

Chapter 220-352 WAC

COMMERCIAL FISHERIES—FISH RECEIVING TICKETS, SALES, COMMERCIAL DUTIES, AND RECORDKEEPING

WAC

220-352-010	Fish receiving ticket definitions.
220-352-020	When state of Washington fish receiving tickets are required.
220-352-030	State of Washington fish receiving tickets—When not required—Unlawful acts.
220-352-040	Description of Washington state nontreaty fish receiving tickets.
220-352-050	Required information on nontreaty fish receiving tickets.
220-352-060	Distribution of copies of nontreaty fish receiving tickets.
220-352-070	Description of treaty Indian fish receiving ticket and treaty Indian shellfish receiving ticket.
220-352-080	Required information on treaty Indian fish and shellfish receiving tickets.
220-352-090	Distribution of copies of treaty Indian fish receiving tickets.
220-352-100	Treaty Indian identification cards.
220-352-110	Description of Washington state electronic fish receiving ticket.
220-352-120	Required information on electronic fish receiving tickets.
220-352-130	Distribution of copies of shellfish receiving ticket.
220-352-140	Signatures—Fish receiving tickets.
220-352-150	Imprinters—Fish receiving tickets.
220-352-160	Fish receiving ticket accountability.
220-352-170	Charter stamps—Charter boat and guide operator issuance duties.
220-352-180	Duties of commercial purchasers and receivers.
220-352-190	Duties of commercial fishers.
220-352-200	Duties of commercial shellfish shuckers.
220-352-210	License cards.
220-352-220	Wholesale fish buyer plates.
220-352-230	Commercial food fish and shellfish transportation ticket.
220-352-240	Annual production report.
220-352-250	Sale under a limited fish seller endorsement.
220-352-280	Transportation of anadromous game fish and roe.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-352-260	Commercial buying and processing of anadromous game fish or roe. [Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-260, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 232-12-091, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.32.211 and 77.12.040. WSR 86-09-023 (Order 270), § 232-12-091, filed 4/10/86. Statutory Authority: RCW 77.12.040. WSR 85-09-014 (Order 247), § 232-12-091, filed 4/9/85; WSR 81-12-029 (Order 165), § 232-12-091, filed 6/1/81. Formerly WAC 232-12-212.] Repealed by WSR 17-22-100, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, 77.65.520.
220-352-270	Records for purchase and receipt of anadromous game fish and roe. [Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-270, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-094, filed 6/1/81. Formerly WAC 232-12-213.] Repealed by WSR 17-22-100, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, 77.65.520.

(10/30/17)

WAC 220-352-010 Fish receiving ticket definitions.

The following definitions apply to this chapter:

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

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

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

(4) "Fish" means food fish classified under WAC 220-12-010 and game fish classified under WAC 220-300-380.

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

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

(b) A broker who takes physical possession of fish or shellfish is an original receiver and must complete a fish receiving ticket. A broker acting strictly as an intermediary is not required to complete a fish receiving ticket for fish or shellfish that are delivered to an original receiver in the state of Washington.

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

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

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

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

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

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

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

[Ch. 220-352 WAC p. 1]

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

(7) "Fish receiving ticket" means a document produced by the department for commercial catch accounting purposes and includes electronic fish tickets, nontreaty fish receiving tickets, such as Puget Sound salmon, troll, marine, utility, and shellfish receiving tickets; treaty Indian fish receiving tickets; and treaty Indian shellfish receiving tickets.

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

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

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

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

(12) Except as provided, "original receiver" or "receiver" means a person who holds a wholesale fish buyer endorsement or a limited fish seller endorsement. Except as provided, an original receiver means the first person in possession of fish or shellfish in the state of Washington who is acting in the capacity of a buyer:

(a) A fisher who is not the holder of a limited fish seller endorsement and who sells fish or shellfish to anyone other than a wholesale fish buyer, or a fisher who delivers fish or shellfish and places the fish or shellfish into interstate or foreign commerce, is the original receiver of the fish or shellfish;

(b) A cold storage facility that holds fish or shellfish for a fisher is not an original receiver, provided that the facility does not process, package, or otherwise handle the fish or shellfish;

(c) A person transporting fish or shellfish on behalf of a fisher, and who is in possession of an accurately completed commercial food fish and shellfish transportation ticket, is not an original receiver, provided that the fish or shellfish are transported only to a cold storage facility or to a wholesale fish buyer.

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

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

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

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

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-010, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, and 50 C.F.R. Part 660. WSR 17-03-006 (Order 17-04), § 220-69-210, filed 1/4/17, effective 1/4/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.013, 77.04.013, 77.04.055, 77.12.047, 77.12.045, and 50 C.F.R. 660. WSR 12-04-028 (Order 12-09), § 220-69-210, filed 1/26/12, effective 2/26/12. Statutory Authority: RCW 77.12.047. WSR 04-17-096 (Order 04-210), § 220-69-210, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-210, filed 12/20/99, effective 1/20/00; Order 76-153, § 220-69-210, filed 12/17/76.]

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WAC 220-352-020 When state of Washington fish receiving tickets are required. (1) State of Washington fish receiving tickets are required for:

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

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

(c) Frozen fish or shellfish not previously delivered in another state, territory, or country, and transported into the state of Washington to an original receiver. Food fish and shellfish in this category are typically an at-sea processed product.

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

(e) Forage fish transferred at sea to another vessel.

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

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

Violation of this section is punishable under RCW 77.15.630.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-23-001 (Order 07-278), § 220-69-215, filed 11/7/07, effective 12/8/07; WSR 04-17-096 (Order 04-210), § 220-69-215, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-69-215, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-215, filed 12/2/83; Order 76-153, § 220-69-215, filed 12/17/76.]

WAC 220-352-030 State of Washington fish receiving tickets—When not required—Unlawful acts. (1) It is unlawful for a person to fail to complete a fish receiving ticket upon purchasing or receiving fish or shellfish unless the fish or shellfish have previously been documented on a completed fish receiving ticket. This section does not apply to:

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

(b) Fish or shellfish purchased at retail.

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

(2) Private sector cultured aquatic products.

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

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

(5) Violation of this subsection by a wholesale fish buyer is a gross misdemeanor, punishable under RCW 77.15.640.

(6) Violation of this subsection by a limited fish seller is a gross misdemeanor, punishable under RCW 77.15.640.

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-030, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-352-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 04-17-096 (Order 04-210), § 220-69-220, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-220, filed 12/20/99, effective 1/20/00; WSR 94-01-001, § 220-69-220, filed 12/1/93, effective 1/1/94; WSR 90-03-068 (Order 90-05), § 220-69-220, filed 1/19/90, effective 2/19/90. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-220, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 83-24-049 (Order 83-203), § 220-69-220, filed 12/2/83; WSR 78-03-031 (Order 78-7), § 220-69-220, filed 2/17/78; Order 76-153, § 220-69-220, filed 12/17/76.]

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

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

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

- (a) Fisherman: The name of the licensed deliverer.
- (b) Address: The address of the licensed deliverer.
- (c) Boat name: The name or Coast Guard number of the landing vessel.
- (d) WDFW boat registration: The Washington department of fish and wildlife boat registration number.
- (e) Gear: The code number or name of the specific type of gear used.
- (f) Fisherman's signature: The signature of the licensed deliverer.
- (g) Date: Date of landing.
- (h) Original receiver: Name of original receiver and the department number assigned to original receiver.
- (i) Buyer: The name of buyer and the department number assigned to buyer.
- (j) Receiver's signature: The signature of the original receiver.
- (k) Number of days fished: Days spent catching fish.
- (l) Fish or shellfish caught inside or outside 3-mile limit: Check one box.
 - (m) Catch area:
 - (i) The salmon catch area code if salmon are caught.
 - (ii) The marine fish/shellfish catch area code if marine fish are caught or shellfish are caught or harvested.
 - (n) Tally space for wholesale fish buyer's use: Used at the wholesale fish buyer's discretion.

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

(p) Individual number of salmon and sturgeon.

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

(r) The number of ghost shrimp in dozens, the number of oysters in dozens or gallons, and the species description for all fish and shellfish.

(s) The original total weight in round pounds of all shellfish or fish, except that pounds of legally dressed fish and shellfish may be recorded in original dressed weight so long as dressed fish and shellfish are designated as dressed on the fish receiving ticket.

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

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

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

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

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

(w) Total amount: Total value of landing.

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

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

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

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

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

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

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

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

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

(5) A marine fish receiving ticket must be completely, accurately, and legibly prepared for:

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

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

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

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

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

(7) A shellfish receiving ticket must be completely, accurately, and legibly prepared for:

(a) Any nontreaty deliveries of shellfish;

(b) Any imports of fresh shellfish; and

(c) Any incidental catch of bottomfish made while fishing for shellfish. The species name, total pounds, and price per pounds must be entered for each species of bottomfish caught.

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-040, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-352-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-69-230, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.04.020, 77.12.047, 50 C.F.R. § 660.370, and 50 C.F.R. § 300.63. WSR 10-02-002 (Order 09-262), § 220-69-230, filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047. WSR 07-23-002 (Order 07-279), § 220-69-230, filed 11/7/07, effective 12/8/07; WSR 07-04-030, § 220-69-230, filed 1/29/07, effective 3/1/07. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-230, filed 12/20/99, effective 1/20/00; WSR 85-11-020 (Order 85-43), § 220-69-230, filed 5/10/85; WSR 84-08-014 (Order 84-24), § 220-69-230, filed 3/27/84; WSR 83-24-049 (Order 83-203), § 220-69-230, filed 12/2/83; WSR 80-05-093 (Order 80-27), § 220-69-230, filed 5/2/80; WSR 78-03-031 (Order 78-7), § 220-69-230, filed 2/17/78; Order 76-153, § 220-69-230, filed 12/17/76.]

WAC 220-352-050 Required information on nontreaty fish receiving tickets. (1) It is unlawful for a person required to complete a nontreaty fish receiving ticket to fail to enter the mandatory information referenced in WAC 220-352-040 (2)(a) through (m) and (p) through (y) on each nontreaty fish receiving ticket, except as provided in subsection (5) of this section.

(2) A valid license card or duplicate license card issued by the department used with an approved mechanical imprinter satisfies the requirements in WAC 220-352-040 (2)(a) through (e), except as provided in WAC 220-352-150.

(3) A valid dealer or buyer card issued by the department used with an approved mechanical imprinter satisfies the requirements in WAC 220-352-040 (2)(h) and (i).

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

(5) A person who sells or receives deliveries of fish made from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 may use an electronic fish receiving ticket to enter mandatory information in lieu of completing a nontreaty fish receiving ticket, so long as:

(a) All information required under WAC 220-352-120 is entered on the electronic fish receiving ticket;

(b) Both the fisherman and original receiver sign a legible, printed copy of the original electronic fish receiving ticket, plus all amended copies declaring the document and information contained therein as being true and accurate, and submit those signed copies as prescribed in WAC 220-352-060; and

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

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

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 17-12-105 (Order 17-112), § 220-352-050, filed 6/6/17, effective 7/7/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, and 50 C.F.R. Part 660. WSR 17-03-006 (Order 17-04), § 220-69-250, filed 1/4/17, effective 1/4/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-69-250, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.-047, and 50 C.F.R. 660. WSR 12-04-028 (Order 12-09), § 220-69-250, filed 1/26/12, effective 2/26/12. Statutory Authority: RCW 77.04.020, 77.12.047, 50 C.F.R. § 660.370, and 50 C.F.R. § 300.63. WSR 10-02-002 (Order 09-262), § 220-69-250, filed 12/23/09, effective 1/23/10. Statutory Authority: RCW 77.12.047. WSR 07-23-002 (Order 07-279), § 220-69-250, filed 11/7/07, effective 12/8/07; WSR 07-04-030, § 220-69-250, filed 1/29/07, effective 3/1/07; WSR 04-17-096 (Order 04-210), § 220-69-250, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-250, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-250, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-69-250, filed 5/10/85; WSR 85-01-010 (Order 84-214), § 220-69-250, filed 12/7/84; WSR 84-08-014 (Order 84-24), § 220-69-250, filed 3/27/84; WSR 83-24-049 (Order 83-203), § 220-69-250, filed 12/2/83; Order 76-153, § 220-69-250, filed 12/17/76.]

WAC 220-352-060 Distribution of copies of nontreaty fish receiving tickets. (1) State of Washington nontreaty fish receiving tickets must be made out in quadruplicate (four copies) at the time of delivery of fish or shellfish. It is unlawful for the original receiver who completes a fish receiving ticket to fail to distribute the copies as follows:

(a) Except for original receivers who submit a fish receiving ticket in portable document format (PDF) to satisfy quick reporting requirements for salmon and sturgeon under WAC 220-352-180 (14)(e), the original receiver must mail the state copy (green) of the fish receiving ticket to the department of fish and wildlife (department). The department must receive the state copy no later than the sixth working day after the day the original receiver completes the fish ticket.

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

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

(2) It is unlawful for an original receiver who submits an electronic fish receiving ticket to fail to retain a signed copy of the electronic fish receiving ticket for three years.

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

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-352-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-69-260, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, and 50 C.F.R. 660. WSR 12-04-028 (Order 12-09), § 220-69-260, filed 1/26/12, effective 2/26/12. Statutory Authority: RCW 77.12.047. WSR 04-17-096 (Order 04-210), § 220-69-260, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-260, filed 12/20/99, effective 1/20/00; WSR 94-01-001, § 220-69-260, filed 12/1/93, effective 1/1/94; WSR 91-05-015 (Order 91-07), § 220-69-260, filed 2/8/91, effective 3/11/91; WSR 90-03-068 (Order 90-05), § 220-69-260, filed 1/19/90, effective 2/19/90. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-260, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 83-24-049 (Order 83-203), § 220-69-260, filed 12/2/83; WSR 80-05-093 (Order 80-27), § 220-69-260, filed 5/2/80; Order 76-153, § 220-69-260, filed 12/17/76.]

WAC 220-352-070 Description of treaty Indian fish receiving ticket and treaty Indian shellfish receiving ticket. (1) The department creates, prepares, prints, and distributes upon request the following treaty Indian fish receiving ticket forms:

- (a) The treaty Indian fish receiving ticket; and
 - (b) The treaty Indian shellfish receiving ticket.
- (2) Treaty Indian fish receiving ticket forms must contain space for the following information:
- (a) Tribe: Name or identification number of tribe.
 - (b) Name: Name and identification number of deliverer or fisher.
 - (c) Signature: Signature of deliverer.
 - (d) Date: Date of harvest for bivalves (clams, oysters, geoduck), and date of landing for all fish and shellfish.
 - (e) Dealer: Name of the dealer, and the department number assigned to the dealer.
 - (f) Buyer: Name of the buyer, and the department number assigned to the buyer.
 - (g) Gear: Code name or number of the specific gear type used.
 - (h) Dealer's signature: Signature of the original receiver.
 - (i) Catch area:
 - (i) River name for river-caught species;
 - (ii) Salmon catch area for saltwater-caught salmon species;
 - (iii) Marine fish/shellfish catch area for saltwater-caught nonsalmon species, except bivalve shellfish; or
 - (iv) The catch area, department of natural resources tract number, or department beach identification number for harvested bivalve shellfish.
 - (j) The individual number of salmon, steelhead, and sturgeon.
 - (k) Species description for all fish and shellfish.
 - (l) On treaty Indian shellfish receiving tickets only:
 - (i) The Washington department of health issued certification number (WDOH certification);
 - (ii) The number of ghost shrimp in dozens;
 - (iii) The number of oysters in dozens or gallons; and
 - (iv) The number of razor clams.
 - (m) Species code: The department assigned species code for the species harvested.

(10/30/17)

(n) The original total weight for each species or species group in round pounds, except:

- (i) Pounds of legally dressed fish and shellfish may be recorded in original dressed weight so long as the fish and shellfish are designated as dressed; and
- (ii) Weight is not required for oysters.
- (o) The value of fish and shellfish purchased.
- (p) Tribal tax: The amount of tribal tax collected.
- (q) Take-home, ceremonial, subsistence: The species, number, and pounds of fish or shellfish retained for personal, ceremonial, or subsistence use.
- (r) Tally space for dealer's use: Used at the dealer's discretion.

(3) The treaty Indian fish receiving ticket or treaty Indian shellfish receiving ticket, whichever is applicable, must be completed for any deliveries of fish or shellfish caught by Washington treaty Indians.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-69-234, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.12.047. WSR 07-04-030, § 220-69-234, filed 1/29/07, effective 3/1/07. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-234, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-234, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-69-234, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-234, filed 12/2/83; WSR 80-05-093 (Order 80-27), § 220-69-234, filed 5/2/80; WSR 78-03-031 (Order 78-7), § 220-69-234, filed 2/17/78; Order 76-153, § 220-69-234, filed 12/17/76.]

WAC 220-352-080 Required information on treaty Indian fish and shellfish receiving tickets. (1) It is unlawful for a person required to complete a treaty Indian fish receiving ticket or a treaty Indian shellfish receiving ticket to fail to enter the mandatory information, when applicable, referenced in WAC 220-352-070 (2)(a) through (l) and (n) through (q) on each treaty Indian fish receiving ticket or treaty Indian shellfish receiving ticket, whichever is appropriate.

(2) A valid treaty Indian identification card may be used in lieu of WAC 220-352-070 (2)(a) and (b).

(3) A valid dealer or buyer card issued by the department may be used in lieu of WAC 220-352-070 (2)(e) and (f).

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

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-352-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-69-254, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.12.047. WSR 07-04-030, § 220-69-254, filed 1/29/07, effective 3/1/07; WSR 04-17-096 (Order 04-210), § 220-69-254, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-254, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-254, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-69-254, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-254, filed 12/2/83; WSR 78-03-031 (Order 78-7), § 220-69-254, filed 2/17/78; Order 76-153, § 220-69-254, filed 12/17/76.]

WAC 220-352-090 Distribution of copies of treaty Indian fish receiving tickets. (1) State of Washington treaty Indian fish receiving tickets must be made out in quintuplicate (five copies) at the time of landing. It is unlawful for the original receiver who completes the fish receiving ticket to fail to distribute the copies as follows:

(a) The original receiver must mail the state copy (green) and the NWIFC copy (pink) to the Northwest Indian Fisheries Commission (NWIFC), P.O. Box 5247, Lacey, Washington 98509. The NWIFC must receive the state copy and NWIFC copy no later than the sixth working day after the day the original receiver completes the fish ticket;

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

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

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

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

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-69-264, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.12.047. WSR 04-17-096 (Order 04-210), § 220-69-264, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-264, filed 12/20/99, effective 1/20/00; WSR 91-05-015 (Order 91-07), § 220-69-264, filed 2/8/91, effective 3/11/91; WSR 90-03-068 (Order 90-05), § 220-69-264, filed 1/19/90, effective 2/19/90. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-264, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-69-264, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-264, filed 12/2/83; WSR 80-05-093 (Order 80-27), § 220-69-264, filed 5/2/80; Order 76-153, § 220-69-264, filed 12/17/76.]

WAC 220-352-100 Treaty Indian identification cards. Washington treaty Indians delivering fish or shellfish may use a treaty Indian identification card, properly embossed with the tribe number and treaty Indian identification number, in lieu of hand-written fisherman information except that the fisherman's signature is required on the tribal copy of the treaty Indian fish receiving ticket.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-272, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-69-272, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-272, filed 12/2/83; Order 76-153, § 220-69-272, filed 12/17/76.]

WAC 220-352-110 Description of Washington state electronic fish receiving ticket. (1) There is hereby created a nontreaty electronic fish receiving ticket. Electronic forms are available for deliveries of fish from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660. The electronic form shall contain space for the following information:

- (a) Fisherman: Name of licensed deliverer and department number assigned to licensed deliverer;
- (b) Address: Address of licensed deliverer;
- (c) Boat name: Name or Coast Guard number of landing vessel;
- (d) WDFW boat registration: Washington department of fish and wildlife boat registration number;
- (e) Gear: Code number or name of specific gear type used;
- (f) Fisherman's signature: Signature of licensed deliverer;
- (g) Date: Date of landing;
- (h) Dealer: Name of dealer and department number assigned to dealer;
- (i) Buyer: Name of buyer and department number assigned to buyer;
- (j) Receiver's signature: Signature of original receiver;
- (k) Number of days fished: Days spent catching fish;
- (l) Catch area: Marine fish/shellfish management and catch reporting area code where the majority of the marine fish were caught or harvested;
- (m) Species code: Department assigned species code;
- (n) Individual numbers of fish species, if such fish are landed as part of an incidental catch allowance or catch ratio restriction that is expressed in numbers of fish rather than in pounds;
- (o) The scale weight of all fish, to include fish with no value. However, if the department allows a species of fish to be dressed, and the fish is dressed as the department requires, such fish can be recorded in its original dressed weight and designated as dressed on the fish receiving ticket;
- (p) Value of fish sold or purchased: Summary information for species, or species groups landed as described in (q) of this subsection;
- (q) Description of species or species category: All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-355-100), and all others must be described with the relevant category or species name issued by the department;
- (r) Federal limited entry permit number granting authority for the delivery. The weight and value of sablefish delivered by vessels participating in the primary sablefish season authorized under 50 C.F.R., Part 660, Subpart E, Section 231 must be reported by individual sablefish limited entry permit number;
- (s) All legally defined gear as defined in 50 C.F.R. 660, Subpart D, and WAC 220-355-070, aboard the vessel at the time of delivery;
- (t) Total amount: Total value of landing;
- (u) Take-home fish: Species, number, and pounds of fish or shellfish retained for personal use;
- (v) Seized/overage: Species and pounds of fish or shellfish; and
- (w) Work area for dealer's use: Used at dealer's discretion.

(2) The electronic fish receiving ticket shall be used exclusively for nontreaty deliveries of fish harvested by participants lawfully involved in the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 17-12-105 (Order 17-112), § 220-352-110, filed 6/6/17, effective 7/7/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.-047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, and 50 C.F.R. Part 660. WSR 17-03-006 (Order 17-04), § 220-69-246, filed 1/4/17, effective 1/4/17. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, and 50 C.F.R. 660. WSR 12-04-028 (Order 12-09), § 220-69-246, filed 1/26/12, effective 2/26/12.]

WAC 220-352-120 Required information on electronic fish receiving tickets. (1) It is unlawful for a person required to complete a report under WAC 220-69-240 to utilize an electronic fish receiving ticket in lieu of a paper fish receiving ticket unless the mandatory information contained in WAC 220-352-110 (1)(a) through (w) is entered on each electronic fish receiving ticket.

(2) For the purposes of this section, an electronic fish receiving ticket means the ticket defined in WAC 220-352-110.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-352-120, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, and 50 C.F.R. 660. WSR 12-04-028 (Order 12-09), § 220-69-256, filed 1/26/12, effective 2/26/12.]

WAC 220-352-130 Distribution of copies of shellfish receiving ticket. (1) State of Washington shellfish receiving tickets must be made out in quintuplicate (five copies) at the time of delivery of shellfish. It is unlawful for the original receiver to fail to distribute the fish receiving ticket copies as follows:

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

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

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

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

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

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-69-26401, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 08-21-023 (Order 08-261), § 220-69-26401, filed 10/6/08, effective 11/6/08. Statutory Authority: RCW 77.12.-047. WSR 05-05-026 (Order 05-16), § 220-69-26401, filed 2/10/05, effective 3/13/05; WSR 04-17-096 (Order 04-210), § 220-69-26401, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-26401, filed 12/20/99, effective 1/20/00;

(10/30/17)

WSR 91-05-015 (Order 91-07), § 220-69-26401, filed 2/8/91, effective 3/11/91. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-26401, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 83-24-049 (Order 83-203), § 220-69-26401, filed 12/2/83; WSR 80-05-093 (Order 80-27), § 220-69-26401, filed 5/2/80.]

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

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

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

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

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

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

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

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-140, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 17-12-105 (Order 17-112), § 220-352-140, filed 6/6/17, effective 7/7/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.-020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, and 50 C.F.R. Part 660. WSR 17-03-006 (Order 17-04), § 220-69-274, filed 1/4/17, effective 1/4/17. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.047, and 50 C.F.R. 660. WSR 12-04-028 (Order 12-09), § 220-69-274, filed 1/26/12, effective 2/26/12. Statutory Authority: RCW 77.12.047. WSR 04-17-096 (Order 04-210), § 220-69-274, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-274, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-69-274, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-274, filed 12/2/83; Order 76-153, § 220-69-274, filed 12/17/76.]

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

[Ch. 220-352 WAC p. 7]

Provided, That license card information may be recorded manually on the state of Washington fish receiving tickets in the following exceptions:

- (1) Oregon licensed fishers delivering fish caught in the Columbia River.
- (2) Purchases made from out-of-state firms.
- (3) Fishers selling on a delivery license who have not received a delivery license card from the department at the time of their first sale. All subsequent sales require use of a license card.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-352-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-273, filed 12/20/99, effective 1/20/00; WSR 94-01-001, § 220-69-273, filed 12/1/93, effective 1/1/94. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-273, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 83-24-049 (Order 83-203), § 220-69-273, filed 12/2/83; Order 76-153, § 220-69-273, filed 12/17/76.]

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

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

(3) It is unlawful:

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

(b) For a wholesale fish buyer to transfer fish receiving tickets, except to another licensed wholesale fish buyer or limited fish seller with written permission from the department;

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

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

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

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

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

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

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-160, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-160, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-69-280, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.12.047. WSR 07-04-030, § 220-69-280, filed

1/29/07, effective 3/1/07; WSR 04-17-096 (Order 04-210), § 220-69-280, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-280, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-280, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-69-280, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-280, filed 12/2/83; WSR 82-17-040 (Order 82-105), § 220-69-280, filed 8/13/82; WSR 80-05-093 (Order 80-27), § 220-69-280, filed 5/2/80; WSR 78-03-031 (Order 78-7), § 220-69-280, filed 2/17/78; Order 76-153, § 220-69-280, filed 12/17/76.]

WAC 220-352-170 Charter stamps—Charter boat and guide operator issuance duties. It is unlawful for a charter boat or guide operator to fail to comply with the charter stamp validation requirements as provided for in this section.

(1) Before any fishing commences, the charter boat or guide operator shall write the validation date across every charter stamp issued to a client in ink. The validation date is the first day on which a client may fish for, harvest or possess fish, shellfish, or seaweed.

(2)(a) Each failure to validate a charter boat stamp is punishable as an infraction under RCW 77.15.160, so long as the charter boat or guide operator has not committed prior infractions under this subsection in the same calendar year involving a cumulative stamp value of more than one hundred fifty dollars.

(b) Each failure to validate a charter boat stamp is punishable as a gross misdemeanor under RCW 77.15.813 when the charter boat or guide operator has previously committed infractions under (a) of this subsection in the same calendar year involving a cumulative value of more than one hundred fifty dollars.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-170, filed 2/15/17, effective 3/18/17; WSR 17-01-054 (Order 16-327), § 220-69-23801, filed 12/14/16, effective 1/14/17.]

WAC 220-352-180 Duties of commercial purchasers and receivers. (1) It is unlawful for any person originally receiving or buying fresh, iced, or frozen fish or shellfish, whether or not the fish or shellfish was previously delivered in another state, territory, or country, to fail to:

(a) Be a licensed wholesale fish buyer; and

(b) Immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities.

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

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

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

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. If delivery of the catch takes more than one day, the original receiver must enter the

date that the delivery is completed on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the date the vessel leaves the delivery site on the fish receiving ticket.

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

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

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

(7) Subsections (1) through (4) of this section do not apply to persons delivering or receiving fish taken by the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 if such persons are in compliance with the provisions of WAC 220-352-050(5) and:

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

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

(c) Electronically submit any amendments made to the mandatory information required under WAC 220-352-120 after the initial submission required under (b) of this subsection.

(8) For purposes of this section;

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

(b) The term "submitted" means that all mandatory information required under WAC 220-352-120 has been entered and timelines under subsection (7)(b) of this section have been met.

(9) Forage fish and mackerel:

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

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

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

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

(b) In the coastal sardine fishery or coastal mackerel fishery, it is unlawful to purchase, per sardine or mackerel

fishery vessel, more than fifteen percent cumulative weight of sardine or mackerel for the purposes of conversion into fish flour, fishmeal, fish scrap, fertilizer, fish oil, other fishery products, or by-products, for purposes other than human consumption or fishing bait during the sardine or mackerel fishery season. Sardine and mackerel purchased for these purposes must be included, by weight, on the fish ticket as "reduction."

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

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

(11) Puget Sound shrimp - Pot gear:

(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record 23A-C, 23A-E, 23A-W, or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-340-520.

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-340-520.

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-340-520.

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-340-520.

(12) Puget Sound shrimp - Trawl gear:

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

(b) Reports must be made by fax at 360-796-0108 or by text message or email at shrimpreport@dfw.wa.gov.

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

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

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

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

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

(13) Puget Sound crab:

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

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

(c) Reports must include:

- (i) The wholesale fish buyer's name;
- (ii) The wholesale fish buyer's phone number;
- (iii) The date of delivery of crab to the original receiver;

and

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

(14) Salmon and sturgeon:

(a) During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC 220-354-090:

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

(ii) The report must include:

- (A) The wholesale fish buyer or limited fish seller name and purchasing location;
- (B) The date of purchase;
- (C) Each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and
- (D) The following catch data for each fish ticket used:

The total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale fish buyer) or sold (limited fish seller).

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

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

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

(ii) The report must include wholesale fish buyer or limited fish seller name and purchasing location; date of purchase; each fish receiving ticket number, including the first

alphanumeric letter, used on the purchasing date; and the following catch data for each fish ticket used: Total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale fish buyer) or sold (limited fish seller).

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

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

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

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

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

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

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

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

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

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

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

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

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

(15) Sea urchins and sea cucumbers:

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

(i) Wholesale fish buyers must report by:

(A) Fax at 360-902-2943;

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

(C) Text message or email at seurchinreport@dfw.wa.gov for sea urchins or seacucumberreport@dfw.wa.gov for sea cucumbers.

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

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

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

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

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

(16) A violation of the documentation or reporting requirements in this section is punishable under RCW 77.15.-630, Unlawful fish and shellfish catch accounting—Penalty.

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-180, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 17-12-105 (Order 17-112), § 220-352-180, filed 6/6/17, effective 7/7/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.-020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-180, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.047, and 50 C.F.R. Part 660. WSR 17-03-006 (Order 17-04), § 220-69-240, filed 1/4/17, effective 1/4/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.-045, and 77.12.047. WSR 16-14-046, § 220-69-240, filed 6/28/16, effective 7/29/16; WSR 14-02-013 (Order 13-304), § 220-69-240, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.04.020, 77.12.045, 77.12.-047, and 50 C.F.R. 660. WSR 12-04-028 and 12-05-009 (Order 12-09 and 12-09A), § 220-69-240, filed 1/26/12 and 2/3/12, effective 2/26/12 and 3/5/12. Statutory Authority: RCW 77.12.047. WSR 10-06-095 (Order 10-33), § 220-69-240, filed 3/2/10, effective 4/2/10; WSR 07-23-001 (Order 07-278), § 220-69-240, filed 11/7/07, effective 12/8/07; WSR 07-04-030, § 220-69-240, filed 1/29/07, effective 3/1/07; WSR 06-08-078 (Order 06-59), § 220-69-240, filed 4/3/06, effective 5/4/06; WSR 06-01-013 (Order 05-275), § 220-69-240, filed 12/9/05, effective 1/9/06; WSR 04-17-096 (Order 04-210), § 220-69-240, filed 8/17/04, effective 9/17/04; WSR 03-17-008 (Order 03-188), § 220-69-240, filed 8/8/03, effective 9/8/03; WSR 03-05-064

(10/30/17)

(Order 03-28), § 220-69-240, filed 2/18/03, effective 3/21/03; WSR 03-05-059 (Order 03-32), § 220-69-240, filed 2/18/03, effective 3/21/03; WSR 01-07-015 (Order 01-32), § 220-69-240, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-240, filed 12/20/99, effective 1/20/00; WSR 97-08-052 (Order 97-55), § 220-69-240, filed 3/31/97, effective 5/1/97. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-240, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 85-11-020 (Order 85-43), § 220-69-240, filed 5/10/85; WSR 83-24-049 (Order 83-203), § 220-69-240, filed 12/2/83; WSR 82-17-040 (Order 82-105), § 220-69-240, filed 8/13/82; WSR 81-11-006 (Order 81-31), § 220-69-240, filed 5/11/81; Order 77-14, § 220-69-240, filed 4/15/77; Order 76-153, § 220-69-240, filed 12/17/76.]

WAC 220-352-190 Duties of commercial fishers. (1)

It is unlawful for a fisher who does not possess a valid wholesale fish buyer's license or a limited fish seller endorsement to:

(a) Sell fish or shellfish to a consumer, restaurant, or other retail outlet;

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

(c) Place, or attempt to place, into interstate commerce any fish or shellfish previously landed in Washington state, or caught or harvested from the territorial waters of Washington state.

(2) A violation of subsection (1) of this section is punishable under RCW 77.15.620, Engaging in fish buying activity—Unlicensed—Penalty.

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

(4) It is unlawful for a fisher selling at retail to fail to complete the appropriate fish receiving ticket before offering fish or shellfish for retail sale, except a fisher may complete a fish receiving ticket with an estimated number or weight if the fisher offers the fish or shellfish for sale directly off the catcher vessel. After the retail activity is completed, the fisher who completed a fish receiving ticket with an estimated number or weight of fish or shellfish is required to complete a corrected fish receiving ticket with the actual number and weight of fish or shellfish sold at retail. A violation of this subsection is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

(5) It is unlawful for a fisher offering fish or shellfish for retail sale to fail to maintain a sequentially numbered receipt book. The fisher must give each purchaser of fish or shellfish a receipt showing the number, weight, and value of fish or shellfish sold to that purchaser. The receipt book must contain a duplicate copy of the receipt given to the purchaser that remains with the receipt book. The fisher must retain the duplicate receipts for one year.

A violation of this subsection is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

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

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

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

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

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

(7) A violation of subsection (6) of this section is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

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

(b) A violation of this subsection is a gross misdemeanor, punishable under RCW 77.15.630.

(9)(a) It is unlawful for an operator of a commercial fishing vessel to allow the distribution or transfer of forage fish for monetary consideration from the nets or other holding devices under his or her control to anyone other than a licensed wholesale fish buyer unless the operator of the commercial fishing vessel:

(i) Possesses a wholesale fish buyers license; and

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

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

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-190, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-352-190, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-69-241, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.12.047. WSR 07-23-001 (Order 07-278), § 220-69-241, filed 11/7/07, effective 12/8/07; WSR 04-17-096 (Order 04-210), § 220-69-241, filed 8/17/04, effective 9/17/04; WSR 04-05-028 (Order 04-20), § 220-69-241, filed 2/10/04, effective 3/12/04; WSR 03-05-059 (Order 03-32), § 220-69-241, filed 2/18/03, effective 3/21/03. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-241, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-241, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 83-24-049 (Order 83-203), § 220-69-241, filed 12/2/83; WSR 81-11-006 (Order 81-31), § 220-69-241, filed 5/11/81; WSR 81-03-032 (Order 81-6), § 220-69-241, filed 1/13/81; Order 76-153, § 220-69-241, filed 12/17/76.]

WAC 220-352-200 Duties of commercial shellfish shuckers. Every person shucking shellfish for resale, excluding privately cultured aquatic products, is required to have a wholesale fish buyer endorsement. It is unlawful for shellfish shuckers originally receiving shellfish that are not private

sector cultured aquatic products to fail to completely, accurately, and legibly prepare a state of Washington shellfish receiving ticket for each day's activities.

(1) Failure to be licensed under this section is punishable under RCW 77.15.620.

(2) Failure to prepare a fish receiving ticket under this section is punishable under RCW 77.15.630.

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-200, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-200, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 04-17-096 (Order 04-210), § 220-69-242, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080 and 75.58.-040. WSR 86-19-043 (Order 86-102), § 220-69-242, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 83-24-049 (Order 83-203), § 220-69-242, filed 12/2/83; Order 76-153, § 220-69-242, filed 12/17/76.]

WAC 220-352-210 License cards. Upon lawful application, a commercial fishery license in the form of a license card will be issued by the department. The license card will be designed for use with an approved mechanical imprinting device. The license card will contain the licensee's name; license type and gear code; license year; license number. Upon designating a vessel the license card will additionally contain the vessel name for documented vessels; the state registration number for undocumented vessels if state registration is required; the department vessel registration number for vessels for which neither documentation nor state registration is required; the primary operator and date of birth; up to two alternate operators and date of birth for each.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-210, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 04-17-096 (Order 04-210), § 220-69-270, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 94-01-001, § 220-69-270, filed 12/1/93, effective 1/1/94; WSR 83-24-049 (Order 83-203), § 220-69-270, filed 12/2/83; Order 76-153, § 220-69-270, filed 12/17/76.]

WAC 220-352-220 Wholesale fish buyer plates. (1) Upon lawful application for a wholesale fish buyer's endorsement, a wholesale fish buyer's plate will be issued by the department for any receiver acting as or intending to act as an original receiver. The receiver's plate will be designed for use with an approved mechanical imprinting device and shall contain the wholesale fish buyer's name, wholesale fish buyer's endorsement number, year for which the endorsement is valid, and department wholesale fish buyer number.

(2) Upon lawful application for a wholesale fish buyer's license or a branch plant license, a wholesale fish buyer's plate will be issued by the department for any wholesale fish buyer acting or intending to act on the behalf of an original receiver. The wholesale fish buyer's plate will be designed for use with an approved mechanical imprinting device and shall contain the wholesale fish buyer's name, wholesale fish buyer's endorsement number, year for which the endorsement is valid, department wholesale fish buyer number, buyer name, and department buyer number.

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-220, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-220, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-271, filed

12/20/99, effective 1/20/00; WSR 80-05-093 (Order 80-27), § 220-69-271, filed 5/2/80; WSR 78-03-031 (Order 78-7), § 220-69-271, filed 2/17/78; Order 76-153, § 220-69-271, filed 12/17/76.]

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

(2) A transportation ticket must contain all of the following information and space for that information:

- (a) The name of the fisherman who caught the fish;
- (b) The fisherman's vessel registration number;
- (c) The signature of the fisherman or additional operator;
- (d) The name of the transporter;
- (e) The signature of the transporter;
- (f) The catch area where the food fish or shellfish were caught;
- (g) The species of food fish or shellfish being transported; and
- (h) The number or approximate pounds of food fish or shellfish being transported.

(3) It is unlawful for an original receiver or someone acting in the capacity of an original receiver to fail to mail the transportation ticket, together with the state copy of the fish receiving ticket as required in WAC 220-352-060, 220-352-090, and 220-352-130, when the person delivering the fish or shellfish does not sign the fish receiving ticket as required in WAC 220-352-140. If the commercial fisher signs the fish receiving ticket, only the fish receiving ticket must be mailed in, and the transportation ticket is not required to be submitted with it. Violation of this section is a gross misdemeanor, punishable under RCW 77.15.640.

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

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

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

- (a) Food fish and shellfish purchased at retail, provided the purchaser has, in his or her possession, a sales receipt documenting the purchase;

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

(c) Food fish or shellfish being transported by the department;

(d) Hatchery carcass sales;

(e) Private sector cultured aquatic products in transport;

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

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

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-230, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-352-230, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047 and 77.04.020. WSR 08-21-023 (Order 08-261), § 220-69-300, filed 10/6/08, effective 11/6/08. Statutory Authority: RCW 77.12.047. WSR 04-17-096 (Order 04-210), § 220-69-300, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-300, filed 12/20/99, effective 1/20/00. Statutory Authority: RCW 75.08.080 and 75.58.040. WSR 86-19-043 (Order 86-102), § 220-69-300, filed 9/12/86. Statutory Authority: RCW 75.08.080. WSR 85-11-021 (Order 85-44), § 220-69-300, filed 5/10/85.]

WAC 220-352-240 Annual production report. There is hereby created a state of Washington annual production report form to be prepared, printed, and distributed annually by the department to all fish dealers, canners, custom canners, and by-product manufacturers. The annual production report shall be completed and returned to the department not later than January 31 for the preceding year of business activities.

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-240, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-240, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 00-01-145 (Order 99-221), § 220-69-290, filed 12/20/99, effective 1/20/00; Order 76-153, § 220-69-290, filed 12/17/76.]

WAC 220-352-250 Sale under a limited fish seller endorsement. It is unlawful for any fisher selling salmon, sturgeon or Dungeness crab taken by that fisher under a limited fish seller endorsement, or for a wholesale fish buyer accepting salmon, sturgeon or crab from such a fisher, to fail to comply with the requirements of this section.

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

required for each application or renewal for a limited fish seller endorsement.

(2) Any fisher who offers salmon, sturgeon or crab for retail sale must complete a fish receiving ticket for all salmon, sturgeon or crab aboard the harvesting vessel before the product is offered for retail sale, except if the salmon, sturgeon or crab are being offered for sale directly off the catcher vessel, the fisher may complete the ticket with an estimated number or weight. At the completion of the retail activity, the fisher who has completed a ticket with an estimated number or weight is required to enter the actual number and weight of salmon, sturgeon or crab that were sold at retail. The price shown on the fish receiving ticket must be the actual sale price of the salmon, sturgeon or crab.

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

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

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

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

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

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

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 17-22-100, § 220-352-250, filed 10/30/17, effective 1/1/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-352-250, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 04-08-025 (Order 04-63), § 220-20-080, filed 3/29/04, effective 4/29/04; WSR 03-05-059 (Order 03-32), § 220-20-080, filed 2/18/03, effective 3/21/03.]

(b) The weight (in pounds) and number of anadromous game fish and skeins of roe in the shipment; and

(c) The date of the shipment.

(2) Transported containers of anadromous game fish or roe must be clearly and conspicuously marked indicating the containers' contents. A copy of the invoice must be forwarded by the carrier to the department, 600 North Capitol Way, Olympia, Washington 98501, within 7 days of shipping anadromous game fish or roe.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-352-280, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 232-12-097, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-097, filed 6/1/81. Formerly WAC 232-12-214.]

WAC 220-352-280 Transportation of anadromous game fish and roe. (1) It is unlawful to ship or transport game fish and roe by a private or common carrier unless accompanied by an invoice that includes:

(a) The name and address of the consignor and consignee;