps required by
6 chapters 77.32, 77.65, and 77.70 RCW(~~(, RCW 77.65.490,~~) and
7 application fees;

8 (e) Fees for informational materials published by the department;

9 (f) Fees for personalized vehicle, Wild on Washington, and
10 Endangered Wildlife license plates, Washington's Wildlife license
11 plate collection, and Washington's fish license plate collection as
12 provided in chapter 46.17 RCW;

13 (g) Articles or wildlife sold by the director under this title;

14 (h) Compensation for damage to department property or wildlife
15 losses or contributions, gifts, or grants received under RCW
16 77.12.320. However, this excludes fish and shellfish overages, and
17 court-ordered restitution or donations associated with any fish,
18 shellfish, or wildlife enforcement action, as such moneys must be
19 deposited pursuant to RCW 77.15.425;

20 (i) Excise tax on anadromous game fish collected under chapter
21 82.27 RCW;

22 (j) The department's share of revenues from auctions and raffles
23 authorized by the commission;

24 (k) The sale of watchable wildlife decals under RCW 77.32.560;

25 (l) Moneys received from the recreation access pass account
26 created in RCW 79A.80.090 must be dedicated to stewardship,
27 operations, and maintenance of department lands used for public
28 recreation purposes; and

29 (m) Donations received by the director under RCW 77.12.039.

30 (2) State and county officers receiving any moneys listed in
31 subsection (1) of this section shall deposit them in the state
32 treasury to be credited to the state wildlife account.

33 **Sec. 4.** RCW 77.12.177 and 2015 c 225 s 114 are each amended to
34 read as follows:

35 (1) Except as provided in this title, state and county officers
36 receiving the following moneys shall deposit them in the state
37 (~~general fund~~) wildlife account:

38 (a) The sale of commercial licenses required under this title(~~(,~~
39 ~~except for licenses issued under RCW 77.65.490)~~); and

1 (b) Moneys received for damages to ~~((food))~~ fish ~~((or))~~,
2 shellfish, or wildlife.

3 ~~((The director shall make weekly remittances to the state
4 treasurer of moneys collected by the department.))~~ Beginning with
5 fiscal year 2018, and each fiscal year thereafter, the director must
6 determine both the total amount of fees deposited in the state
7 wildlife account for the sale of commercial licenses required under
8 this title, and the portion of those fees that is attributable to the
9 fee increases enacted in this act. The director must certify these
10 amounts to the state treasurer, who must transfer the difference
11 between these two amounts to the state general fund within one month
12 of the close of the fiscal year. The portion of those fees that is
13 attributable to the fee increases enacted in this act is retained in
14 the state wildlife account.

15 (3) All fines and forfeitures collected or assessed by a district
16 court for a violation of this title or rule of the department shall
17 be remitted as provided in chapter 3.62 RCW.

18 (4) Proceeds from the sale of ~~((food))~~ fish or shellfish taken in
19 test fishing conducted by the department, to the extent that these
20 proceeds exceed the estimates in the budget approved by the
21 legislature, may be allocated as unanticipated receipts under RCW
22 43.79.270 to reimburse the department for unanticipated costs for
23 test fishing operations in excess of the allowance in the budget
24 approved by the legislature.

25 (5) Proceeds from the sale of salmon carcasses and salmon eggs
26 from state general funded hatcheries by the department shall be
27 deposited in the regional fisheries enhancement group account
28 established in RCW 77.95.090.

29 (6) Proceeds from the sale of herring spawn on kelp fishery
30 licenses by the department, to the extent those proceeds exceed
31 estimates in the budget approved by the legislature, may be allocated
32 as unanticipated receipts under RCW 43.79.270. Allocations under this
33 subsection shall be made only for herring management, enhancement,
34 and enforcement.

35 **Sec. 5.** RCW 77.15.096 and 2002 c 128 s 5 are each amended to
36 read as follows:

37 (1) Fish and wildlife officers may inspect without warrant at
38 reasonable times and in a reasonable manner:

1 (a) The premises, containers, fishing equipment, fish, seaweed,
2 shellfish, and wildlife~~((, and records required by the department))~~
3 of any commercial fisher or wholesale dealer or fish ~~((buyer))~~
4 dealer; and

5 (b) Records required by the department of any commercial fisher
6 or wholesale fish buyer or fish dealer.

7 (2) Fish and wildlife officers and ex officio fish and wildlife
8 officers may ~~((similarly))~~ inspect without warrant at reasonable
9 times and in a reasonable manner:

10 (a) The premises, containers, fishing equipment, fish, shellfish,
11 ((and)) wildlife,~~((and records required by the department))~~ or
12 covered animal species of any ~~((shipping agent or other person~~
13 ~~placing or attempting to place fish, shellfish, or wildlife into~~
14 ~~interstate commerce,))~~ person trafficking or otherwise distributing
15 or receiving fish, shellfish, wildlife, or covered animal species;

16 (b) Records required by the department of any person trafficking
17 or otherwise distributing or receiving fish, shellfish, wildlife, or
18 covered animal species;

19 (c) Any cold storage plant that ~~((the department))~~ a fish and
20 wildlife officer has probable cause to believe contains fish,
21 shellfish, or wildlife~~((, or))~~;

22 (d) The premises, containers, fish, shellfish, wildlife, or
23 covered animal species of any taxidermist or fur buyer; or

24 (e) The records required by the department of any taxidermist or
25 fur buyer.

26 (3) Fish and wildlife officers may inspect without warrant, at
27 reasonable times and in a reasonable manner, the records required by
28 the department of any retail outlet selling fish, shellfish, or
29 wildlife, and, if the officers have probable cause to believe a
30 violation of this title or rules of the commission has occurred, they
31 may inspect without warrant the premises, containers, and fish,
32 shellfish, and wildlife of any retail outlet selling fish, shellfish,
33 or wildlife.

34 (4) Authority granted under this section does not extend to
35 quarters in a boat, building, or other property used exclusively as a
36 private domicile, does not extend to transitory residences in which a
37 person has a reasonable expectation of privacy, and does not allow
38 search and seizure without a warrant if the thing or place is
39 protected from search without warrant within the meaning of Article
40 I, section 7 of the state Constitution.

1 **Sec. 6.** RCW 69.04.933 and 2013 c 290 s 4 are each amended to
2 read as follows:

3 (1) It is unlawful to knowingly sell or offer for sale at
4 wholesale or retail any fresh, frozen, or processed (~~feed~~) fish or
5 shellfish without identifying for the buyer at the point of sale the
6 species of (~~feed~~) fish or shellfish by its common name, such that
7 the buyer can make an informed purchasing decision for his or her
8 protection, health, and safety.

9 (2) It is unlawful to knowingly label or offer for sale any
10 (~~feed~~) fish designated as halibut, with or without additional
11 descriptive words, unless the (~~feed~~) fish product is *Hippoglossus*
12 *hippoglossus* or *Hippoglossus stenolepsis*.

13 (3) This section does not apply to salmon that is minced,
14 pulverized, coated with batter, or breaded.

15 (4) This section does not apply to a commercial fisher properly
16 licensed under chapter 77.65 or 77.70 RCW and engaged in sales of
17 fish to a wholesale fish buyer.

18 (5) A violation of this section constitutes misbranding under RCW
19 69.04.938 and is punishable as a misdemeanor, gross misdemeanor, or
20 felony depending on the fair market value of the fish or shellfish
21 involved in the violation.

22 (6)(a) The common names for salmon species are as listed in RCW
23 69.04.932.

24 (b) The common names for all other (~~feed~~) fish and shellfish
25 are the common names for (~~feed~~) fish and shellfish species as
26 defined by rule of the (~~director~~) department of fish and wildlife.
27 If the common name for a species is not defined by rule of the
28 (~~director~~) department of fish and wildlife, then the common name is
29 the acceptable market name or common name as provided in the United
30 States food and drug administration's publication "Seafood list -
31 FDA's guide to acceptable market names for seafood sold in interstate
32 commerce," as the publication existed on July 28, 2013.

33 (7) For the purposes of this section, "processed" means (~~feed~~)
34 fish or shellfish processed by heat for human consumption, such as
35 (~~feed~~) fish or shellfish that is kippered, smoked, boiled, canned,
36 cleaned, portioned, or prepared for sale or attempted sale for human
37 consumption.

38 (8) Nothing in this section precludes using additional
39 descriptive language or trade names to describe (~~feed~~) fish or

1 shellfish as long as the labeling requirements in this section are
2 met.

3 **Sec. 7.** RCW 69.04.934 and 2013 c 290 s 5 are each amended to
4 read as follows:

5 (1) It is unlawful to knowingly sell or offer for sale at
6 wholesale or retail any fresh, frozen, or processed salmon without
7 identifying private sector cultured aquatic salmon or salmon products
8 as farm-raised salmon, or identifying commercially caught salmon or
9 salmon products as commercially caught salmon.

10 (2) Identification of the products under subsection (1) of this
11 section must be made to the buyer at the point of sale such that the
12 buyer can make an informed purchasing decision for his or her
13 protection, health, and safety.

14 (3) A violation of this section constitutes misbranding under RCW
15 69.04.938 and is punishable as a misdemeanor, gross misdemeanor, or
16 felony depending on the fair market value of the fish or shellfish
17 involved in the violation.

18 (4) This section does not apply to salmon that is minced,
19 pulverized, coated with batter, or breaded.

20 (5) This section does not apply to a commercial fisher properly
21 licensed under chapter 77.65 or 77.70 RCW and lawfully engaged in the
22 sale of fish to a wholesale fish buyer.

23 (6) Nothing in this section precludes using additional
24 descriptive language or trade names to describe (~~food~~) fish or
25 shellfish as long as the labeling requirements of this section are
26 met.

27 **Sec. 8.** RCW 77.15.110 and 2012 c 176 s 13 are each amended to
28 read as follows:

29 (1) For purposes of this chapter, a person acts for commercial
30 purposes if the person engages in conduct that relates to commerce in
31 fish, seaweed, shellfish, or wildlife or any parts thereof.
32 Commercial conduct may include taking, delivering, selling, buying,
33 brokering, or trading fish, seaweed, shellfish, or wildlife where
34 there is present or future exchange of money, goods, or any valuable
35 consideration. Evidence that a person acts for commercial purposes
36 includes, but is not limited to, the following conduct:

37 (a) Using gear typical of that used in commercial fisheries;

1 (b) Exceeding the bag or possession limits for personal use by
2 taking or possessing more than three times the amount of fish,
3 seaweed, shellfish, or wildlife allowed;

4 (c) Delivering or attempting to deliver fish, seaweed, shellfish,
5 or wildlife to a person who sells or resells ((fish, seaweed,
6 shellfish, or wildlife including any licensed or unlicensed
7 wholesaler)) it;

8 (d) Taking fish or shellfish using a vessel designated on a
9 commercial fishery license or using gear not authorized in a personal
10 use fishery;

11 (e) Using a commercial fishery license;

12 (f) Selling or dealing in raw furs for a fee or in exchange for
13 goods or services;

14 (g) Performing taxidermy service on fish, shellfish, or wildlife
15 belonging to another person for a fee or receipt of goods or
16 services; or

17 (h) Packs, cuts, processes, or stores the meat of wildlife for
18 consumption, for a fee or in exchange for goods or services.

19 (2) For purposes of this chapter, the value of any fish, seaweed,
20 shellfish, or wildlife may be proved based on evidence of legal or
21 illegal sales involving the person charged or any other person, of
22 offers to sell or solicitation of offers to sell by the person
23 charged or by any other person, or of any market price for the fish,
24 seaweed, shellfish, or wildlife including market price for farm-
25 raised game animals. The value assigned to specific fish, seaweed,
26 shellfish, or wildlife by RCW 77.15.420 may be presumed to be the
27 value of such fish, seaweed, shellfish, or wildlife. It is not
28 relevant to proof of value that the person charged misrepresented
29 that the fish, seaweed, shellfish, or wildlife was taken in
30 compliance with law if the fish, seaweed, shellfish, or wildlife was
31 unlawfully taken and had no lawful market value.

32 **Sec. 9.** RCW 77.15.170 and 2014 c 48 s 8 are each amended to read
33 as follows:

34 (1) A person is guilty of waste of fish and wildlife if the
35 person:

36 (a) Takes or possesses wildlife classified as food fish, game
37 fish, shellfish, or game birds having a value of two hundred fifty
38 dollars or more, or wildlife classified as big game; and

1 (b) Recklessly allows such fish, shellfish, or wildlife to be
2 wasted.

3 (2) Waste of fish and wildlife is a gross misdemeanor. Upon
4 conviction, the department shall revoke any license or tag used in
5 the crime and shall order suspension of the person's privileges to
6 engage in the activity in which the person committed waste of fish
7 and wildlife for a period of one year.

8 (3) It is prima facie evidence of waste if:

9 (a) A (~~processor~~) fish dealer purchases or engages a quantity
10 of food fish, shellfish, or game fish that cannot be processed within
11 sixty hours after the food fish, game fish, or shellfish are taken
12 from the water, unless the food fish, game fish, or shellfish are
13 preserved in good marketable condition; or

14 (b) A person brings a big game animal to a wildlife meat cutter
15 and then abandons the animal. For purposes of this subsection (3)(b),
16 a big game animal is deemed to be abandoned when its carcass is
17 placed in the custody of a wildlife meat cutter for butchering and
18 processing and:

19 (i) Having been placed in such custody for an unspecified period
20 of time, the meat is not removed within thirty days after the
21 wildlife meat cutter gives notice to the person who brought in the
22 carcass or, having been so notified, the person who brought in the
23 carcass refuses or fails to pay the agreed upon or reasonable charges
24 for the butchering or processing of the carcass; or

25 (ii) Having been placed in such custody for a specified period of
26 time, the meat is not removed at the end of the specified period or
27 the person who brought in the carcass refuses to pay the agreed upon
28 or reasonable charges for the butchering or processing of the
29 carcass.

30 **Sec. 10.** RCW 77.15.500 and 2000 c 107 s 248 are each amended to
31 read as follows:

32 (1) A person is guilty of commercial fishing without a license in
33 the second degree if the person fishes for, takes, or delivers
34 (~~food~~) fish(~~,~~) or shellfish(~~,~~ ~~or game fish~~) while acting for
35 commercial purposes and:

36 (a) The person does not hold a fishery license or delivery
37 license under chapter 77.65 RCW for the (~~food~~) fish or shellfish;
38 (~~or~~)

1 (b) The person is not a licensed operator designated as an
2 alternate operator on a fishery or delivery license under chapter
3 77.65 RCW for the ~~((food))~~ fish or shellfish; or

4 (c) The person does not hold a crewmember license when required
5 under section 15 of this act.

6 (2) A person is guilty of commercial fishing without a license in
7 the first degree if the person commits the act described by
8 subsection (1) of this section and:

9 (a) The violation involves taking, delivery, or possession of
10 ~~((food))~~ fish or shellfish with a value of two hundred fifty dollars
11 or more; or

12 (b) The violation involves taking, delivery, or possession of
13 ~~((food))~~ fish or shellfish from an area that was closed to the taking
14 of ~~((such food))~~ the fish or shellfish by any statute or rule.

15 (3)(a) Commercial fishing without a license in the second degree
16 is a gross misdemeanor.

17 (b) Commercial fishing without a license in the first degree is a
18 class C felony.

19 **Sec. 11.** RCW 77.15.565 and 2002 c 301 s 6 are each amended to
20 read as follows:

21 Since violation of the rules of the department relating to the
22 accounting of the commercial harvest of ~~((food))~~ fish and shellfish
23 results in damage to the resources of the state, liability for damage
24 to ~~((food))~~ fish and shellfish resources is imposed on a wholesale
25 fish ~~((dealer or the holder of a direct retail endorsement))~~ buyer or
26 a limited fish seller for violation of a provision in chapters 77.65
27 and 77.70 RCW or a rule of the department related to the accounting
28 of the commercial harvest of ~~((food))~~ fish and shellfish and shall be
29 for the actual damages or for damages imposed as follows:

30 (1) For violation of rules requiring the timely presentation to
31 the department of documents relating to the accounting of commercial
32 harvest, fifty dollars for each of the first fifteen documents in a
33 series and ten dollars for each subsequent document in the same
34 series. If documents relating to the accounting of commercial harvest
35 of ~~((food))~~ fish and shellfish are lost or destroyed and the
36 wholesale ~~((dealer or holder of a direct retail endorsement))~~ fish
37 buyer or limited fish seller notifies the department in writing
38 within seven days of the loss or destruction, the director shall
39 waive the requirement for timely presentation of the documents.

1 (2) For violation of rules requiring accurate and legible
2 information relating to species, value, harvest area, or amount of
3 harvest, twenty-five dollars for each of the first five violations of
4 this subsection (~~following July 28, 1985~~) per calendar year, and
5 fifty dollars for each violation after the first five violations.

6 (3) For violations of rules requiring certain signatures, fifty
7 dollars for each of the first two violations and one hundred dollars
8 for each subsequent violation. For the purposes of this subsection,
9 each signature is a separate requirement.

10 (4) For other violations of rules relating to the accounting of
11 the commercial harvest, fifty dollars for each separate violation.

12 **Sec. 12.** RCW 77.15.620 and 2012 c 176 s 30 are each amended to
13 read as follows:

14 (1) A person is guilty of engaging in fish dealing activity
15 without a license in the second degree if the activity involves fish
16 or shellfish worth less than two hundred fifty dollars and the
17 person:

18 (a) Engages in (~~the commercial processing of fish or shellfish,~~
19 ~~including custom canning or processing of personal use fish or~~
20 ~~shellfish and does not hold a wholesale dealer's license required by~~
21 ~~RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct~~
22 ~~retail endorsement under RCW 77.65.510)) any fish dealing activity
23 requiring a fish dealer license under RCW 77.65.280 without first
24 obtaining the license;~~

25 (b) Engages in (~~the wholesale selling, buying, or brokering of~~
26 ~~food fish or shellfish and does not hold a wholesale dealer's or~~
27 ~~buying license required by RCW 77.65.280(2) or 77.65.480 for~~
28 ~~anadromous game fish)) any fish buying or selling activity requiring
29 a wholesale fish buyer endorsement under RCW 77.65.340 without first
30 obtaining the endorsement; or~~

31 (c) (~~Is a fisher who lands and sells his or her catch or harvest~~
32 ~~in the state to anyone other than a licensed wholesale dealer within~~
33 ~~or outside the state and does not hold a direct retail endorsement~~
34 ~~required by RCW 77.65.510; or~~

35 (d) ~~Engages in the commercial manufacture or preparation of~~
36 ~~fertilizer, oil, meal, caviar, fish bait, or other by products from~~
37 ~~food fish or shellfish and does not hold a wholesale dealer's license~~
38 ~~required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.)~~
39 Engages in any fish selling activity as a fisher that requires a

1 limited fish seller endorsement under RCW 77.65.510 without first
2 obtaining the endorsement.

3 (2) A person is guilty of engaging in fish dealing activity
4 without a license in the first degree if the person commits the act
5 described by subsection (1) of this section and the violation
6 involves fish or shellfish worth two hundred fifty dollars or more.

7 (3)(a) Engaging in fish dealing activity without a license in the
8 second degree is a gross misdemeanor.

9 (b) Engaging in fish dealing activity without a license in the
10 first degree is a class C felony.

11 **Sec. 13.** RCW 77.15.630 and 2014 c 48 s 21 are each amended to
12 read as follows:

13 (1) A person licensed as a commercial fisher, wholesale fish
14 (~~((dealer, direct retail seller, anadromous game fish buyer, or a~~
15 ~~fish))~~ buyer, or limited fish seller, or a person not so licensed but
16 acting in such a capacity, is guilty of unlawful fish and shellfish
17 catch accounting in the second degree if he or she receives or
18 delivers for commercial purposes fish or shellfish worth less than
19 two hundred fifty dollars; and

20 (a) Fails to document such fish or shellfish with a fish-
21 receiving ticket or other documentation required by statute or
22 department rule;

23 (b) Fails to sign the fish-receiving ticket or other required
24 documentation, fails to provide all of the information required by
25 statute or department rule on the fish-receiving ticket or other
26 documentation, or both; or

27 (c) Fails to submit the fish-receiving ticket to the department
28 as required by statute or department rule.

29 (2) A person is guilty of unlawful fish and shellfish catch
30 accounting in the first degree if the person commits an act described
31 by subsection (1) of this section and:

32 (a) The violation involves fish or shellfish worth two hundred
33 fifty dollars or more;

34 (b) The person acted with knowledge that the fish or shellfish
35 were taken from a closed area, at a closed time, or by a person not
36 licensed to take such fish or shellfish for commercial purposes; or

37 (c) The person acted with knowledge that the fish or shellfish
38 were taken in violation of any tribal law.

1 (3)(a) Unlawful fish and shellfish catch accounting in the second
2 degree is a gross misdemeanor.

3 (b) Unlawful fish and shellfish catch accounting in the first
4 degree is a class C felony. Upon conviction, the department shall
5 suspend all privileges to engage in wholesale fish buying or dealing
6 for two years.

7 (4) For the purposes of this section:

8 (a) A person "receives" fish or shellfish when title or control
9 of the fish or shellfish is transferred or conveyed to the person.

10 (b) A person "delivers" fish or shellfish when title or control
11 of the fish or shellfish is transferred or conveyed from the person.

12 **Sec. 14.** RCW 77.15.640 and 2012 c 176 s 32 are each amended to
13 read as follows:

14 (1) A person who holds a (~~wholesale~~) fish (~~dealer's~~) dealer
15 license required by RCW 77.65.280, (~~an anadromous game fish buyer's~~
16 ~~license required by RCW 77.65.480,~~) a wholesale fish (~~buyer's~~
17 ~~license~~) buyer endorsement required by RCW 77.65.340, or a (~~direct~~
18 ~~retail~~) limited fish seller endorsement under RCW 77.65.510 is
19 guilty of unlawful wholesale fish buying and dealing if the person:

20 (a) Fails to possess or display his or her license when engaged
21 in any act requiring the license; or

22 (b) Fails to display or uses the license in violation of any
23 department rule.

24 (2) Unlawful wholesale fish buying and dealing is a gross
25 misdemeanor.

26 NEW SECTION. **Sec. 15.** A new section is added to chapter 77.65
27 RCW to read as follows:

28 (1)(a) An individual age sixteen and older who works on board any
29 vessel while operating in a commercial fishery regulated by the state
30 must obtain a crewmember license from the department. However, an
31 individual on the vessel designated as the primary or alternate
32 operator on the commercial fishing license and an individual on the
33 vessel licensed and working as a geoduck diver or geoduck tender do
34 not also need a crewmember license. Crewmembers working for licensed
35 charters or guides are not required to have a crewmember license.

36 (b) A crewmember license is required for each individual who
37 participates in the operation of the vessel or the harvest. For the
38 purposes of this section, the term "harvest" includes participation

1 in tending, deploying, retrieving, or baiting fishing gear,
2 harvesting, or placing fish or shellfish in holds.

3 (c) An albacore tuna crewmember license satisfies the
4 requirements specified in (a) and (b) of this subsection on vessels
5 fishing for albacore tuna or baitfish lampara.

6 (2) A crewmember license must be purchased in the name of the
7 individual working as the crewmember. The license holder may use the
8 license aboard any commercial fishing vessel, except an albacore tuna
9 crewmember license is only valid for participating in the albacore
10 tuna fishery or baitfish lampara fishery. A crewmember license
11 purchased by a crewmember may not be transferred to another
12 individual.

13 (3) Up to two crewmember licenses may be purchased and held by a
14 commercial fishing license holder for use by any individual working
15 on the vessel named in the commercial fishing license. Each
16 crewmember license held by a commercial fishing license holder covers
17 one crewmember per trip, but the same crewmember license may be used
18 to authorize a different individual to act as a crewmember on a
19 subsequent trip.

20 (4) The fee for an annual crewmember license is thirty-five
21 dollars for residents and one hundred ten dollars for nonresidents.
22 The fee for an annual albacore tuna crewmember license is thirty-five
23 dollars for residents and nonresidents. Additional application fees
24 and surcharges do not apply except that if the license is purchased
25 through the automated licensing system the fees authorized in RCW
26 77.32.050 apply.

27 (5) The licenses must be available through the automated
28 licensing system and transaction fees and dealer fees apply, except
29 as provided in subsection (4) of this section. The annual crewmember
30 license is valid for a calendar year.

31 (6) Family members of the commercial license holder or alternate
32 operators are exempt from the requirements of this section. For
33 purposes of this section, family members include children,
34 grandchildren, spouse, parents, or siblings of the commercial license
35 holder.

36 **Sec. 16.** RCW 77.65.010 and 2015 c 97 s 3 are each amended to
37 read as follows:

1 (1) Except as otherwise provided by this title, a person must
2 have a license (~~(or permit)~~) issued by the director in order to
3 engage in any of the following activities:

4 (a) Commercially fish for or take food fish or shellfish;

5 (b) Deliver from a commercial fishing vessel food fish or
6 shellfish taken for commercial purposes in offshore waters. As used
7 in this subsection, "deliver" means arrival at a place or port, and
8 includes arrivals from offshore waters to waters within the state and
9 arrivals from state or offshore waters;

10 (c) Operate a charter boat or commercial fishing vessel engaged
11 in a fishery;

12 (d) Engage in (~~(processing or wholesaling food)~~) wholesale
13 buying, selling, dealing, processing, or brokering of raw or frozen
14 fish or shellfish; ((or))

15 (e) Sell his or her commercially harvested catch of fish or
16 shellfish to anyone other than a licensed wholesale fish buyer within
17 or outside the state; or

18 (f) Act as a food fish guide or game fish guide for personal use,
19 except that a charter boat license is required to operate a vessel
20 from which a person may for a fee fish for food fish in state waters
21 listed in RCW 77.65.150(4)(b).

22 (2) No person may engage in the activities described in
23 subsection (1) of this section unless the licenses (~~(or permits)~~)
24 required by this title are in the person's possession, and the person
25 is the named license holder or an alternate operator designated on
26 the license and the person's license is not suspended.

27 (3) A valid Oregon license that is equivalent to a license under
28 this title is valid in the concurrent waters of the Columbia river if
29 the state of Oregon recognizes as valid the equivalent Washington
30 license. The director may identify by rule what Oregon licenses are
31 equivalent.

32 (4) No license (~~(or permit)~~) is required for the production or
33 harvesting of private sector cultured aquatic products as defined in
34 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
35 aquatic products. However, if a means of identifying such products is
36 required by rules adopted under RCW 15.85.060, the exemption from
37 licensing (~~(or permit)~~) requirements established by this subsection
38 applies only if the aquatic products are identified in conformance
39 with those rules.

1 **Sec. 17.** RCW 77.65.020 and 2011 c 339 s 15 are each amended to
2 read as follows:

3 (1) Unless otherwise provided in this title, a license issued
4 under this chapter is not transferable from the license holder to any
5 other person.

6 (2) The following restrictions apply to transfers of commercial
7 fishery licenses, salmon delivery licenses, and salmon charter
8 licenses that are transferable between license holders:

9 (a) The license holder shall surrender the previously issued
10 license to the department.

11 (b) The department shall complete no more than one transfer of
12 the license in any seven-day period.

13 (c) The fee to transfer a license from one license holder to
14 another is:

15 (i) The same as the (~~resident~~) license renewal fee if the
16 license is not limited under chapter 77.70 RCW;

17 (ii) Three and one-half times the (~~resident~~) renewal fee if the
18 license is not a commercial salmon license and the license is limited
19 under chapter 77.70 RCW;

20 (iii) Fifty dollars if the license is a commercial salmon license
21 and is limited under chapter 77.70 RCW; or

22 (iv) Five hundred dollars if the license is a Dungeness crab-
23 coastal fishery license(~~;~~~~or~~

24 ~~(v) If a license is transferred from a resident to a nonresident,~~
25 ~~an additional fee is assessed that is equal to the difference between~~
26 ~~the resident and nonresident license fees at the time of transfer, to~~
27 ~~be paid by the transferee)).~~

28 (d) In addition to the fees under (c) of this subsection, an
29 application fee of one hundred five dollars applies to all commercial
30 license transfers.

31 (3) A commercial license that is transferable under this title
32 survives the death of the holder. Though such licenses are not
33 personal property, they shall be treated as analogous to personal
34 property for purposes of inheritance and intestacy. Such licenses are
35 subject to state laws governing wills, trusts, estates, intestate
36 succession, and community property, except that such licenses are
37 exempt from claims of creditors of the estate and tax liens. The
38 surviving spouse, estate, or beneficiary of the estate may apply for
39 a renewal of the license. There is no fee for transfer of a license

1 from a license holder to the license holder's surviving spouse or
2 estate, or to a beneficiary of the estate.

3 **Sec. 18.** RCW 77.65.090 and 2011 c 339 s 16 are each amended to
4 read as follows:

5 This section applies to all commercial fishery licenses, delivery
6 licenses, and charter licenses, except for emergency salmon delivery
7 licenses.

8 (1) The holder of a license subject to this section may
9 substitute the vessel designated on the license or designate a vessel
10 if none has previously been designated if the license holder:

- 11 (a) Surrenders the previously issued license to the department;
12 (b) Submits to the department an application that identifies the
13 currently designated vessel, the vessel proposed to be designated,
14 and any other information required by the department; and
15 (c) Pays to the department a fee of thirty-five dollars and an
16 application fee of one hundred five dollars.

17 (2) Unless the license holder owns all vessels identified on the
18 application described in subsection (1)(b) of this section or unless
19 the vessel is designated on a Dungeness crab-coastal (~~(or a Dungeness~~
20 ~~crab-coastal-class-B)~~) fishery license, the following restrictions
21 apply to changes in vessel designation:

- 22 (a) The department shall change the vessel designation on the
23 license no more than four times per calendar year.
24 (b) The department shall change the vessel designation on the
25 license no more than once in any seven-day period.

26 **Sec. 19.** RCW 77.65.110 and 2011 c 339 s 17 are each amended to
27 read as follows:

28 This section applies to all commercial fishery licenses(~~(,~~
29 ~~charter boat licenses,~~) and delivery licenses.

30 (1) A person designated as an alternate operator must possess an
31 alternate operator license issued under RCW 77.65.130, and be
32 designated on the fishery license prior to engaging in the activities
33 authorized by the license. The holder of the commercial fishery
34 license(~~(,~~ ~~charter boat license,~~) or delivery license may designate
35 up to two alternate operators for the license, except:

- 36 (a) Whiting—Puget Sound fishery licensees may not designate
37 alternate operators;

1 (b) Emergency salmon delivery licensees may not designate
2 alternate operators;

3 (c) Shrimp pot-Puget Sound fishery licensees may designate no
4 more than one alternate operator at a time; and

5 (d) Shrimp trawl-Puget Sound fishery licensees may designate no
6 more than one alternate operator at a time.

7 (2) The fee to change the alternate operator designation is
8 twenty-two dollars in addition to the application fee of one hundred
9 five dollars.

10 (3) An alternate operator license is not required for an
11 individual to operate a vessel designated as a charter boat under a
12 charter boat license.

13 **Sec. 20.** RCW 77.65.120 and 2000 c 107 s 33 are each amended to
14 read as follows:

15 (1) Only the fishery license holder and any alternate operators
16 designated on the license may sell or deliver ~~((food))~~ fish or
17 shellfish under a commercial fishery license or delivery license. A
18 commercial fishery license or delivery license authorizes no taking
19 or delivery of ~~((food))~~ fish or shellfish unless the license holder
20 or an alternate operator designated on the license is present or
21 aboard the vessel.

22 ~~((Notwithstanding RCW 77.65.010(1)(c), an alternate operator~~
23 ~~license is not required for an individual to operate a vessel as a~~
24 ~~charter boat.))~~ Only the fishery license holder and any alternate
25 operator designated on a license with a limited fish seller
26 endorsement under RCW 77.65.510 may sell the licensee's commercially
27 harvested catch directly to consumers at retail.

28 **Sec. 21.** RCW 77.65.150 and 2011 c 339 s 18 are each amended to
29 read as follows:

30 ~~((The director shall issue the charter licenses and angler~~
31 ~~permits listed in this section according to the requirements of this~~
32 ~~title.))~~ The licenses and permits and their annual license fees,
33 application fees, and surcharges are:

34	License	Annual Fee	Appli-	Governing Section
35	or	(RCW 77.95.090 Surcharge)	cation	
36	Permit	(RCW 77.12.702 Surcharge)	Fee	

	Resident	Nonresident	
1			
2	(a) Non-	(\$225) \$375	(\$375) \$450 \$ 70
3	salmon	(plus \$35 for	(plus \$35 for
4	charter	RCW 77.12.702	RCW 77.12.702
5		Surcharge)	Surcharge)
6	(b) Salmon	(\$380) \$460	(\$685) \$535 \$105 RCW 77.70.050
7	charter	(plus \$100)	(plus \$100)
8		(plus \$35 for	(plus \$35 for
9		RCW 77.12.702	RCW 77.12.702
10		Surcharge)	Surcharge)
11	(c) Salmon	\$ 0	\$ 0 \$ 0 RCW 77.70.060
12	angler		
13	((d) Salmon	\$ 95	\$ 95 \$ 70 RCW 77.65.350))
14	fee		

15 (2) A salmon charter license designating a vessel is required to
16 operate a charter boat from which persons may, for a fee, fish for
17 salmon, other ~~((food))~~ fish, and shellfish. The director may issue a
18 salmon charter license only to a person who meets the qualifications
19 of RCW 77.70.050.

20 (3) A nonsalmon charter license designating a vessel is required
21 to operate a charter boat from which persons may, for a fee, fish for
22 ~~((food))~~ shellfish and fish other than salmon~~((r))~~ or albacore
23 tuna~~((, and shellfish))~~.

24 (4)(a) "Charter boat" means a vessel from which persons may, for
25 a fee, fish for food fish or shellfish for personal use in those
26 state waters set forth in (b) of this subsection. "Charter boat" also
27 means a vessel from which persons may, for a fee, fish for ~~((food))~~
28 fish or shellfish for personal use in offshore waters or in the
29 waters of other states. The director may specify by rule when a
30 vessel is a "charter boat" within this definition.

31 (b) A person may not operate a vessel from which persons may, for
32 a fee, fish for food fish or shellfish in Puget Sound, Grays Harbor,
33 Willapa Bay, Pacific Ocean waters, Lake Washington, or the Columbia
34 river below the bridge at Longview unless the vessel is designated on
35 a charter boat license.

36 (5) A charter boat licensed in Oregon may fish without a
37 Washington charter license under the same rules as Washington charter
38 boat operators in ocean waters within the jurisdiction of Washington

1 state from the southern border of the state of Washington to
 2 Leadbetter Point, as long as the Oregon vessel does not take on or
 3 discharge passengers for any purpose from any Washington port, the
 4 Washington shore, or a dock, landing, or other point in Washington.
 5 The provisions of this subsection shall be in effect as long as the
 6 state of Oregon has reciprocal laws and regulations.

7 (6) A salmon charter license under subsection (1)(b) of this
 8 section may be renewed if the license holder notifies the department
 9 by May 1st of that year that he or she will not participate in the
 10 fishery during that calendar year. The license holder must pay the
 11 one hundred dollar enhancement surcharge, a thirty-five dollar
 12 surcharge to be deposited in the rockfish research account created in
 13 RCW 77.12.702, plus a one hundred five dollar application fee, in
 14 order to be considered a valid renewal and eligible to renew the
 15 license the following year.

16 **Sec. 22.** RCW 77.65.160 and 2011 c 339 s 19 are each amended to
 17 read as follows:

18 (1) The following commercial salmon fishery licenses are required
 19 for the license holder to use the specified gear to fish for salmon
 20 in state waters. Only a person who meets the qualifications of RCW
 21 77.70.090 may hold a license listed in this subsection. The licenses
 22 and their annual license fees, application fees, and surcharges under
 23 RCW 77.95.090 are:

	Fishery	Resident	Nonresident	Surcharge	Application
	License	Fee	Fee		Fee
(a)	Salmon Gill Net	\$380	(\$685)	plus \$100	\$105
	—Grays		<u>\$455</u>		
	Harbor-				
	Columbia				
	river				
(b)	Salmon Gill Net	\$380	(\$685)	plus \$100	\$105
	—Puget		<u>\$455</u>		
	Sound				
(c)	Salmon Gill Net	\$380	(\$685)	plus \$100	\$105
	—Willapa		<u>\$455</u>		
	Bay-				
	Columbia				
	river				

1	(d) Salmon purse	(\$530)	(\$985)	plus \$100	\$105
2	seine	<u>\$545</u>	<u>\$620</u>		
3	(e) Salmon reef net	\$380	(\$685)	plus \$100	\$105
4			<u>\$455</u>		
5	(f) Salmon troll	\$380	(\$685)	plus \$100	\$105
6			<u>\$455</u>		

7 (2) A license issued under this section authorizes no taking or
8 delivery of salmon or other food fish unless a vessel is designated
9 under RCW 77.65.100.

10 (3) Holders of commercial salmon fishery licenses may retain
11 incidentally caught food fish other than salmon, subject to rules of
12 the department.

13 (4) A salmon troll license includes a salmon delivery license.

14 (5) A salmon gill net license authorizes the taking of salmon
15 only in the geographical area for which the license is issued. The
16 geographical designations in subsection (1) of this section have the
17 following meanings:

18 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,
19 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,
20 sounds, and estuaries lying easterly and southerly of the
21 international boundary line and a line at the entrance to the Strait
22 of Juan de Fuca projected northerly from Cape Flattery to the
23 lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver
24 Island.

25 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor
26 and tributary estuaries lying easterly of a line projected northerly
27 from Point Chehalis Light to Point Brown and those waters of the
28 Columbia river and tributary sloughs and estuaries easterly of a line
29 at the entrance to the Columbia river projected southerly from the
30 most westerly point of the North jetty to the most westerly point of
31 the South jetty.

32 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay
33 and tributary estuaries and easterly of a line projected northerly
34 from Leadbetter Point to the Cape Shoalwater tower and those waters
35 of the Columbia river and tributary sloughs described in (b) of this
36 subsection.

37 (6) A commercial salmon troll fishery license may be renewed
38 under this section if the license holder notifies the department by
39 May 1st of that year that he or she will not participate in the

1 fishery during that calendar year. A commercial salmon gill net, reef
2 net, or seine fishery license may be renewed under this section if
3 the license holder notifies the department before the third Monday in
4 September of that year that he or she will not participate in the
5 fishery during that calendar year. The license holder must pay the
6 one hundred dollar enhancement surcharge, plus a one hundred five
7 dollar application fee before the third Monday in September, in order
8 to be considered a valid renewal and eligible to renew the license
9 the following year.

10 (7) Notwithstanding the annual license fees and surcharges
11 established in subsection (1) of this section, a person who holds a
12 resident commercial salmon fishery license shall pay an annual
13 license fee of one hundred dollars plus the surcharge and application
14 fee if all of the following conditions are met:

15 (a) The license holder is at least seventy-five years of age;

16 (b) The license holder owns a fishing vessel and has fished with
17 a resident commercial salmon fishery license for at least thirty
18 years; and

19 (c) The commercial salmon fishery license is for a geographical
20 area other than the Puget Sound.

21 An alternate operator may not be designated for a license renewed
22 at the one hundred dollar annual fee under this subsection (7).

23 **Sec. 23.** RCW 77.65.170 and 2011 c 339 s 20 are each amended to
24 read as follows:

25 (1) A salmon delivery license is required for a commercial
26 fishing vessel to deliver salmon taken for commercial purposes in
27 offshore waters to a place or port in the state. As used in this
28 section, "deliver" and "delivery" mean arrival at a place or port,
29 and include arrivals from offshore waters to waters within the state
30 and arrivals ashore from offshore waters. The annual fee for a salmon
31 delivery license is ((~~three~~)) four hundred ((~~eighty~~)) thirty dollars
32 for residents and ((~~six~~)) five hundred ((~~eighty-five~~)) five dollars
33 for nonresidents. The application fee for a salmon delivery license
34 is one hundred five dollars. The annual surcharge under RCW 77.95.090
35 is one hundred dollars for each license. Holders of nonlimited entry
36 delivery licenses issued under RCW 77.65.210 may apply the nonlimited
37 entry delivery license fee against the salmon delivery license fee.

1 (2) Only a person who meets the qualifications established in RCW
2 77.70.090 may hold a salmon delivery license issued under this
3 section.

4 (3) A salmon delivery license authorizes no taking of salmon or
5 other (~~food~~) fish or shellfish from the waters of the state.

6 (4) If the director determines that the operation of a vessel
7 under a salmon delivery license results in the depletion or
8 destruction of the state's salmon resource or the delivery into this
9 state of salmon products prohibited by law, the director may revoke
10 the license under the procedures of chapter 34.05 RCW.

11 **Sec. 24.** RCW 77.65.190 and 2011 c 339 s 21 are each amended to
12 read as follows:

13 A person who does not qualify for a license under RCW 77.70.090
14 shall obtain a nontransferable emergency salmon delivery license to
15 make one delivery from a commercial fishing vessel of salmon taken
16 for commercial purposes in offshore waters. As used in this section,
17 "delivery" means arrival at a place or port, and include arrivals
18 from offshore waters to waters within the state and arrivals ashore
19 from offshore waters. The director shall not issue an emergency
20 salmon delivery license unless, as determined by the director, a bona
21 fide emergency exists. The license fee is two hundred (~~twenty-five~~)
22 seventy-five dollars for residents and (~~four~~) three hundred
23 (~~seventy-five~~) fifty dollars for nonresidents. The application fee
24 is one hundred five dollars. An applicant for an emergency salmon
25 delivery license shall designate no more than one vessel that will be
26 used with the license. Alternate operator licenses are not required
27 of persons delivering salmon under an emergency salmon delivery
28 license. Emergency salmon delivery licenses are not renewable.

29 **Sec. 25.** RCW 77.65.200 and 2011 c 339 s 22 are each amended to
30 read as follows:

31 (1) This section establishes commercial fishery licenses required
32 for food fish fisheries and the annual fees for those licenses. As
33 used in this section, "food fish" does not include salmon. The
34 director may issue a limited-entry commercial fishery license only to
35 a person who meets the qualifications established in applicable
36 governing sections of this title.

1	Fishery 2 (Governing section(s))	Annual Fee		Application Fee	Vessel Required?	Limited Entry?
		Resident	Nonresident			
		3				
4	(a) Baitfish Lampara	(\$185) <u>\$335</u>	(\$295) <u>\$410</u>	\$ 70	Yes	No
5	(b) Baitfish purse seine	(\$530) <u>\$380</u>	(\$985) <u>\$655</u>	\$ 70	Yes	No
6	(c) Bottom fish jig	(\$130) <u>\$180</u>	(\$185) <u>\$255</u>	\$ 70	Yes	No
7	(d) Bottom fish pot	(\$130) <u>\$180</u>	(\$185) <u>\$255</u>	\$ 70	Yes	No
8	(e) Bottom fish troll	(\$130) <u>\$180</u>	(\$185) <u>\$255</u>	\$ 70	Yes	No
9	(f) Carp	(\$130) <u>\$180</u>	(\$185) <u>\$255</u>	\$ 70	No	No
10	(g) Columbia river smelt	(\$380) <u>\$430</u>	(\$685) <u>\$505</u>	\$ 70	No	No
11	(h) Dog fish set net	\$130	\$185	\$70	Yes	No
12	(i) Emerging commercial	(\$185) <u>\$335</u>	(\$295) <u>\$410</u>	\$105	Determined by rule	Determined by rule
13	fishery (RCW 77.70.160					
14	and 77.65.400)					
15	((j)) (i) Food fish drag seine	(\$130) <u>\$180</u>	(\$185) <u>\$255</u>	\$ 70	Yes	No
16	((k)) (j) Food fish set line	(\$130) <u>\$180</u>	(\$185) <u>\$255</u>	\$ 70	Yes	No
17	((l)) Food fish trawl-	\$240	\$405	\$70	Yes	No
18	Non-Puget Sound					
19	(m) Food fish trawl-	\$185	\$295	\$70	Yes	No
20	Puget Sound					
21	((n)) (k) Herring dip bag net	(\$175) <u>\$325</u>	(\$275) <u>\$400</u>	\$ 70	Yes	Yes
22	(RCW 77.70.120)					
23	((o)) (l) Herring drag seine	(\$175) <u>\$325</u>	(\$275) <u>\$400</u>	\$ 70	Yes	Yes
24	(RCW 77.70.120)					
25	((p)) (m) Herring gill net	(\$175) <u>\$325</u>	(\$275) <u>\$400</u>	\$105	Yes	Yes
26	(RCW 77.70.120)					
27	((q)) (n) Herring Lampara	(\$175) <u>\$325</u>	(\$275) <u>\$400</u>	\$ 70	Yes	Yes
28	(RCW 77.70.120)					
29	((r)) (o) Herring purse seine	(\$175) <u>\$325</u>	(\$275) <u>\$400</u>	\$105	Yes	Yes
30	(RCW 77.70.120)					
31	((s)) (p) Herring spawn-on-kelp	N/A	N/A	N/A	Yes	Yes
32	(RCW 77.70.210)					
33	((t)) (q) Sardine purse seine	(\$185) <u>\$335</u>	(\$295) <u>\$410</u>	\$105	Yes	Yes
34	(RCW 77.70.480)					
35	((u)) (r) Sardine purse seine	(\$185) <u>\$335</u>	(\$295) <u>\$410</u>	\$105	Yes	No
36	temporary (RCW 77.70.480)					

1	((+)) (s) Smelt dip bag net	((130)) \$180	((185)) \$255	\$ 70	No	No
2	((+)) (t) Smelt gill net	((380)) \$430	((685)) \$505	\$ 70	Yes	No
3	((+)) (v) Whiting-Puget Sound	((295)) \$345	((520)) \$420	\$105	Yes	Yes
4	(RCW 77.70.130)					

5 (2) The director may by rule determine the species of food fish
6 that may be taken with the commercial fishery licenses established in
7 this section, the gear that may be used with the licenses, and the
8 areas or waters in which the licenses may be used. Where a fishery
9 license has been established for a particular species, gear,
10 geographical area, or combination thereof, a more general fishery
11 license may not be used to take food fish in that fishery.

12 **Sec. 26.** RCW 77.65.210 and 2011 c 339 s 23 and 2011 c 147 s 3
13 are each reenacted and amended to read as follows:

14 (1) Except as provided in subsection (2) of this section, a
15 person may not use a commercial fishing vessel to deliver food fish
16 or shellfish taken for commercial purposes in offshore waters to a
17 port in the state without a nonlimited entry delivery license. As
18 used in this section, "deliver" and "delivery" mean arrival at a
19 place or port, and include arrivals from offshore waters to waters
20 within the state and arrivals ashore from offshore waters. As used in
21 this section, "food fish" does not include salmon. As used in this
22 section, "shellfish" does not include ocean pink shrimp, coastal
23 crab, coastal spot shrimp, or fish or shellfish taken under an
24 emerging commercial fisheries license if taken from off-shore waters.
25 The annual license fee for a nonlimited entry delivery license is
26 ~~((one))~~ two hundred ~~((ten))~~ sixty dollars for residents and ~~((two))~~
27 three hundred thirty-five dollars for nonresidents, and an additional
28 thirty-five dollar surcharge for both residents and nonresidents to
29 be deposited in the rockfish research account created in RCW
30 77.12.702. The application fee for a nonlimited entry delivery
31 license is one hundred five dollars.

32 (2) Holders of the following licenses may deliver food fish or
33 shellfish taken in offshore waters without a nonlimited entry
34 delivery license: Salmon troll fishery licenses issued under RCW
35 77.65.160; salmon delivery licenses issued under RCW 77.65.170; crab
36 pot fishery licenses issued under RCW 77.65.220; food fish trawl—Non-
37 Puget Sound fishery licenses, and emerging commercial fishery
38 licenses issued under RCW 77.65.200; Dungeness crab—coastal fishery

1 licenses; ocean pink shrimp delivery licenses; (~~shrimp trawl Non-~~
 2 ~~Puget Sound fishery licenses,~~) Washington coastal spot shrimp pot
 3 fishery licenses issued under chapter 77.70 RCW; and emerging
 4 commercial fishery licenses issued under RCW 77.65.220.

5 (3) A nonlimited entry delivery license authorizes no taking of
 6 (~~food~~) fish or shellfish from state waters.

7 **Sec. 27.** RCW 77.65.220 and 2011 c 339 s 24 and 2011 c 147 s 4
 8 are each reenacted and amended to read as follows:

9 (1) This section establishes commercial fishery licenses required
 10 for shellfish fisheries and the annual fees for those licenses. The
 11 director may issue a limited-entry commercial fishery license only to
 12 a person who meets the qualifications established in applicable
 13 governing sections of this title.

14 Fishery 15 (Governing section(s))	16 Annual Fee		17 Application Fee	18 Vessel 19 Required?	20 Limited 21 Entry?
	22 Resident	23 Nonresident			
24 (a) Burrowing shrimp	25 (((\$185)) <u>\$235</u>	26 (((\$295)) <u>\$310</u>	27 \$105	28 Yes	29 No
30 (b) ((Crab ring net- 31 Non-Puget Sound	32 \$130	33 \$185	34 \$70	35 Yes	No
36 (e)) (c) Crab ring net- 37 Puget Sound	38 (((\$130)) <u>\$180</u>	39 (((\$185)) <u>\$255</u>	40 \$70	41 Yes	42 No
43 (((\$4)) (c) Dungeness crab-coastal 44 (RCW 77.70.280)	45 (((\$295)) <u>\$345</u>	46 (((\$520)) <u>\$420</u>	47 \$105	48 Yes	49 Yes
50 (((\$e)) (e) Dungeness crab- 51 coastal, class B 52 (RCW 77.70.280)	53 \$295	54 \$520	55 \$105	56 Yes	57 Yes
58 (((\$f)) (d) Dungeness crab- 59 Puget Sound 60 (RCW 77.70.110)	61 (((\$130)) <u>\$180</u>	62 (((\$185)) <u>\$255</u>	63 \$105	64 Yes	65 Yes
66 (((\$g)) (e) Emerging commercial 67 fishery (RCW 77.70.160 and 68 77.65.400)	69 (((\$185)) <u>\$335</u>	70 (((\$295)) <u>\$410</u>	71 \$105	72 Determined 73 by rule	74 Determined 75 by rule
76 (((\$h)) (f) Geoduck (RCW 77 77.70.220)	77 \$ 0	78 \$ 0	79 \$ 70	80 Yes	81 Yes
82 (((\$i)) (g) Hardshell clam	83 (((\$530)) <u>\$580</u>	84 (((\$985)) <u>\$655</u>	85 \$ 70	86 Yes	87 No

1	mechanical						
2	harvester						
3	(RCW 77.65.250)						
4	((f)) (h) Oyster reserve	(((\$130)) <u>\$180</u>	(((\$185)) <u>\$255</u>	\$ 70	No	No	
5	(RCW 77.65.260)						
6	((k)) (i) Razor clam	(((\$130)) <u>\$180</u>	(((\$185)) <u>\$255</u>	\$105	No	No	
7	((h)) (j) Sea cucumber dive	(((\$130)) <u>\$280</u>	(((\$185)) <u>\$355</u>	\$105	Yes	Yes	
8	(RCW 77.70.190)						
9	((m)) (k) Sea urchin dive	(((\$130)) <u>\$280</u>	(((\$185)) <u>\$355</u>	\$105	Yes	Yes	
10	(RCW 77.70.150)						
11	((n)) (l) Shellfish dive	(((\$130)) <u>\$180</u>	(((\$185)) <u>\$255</u>	\$ 70	Yes	No	
12	((o)) (m) Shellfish pot	(((\$130)) <u>\$180</u>	(((\$185)) <u>\$255</u>	\$ 70	Yes	No	
13	((p)) (n) Shrimp pot-	(((\$185)) <u>\$335</u>	(((\$295)) <u>\$410</u>	\$105	Yes	Yes	
14	Puget Sound						
15	(RCW 77.70.410)						
16	((q)) Shrimp trawl-	\$240	\$405	\$105	Yes	No	
17	Non-Puget Sound						
18	((r)) (o) Shrimp trawl-	(((\$185)) <u>\$335</u>	(((\$295)) <u>\$410</u>	\$105	Yes	Yes	
19	Puget Sound						
20	(RCW 77.70.420)						
21	((s)) (p) Spot shrimp-coastal	(((\$185)) <u>\$335</u>	(((\$295)) <u>\$410</u>	<u>\$ 70</u>	Yes	Yes	
22	((t)) (q) Squid	(((\$185)) <u>\$335</u>	(((\$295)) <u>\$410</u>	\$ 70	Yes	No	

23 (2) The director may by rule determine the species of shellfish
24 that may be taken with the commercial fishery licenses established in
25 this section, the gear that may be used with the licenses, and the
26 areas or waters in which the licenses may be used. Where a fishery
27 license has been established for a particular species, gear,
28 geographical area, or combination thereof, a more general fishery
29 license may not be used to take shellfish in that fishery.

30 **Sec. 28.** RCW 77.65.240 and 2000 c 107 s 45 are each amended to
31 read as follows:

32 A surcharge of one hundred twenty dollars shall be collected with
33 each Dungeness crab-coastal fishery license (~~and with each Dungeness~~
34 ~~crab coastal class B fishery license~~) issued under RCW 77.65.220.
35 Moneys collected under this section shall be placed in the coastal
36 crab account created under RCW 77.70.320.

1 **Sec. 29.** RCW 77.65.280 and 2014 c 48 s 27 are each amended to
2 read as follows:

3 (1) A (~~wholesale~~) fish (~~dealer's~~) dealer license is required
4 for(~~+~~

5 ~~(a) A business in the state to engage in the commercial~~
6 ~~processing of food fish or shellfish, including custom canning or~~
7 ~~processing of personal use food fish or shellfish.~~

8 ~~(b) A business in the state to engage in the wholesale selling,~~
9 ~~buying, or brokering of food fish or shellfish. A wholesale fish~~
10 ~~dealer's license is not required of those businesses which buy~~
11 ~~exclusively from Washington licensed wholesale dealers and sell~~
12 ~~solely at retail.~~

13 ~~(c) Fishers who land and sell their catch or harvest in the state~~
14 ~~to anyone other than a licensed wholesale dealer within or outside~~
15 ~~the state, unless the fisher has a direct retail endorsement.~~

16 ~~(d) A business to engage in the commercial manufacture or~~
17 ~~preparation of fertilizer, oil, meal, caviar, fish bait, or other by-~~
18 ~~products from food fish or shellfish.~~

19 ~~(e) A business engaging a fish buyer as defined under RCW~~
20 ~~77.65.340.~~

21 ~~(2))~~ a person in the state who:

22 (a) Takes possession of raw or frozen fish or shellfish, in whole
23 or in parts, to prepare, repackage, process, or preserve. This
24 includes, but is not limited to:

25 (i) Canning or processing of fish or shellfish for payment,
26 whether the fish or shellfish is commercially harvested or taken for
27 personal use; and

28 (ii) The commercial manufacture or preparation of fertilizer,
29 oil, meal, caviar, fish bait, or any other by-products from fish or
30 shellfish;

31 (b) Engages in the wholesale selling, buying, or brokering of raw
32 or frozen fish or shellfish. Certain buyers may be additionally
33 required to obtain a wholesale fish buyer endorsement as specified in
34 RCW 77.65.340.

35 (2) A fish dealer license is not required for:

36 (a) Licensed commercial fish or shellfish harvesters who either
37 sell only to licensed wholesale fish buyers or who possess a limited
38 fish seller endorsement;

1 (b) Retail businesses that purchase exclusively from Washington
2 licensed wholesale fish buyers or from limited fish sellers for sale
3 to end consumers.

4 (3) A business engaged in any activity requiring a fish dealer
5 license only needs to purchase one fish dealer license to cover the
6 actions of all employees.

7 (4) The annual license fee for a ((wholesale)) resident fish
8 dealer is ((two)) four hundred ((fifty)) dollars. The fee for a
9 nonresident fish dealer license is four hundred seventy-five dollars.

10 The application fee for both resident and nonresident licenses is one
11 hundred five dollars. ~~((A wholesale fish dealer's license is not
12 required for persons engaged in the processing, wholesale selling,
13 buying, or brokering of private sector cultured aquatic products as
14 defined in RCW 15.85.020. However, if a means of identifying such
15 products is required by rules adopted under RCW 15.85.060, the
16 exemption from licensing requirements established by this subsection
17 applies only if the aquatic products are identified in conformance
18 with those rules.))~~

19 **Sec. 30.** RCW 77.65.310 and 1996 c 267 s 29 are each amended to
20 read as follows:

21 Wholesale fish ~~((dealers))~~ buyers and limited fish sellers are
22 ~~((responsible for documenting))~~ required to document the commercial
23 harvest of ~~((food))~~ fish and shellfish according to the rules of the
24 department. ~~((The director may allow only wholesale fish dealers or
25 their designees to receive the forms necessary for the accounting of
26 the commercial harvest of food fish and shellfish.))~~

27 **Sec. 31.** RCW 77.65.320 and 2000 c 107 s 49 are each amended to
28 read as follows:

29 (1) A wholesale fish ~~((dealer shall not take possession of food
30 fish or shellfish until the dealer has deposited))~~ buyer or limited
31 fish seller must deposit with the department an acceptable
32 performance bond on forms prescribed and furnished by the department
33 before engaging in fish selling or buying activities. This
34 performance bond shall be a corporate surety bond executed in favor
35 of the department by a corporation authorized to do business in the
36 state of Washington under chapter 48.28 RCW and approved by the
37 department.

1 (a) For wholesale fish buyers, the bond shall be filed and
2 maintained in an amount equal to ~~((one))~~ two thousand dollars. For
3 each additional buyer engaged by the wholesale ~~((dealer. In no case~~
4 shall the bond be less than two thousand dollars nor more than fifty
5 thousand dollars)) business, the bond must be increased an additional
6 one thousand dollars.

7 (b) For limited fish sellers, the bond shall be filed and
8 maintained in an amount equal to one thousand dollars.

9 (c) The department may increase the bond amount for persons who
10 have violated rules relating to the accounting of commercial harvest.

11 ~~((A wholesale dealer shall, within seven days of engaging~~
12 ~~additional fish buyers, notify the department and increase the amount~~
13 ~~of the bonding required in subsection (1) of this section.~~

14 ~~(3))~~ The director may suspend and refuse to reissue a wholesale
15 fish ~~((dealer's license))~~ buyer endorsement of a ~~((dealer))~~ person
16 who has taken possession of ~~((food))~~ fish or shellfish without an
17 acceptable performance bond on deposit with the department.

18 (3) The director may suspend and refuse to reissue a limited fish
19 seller endorsement to a commercial fisher who has sold fish or
20 shellfish without an acceptable performance bond on deposit with the
21 department.

22 (4) The bond shall be conditioned upon the compliance with the
23 requirements of this chapter and rules of the department relating to
24 the payment of fines for violations of rules for the accounting of
25 the commercial harvest of ~~((food))~~ fish or shellfish. In lieu of the
26 surety bond required by this section, the wholesale fish ~~((dealer))~~
27 buyer or limited fish seller may file with the department a cash
28 deposit, negotiable securities acceptable to the department, or an
29 assignment of a savings account or of a savings certificate in a
30 Washington bank on an assignment form prescribed by the department.

31 ~~((Liability under the bond shall be maintained as long as the~~
32 ~~wholesale fish dealer engages in activities under RCW 77.65.280~~
33 ~~unless released.))~~ Liability under the bond may be released only upon
34 written notification from the department. Notification shall be given
35 upon acceptance by the department of a substitute bond or forty-five
36 days after the expiration of the wholesale fish ~~((dealer's annual~~
37 ~~license))~~ buyer or limited fish seller annual endorsement. In no
38 event shall the liability of the surety exceed the amount of the
39 surety bond required under this chapter.

1 **Sec. 32.** RCW 77.65.330 and 1985 c 248 s 7 are each amended to
2 read as follows:

3 The director shall promptly notify by order a wholesale
4 (~~dealer~~) fish buyer or limited fish seller and the appropriate
5 surety when a violation of rules relating to the accounting of
6 commercial harvest has occurred. The notification shall specify the
7 type of violation, the liability to be imposed for damages caused by
8 the violation, and a notice that the amount of liability is due and
9 payable to the department by the wholesale fish (~~dealer~~) buyer or
10 limited fish seller and the surety.

11 If the amount specified in the order is not paid within thirty
12 days after receipt of the notice, the prosecuting attorney for any
13 county in which the persons to whom the order is directed do
14 business, or the attorney general upon request of the department, may
15 bring an action on behalf of the state in the superior court for
16 Thurston county or any county in which the persons to whom the order
17 is directed do business to recover the amount specified in the final
18 order of the department. The surety shall be liable to the state to
19 the extent of the bond.

20 **Sec. 33.** RCW 77.65.340 and 2014 c 48 s 28 are each amended to
21 read as follows:

22 (1) A (~~fish buyer's license is required of and shall be carried~~
23 ~~by each individual engaged by a wholesale fish dealer to purchase~~
24 ~~food fish or shellfish from a commercial fisher. A fish buyer may~~
25 ~~represent only one wholesale fish dealer.~~

26 (2)) wholesale fish buyer endorsement is required for a licensed
27 fish dealer:

28 (a) To take first possession or ownership of fish or shellfish
29 directly from a commercial fisher that is landed into the state of
30 Washington;

31 (b) To take first possession or ownership of raw or frozen fish
32 or shellfish in the state of Washington from interstate or foreign
33 commerce; or

34 (c) To engage in the wholesale buying or selling of fish or
35 shellfish harvested by Indian fishers lawfully exercising fishing
36 rights reserved by federal statute, treaty, or executive order, and
37 the dealer is also responsible for documenting the commercial harvest
38 and sales according to the rules of the department.

1 (2) A business licensed as a fish dealer must purchase at least
2 one wholesale fish buyer endorsement to engage in the activities in
3 subsection (1) of this section, which allows the business to buy or
4 sell on its premises and which allows one named employee to buy and
5 sell off premises. A business must obtain an additional wholesale
6 fish buyer endorsement for each additional employee who buys and
7 sells fish or shellfish off premises.

8 (3) The annual fee for a resident wholesale fish buyer's
9 ((license is ninety-five)) endorsement is two hundred forty-five
10 dollars. The annual fee for a nonresident wholesale fish buyer's
11 endorsement is three hundred twenty dollars. The application fee for
12 both resident and nonresident endorsements is one hundred five
13 dollars.

14 **Sec. 34.** RCW 77.65.350 and 1996 c 267 s 31 are each amended to
15 read as follows:

16 (1) ((A salmon roe license is required for a)) Crew members on a
17 boat designated on a salmon charter license ((to)) may sell salmon
18 roe ((as provided in subsection (2) of this section. An individual
19 under sixteen years of age may hold a salmon roe license.

20 (2) A crew member on a boat designated on a salmon charter
21 license may sell salmon roe taken from fish caught for personal use,
22 subject to rules of the department and the following conditions))
23 subject to rules of the department as long as:

24 (a) The salmon is taken by an angler fishing on the charter boat
25 and recorded on the angler's catch record card;

26 (b) The roe is the property of the angler until the roe is given
27 to the crew member. The crew member shall notify the charter boat's
28 passengers of this fact;

29 (c) The crew member sells the roe to a licensed wholesale
30 ((dealer)) fish buyer; and

31 (d) The crew member is ((licensed as provided in subsection (1)
32 of this section and has the license in possession whenever the crew
33 member sells salmon roe)) employed on a salmon charter boat
34 designated on a valid license at the time of the sale.

35 **Sec. 35.** RCW 77.65.370 and 2015 c 103 s 2 and 2015 c 97 s 4 are
36 each reenacted and amended to read as follows:

37 (1) A person shall not offer or perform the services of a food
38 fish guide without a food fish guide license in the taking of food

1 fish for personal use, except that a charter boat license is required
2 to operate a vessel from which a person may for a fee fish for food
3 fish in state waters listed in RCW 77.65.150(4)(b).

4 (2) A person shall not offer or perform the services of a game
5 fish guide without a game fish guide license in the taking of game
6 fish for personal use.

7 (3) Only an individual at least sixteen years of age may hold a
8 food fish guide or game fish guide license. No individual may hold
9 more than one food fish guide or game fish guide license.

10 (4) An application for a food fish guide or game fish guide
11 license must include the information required in RCW 77.65.560.

12 (5) A food fish guide license purchased by a person, firm, or
13 business on behalf of an employee is subject to RCW 77.65.600.

14 (6) A food fish guide, a game fish guide, or a combination guide
15 may sell recreational one-day temporary combination fishing licenses
16 as described in RCW 77.32.470.

17 **Sec. 36.** RCW 77.65.390 and 2011 c 339 s 27 are each amended to
18 read as follows:

19 An ocean pink shrimp delivery license is required for a
20 commercial fishing vessel to deliver ocean pink shrimp taken for
21 commercial purposes in offshore waters and delivered to a port in the
22 state. As used in this section, "deliver" and "delivery" mean arrival
23 at a place or port, and include arrivals from offshore waters to
24 waters within the state and arrivals from state or offshore waters.
25 The annual license fee is (~~(one)~~) three hundred (~~(fifty)~~) dollars for
26 residents and three hundred seventy-five dollars for nonresidents.
27 The application fee is one hundred five dollars. Ocean pink shrimp
28 delivery licenses are transferable.

29 **Sec. 37.** RCW 77.65.440 and 2011 c 339 s 28 are each amended to
30 read as follows:

31 The director shall issue the personal licenses listed in this
32 section according to the requirements of this title. The licenses and
33 their annual fees are:

Personal License	Annual Fee (RCW 77.95.090 Surcharge)	Applica- tion Fee	Governing Section
	Resident	Nonresident	

1	(1) Alternate	(\$35)	(\$35)	<u>\$260</u>	\$ 70	RCW 77.65.130
2	Operator			<u>\$185</u>		
3	(2) Geoduck Diver	(\$185)	(\$295)	<u>\$410</u>	\$ 70	RCW 77.65.410
4				<u>\$355</u>		
5	(3) Food Fish Guide	(\$130)	(\$630)	<u>\$355</u>	\$ 70	RCW 77.65.370
6				<u>\$280</u>		
7		(plus	(plus			
8		\$20)	\$100)			

9 **Sec. 38.** RCW 77.65.480 and 2015 c 103 s 3 are each amended to
10 read as follows:

11 (1) A taxidermy license allows the holder to practice taxidermy
12 for commercial purposes, as that term is defined in RCW 77.15.110.
13 The fee for this license is one hundred eighty dollars. The
14 application fee is seventy dollars.

15 (2) A fur dealer's license allows the holder to purchase,
16 receive, or resell raw furs for commercial purposes, as that term is
17 defined in RCW 77.15.110. The fee for this license is one hundred
18 eighty dollars. The application fee is seventy dollars.

19 (3)(a) A game fish guide license allows the holder to offer or
20 perform the services of a game fish guide in the taking of game fish.
21 The fee for this license is ~~((one))~~ four hundred ~~((eighty))~~ ten
22 dollars for a resident and ~~((six))~~ four hundred eighty-five dollars
23 for a nonresident. The application fee is seventy dollars. An
24 application for a game fish guide license must include the
25 information required in RCW 77.65.560.

26 (b) A game fish guide license purchased by a person, firm, or
27 business on behalf of an employee is subject to RCW 77.65.600.

28 (4) A game farm license allows the holder to operate a game farm
29 to acquire, breed, grow, keep, and sell wildlife under conditions
30 prescribed by the rules adopted pursuant to this title. The fee for
31 this license is seventy-two dollars for the first year and forty-
32 eight dollars for each following year. The application fee is seventy
33 dollars.

34 (5) A game fish stocking permit allows the holder to release game
35 fish into the waters of the state as prescribed by rule of the
36 commission. The fee for this permit is twenty-four dollars. The
37 application fee is seventy dollars.

1 (6) A fishing or field trial permit allows the holder to promote,
2 conduct, hold, or sponsor a fishing or field trial contest in
3 accordance with rules of the commission. The fee for a fishing
4 contest permit is twenty-four dollars. The fee for a field trial
5 contest permit is twenty-four dollars. The application fee is seventy
6 dollars.

7 ~~((7)(a) An anadromous game fish buyer's license allows the
8 holder to purchase or sell steelhead trout and other anadromous game
9 fish harvested by Indian fishers lawfully exercising fishing rights
10 reserved by federal statute, treaty, or executive order, under
11 conditions prescribed by rule of the director. The fee for this
12 license is one hundred eighty dollars. The application fee is one
13 hundred five dollars.~~

14 ~~(b) An anadromous game fish buyer's license is not required for
15 those businesses that buy steelhead trout and other anadromous game
16 fish from Washington licensed game fish dealers and sell solely at
17 retail.)~~

18 **Sec. 39.** RCW 77.65.490 and 2001 c 253 s 56 are each amended to
19 read as follows:

20 (1) A license issued by the director is required to:

21 (a) Practice taxidermy for commercial purposes;

22 (b) Deal in raw furs for commercial purposes;

23 (c) Act as a fishing guide; or

24 (d) Operate a game farm(~~;~~~~or~~

25 ~~(e) Purchase or sell anadromous game fish)).~~

26 (2) A permit issued by the director is required to:

27 (a) Conduct, hold, or sponsor hunting or fishing contests or
28 competitive field trials using live wildlife;

29 (b) Collect wild animals, wild birds, game fish, food fish,
30 shellfish, or protected wildlife for research or display;

31 (c) Stock game fish; or

32 (d) Conduct commercial activities on department-owned or
33 controlled lands.

34 (3) Aquaculture as defined in RCW 15.85.020 is exempt from the
35 requirements of this section, except when being stocked in public
36 waters under contract with the department.

37 **Sec. 40.** RCW 77.65.500 and 2015 c 97 s 9 are each amended to
38 read as follows:

1 Licensed taxidermists, fur dealers, (~~anadromous game fish~~
2 ~~buyers~~) fishing guides, game farmers, and persons stocking game fish
3 or conducting a hunting, fishing, or field trial contest shall make
4 reports as required by rules of the director.

5 **Sec. 41.** RCW 77.65.510 and 2011 c 339 s 31 are each amended to
6 read as follows:

7 (1) The (~~department must establish and administer a direct~~
8 ~~retail endorsement to serve as a single license that~~) limited fish
9 seller endorsement permits a (~~Washington~~) license holder or
10 alternate operator to (~~commercially harvest retail-eligible species~~
11 ~~and to~~) clean, dress, and sell his or her commercially harvested
12 catch directly to consumers at retail(~~, including over the~~
13 internet)). The (~~direct retail endorsement must be issued as an~~
14 ~~optional addition to all holders of:~~ (a) A commercial fishing license
15 for retail-eligible species that the department offers under this
16 chapter; and (b) an alternate operator license who are designated as
17 an alternate operator on a commercial fishing license for retail
18 eligible species)) limited seller endorsement may be issued as an
19 optional addition to all holders of a commercial fishing license
20 issued by the department and may be purchased at the time of the
21 underlying license sale or any time thereafter.

22 (2) (~~The direct retail endorsement must be offered at the time~~
23 ~~of application for the qualifying commercial fishing license.~~
24 ~~Individuals in possession of a qualifying commercial fishing license~~
25 ~~issued under this chapter, and alternate operators designated on such~~
26 ~~a license, may add a direct retail endorsement to their current~~
27 ~~license at any time. Individuals who do not have a commercial fishing~~
28 ~~license for retail-eligible species issued under this chapter, and~~
29 ~~who are not designated as alternate operators on such a license, may~~
30 ~~not receive a direct retail endorsement. The costs, conditions,~~
31 ~~responsibilities, and privileges associated with the endorsed~~
32 ~~commercial fishing license is not affected or altered in any way by~~
33 ~~the addition of a direct retail endorsement. These costs include the~~
34 ~~base cost of the license and any revenue and excise taxes.)) The
35 holder of a limited fish seller endorsement selling their own catch
36 directly to consumers is exempt from the permitting requirements of
37 chapter 246-215 WAC. To ensure food safety for consumers, the holder
38 of a limited fish seller endorsement must follow these requirements:
39 (a) Only sell fresh, whole fish or fresh fish that has been cleaned~~

1 and dressed; (b) use ice from a commercial source to hold the fish;
2 and (c) provide the buyer with a receipt stating the date of
3 purchase, Washington fish-receiving ticket number documenting the
4 original delivery, name, address, and phone number of the holder of
5 the limited fish seller endorsement from whom the fish or shellfish
6 was purchased, and the species and weight or number of fish or
7 shellfish sold. Failure to satisfy these food safety requirements is
8 punishable as an infraction under RCW 77.15.160. A licensed
9 commercial fisher holding a limited fish seller endorsement may allow
10 a designated alternate to sell under the authority of that
11 endorsement.

12 (3) An individual need only add one (~~direct retail~~) limited
13 fish seller endorsement to his or her license portfolio. If a
14 (~~direct retail~~) limited fish seller endorsement is selected by an
15 individual holding more than one commercial fishing license issued
16 (~~under this chapter, a single direct retail~~) by the department, an
17 endorsement is considered to be added to all (~~qualifying~~)
18 commercial fishing licenses held by that individual, and is the only
19 (~~license~~) endorsement required for the individual to sell at retail
20 any (~~retail-eligible~~) species permitted by (~~all~~) any of the
21 underlying endorsed licenses. (~~If a direct retail endorsement is~~
22 ~~selected by an individual designated as an alternate operator on more~~
23 ~~than one commercial license issued under this chapter, a single~~
24 ~~direct retail endorsement is the only license required for the~~
25 ~~individual to sell at retail any retail-eligible species permitted by~~
26 ~~all of the underlying endorsed licenses on which the individual is~~
27 ~~designated as an alternate operator. The direct retail endorsement~~
28 ~~applies only to the Washington license holder or alternate operator~~
29 ~~obtaining the endorsement.~~)

30 (4) (~~In addition to any fees charged for the endorsed licenses~~
31 ~~and harvest documentation as required by this chapter or the rules of~~
32 ~~the department, the department may set a reasonable annual fee not to~~
33 ~~exceed the administrative costs to the department for a direct retail~~
34 ~~endorsement.~~) The fee for a resident limited fish seller endorsement
35 is seventy dollars. The fee for a nonresident limited fish seller
36 endorsement is one hundred forty-five dollars. The application fee
37 for both a resident and nonresident endorsement is one hundred five
38 dollars.

39 (5) The holder of a (~~direct retail~~) limited fish seller
40 endorsement is responsible for documenting the commercial harvest

1 (~~of salmon and crab~~) and sales according to (~~the provisions of~~
2 ~~this chapter,~~) the rules of the department (~~for a wholesale fish~~
3 ~~dealer, and the reporting requirements of the endorsed license. Any~~
4 ~~retail eligible species caught by the holder of a direct retail~~
5 ~~endorsement must be documented on fish tickets~~)).

6 (6) (~~The direct retail endorsement must be displayed in a~~
7 ~~readily visible manner by the seller wherever and whenever a sale to~~
8 ~~someone other than a licensed wholesale dealer occurs. The commission~~
9 ~~may require that the holder of a direct retail endorsement notify the~~
10 ~~department up to eighteen hours before conducting an in-person sale~~
11 ~~of retail eligible species, except for in-person sales that have a~~
12 ~~cumulative retail sales value of less than one hundred fifty dollars~~
13 ~~in a twenty-four hour period that are sold directly from the vessel.~~
14 ~~For sales occurring in a venue other than in person, such as over the~~
15 ~~internet, through a catalog, or on the phone, the direct retail~~
16 ~~endorsement number of the seller must be provided to the buyer both~~
17 ~~at the time of sale and the time of delivery. All internet sales must~~
18 ~~be conducted in accordance with federal laws and regulations.~~

19 (~~7~~) The (~~direct retail~~) limited fish seller endorsement is to
20 be held by a natural person and is not transferable or assignable. If
21 the endorsed license is transferred, the (~~direct retail~~) limited
22 fish seller endorsement immediately becomes void, and the transferor
23 is not eligible for a full or prorated reimbursement of the annual
24 fee paid for the (~~direct retail~~) limited fish seller endorsement.
25 Upon becoming void, the holder of a (~~direct retail~~) limited fish
26 seller endorsement must surrender the physical endorsement to the
27 department.

28 (~~8~~) The holder of a direct retail endorsement must abide by the
29 provisions of Title 69 RCW as they apply to the processing and retail
30 sale of seafood. The department must distribute a pamphlet, provided
31 by the department of agriculture, with the direct retail endorsement
32 generally describing the labeling requirements set forth in chapter
33 69.04 RCW as they apply to seafood.

34 (~~9~~) (7) The holder of a qualifying commercial fishing license
35 (~~issued under this chapter,~~) or an alternate operator designated on
36 such a license, must either possess a (~~direct retail~~) limited fish
37 seller endorsement or a wholesale (~~dealer license~~) fish buyer
38 endorsement provided for in RCW (~~77.65.280~~) 77.65.340 in order to
39 lawfully sell their catch or harvest in the state to anyone other
40 than a licensed wholesale (~~dealer~~) fish buyer.

1 (~~(10) The direct retail endorsement entitles the holder to sell~~
2 ~~a retail-eligible species only at a temporary food service~~
3 ~~establishment as that term is defined in RCW 69.06.045, or directly~~
4 ~~to a restaurant or other similar food service business.))~~

5 **Sec. 42.** RCW 77.15.160 and 2014 c 202 s 204 and 2014 c 48 s 7
6 are each reenacted and amended to read as follows:

7 The following acts are infractions and must be cited and punished
8 as provided under chapter 7.84 RCW:

9 (1) Fishing and shellfishing infractions:

10 (a) Barbed hooks: Fishing for personal use with barbed hooks in
11 violation of any department rule.

12 (b) Catch recording: Failing to immediately record a catch of
13 fish or shellfish on a catch record card as required by RCW 77.32.430
14 or department rule.

15 (c) Catch reporting: Failing to return a catch record card to the
16 department for other than Puget Sound Dungeness crab, as required by
17 department rule.

18 (d) Recreational fishing: Fishing for fish or shellfish and,
19 without yet possessing fish or shellfish, the person:

20 (i) Owns, but fails to have in the person's possession the
21 license or the catch record card required by chapter 77.32 RCW for
22 such an activity; or

23 (ii) Violates any department rule regarding seasons, closed
24 areas, closed times, or any other rule addressing the manner or
25 method of fishing for fish or shellfish. This subsection does not
26 apply to use of a net to take fish under RCW 77.15.580 or the
27 unlawful use of shellfish gear for personal use under RCW 77.15.382.

28 (e) Seaweed: Taking, possessing, or harvesting less than two
29 times the daily possession limit of seaweed:

30 (i) While owning, but not having in the person's possession, the
31 license required by chapter 77.32 RCW; or

32 (ii) In violation of any rule of the department or the department
33 of natural resources regarding seasons, closed areas, closed times,
34 or any other rule addressing the manner or method of taking,
35 possessing, or harvesting of seaweed.

36 (f) Unclassified fish or shellfish: Taking unclassified fish or
37 shellfish in violation of any department rule by killing, fishing,
38 taking, holding, possessing, or maliciously injuring or harming fish

1 or shellfish that is not classified as game fish, food fish,
2 shellfish, protected fish, or endangered fish.

3 (g) Wasting fish or shellfish: Killing, taking, or possessing
4 fish or shellfish having a value of less than two hundred fifty
5 dollars and allowing the fish or shellfish to be wasted.

6 (2) Hunting infractions:

7 (a) Eggs or nests: Maliciously, and without permit authorization,
8 destroying, taking, or harming the eggs or active nests of a wild
9 bird not classified as endangered or protected. For purposes of this
10 subsection, "active nests" means nests that contain eggs or
11 fledglings.

12 (b) Unclassified wildlife: Taking unclassified wildlife in
13 violation of any department rule by killing, hunting, taking,
14 holding, possessing, or maliciously injuring or harming wildlife that
15 is not classified as big game, game animals, game birds, protected
16 wildlife, or endangered wildlife.

17 (c) Wasting wildlife: Killing, taking, or possessing wildlife
18 that is not classified as big game and has a value of less than two
19 hundred fifty dollars, and allowing the wildlife to be wasted.

20 (d) Wild animals: Hunting for wild animals not classified as big
21 game and, without yet possessing the wild animals, the person owns,
22 but fails to have in the person's possession, all licenses, tags, or
23 permits required by this title.

24 (e) Wild birds: Hunting for and, without yet possessing a wild
25 bird or birds, the person:

26 (i) Owns, but fails to have in the person's possession, all
27 licenses, tags, stamps, and permits required under this title; or

28 (ii) Violates any department rule regarding seasons, closed
29 areas, closed times, or any other rule addressing the manner or
30 method of hunting wild birds.

31 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting
32 infractions:

33 (a) Recordkeeping and reporting: If a person is a taxidermist,
34 fur dealer, or wildlife meat cutter who is processing, holding, or
35 storing wildlife for commercial purposes, failing to:

36 (i) Maintain records as required by department rule; or

37 (ii) Report information from these records as required by
38 department rule.

39 (b) Trapper's report: Failing to report trapping activity as
40 required by department rule.

1 (4) Limited fish seller infraction: Failure of a holder of a
2 limited fish seller endorsement to satisfy the food safety
3 requirements to consumers under RCW 77.65.510(2).

4 (5)(a) Invasive species management infractions:

5 (i) Out-of-state certification: Entering Washington in possession
6 of an aquatic conveyance that does not meet certificate of inspection
7 requirements as provided under RCW 77.135.100;

8 (ii) Clean and drain requirements: Possessing an aquatic
9 conveyance that does not meet clean and drain requirements under RCW
10 77.135.110;

11 (iii) Clean and drain orders: Possessing an aquatic conveyance
12 and failing to obey a clean and drain order under RCW 77.135.110 or
13 77.135.120; and

14 (iv) Transporting aquatic plants: Transporting aquatic plants on
15 any state or public road, including forest roads. However, this
16 subsection does not apply to plants that are:

17 (A) Being transported to the department or to another destination
18 designated by the director, in a manner designated by the department,
19 for purposes of identifying a species or reporting the presence of a
20 species;

21 (B) Legally obtained for aquarium use, wetland or lakeshore
22 restoration, or ornamental purposes;

23 (C) Located within or on a commercial aquatic plant harvester
24 that is being transported to a suitable location to remove aquatic
25 plants;

26 (D) Being transported in a manner that prevents their
27 unintentional dispersal, to a suitable location for disposal,
28 research, or educational purposes; or

29 (E) Being transported in such a way as the commission may
30 otherwise prescribe.

31 (b) Unless the context clearly requires otherwise, the
32 definitions in both RCW 77.08.010 and 77.135.010 apply throughout
33 this subsection (~~((4))~~) (5).

34 (~~((5))~~) (6) Other infractions:

35 (a) Contests: Conducting, holding, or sponsoring a hunting
36 contest, a fishing contest involving game fish, or a competitive
37 field trial using live wildlife.

38 (b) Other rules: Violating any other department rule that is
39 designated by rule as an infraction.

1 (c) Posting signs: Posting signs preventing hunting or fishing on
2 any land not owned or leased by the person doing the posting, or
3 without the permission of the person who owns, leases, or controls
4 the land posted.

5 (d) Scientific permits: Using a scientific permit issued by the
6 director for fish, shellfish, or wildlife, but not including big game
7 or big game parts, and the person:

8 (i) Violates any terms or conditions of the scientific permit; or
9 (ii) Violates any department rule applicable to the issuance or
10 use of scientific permits.

11 **Sec. 43.** RCW 77.65.580 and 2015 c 97 s 5 are each amended to
12 read as follows:

13 (1) The department must issue a department vessel registration
14 number decal and an identifying decal to all food fish guides, game
15 fish guides, and charter boat operators licensed under RCW 77.65.010.
16 (~~The identifying decal must display the license number~~
17 ~~prominently.~~)

18 (2) Any person who acts or offers to act as a food fish guide,
19 game fish guide, or charter boat operator must display (~~the~~
20 ~~identifying~~) both decals on vessels in a location easily visible to
21 customers and adjacent vessels.

22 **Sec. 44.** RCW 77.65.590 and 2015 c 97 s 7 are each amended to
23 read as follows:

24 (1) A fish guide combination license allows the holder to offer
25 or perform the services of a food fish guide(~~(,)~~) and game fish
26 guide(~~(, salmon charter boat operator, and nonsalmon charter boat~~
27 ~~operator)~~).

28 (2) The commission must adopt rules to create and sell a fish
29 guide combination license. (~~The commission may adopt rules to create~~
30 ~~and sell separate combination licenses, one for food fish and game~~
31 ~~fish guide activities only and another combination license for all~~
32 ~~food fish guide, game fish guide, salmon charter boat operator, and~~
33 ~~nonsalmon charter boat operator activities.~~) The cost of the fish
34 guide combination license or licenses must be below a fee equal to
35 the total cost of the individual licenses contained within the
36 combination.

1 **Sec. 45.** RCW 77.70.150 and 2010 c 193 s 14 are each amended to
2 read as follows:

3 (1) A sea urchin dive fishery license is required to take sea
4 urchins for commercial purposes. A sea urchin dive fishery license
5 authorizes the use of only one diver in the water at any time during
6 sea urchin harvest operations. If the same vessel has been designated
7 on two sea urchin dive fishery licenses, two divers may be in the
8 water. A natural person may not hold more than two sea urchin dive
9 fishery licenses.

10 (2) Except as provided in subsection ~~((+6+))~~ (5) of this section,
11 the director shall issue no new sea urchin dive fishery licenses. For
12 licenses issued for the year 2000 and thereafter, the director shall
13 renew existing licenses only to a natural person who held the license
14 at the end of the previous year. If a sea urchin dive fishery license
15 is not held by a natural person as of December 31, 1999, it is not
16 renewable. However, if the license is not held because of revocation
17 or suspension of licensing privileges, the director shall renew the
18 license in the name of a natural person at the end of the revocation
19 or suspension if the license holder applies for renewal of the
20 license before the end of the year in which the revocation or
21 suspension ends.

22 (3) Where a licensee failed to obtain the license during the
23 previous year because of a license suspension or revocation by the
24 director or the court, the licensee may qualify for a license by
25 establishing that the person held such a license during the last year
26 in which the person was eligible.

27 (4) ~~((Surcharges as provided for in this section shall be
28 collected and deposited into the sea urchin dive fishery account
29 hereby created in the custody of the state treasurer. The collections
30 and deposits must continue, as set forth in (a) and (b) of this
31 subsection, through license year 2013, or until the number of
32 licenses is reduced to twenty, whichever occurs first. Only the
33 director or the director's designee may authorize expenditures from
34 the account. The sea urchin dive fishery account is subject to
35 allotment procedures under chapter 43.88 RCW, but no appropriation is
36 required for expenditures. Expenditures from the account shall only
37 be used to retire sea urchin licenses until the number of licenses is
38 reduced to twenty, and thereafter shall only be used for sea urchin
39 management and enforcement. The director or the director's designee~~

1 shall notify the department of revenue within thirty days when the
2 number of licenses is reduced to twenty.

3 (a) A surcharge of one hundred dollars shall be charged with each
4 sea urchin dive fishery license renewal for licenses issued for
5 license years 2000 through 2013, or until the number of licenses is
6 reduced to twenty, whichever occurs first.

7 (b) For licenses issued for license years 2000 through 2013, or
8 until the number of licenses is reduced to twenty, whichever occurs
9 first, a surcharge shall be charged on the sea urchin dive fishery
10 license for designating an alternate operator. The surcharge shall be
11 as follows: Five hundred dollars for the first year or each of the
12 first two consecutive years after 1999 that any alternate operator is
13 designated and two thousand five hundred dollars each year thereafter
14 that any alternate operator is designated.

15 (5)) Sea urchin dive fishery licenses are transferable subject
16 to the fees and restrictions in RCW 77.65.020(2). ((For licenses
17 issued for license years 2000 through 2013, or whenever the number of
18 licenses is reduced to twenty, whichever occurs first, there is a
19 surcharge to transfer a sea urchin dive fishery license. The
20 surcharge is five hundred dollars for the first transfer of a license
21 valid for license year 2000, and two thousand five hundred dollars
22 for any subsequent transfer, occurring in the license years 2000
23 through 2013, or whenever the number of licenses is reduced to
24 twenty, whichever occurs first. Notwithstanding this subsection, a
25 one-time transfer exempt from surcharge applies for a transfer from
26 the natural person licensed on January 1, 2000, to that person's
27 spouse or child.

28 (6)) (5) If fewer than twenty natural persons are eligible for
29 sea urchin dive fishery licenses, the director may accept
30 applications for new licenses. The additional licenses may not cause
31 more than twenty natural persons to be eligible for a sea urchin dive
32 fishery license. New licenses issued under this section shall be
33 distributed according to rules of the department that recover the
34 value of such licensed privilege.

35 **Sec. 46.** RCW 77.70.190 and 2011 c 339 s 33 are each amended to
36 read as follows:

37 (1) A sea cucumber dive fishery license is required to take sea
38 cucumbers for commercial purposes. A sea cucumber dive fishery
39 license authorizes the use of only one diver in the water at any time

1 during sea cucumber harvest operations. If the same vessel has been
2 designated on two sea cucumber dive fishery licenses, two divers may
3 be in the water. A natural person may not hold more than two sea
4 cucumber dive fishery licenses.

5 (2) Except as provided in subsection ~~((+6+))~~ (5) of this section,
6 the director shall issue no new sea cucumber dive fishery licenses.
7 For licenses issued for the year 2000 and thereafter, the director
8 shall renew existing licenses only to a natural person who held the
9 license at the end of the previous year. If a sea cucumber dive
10 fishery license is not held by a natural person as of December 31,
11 1999, it is not renewable. However, if the license is not held
12 because of revocation or suspension of licensing privileges, the
13 director shall renew the license in the name of a natural person at
14 the end of the revocation or suspension if the license holder applies
15 for renewal of the license before the end of the year in which the
16 revocation or suspension ends.

17 (3) Where a licensee failed to obtain the license during either
18 of the previous two years because of a license suspension by the
19 director or the court, the licensee may qualify for a license by
20 establishing that the person held such a license during the last year
21 in which the person was eligible.

22 ~~(4) ((Surcharges as provided for in this section shall be
23 collected and deposited into the sea cucumber dive fishery account
24 hereby created in the custody of the state treasurer. The collections
25 and deposits must continue, as set forth in (a) and (b) of this
26 subsection, through license year 2013, or until the number of
27 licenses is reduced to twenty, whichever occurs first. Only the
28 director or the director's designee may authorize expenditures from
29 the account. The sea cucumber dive fishery account is subject to
30 allotment procedures under chapter 43.88 RCW, but no appropriation is
31 required for expenditures. Expenditures from the account shall only
32 be used to retire sea cucumber licenses until the number of licenses
33 is reduced to twenty, and thereafter shall only be used for sea
34 cucumber management and enforcement. The director or the director's
35 designee shall notify the department of revenue within thirty days
36 when the number of licenses is reduced to twenty.~~

37 ~~(a) A surcharge of one hundred dollars shall be charged with each
38 sea cucumber dive fishery license renewal for licenses issued in 2000
39 through 2013, or until the number of licenses is reduced to twenty,
40 whichever occurs first.~~

1 ~~(b) For licenses issued for license years 2000 through 2013, or~~
2 ~~until the number of licenses is reduced to twenty, whichever occurs~~
3 ~~first, a surcharge shall be charged on the sea cucumber dive fishery~~
4 ~~license for designating an alternate operator. The surcharge shall be~~
5 ~~as follows: Five hundred dollars for the first year or each of the~~
6 ~~first two consecutive years after 1999 that any alternate operator is~~
7 ~~designated and two thousand five hundred dollars each year thereafter~~
8 ~~that any alternate operator is designated.~~

9 ~~(5))~~ Sea cucumber dive fishery licenses are transferable subject
10 to the fees and restrictions in RCW 77.65.020(2). ~~((For licenses~~
11 ~~issued for license years 2000 through 2013, or whenever the number of~~
12 ~~licenses is reduced to twenty, whichever occurs first, there is a~~
13 ~~surcharge to transfer a sea cucumber dive fishery license. The~~
14 ~~surcharge is five hundred dollars for the first transfer of a license~~
15 ~~valid for license year 2000 and two thousand five hundred dollars for~~
16 ~~any subsequent transfer, occurring in the license years 2000 through~~
17 ~~2013, or whenever the number of licenses is reduced to twenty,~~
18 ~~whichever occurs first. The application fee to transfer a sea~~
19 ~~cucumber dive fishery license is one hundred five dollars.~~
20 ~~Notwithstanding this subsection, a one-time transfer exempt from~~
21 ~~surcharge applies for a transfer from the natural person licensed on~~
22 ~~January 1, 2000, to that person's spouse or child.~~

23 ~~(6))~~ (5) If fewer than twenty persons are eligible for sea
24 cucumber dive fishery licenses, the director may accept applications
25 for new licenses. The additional licenses may not cause more than
26 twenty natural persons to be eligible for a sea cucumber dive fishery
27 license. New licenses issued under this section shall be distributed
28 according to rules of the department that recover the value of such
29 licensed privilege.

30 **Sec. 47.** RCW 77.70.220 and 2011 c 339 s 34 are each amended to
31 read as follows:

32 (1) A person shall not harvest geoduck clams commercially without
33 a geoduck fishery license. This section does not apply to the harvest
34 of private sector cultured aquatic products as defined in RCW
35 15.85.020. The geoduck fishery license fee and the application fee
36 ((is seventy dollars)) are specified in RCW 77.65.220.

37 (2) Only a person who has entered into a geoduck harvesting
38 agreement with the department of natural resources under RCW
39 79.135.210 may hold a geoduck fishery license.

1 (3) A geoduck fishery license authorizes no taking of geoducks
2 outside the boundaries of the public lands designated in the
3 underlying harvesting agreement, or beyond the harvest ceiling set in
4 the underlying harvesting agreement.

5 (4) A geoduck fishery license expires when the underlying geoduck
6 harvesting agreement terminates.

7 (5) The director shall determine the number of geoduck fishery
8 licenses that may be issued for each geoduck harvesting agreement,
9 the number of units of gear whose use the license authorizes, and the
10 type of gear that may be used, subject to RCW 77.60.070. In making
11 those determinations, the director shall seek to conserve the geoduck
12 resource and prevent damage to its habitat.

13 (6) The holder of a geoduck fishery license and the holder's
14 agents and representatives shall comply with all applicable
15 commercial diving safety regulations adopted by the federal
16 occupational safety and health administration established under the
17 federal occupational safety and health act of 1970 as such law exists
18 on May 8, 1979, 84 Stat. 1590 et seq.; 29 U.S.C. Sec. 651 et seq. A
19 violation of those regulations is a violation of this subsection. For
20 the purposes of this section, persons who dive for geoducks are
21 "employees" as defined by the federal occupational safety and health
22 act. A violation of this subsection is grounds for suspension or
23 revocation of a geoduck fishery license following a hearing under the
24 procedures of chapter 34.05 RCW. The director shall not suspend or
25 revoke a geoduck fishery license if the violation has been corrected
26 within ten days of the date the license holder receives written
27 notice of the violation. If there is a substantial probability that a
28 violation of the commercial diving standards could result in death or
29 serious physical harm to a person engaged in harvesting geoduck
30 clams, the director shall suspend the license immediately until the
31 violation has been corrected. If the license holder is not the
32 operator of the harvest vessel and has contracted with another person
33 for the harvesting of geoducks, the director shall not suspend or
34 revoke the license if the license holder terminates its business
35 relationship with that person until compliance with this subsection
36 is secured.

37 (7) A person using a vessel in the geoduck fishery is required to
38 apply for and obtain a vessel identification number from the
39 department. The application fee for the vessel identification number
40 is one hundred five dollars.

1 **Sec. 48.** RCW 77.70.280 and 2003 c 174 s 5 are each amended to
2 read as follows:

3 (1) A person shall not commercially fish for coastal crab in
4 Washington state waters without a Dungeness crab—coastal (~~or a~~
5 ~~Dungeness crab—coastal class B~~) fishery license. Gear used must
6 consist of one buoy attached to each crab pot. Each crab pot must be
7 fished individually.

8 (2) A Dungeness crab—coastal fishery license is transferable.
9 Except as provided in subsections (3) and (~~(4)~~) (7) of this
10 section, such a license shall only be issued to a person who proved
11 active historical participation in the coastal crab fishery by having
12 designated, after December 31, 1993, a vessel or a replacement vessel
13 on the qualifying license that singly or in combination meets the
14 following criteria:

15 (a) Made a minimum of eight coastal crab landings totaling a
16 minimum of five thousand pounds per season in at least two of the
17 four qualifying seasons identified in subsection (~~(4)~~) (4) of this
18 section, as documented by valid Washington state shellfish receiving
19 tickets; and showed historical and continuous participation in the
20 coastal crab fishery by having held one of the following licenses or
21 their equivalents each calendar year beginning 1990 through 1993, and
22 was designated on the qualifying license of the person who held one
23 of the following licenses in 1994:

24 (i) Crab pot—Non-Puget Sound license, issued under RCW
25 77.65.220(1)(b);

26 (ii) Nonsalmon delivery license, issued under RCW 77.65.210;

27 (iii) Salmon troll license, issued under RCW 77.65.160;

28 (iv) Salmon delivery license, issued under RCW 77.65.170;

29 (v) Food fish trawl license, issued under RCW 77.65.200; or

30 (vi) Shrimp trawl license, issued under RCW 77.65.220; or

31 (b) Made a minimum of four Washington landings of coastal crab
32 totaling two thousand pounds during the period from December 1, 1991,
33 to March 20, 1992, and made a minimum of eight crab landings totaling
34 a minimum of five thousand pounds of coastal crab during each of the
35 following periods: December 1, 1991, to September 15, 1992; December
36 1, 1992, to September 15, 1993; and December 1, 1993, to September
37 15, 1994. For landings made after December 31, 1993, the vessel shall
38 have been designated on the qualifying license of the person making
39 the landings; or

1 (c) Made any number of coastal crab landings totaling a minimum
2 of twenty thousand pounds per season in at least two of the four
3 qualifying seasons identified in subsection ~~((4))~~ (4) of this
4 section, as documented by valid Washington state shellfish receiving
5 tickets, showed historical and continuous participation in the
6 coastal crab fishery by having held one of the qualifying licenses
7 each calendar year beginning 1990 through 1993, and the vessel was
8 designated on the qualifying license of the person who held that
9 license in 1994.

10 (3) A Dungeness crab-coastal fishery license shall be issued to a
11 person who had a new vessel under construction between December 1,
12 1988, and September 15, 1992, if the vessel made coastal crab
13 landings totaling a minimum of five thousand pounds by September 15,
14 1993, and the new vessel was designated on the qualifying license of
15 the person who held that license in 1994. All landings shall be
16 documented by valid Washington state shellfish receiving tickets.
17 License applications under this subsection may be subject to review
18 by the advisory review board in accordance with RCW 77.70.030. For
19 purposes of this subsection, "under construction" means either:

20 (a)(i) A contract for any part of the work was signed before
21 September 15, 1992; and

22 (ii) The contract for the vessel under construction was not
23 transferred or otherwise alienated from the contract holder between
24 the date of the contract and the issuance of the Dungeness crab-
25 coastal fishery license; and

26 (iii) Construction had not been completed before December 1,
27 1988; or

28 (b)(i) The keel was laid before September 15, 1992; and

29 (ii) Vessel ownership was not transferred or otherwise alienated
30 from the owner between the time the keel was laid and the issuance of
31 the Dungeness crab-coastal fishery license; and

32 (iii) Construction had not been completed before December 1,
33 1988.

34 ~~(4) ((A Dungeness crab-coastal class B fishery license is not~~
35 ~~transferable. Such a license shall be issued to persons who do not~~
36 ~~meet the qualification criteria for a Dungeness crab-coastal fishery~~
37 ~~license, if the person has designated on a qualifying license after~~
38 ~~December 31, 1993, a vessel or replacement vessel that, singly or in~~
39 ~~combination, made a minimum of four landings totaling a minimum of~~
40 ~~two thousand pounds of coastal crab, documented by valid Washington~~

1 ~~state shellfish receiving tickets, during at least one of the four~~
2 ~~qualifying seasons, and if the person has participated continuously~~
3 ~~in the coastal crab fishery by having held or by having owned a~~
4 ~~vessel that held one or more of the licenses listed in subsection (2)~~
5 ~~of this section in each calendar year subsequent to the qualifying~~
6 ~~season in which qualifying landings were made through 1994. Dungeness~~
7 ~~crab coastal class B fishery licenses cease to exist after December~~
8 ~~31, 1999, and the continuing license provisions of RCW 34.05.422(3)~~
9 ~~are not applicable.~~

10 ~~(5))~~ The four qualifying seasons for purposes of this section
11 are:

- 12 (a) December 1, 1988, through September 15, 1989;
- 13 (b) December 1, 1989, through September 15, 1990;
- 14 (c) December 1, 1990, through September 15, 1991; and
- 15 (d) December 1, 1991, through September 15, 1992.

16 ~~((6))~~ (5) For purposes of this section and RCW 77.70.340,
17 "coastal crab" means Dungeness crab (cancer magister) taken in all
18 Washington territorial and offshore waters south of the United
19 States-Canada boundary and west of the Bonilla-Tatoosh line (a line
20 from the western end of Cape Flattery to Tatoosh Island lighthouse,
21 then to the buoy adjacent to Duntz Rock, then in a straight line to
22 Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and
23 the Columbia river.

24 ~~((7))~~ (6) For purposes of this section, "replacement vessel"
25 means a vessel used in the coastal crab fishery in 1994, and that
26 replaces a vessel used in the coastal crab fishery during any period
27 from 1988 through 1993, and which vessel's licensing and catch
28 history, together with the licensing and catch history of the vessel
29 it replaces, qualifies a single applicant for a Dungeness crab—
30 coastal ~~((or Dungeness crab coastal class B fishery))~~ license. A
31 Dungeness crab—coastal ~~((or Dungeness crab coastal class B fishery))~~
32 license may only be issued to a person who designated a vessel in the
33 1994 coastal crab fishery and who designated the same vessel in 1995.

34 ~~((8))~~ (7) A Dungeness crab—coastal fishery license may not be
35 issued to a person who participates in the federal fleet reduction
36 program created in RCW 77.70.460 within ten years of that person's
37 participation in the federal program, if reciprocal restrictions are
38 imposed by the states of Oregon and California on persons
39 participating in the federal fleet reduction program.

1 **Sec. 49.** RCW 77.70.290 and 1997 c 418 s 2 are each amended to
2 read as follows:

3 (1) The director shall allow the landing into Washington state of
4 crab taken in offshore waters only if:

5 (a) The crab are legally caught and landed by fishers with a
6 valid Washington state Dungeness crab-coastal fishery license (~~(or a~~
7 ~~valid Dungeness crab-coastal class B fishery license)~~); or

8 (b)(i) The director determines that the landing of offshore
9 Dungeness crab by fishers without a Washington state Dungeness crab-
10 coastal fishery license (~~(or a valid Dungeness crab-coastal class B~~
11 ~~fishery license)~~) is in the best interest of the coastal crab
12 processing industry; (ii) the director has been requested to allow
13 such landings by at least three Dungeness crab processors; (iii) the
14 landings are permitted only between the dates of December 1st to
15 February 15th inclusively; (iv) only crab fishers commercially
16 licensed to fish by Oregon or California are permitted to land, if
17 the crab was taken with gear that consisted of one buoy attached to
18 each crab pot, and each crab pot was fished individually; (v) the
19 fisher landing the crab has obtained a valid delivery license; and
20 (vi) the decision is made on a case-by-case basis for the sole reason
21 of improving the economic stability of the commercial crab fishery.

22 (2) Nothing in this section allows the commercial fishing of
23 Dungeness crab in waters within three miles of Washington state by
24 fishers who do not possess a valid Dungeness crab-coastal fishery
25 license (~~(or a valid Dungeness crab-coastal class B fishery~~
26 ~~license)~~). Landings of offshore Dungeness crab by fishers without a
27 valid Dungeness crab-coastal fishery license (~~(or a valid Dungeness~~
28 ~~crab-coastal class B fishery license)~~) do not qualify the fisher for
29 such licenses.

30 **Sec. 50.** RCW 77.70.300 and 2000 c 107 s 77 are each amended to
31 read as follows:

32 A person commercially fishing for Dungeness crab in offshore
33 waters outside of Washington state jurisdiction shall obtain a
34 Dungeness crab offshore delivery license from the director if the
35 person does not possess a valid Dungeness crab-coastal fishery
36 license (~~(or a valid Dungeness crab-coastal class B fishery license)~~)
37 and the person wishes to land Dungeness crab into a place or a port
38 in the state. The annual fee for a Dungeness crab offshore delivery
39 license is two hundred fifty dollars. The director may specify

1 restrictions on landings of offshore Dungeness crab in Washington
2 state as authorized in RCW 77.70.290.

3 Fees from the offshore Dungeness crab delivery license shall be
4 placed in the coastal crab account created in RCW 77.70.320.

5 **Sec. 51.** RCW 77.70.430 and 2006 c 143 s 1 are each amended to
6 read as follows:

7 (1) In order to administer a Puget Sound crab pot buoy tag
8 program, the department may charge a fee to holders of a Dungeness
9 crab—Puget Sound fishery license to reimburse the department for the
10 production of Puget Sound crab pot buoy tags and the administration
11 of a Puget Sound crab pot buoy tag program.

12 (2) In order to administer a Washington coastal Dungeness crab
13 pot buoy tag program, the department may charge a fee to holders of a
14 Dungeness crab—coastal ((~~or a Dungeness crab coastal class B~~))
15 fishery license and to holders of out-of-state licenses who are
16 issued a pot certificate by the department to reimburse the
17 department for the production of Washington coastal crab pot buoy
18 tags and the administration of a Washington coastal crab pot buoy tag
19 program.

20 (3) The department shall annually review the costs of crab pot
21 buoy tag production under this section with the goal of minimizing
22 the per tag production costs. Any savings in production costs shall
23 be passed on to the fishers required to purchase crab pot buoy tags
24 under this section in the form of a lower tag fee.

25 **Sec. 52.** RCW 77.70.490 and 2011 c 339 s 36 are each amended to
26 read as follows:

27 (1) A Washington Pacific sardine purse seine fishery license:

28 (a) May only be issued to a person that held a coastal pilchard
29 experimental fishery permit in 2008, except as otherwise provided in
30 this section;

31 (b) Must be renewed annually to remain active; and

32 (c) Subject to the restrictions of subsections (6) and (7) of
33 this section and RCW 77.65.040, is transferable.

34 (2) A Washington Pacific sardine purse seine fishery license may
35 be issued to any person that held a coastal pilchard experimental
36 fishery permit in 2005, 2006, or 2007 and is precluded from
37 qualifying under subsection (1) of this section because the vessel
38 designated on the permit sank prior to 2008.

1 (3) Beginning in 2010, after taking into consideration the status
2 of the Pacific sardine population, the impact of removal of sardines
3 and other forage fish to the marine ecosystem, including the effect
4 on endangered marine species, and the market for Pacific sardines in
5 the state, the director may issue:

6 (a) A Washington Pacific sardine purse seine fishery license to
7 any person provided that the issuance would not raise the number of
8 licenses beyond the number initially issued in 2009;

9 (b) A Washington Pacific sardine purse seine temporary annual
10 fishery permit to any person if the combined number of active
11 Washington Pacific sardine purse seine fishery licenses and annual
12 temporary permits already issued during the year is less than twenty-
13 five.

14 (4) The annual fee for a Washington Pacific sardine purse seine
15 fishery license (~~((is one hundred eighty five dollars for residents
16 and two hundred ninety five dollars for nonresidents.))~~) and the
17 application fee ((is one hundred five dollars)) are specified in RCW
18 77.65.200.

19 (5) The fee for a Washington Pacific sardine purse seine
20 temporary annual fishery permit (~~((is one hundred eighty five dollars
21 for residents and two hundred ninety five dollars for nonresidents.))~~)
22 and the application fee ((is one hundred five dollars)) are specified
23 in RCW 77.65.200. A temporary annual fishery permit expires at the
24 end of the calendar year in which the permit is issued.

25 (6) Only a person who owns or operates the vessel designated on
26 the license or permit may hold a Washington Pacific sardine purse
27 seine fishery license or temporary annual fishery permit.

28 (7) A person may not own or hold an ownership interest in more
29 than two Washington Pacific sardine purse seine fishery licenses.

30 (8) The director shall adopt rules that require a person fishing
31 under a Washington Pacific sardine purse seine fishery license or a
32 temporary annual permit to minimize bycatch, and to the extent
33 bycatch cannot be avoided, to minimize the mortality of such bycatch.

34 **Sec. 53.** RCW 82.27.020 and 2010 c 193 s 16 are each amended to
35 read as follows:

36 (1) In addition to all other taxes, licenses, or fees provided by
37 law there is established an excise tax on the commercial possession
38 of enhanced food fish as provided in this chapter. The tax is levied
39 upon and shall be collected from the owner of the enhanced food fish

1 whose possession constitutes the taxable event. The taxable event is
2 the first possession in Washington by an owner after the enhanced
3 food fish has been landed. Processing and handling of enhanced food
4 fish by a person who is not the owner is not a taxable event to the
5 processor or handler.

6 (2) A person in possession of enhanced food fish and liable to
7 this tax may deduct from the price paid to the person from which the
8 enhanced food fish (except oysters) are purchased an amount equal to
9 a tax at one-half the rate levied in this section upon these
10 products.

11 (3) The measure of the tax is the value of the enhanced food fish
12 at the point of landing.

13 (4) The tax shall be equal to the measure of the tax multiplied
14 by the rates for enhanced food fish as follows:

15 (a) Puget Sound Chinook, coho, and chum salmon and anadromous
16 game fish: Five and twenty-five one-hundredths percent;

17 (b) Ocean waters, Columbia river, Willapa Bay, and Grays Harbor
18 Chinook, coho, and chum salmon and anadromous game fish: Six and
19 twenty-five one-hundredths percent;

20 (c) Pink and sockeye salmon: Three and fifteen one-hundredths
21 percent;

22 ~~((+e))~~ (d) Other food fish and shellfish, except oysters, sea
23 urchins, and sea cucumbers: Two and one-tenth percent;

24 ~~((+d))~~ (e) Oysters: Eight one-hundredths of one percent;

25 ~~((+e))~~ (f) Sea urchins: ~~((Four and six tenths percent through~~
26 ~~December 31, 2013, or until the department of fish and wildlife~~
27 ~~notifies the department that the number of sea urchin licenses has~~
28 ~~been reduced to twenty licenses, whichever occurs first, and))~~ Two
29 and one-tenth percent ((thereafter)); and

30 ~~((+f))~~ (g) Sea cucumbers: ~~((Four and six tenths percent through~~
31 ~~December 31, 2013, or until the department of fish and wildlife~~
32 ~~notifies the department that the number of sea cucumber licenses has~~
33 ~~been reduced to twenty licenses, whichever occurs first, and))~~ Two
34 and one-tenth percent ((thereafter)).

35 (5) An additional tax is imposed equal to the rate specified in
36 RCW 82.02.030 multiplied by the tax payable under subsection (4) of
37 this section.

38 **Sec. 54.** RCW 82.27.070 and 2010 c 193 s 17 are each amended to
39 read as follows:

1 All taxes collected by the department of revenue under this
2 chapter shall be deposited in the state general fund except for the
3 (~~excise tax on anadromous game fish, which shall be deposited in the~~
4 ~~state wildlife account. From January 1, 2000, to December 31, 2013,~~
5 ~~or until the department of fish and wildlife notifies the department~~
6 ~~that the license reduction goals of the sea urchin or sea cucumber~~
7 ~~fishery have been met, whichever occurs first, twenty five forty~~
8 ~~sixths of the revenues derived from the excise tax on sea urchins~~
9 ~~collected under RCW 82.27.020 shall be deposited into the sea urchin~~
10 ~~dive fishery account created in RCW 77.70.150, and twenty five forty~~
11 ~~sixths of the revenues derived from the excise tax on sea cucumbers~~
12 ~~collected under RCW 82.27.020 shall be deposited into the sea~~
13 ~~cucumber dive fishery account created in RCW 77.70.190)) following:~~

14 (1) The excise tax on anadromous game fish is deposited in the
15 state wildlife account.

16 (2) The excise tax on ocean waters, Columbia river, Willapa Bay,
17 and Grays Harbor chinook, coho, and chum salmon is deposited as
18 follows:

19 (a) The equivalent of five and twenty-five one-hundredths percent
20 shall be deposited in the state general fund.

21 (b) The equivalent of one percent shall be deposited in the state
22 wildlife account.

23 **Sec. 55.** RCW 69.07.100 and 2011 c 281 s 13 are each amended to
24 read as follows:

25 (1) The provisions of this chapter shall not apply to
26 establishments issued a permit or licensed under the provisions of:

27 (a) Chapter 69.25 RCW, the Washington wholesome eggs and egg
28 products act;

29 (b) Chapter 69.28 RCW, the Washington state honey act;

30 (c) Chapter 16.49 RCW, the meat inspection act;

31 (d) Chapter 77.65 RCW, relating to the (~~direct retail~~) limited
32 fish seller endorsement for wild-caught seafood;

33 (e) Chapter 69.22 RCW, relating to cottage food operations;

34 (f) Title 66 RCW, relating to alcoholic beverage control; and

35 (g) Chapter 69.30 RCW, the sanitary control of shellfish act.

36 (2) If any such establishments process foods not specifically
37 provided for in the above entitled acts, the establishments are
38 subject to the provisions of this chapter.

1 (3) The provisions of this chapter do not apply to restaurants or
2 food service establishments.

3 **Sec. 56.** RCW 36.71.090 and 2003 c 387 s 5 are each amended to
4 read as follows:

5 ~~((1))~~ It shall be lawful for any farmer, gardener, or other
6 person, without license, to sell, deliver, or peddle any fruits,
7 vegetables, berries, eggs, or any farm produce or edibles raised,
8 gathered, produced, or manufactured by such person and no city or
9 town shall pass or enforce any ordinance prohibiting the sale by or
10 requiring license from the producers and manufacturers of farm
11 produce and edibles as defined in this section. However, nothing in
12 this section authorizes any person to sell, deliver, or peddle,
13 without license, in any city or town, any dairy product, meat,
14 poultry, eel, fish, mollusk, or shellfish where a license is required
15 to engage legally in such activity in such city or town.

16 ~~((2) It is lawful for an individual in possession of a valid
17 direct retail endorsement, as established in RCW 77.65.510, to sell,
18 deliver, or peddle any legally harvested retail-eligible species, as
19 that term is defined in RCW 77.08.010, that is caught, harvested, or
20 collected under rule of the department of fish and wildlife by such a
21 person at a temporary food service establishment, as that term is
22 defined in RCW 69.06.045, and no city, town, or county may pass or
23 enforce an ordinance prohibiting the sale by or requiring additional
24 licenses or permits from the holder of the valid direct retail
25 endorsement. However, this subsection does not prohibit a city, town,
26 or county from inspecting an individual displaying a direct retail
27 endorsement to verify that the person is in compliance with state
28 board of health and local rules for food service operations.))~~

29 NEW SECTION. **Sec. 57.** The code reviser's office is directed to
30 move the definitions of "to fish," "to hunt," "to process," "to
31 take," "to trap," and "to waste" or "to be wasted," by reordering
32 them within RCW 77.08.010 in alphabetical order by the spelling of
33 the main verb word.

34 NEW SECTION. **Sec. 58.** The following acts or parts of acts are
35 each repealed:

36 (1) RCW 77.65.290 (Wholesale fish dealer licenses—Display) and
37 1993 c 340 s 52, 1983 1st ex.s. c 46 s 110, & 1955 c 12 s 75.28.070;

1 (2) RCW 77.65.300 (Wholesale fish dealer may be a fish buyer) and
2 1985 c 248 s 3;
3 (3) RCW 77.65.360 (License fee increases—Disposition) and 1989 c
4 316 s 20;
5 (4) RCW 77.65.515 (Direct retail endorsement—Requirements) and
6 2003 c 387 s 3 & 2002 c 301 s 3;
7 (5) RCW 77.65.520 (Direct retail endorsement—Compliance—
8 Violations—Suspension) and 2003 c 387 s 4 & 2002 c 301 s 4; and
9 (6) RCW 77.65.900 (Effective date—1989 c 316) and 1989 c 316 s
10 22.

11 NEW SECTION. **Sec. 59.** This act takes effect January 1, 2018.

--- END ---