

SHB 1597 - H AMD 630

By Representatives Buys, Blake

ADOPTED 06/29/2017

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that the
4 commercial fishing industry is a benefit to the state as a whole, but
5 particularly to coastal communities where it creates and sustains
6 opportunities for employment. Maintaining a stable and economically
7 viable commercial fishing industry requires:

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

11 (b) Avoiding a strain on fish resources beyond sustainable
12 spawning needs.

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

15 **Sec. 2.** RCW 77.08.010 and 2016 c 2 s 2 (Initiative Measure No.
16 1401) are each reenacted and amended to read as follows:

17 The definitions in this section apply throughout this title or
18 rules adopted under this title unless the context clearly requires
19 otherwise.

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

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

28 ((+3)) (2) "Bag limit" means the maximum number of game animals,
29 game birds, or game fish which may be taken, caught, killed, or
30 possessed by a person, as specified by rule of the commission for a
31 particular period of time, or as to size, sex, or species.

1 ~~((4))~~ (3) "Building" means a private domicile, garage, barn, or
2 public or commercial building.

3 ~~((5))~~ (4) "Closed area" means a place where the hunting of some
4 or all species of wild animals or wild birds is prohibited.

5 ~~((6))~~ (5) "Closed season" means all times, manners of taking,
6 and places or waters other than those established by rule of the
7 commission as an open season. "Closed season" also means all hunting,
8 fishing, taking, or possession of game animals, game birds, game
9 fish, food fish, or shellfish that do not conform to the special
10 restrictions or physical descriptions established by rule of the
11 commission as an open season or that have not otherwise been deemed
12 legal to hunt, fish, take, harvest, or possess by rule of the
13 commission as an open season.

14 ~~((7))~~ (6) "Closed waters" means all or part of a lake, river,
15 stream, or other body of water, where fishing or harvesting is
16 prohibited.

17 ~~((8))~~ (7) "Commercial" means related to or connected with
18 buying, selling, or bartering.

19 ~~((9))~~ (8) "Commission" means the state fish and wildlife
20 commission.

21 ~~((10))~~ (9) "Concurrent waters of the Columbia river" means
22 those waters of the Columbia river that coincide with the Washington-
23 Oregon state boundary.

24 ~~((11))~~ (10) "Contraband" means any property that is unlawful to
25 produce or possess.

26 ~~((12))~~ (11) "Covered animal species" means any species of
27 elephant, rhinoceros, tiger, lion, leopard, cheetah, pangolin, marine
28 turtle, shark, or ray either: (a) Listed in appendix I or appendix II
29 of the convention on international trade in endangered species of
30 wild flora and fauna; or (b) listed as critically endangered,
31 endangered, or vulnerable on the international union for conservation
32 of nature and natural resources red list of threatened species.

33 ~~((13))~~ (12) "Covered animal species part or product" means any
34 item that contains, or is wholly or partially made from, any covered
35 animal species.

36 ~~((14))~~ (13) "Deleterious exotic wildlife" means species of the
37 animal kingdom not native to Washington and designated as dangerous
38 to the environment or wildlife of the state.

39 ~~((15))~~ (14) "Department" means the department of fish and
40 wildlife.

1 ~~((16))~~ (15) "Director" means the director of fish and wildlife.
2 ~~((17))~~ (16) "Distribute" or "distribution" means either a
3 change in possession for consideration or a change in legal
4 ownership.
5 ~~((18))~~ (17) "Endangered species" means wildlife designated by
6 the commission as seriously threatened with extinction.
7 ~~((19))~~ (18) "Ex officio fish and wildlife officer" means:
8 (a) A commissioned officer of a municipal, county, or state
9 agency having as its primary function the enforcement of criminal
10 laws in general, while the officer is acting in the respective
11 jurisdiction of that agency;
12 (b) An officer or special agent commissioned by one of the
13 following: The national marine fisheries service; the Washington
14 state parks and recreation commission; the United States fish and
15 wildlife service; the Washington state department of natural
16 resources; the United States forest service; or the United States
17 parks service, if the agent or officer is in the respective
18 jurisdiction of the primary commissioning agency and is acting under
19 a mutual law enforcement assistance agreement between the department
20 and the primary commissioning agency;
21 (c) A commissioned fish and wildlife peace officer from another
22 state who meets the training standards set by the Washington state
23 criminal justice training commission pursuant to RCW 10.93.090,
24 43.101.080, and 43.101.200, and who is acting under a mutual law
25 enforcement assistance agreement between the department and the
26 primary commissioning agency; or
27 (d) A Washington state tribal police officer who successfully
28 completes the requirements set forth under RCW 43.101.157, is
29 employed by a tribal nation that has complied with RCW 10.92.020(2)
30 (a) and (b), and is acting under a mutual law enforcement assistance
31 agreement between the department and the tribal government.
32 ~~((20))~~ (19) "Fish" includes all species classified as game fish
33 or food fish by statute or rule, as well as all fin fish not
34 currently classified as food fish or game fish if such species exist
35 in state waters. The term "fish" includes all stages of development
36 and the bodily parts of fish species.
37 ~~((21))~~ (20) "Fish and wildlife officer" means a person
38 appointed and commissioned by the director, with authority to enforce
39 this title and rules adopted pursuant to this title, and other
40 statutes as prescribed by the legislature. Fish and wildlife officer

1 includes a person commissioned before June 11, 1998, as a wildlife
2 agent or a fisheries patrol officer.

3 ~~((22))~~ (21) "Fish broker" means a person ~~((whose business it is~~
4 ~~to bring a seller of fish and shellfish and a purchaser of those fish~~
5 ~~and shellfish together.~~

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

7 ~~(a)~~ ~~A wholesale fish dealer or a retail seller who directly~~
8 ~~receives fish or shellfish from a commercial fisher or receives fish~~
9 ~~or shellfish in interstate or foreign commerce; or~~

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

14 ~~((24))~~ (22) "Fish dealer" means a person who engages in any
15 activity that triggers the need to obtain a fish dealer license under
16 RCW 77.65.280.

17 (23) "Fishery" means the taking of one or more particular species
18 of fish or shellfish with particular gear in a particular
19 geographical area.

20 ~~((25))~~ (24) "Food, food waste, or other substance" includes
21 human and pet food or other waste or garbage that could attract large
22 wild carnivores.

23 ~~((26))~~ (25) "Freshwater" means all waters not defined as
24 saltwater including, but not limited to, rivers upstream of the river
25 mouth, lakes, ponds, and reservoirs.

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

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

30 ~~((29))~~ (28) "Game animals" means wild animals that shall not be
31 hunted except as authorized by the commission.

32 ~~((30))~~ (29) "Game birds" means wild birds that shall not be
33 hunted except as authorized by the commission.

34 ~~((31))~~ (30) "Game farm" means property on which wildlife is
35 held, confined, propagated, hatched, fed, or otherwise raised for
36 commercial purposes, trade, or gift. The term "game farm" does not
37 include publicly owned facilities.

38 ~~((32))~~ (31) "Game reserve" means a closed area where hunting
39 for all wild animals and wild birds is prohibited.

1 ~~((33))~~ (32) "Illegal items" means those items unlawful to be
2 possessed.

3 ~~((34))~~ (33)(a) "Intentionally feed, attempt to feed, or
4 attract" means to purposefully or knowingly provide, leave, or place
5 in, on, or about any land or building any food, food waste, or other
6 substance that attracts or could attract large wild carnivores to
7 that land or building.

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

13 ~~((35))~~ (34) "Large wild carnivore" includes wild bear, cougar,
14 and wolf.

15 ~~((36))~~ (35) "License year" means the period of time for which a
16 recreational license is valid. The license year begins April 1st, and
17 ends March 31st.

18 ~~((37))~~ (36) "Limited-entry license" means a license subject to
19 a license limitation program established in chapter 77.70 RCW.

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

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

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

27 (40)(a) "Negligently feed, attempt to feed, or attract" means to
28 provide, leave, or place in, on, or about any land or building any
29 food, food waste, or other substance that attracts or could attract
30 large wild carnivores to that land or building, without the awareness
31 that a reasonable person in the same situation would have with regard
32 to the likelihood that the food, food waste, or other substance could
33 attract large wild carnivores to the land or building.

34 (b) "Negligently 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 (41) "Nonresident" means a person who has not fulfilled the
40 qualifications of a resident.

1 (42) "Offshore waters" means marine waters of the Pacific Ocean
2 outside the territorial boundaries of the state, including the marine
3 waters of other states and countries.

4 (43) "Open season" means those times, manners of taking, and
5 places or waters established by rule of the commission for the lawful
6 hunting, fishing, taking, or possession of game animals, game birds,
7 game fish, food fish, or shellfish that conform to the special
8 restrictions or physical descriptions established by rule of the
9 commission or that have otherwise been deemed legal to hunt, fish,
10 take, or possess by rule of the commission. "Open season" includes
11 the first and last days of the established time.

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

14 (45) "Person" means and includes an individual; a corporation; a
15 public or private entity or organization; a local, state, or federal
16 agency; all business organizations, including corporations and
17 partnerships; or a group of two or more individuals acting with a
18 common purpose whether acting in an individual, representative, or
19 official capacity.

20 (46) "Personal property" or "property" includes both corporeal
21 and incorporeal personal property and includes, among other property,
22 contraband and money.

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

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

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

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

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

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

37 ~~(+53))~~ "Saltwater" means those marine waters seaward of river
38 mouths.

39 ~~((+54))~~ (53) "Seaweed" means marine aquatic plant species that
40 are dependent upon the marine aquatic or tidal environment, and exist

1 in either an attached or free floating form, and includes but is not
2 limited to marine aquatic plants in the classes Chlorophyta,
3 Phaeophyta, and Rhodophyta.

4 ~~((+55+))~~ (54) "Senior" means a person seventy years old or older.

5 ~~((+56+))~~ (55) "Shark fin" means a raw, dried, or otherwise
6 processed detached fin or tail of a shark.

7 ~~((+57+))~~ (56)(a) "Shark fin derivative product" means any product
8 intended for use by humans or animals that is derived in whole or in
9 part from shark fins or shark fin cartilage.

10 (b) "Shark fin derivative product" does not include a drug
11 approved by the United States food and drug administration and
12 available by prescription only or medical device or vaccine approved
13 by the United States food and drug administration.

14 ~~((+58+))~~ (57) "Shellfish" means those species of marine and
15 freshwater invertebrates that have been classified and that shall not
16 be taken or possessed except as authorized by rule of the
17 commission. The term "shellfish" includes all stages of development
18 and the bodily parts of shellfish species.

19 ~~((+59+))~~ (58) "State waters" means all marine waters and fresh
20 waters within ordinary high water lines and within the territorial
21 boundaries of the state.

22 ~~((+60+))~~ (59) "Taxidermist" means a person who, for commercial
23 purposes, creates lifelike representations of fish and wildlife using
24 fish and wildlife parts and various supporting structures.

25 ~~((+61+))~~ (60) "To fish" and its derivatives means an effort to
26 kill, injure, harass, harvest, or capture a fish or shellfish.

27 ~~((+62+))~~ (61) "To hunt" and its derivatives means an effort to
28 kill, injure, harass, harvest, or capture a wild animal or wild bird.

29 ~~((+63+))~~ (62) "To process" and its derivatives mean preparing or
30 preserving fish, wildlife, or shellfish.

31 ~~((+64+))~~ (63) "To take" and its derivatives means to kill,
32 injure, harvest, or capture a fish, shellfish, wild animal, bird, or
33 seaweed.

34 ~~((+65+))~~ (64) "To trap" and its derivatives means a method of
35 hunting using devices to capture wild animals or wild birds.

36 ~~((+66+))~~ (65) "To waste" or "to be wasted" means to allow any
37 edible portion of any game bird, food fish, game fish, shellfish, or
38 big game animal other than cougar to be rendered unfit for human
39 consumption, or to fail to retrieve edible portions of such a game
40 bird, food fish, game fish, shellfish, or big game animal other than

1 cougar from the field. For purposes of this chapter, edible portions
2 of game birds must include, at a minimum, the breast meat of those
3 birds. Entrails, including the heart and liver, of any wildlife
4 species are not considered edible.

5 ~~((+67))~~ (66) "Trafficking" means offering, attempting to engage,
6 or engaging in sale, barter, or purchase of fish, shellfish,
7 wildlife, or deleterious exotic wildlife.

8 ~~((+68))~~ (67) "Unclaimed" means that no owner of the property has
9 been identified or has requested, in writing, the release of the
10 property to themselves nor has the owner of the property designated
11 an individual to receive the property or paid the required postage to
12 effect delivery of the property.

13 ~~((+69))~~ (68) "Unclassified wildlife" means wildlife existing in
14 Washington in a wild state that have not been classified as big game,
15 game animals, game birds, predatory birds, protected wildlife,
16 endangered wildlife, or deleterious exotic wildlife.

17 ~~((+70))~~ (69) "Wholesale fish ~~((dealer))~~ buyer" means a person
18 who ~~((, acting for commercial purposes, takes possession or ownership
19 of fish or shellfish and sells, barter, or exchanges or attempts to
20 sell, barter, or exchange fish or shellfish that have been landed
21 into the state of Washington or entered the state of Washington in
22 interstate or foreign commerce))~~ engages in any fish buying or
23 selling activity that triggers the need to obtain a wholesale fish
24 buyer endorsement under RCW 77.65.340.

25 ~~((+71))~~ (70) "Wild animals" means those species of the class
26 Mammalia whose members exist in Washington in a wild state. The term
27 "wild animal" does not include feral domestic mammals or old world
28 rats and mice of the family Muridae of the order Rodentia.

29 ~~((+72))~~ (71) "Wild birds" means those species of the class Aves
30 whose members exist in Washington in a wild state.

31 ~~((+73))~~ (72) "Wildlife" means all species of the animal kingdom
32 whose members exist in Washington in a wild state. This includes but
33 is not limited to mammals, birds, reptiles, amphibians, fish, and
34 invertebrates. The term "wildlife" does not include feral domestic
35 mammals, old world rats and mice of the family Muridae of the order
36 Rodentia, or those fish, shellfish, and marine invertebrates
37 classified as food fish or shellfish by the director. The term
38 "wildlife" includes all stages of development and the bodily parts of
39 wildlife members.

1 (~~(74)~~) (73) "Wildlife meat cutter" means a person who packs,
2 cuts, processes, or stores wildlife for consumption for another for
3 commercial purposes.

4 (~~(75)~~) (74) "Youth" means a person fifteen years old for
5 fishing and under sixteen years old for hunting.

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

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

10 (a) Rentals or concessions of the department;

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

14 (c) The assessment of administrative penalties;

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

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

19 (f) Fees for personalized vehicle, Wild on Washington, and
20 Endangered Wildlife license plates, Washington's Wildlife license
21 plate collection, and Washington's fish license plate collection as
22 provided in chapter 46.17 RCW;

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

24 (h) Compensation for damage to department property or wildlife
25 losses or contributions, gifts, or grants received under RCW
26 77.12.320. However, this excludes fish and shellfish overages, and
27 court-ordered restitution or donations associated with any fish,
28 shellfish, or wildlife enforcement action, as such moneys must be
29 deposited pursuant to RCW 77.15.425;

30 (i) Excise tax on anadromous game fish collected under chapter
31 82.27 RCW;

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

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

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

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

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

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

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

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

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

13 (2) (~~The director shall make weekly remittances to the state~~
14 ~~treasurer of moneys collected by the department.~~) Beginning with
15 fiscal year 2018, and each fiscal year thereafter, the director must
16 determine both the total amount of fees deposited in the state
17 wildlife account for the sale of commercial licenses required under
18 this title, and the portion of those fees that is attributable to the
19 fee increases enacted in this act. The director must certify these
20 amounts to the state treasurer, who must transfer the difference
21 between these two amounts to the state general fund within one month
22 of the close of the fiscal year. The portion of those fees that is
23 attributable to the fee increases enacted in this act is retained in
24 the state wildlife account.

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

28 (4) Proceeds from the sale of (~~food~~) fish or shellfish taken in
29 test fishing conducted by the department, to the extent that these
30 proceeds exceed the estimates in the budget approved by the
31 legislature, may be allocated as unanticipated receipts under RCW
32 43.79.270 to reimburse the department for unanticipated costs for
33 test fishing operations in excess of the allowance in the budget
34 approved by the legislature.

35 (5) Proceeds from the sale of salmon carcasses and salmon eggs
36 from state general funded hatcheries by the department shall be
37 deposited in the regional fisheries enhancement group account
38 established in RCW 77.95.090.

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

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

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

11 (a) The premises, containers, fishing equipment, fish, seaweed,
12 shellfish, and wildlife(~~(, and records required by the department)~~)
13 of any commercial fisher or wholesale dealer or fish (~~buyer~~)
14 dealer; and

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

17 (2) Fish and wildlife officers and ex officio fish and wildlife
18 officers may (~~similarly~~) inspect without warrant at reasonable
19 times and in a reasonable manner:

20 (a) The premises, containers, fishing equipment, fish, shellfish,
21 (~~and~~) wildlife, (~~(, and records required by the department)~~) or
22 covered animal species of any (~~(shipping agent or other person~~
23 placing or attempting to place fish, shellfish, or wildlife into
24 interstate commerce,)) person trafficking or otherwise distributing
25 or receiving fish, shellfish, wildlife, or covered animal species;

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

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

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

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

36 (3) Fish and wildlife officers may inspect without warrant, at
37 reasonable times and in a reasonable manner, the records required by
38 the department of any retail outlet selling fish, shellfish, or
39 wildlife, and, if the officers have probable cause to believe a

1 violation of this title or rules of the commission has occurred, they
2 may inspect without warrant the premises, containers, and fish,
3 shellfish, and wildlife of any retail outlet selling fish, shellfish,
4 or wildlife.

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

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

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

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

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

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

29 (5) A violation of this section constitutes misbranding under RCW
30 69.04.938 and is punishable as a misdemeanor, gross misdemeanor, or
31 felony depending on the fair market value of the fish or shellfish
32 involved in the violation.

33 (6)(a) The common names for salmon species are as listed in RCW
34 69.04.932.

35 (b) The common names for all other (~~feed~~) fish and shellfish
36 are the common names for (~~feed~~) fish and shellfish species as
37 defined by rule of the (~~director~~) department of fish and wildlife.
38 If the common name for a species is not defined by rule of the
39 (~~director~~) department of fish and wildlife, then the common name is

1 the acceptable market name or common name as provided in the United
2 States food and drug administration's publication "Seafood list -
3 FDA's guide to acceptable market names for seafood sold in interstate
4 commerce," as the publication existed on July 28, 2013.

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

10 (8) Nothing in this section precludes using additional
11 descriptive language or trade names to describe (~~feed~~) fish or
12 shellfish as long as the labeling requirements in this section are
13 met.

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

16 (1) It is unlawful to knowingly sell or offer for sale at
17 wholesale or retail any fresh, frozen, or processed salmon without
18 identifying private sector cultured aquatic salmon or salmon products
19 as farm-raised salmon, or identifying commercially caught salmon or
20 salmon products as commercially caught salmon.

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

25 (3) A violation of this section constitutes misbranding under RCW
26 69.04.938 and is punishable as a misdemeanor, gross misdemeanor, or
27 felony depending on the fair market value of the fish or shellfish
28 involved in the violation.

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

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

34 (6) Nothing in this section precludes using additional
35 descriptive language or trade names to describe (~~feed~~) fish or
36 shellfish as long as the labeling requirements of this section are
37 met.

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

3 (1) For purposes of this chapter, a person acts for commercial
4 purposes if the person engages in conduct that relates to commerce in
5 fish, seaweed, shellfish, or wildlife or any parts thereof.
6 Commercial conduct may include taking, delivering, selling, buying,
7 brokering, or trading fish, seaweed, shellfish, or wildlife where
8 there is present or future exchange of money, goods, or any valuable
9 consideration. Evidence that a person acts for commercial purposes
10 includes, but is not limited to, the following conduct:

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

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

15 (c) Delivering or attempting to deliver fish, seaweed, shellfish,
16 or wildlife to a person who sells or resells (~~(fish, seaweed,~~
17 ~~shellfish, or wildlife including any licensed or unlicensed~~
18 ~~wholesaler)) it;~~

19 (d) Taking fish or shellfish using a vessel designated on a
20 commercial fishery license or using gear not authorized in a personal
21 use fishery;

22 (e) Using a commercial fishery license;

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

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

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

30 (2) For purposes of this chapter, the value of any fish, seaweed,
31 shellfish, or wildlife may be proved based on evidence of legal or
32 illegal sales involving the person charged or any other person, of
33 offers to sell or solicitation of offers to sell by the person
34 charged or by any other person, or of any market price for the fish,
35 seaweed, shellfish, or wildlife including market price for farm-
36 raised game animals. The value assigned to specific fish, seaweed,
37 shellfish, or wildlife by RCW 77.15.420 may be presumed to be the
38 value of such fish, seaweed, shellfish, or wildlife. It is not
39 relevant to proof of value that the person charged misrepresented
40 that the fish, seaweed, shellfish, or wildlife was taken in

1 compliance with law if the fish, seaweed, shellfish, or wildlife was
2 unlawfully taken and had no lawful market value.

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

5 (1) A person is guilty of waste of fish and wildlife if the
6 person:

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

10 (b) Recklessly allows such fish, shellfish, or wildlife to be
11 wasted.

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

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

18 (a) A (~~processor~~) fish dealer purchases or engages a quantity
19 of food fish, shellfish, or game fish that cannot be processed within
20 sixty hours after the food fish, game fish, or shellfish are taken
21 from the water, unless the food fish, game fish, or shellfish are
22 preserved in good marketable condition; or

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

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

34 (ii) Having been placed in such custody for a specified period of
35 time, the meat is not removed at the end of the specified period or
36 the person who brought in the carcass refuses to pay the agreed upon
37 or reasonable charges for the butchering or processing of the
38 carcass.

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

3 (1) A person is guilty of commercial fishing without a license in
4 the second degree if the person fishes for, takes, or delivers
5 (~~feeds~~) fish(~~(, or game fish)~~) or shellfish(~~(, or game fish)~~) while acting for
6 commercial purposes and:

7 (a) The person does not hold a fishery license or delivery
8 license under chapter 77.65 RCW for the (~~feeds~~) fish or shellfish;
9 (~~or~~)

10 (b) The person is not a licensed operator designated as an
11 alternate operator on a fishery or delivery license under chapter
12 77.65 RCW for the (~~feeds~~) fish or shellfish; or

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

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

18 (a) The violation involves taking, delivery, or possession of
19 (~~feeds~~) fish or shellfish with a value of two hundred fifty dollars
20 or more; or

21 (b) The violation involves taking, delivery, or possession of
22 (~~feeds~~) fish or shellfish from an area that was closed to the taking
23 of (~~such feeds~~) the fish or shellfish by any statute or rule.

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

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

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

30 Since violation of the rules of the department relating to the
31 accounting of the commercial harvest of (~~feeds~~) fish and shellfish
32 results in damage to the resources of the state, liability for damage
33 to (~~feeds~~) fish and shellfish resources is imposed on a wholesale
34 fish (~~dealer or the holder of a direct retail endorsement~~) buyer or
35 a limited fish seller for violation of a provision in chapters 77.65
36 and 77.70 RCW or a rule of the department related to the accounting
37 of the commercial harvest of (~~feeds~~) fish and shellfish and shall be
38 for the actual damages or for damages imposed as follows:

1 (1) For violation of rules requiring the timely presentation to
2 the department of documents relating to the accounting of commercial
3 harvest, fifty dollars for each of the first fifteen documents in a
4 series and ten dollars for each subsequent document in the same
5 series. If documents relating to the accounting of commercial harvest
6 of ~~((food))~~ fish and shellfish are lost or destroyed and the
7 wholesale ~~((dealer or holder of a direct retail endorsement))~~ fish
8 buyer or limited fish seller notifies the department in writing
9 within seven days of the loss or destruction, the director shall
10 waive the requirement for timely presentation of the documents.

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

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

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

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

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

28 (a) Engages in ~~((the commercial processing of fish or shellfish,~~
29 ~~including custom canning or processing of personal use fish or~~
30 ~~shellfish and does not hold a wholesale dealer's license required by~~
31 ~~RCW 77.65.280(1) or 77.65.480 for anadromous game fish, or a direct~~
32 ~~retail endorsement under RCW 77.65.510))~~ any fish dealing activity
33 requiring a fish dealer license under RCW 77.65.280 without first
34 obtaining the license;

35 (b) Engages in ~~((the wholesale selling, buying, or brokering of~~
36 ~~food fish or shellfish and does not hold a wholesale dealer's or~~
37 ~~buying license required by RCW 77.65.280(2) or 77.65.480 for~~
38 ~~anadromous game fish))~~ any fish buying or selling activity requiring

1 a wholesale fish buyer endorsement under RCW 77.65.340 without first
2 obtaining the endorsement; or

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

7 ~~(d) Engages in the commercial manufacture or preparation of~~
8 ~~fertilizer, oil, meal, caviar, fish bait, or other by products from~~
9 ~~food fish or shellfish and does not hold a wholesale dealer's license~~
10 ~~required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.))~~

11 Engages in any fish selling activity as a fisher that requires a
12 limited fish seller endorsement under RCW 77.65.510 without first
13 obtaining the endorsement.

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

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

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

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

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

31 (a) Fails to document such fish or shellfish with a fish-
32 receiving ticket or other documentation required by statute or
33 department rule;

34 (b) Fails to sign the fish-receiving ticket or other required
35 documentation, fails to provide all of the information required by
36 statute or department rule on the fish-receiving ticket or other
37 documentation, or both; or

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

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

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

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

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

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

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

17 (4) For the purposes of this section:

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

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

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

24 (1) A person who holds a (~~wholesale~~) fish (~~dealer's~~) dealer
25 license required by RCW 77.65.280, (~~an anadromous game fish buyer's~~
26 ~~license required by RCW 77.65.480,~~) a wholesale fish (~~buyer's~~
27 ~~license~~) buyer endorsement required by RCW 77.65.340, or a (~~direct~~
28 ~~retail~~) limited fish seller endorsement under RCW 77.65.510 is
29 guilty of unlawful wholesale fish buying and dealing if the person:

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

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

34 (2) Unlawful wholesale fish buying and dealing is a gross
35 misdemeanor.

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

1 (1)(a) An individual age sixteen and older who works on board any
2 vessel while operating in a commercial fishery regulated by the state
3 must obtain a crewmember license from the department. However, an
4 individual on the vessel designated as the primary or alternate
5 operator on the commercial fishing license and an individual on the
6 vessel licensed and working as a geoduck diver or geoduck tender do
7 not also need a crewmember license. Crewmembers working for licensed
8 charters or guides are not required to have a crewmember license.

9 (b) A crewmember license is required for each individual who
10 participates in the operation of the vessel or the harvest. For the
11 purposes of this section, the term "harvest" includes participation
12 in tending, deploying, retrieving, or baiting fishing gear,
13 harvesting, or placing fish or shellfish in holds.

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

17 (2) A crewmember license must be purchased in the name of the
18 individual working as the crewmember. The license holder may use the
19 license aboard any commercial fishing vessel, except an albacore tuna
20 crewmember license is only valid for participating in the albacore
21 tuna fishery or baitfish lampara fishery. A crewmember license
22 purchased by a crewmember may not be transferred to another
23 individual.

24 (3) Up to two crewmember licenses may be purchased and held by a
25 commercial fishing license holder for use by any individual working
26 on the vessel named in the commercial fishing license. Each
27 crewmember license held by a commercial fishing license holder covers
28 one crewmember per trip, but the same crewmember license may be used
29 to authorize a different individual to act as a crewmember on a
30 subsequent trip.

31 (4) The fee for an annual crewmember license is thirty-five
32 dollars for residents and one hundred ten dollars for nonresidents.
33 The fee for an annual albacore tuna crewmember license is thirty-five
34 dollars for residents and nonresidents. Additional application fees
35 and surcharges do not apply except that if the license is purchased
36 through the automated licensing system the fees authorized in RCW
37 77.32.050 apply.

38 (5) The licenses must be available through the automated
39 licensing system and transaction fees and dealer fees apply, except

1 as provided in subsection (4) of this section. The annual crewmember
2 license is valid for a calendar year.

3 (6) Family members of the commercial license holder or alternate
4 operators are exempt from the requirements of this section. For
5 purposes of this section, family members include children,
6 grandchildren, spouse, parents, or siblings of the commercial license
7 holder.

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

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

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

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

19 (c) Operate a charter boat or commercial fishing vessel engaged
20 in a fishery;

21 (d) Engage in (~~(processing or wholesaling food)~~) wholesale
22 buying, selling, dealing, processing, or brokering of raw or frozen
23 fish or shellfish; ((or))

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

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

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

36 (3) A valid Oregon license that is equivalent to a license under
37 this title is valid in the concurrent waters of the Columbia river if
38 the state of Oregon recognizes as valid the equivalent Washington

1 license. The director may identify by rule what Oregon licenses are
2 equivalent.

3 (4) No license (~~(or permit)~~) is required for the production or
4 harvesting of private sector cultured aquatic products as defined in
5 RCW 15.85.020 or for the delivery, processing, or wholesaling of such
6 aquatic products. However, if a means of identifying such products is
7 required by rules adopted under RCW 15.85.060, the exemption from
8 licensing (~~(or permit)~~) requirements established by this subsection
9 applies only if the aquatic products are identified in conformance
10 with those rules.

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

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

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

19 (a) The license holder shall surrender the previously issued
20 license to the department.

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

23 (c) The fee to transfer a license from one license holder to
24 another is:

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

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

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

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

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

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

4 (3) A commercial license that is transferable under this title
5 survives the death of the holder. Though such licenses are not
6 personal property, they shall be treated as analogous to personal
7 property for purposes of inheritance and intestacy. Such licenses are
8 subject to state laws governing wills, trusts, estates, intestate
9 succession, and community property, except that such licenses are
10 exempt from claims of creditors of the estate and tax liens. The
11 surviving spouse, estate, or beneficiary of the estate may apply for
12 a renewal of the license. There is no fee for transfer of a license
13 from a license holder to the license holder's surviving spouse or
14 estate, or to a beneficiary of the estate.

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

17 This section applies to all commercial fishery licenses, delivery
18 licenses, and charter licenses, except for emergency salmon delivery
19 licenses.

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

23 (a) Surrenders the previously issued license to the department;

24 (b) Submits to the department an application that identifies the
25 currently designated vessel, the vessel proposed to be designated,
26 and any other information required by the department; and

27 (c) Pays to the department a fee of thirty-five dollars and an
28 application fee of one hundred five dollars.

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

34 (a) The department shall change the vessel designation on the
35 license no more than four times per calendar year.

36 (b) The department shall change the vessel designation on the
37 license no more than once in any seven-day period.

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

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

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

11 (a) Whiting—Puget Sound fishery licensees may not designate
12 alternate operators;

13 (b) Emergency salmon delivery licensees may not designate
14 alternate operators;

15 (c) Shrimp pot—Puget Sound fishery licensees may designate no
16 more than one alternate operator at a time; and

17 (d) Shrimp trawl—Puget Sound fishery licensees may designate no
18 more than one alternate operator at a time.

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

22 (3) An alternate operator license is not required for an
23 individual to operate a vessel designated as a charter boat under a
24 charter boat license.

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

27 (1) Only the fishery license holder and any alternate operators
28 designated on the license may sell or deliver (~~(food)~~) fish or
29 shellfish under a commercial fishery license or delivery license. A
30 commercial fishery license or delivery license authorizes no taking
31 or delivery of (~~(food)~~) fish or shellfish unless the license holder
32 or an alternate operator designated on the license is present or
33 aboard the vessel.

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

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

3 (1) (~~The director shall issue the charter licenses and angler~~
 4 ~~permits listed in this section according to the requirements of this~~
 5 ~~title.~~) The licenses and permits and their annual license fees,
 6 application fees, and surcharges are:

	License or Permit	Annual Fee (RCW 77.95.090 Surcharge) (RCW 77.12.702 Surcharge)	Appli- cation Fee	Governing Section
	Resident	Nonresident		
(a) Non- salmon charter	(\$225) <u>\$375</u> (plus \$35 for RCW 77.12.702 Surcharge)	(\$375) <u>\$450</u> (plus \$35 for RCW 77.12.702 Surcharge)	\$ 70	
(b) Salmon charter	(\$380) <u>\$460</u> (plus \$100) (plus \$35 for RCW 77.12.702 Surcharge)	(\$685) <u>\$535</u> (plus \$100) (plus \$35 for RCW 77.12.702 Surcharge)	\$105	RCW 77.70.050
(c) Salmon angler	\$ 0	\$ 0	\$ 0	RCW 77.70.060
((d) Salmon fee	\$ 95	\$ 95	\$ 70	RCW 77.65.350)

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

29 (3) A nonsalmon charter license designating a vessel is required
 30 to operate a charter boat from which persons may, for a fee, fish for
 31 (~~food~~) shellfish and fish other than salmon(~~(-)~~) or albacore
 32 tuna(~~(-, and shellfish)~~).

33 (4)(a) "Charter boat" means a vessel from which persons may, for
 34 a fee, fish for food fish or shellfish for personal use in those
 35 state waters set forth in (b) of this subsection. "Charter boat" also
 36 means a vessel from which persons may, for a fee, fish for (~~food~~)
 37 fish or shellfish for personal use in offshore waters or in the

1 waters of other states. The director may specify by rule when a
2 vessel is a "charter boat" within this definition.

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

8 (5) A charter boat licensed in Oregon may fish without a
9 Washington charter license under the same rules as Washington charter
10 boat operators in ocean waters within the jurisdiction of Washington
11 state from the southern border of the state of Washington to
12 Leadbetter Point, as long as the Oregon vessel does not take on or
13 discharge passengers for any purpose from any Washington port, the
14 Washington shore, or a dock, landing, or other point in Washington.
15 The provisions of this subsection shall be in effect as long as the
16 state of Oregon has reciprocal laws and regulations.

17 (6) A salmon charter license under subsection (1)(b) of this
18 section may be renewed if the license holder notifies the department
19 by May 1st of that year that he or she will not participate in the
20 fishery during that calendar year. The license holder must pay the
21 one hundred dollar enhancement surcharge, a thirty-five dollar
22 surcharge to be deposited in the rockfish research account created in
23 RCW 77.12.702, plus a one hundred five dollar application fee, in
24 order to be considered a valid renewal and eligible to renew the
25 license the following year.

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

28 (1) The following commercial salmon fishery licenses are required
29 for the license holder to use the specified gear to fish for salmon
30 in state waters. Only a person who meets the qualifications of RCW
31 77.70.090 may hold a license listed in this subsection. The licenses
32 and their annual license fees, application fees, and surcharges under
33 RCW 77.95.090 are:

	Fishery	Resident	Nonresident	Surcharge	Application
34					
35	License	Fee	Fee		Fee

1	(a)	Salmon Gill Net	\$380	(\$685)	plus \$100	\$105
2		—Grays		<u>\$455</u>		
3		Harbor-				
4		Columbia				
5		river				
6	(b)	Salmon Gill Net	\$380	(\$685)	plus \$100	\$105
7		—Puget		<u>\$455</u>		
8		Sound				
9	(c)	Salmon Gill Net	\$380	(\$685)	plus \$100	\$105
10		—Willapa		<u>\$455</u>		
11		Bay-				
12		Columbia				
13		river				
14	(d)	Salmon purse	(\$530)	(\$985)	plus \$100	\$105
15		seine	<u>\$545</u>	<u>\$620</u>		
16	(e)	Salmon reef net	\$380	(\$685)	plus \$100	\$105
17				<u>\$455</u>		
18	(f)	Salmon troll	\$380	(\$685)	plus \$100	\$105
19				<u>\$455</u>		

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

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

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

27 (5) A salmon gill net license authorizes the taking of salmon
28 only in the geographical area for which the license is issued. The
29 geographical designations in subsection (1) of this section have the
30 following meanings:

31 (a) "Puget Sound" includes waters of the Strait of Juan de Fuca,
32 Georgia Strait, Puget Sound and all bays, inlets, canals, coves,
33 sounds, and estuaries lying easterly and southerly of the
34 international boundary line and a line at the entrance to the Strait
35 of Juan de Fuca projected northerly from Cape Flattery to the
36 lighthouse on Tatoosh Island and then to Bonilla Point on Vancouver
37 Island.

1 (b) "Grays Harbor-Columbia river" includes waters of Grays Harbor
2 and tributary estuaries lying easterly of a line projected northerly
3 from Point Chehalis Light to Point Brown and those waters of the
4 Columbia river and tributary sloughs and estuaries easterly of a line
5 at the entrance to the Columbia river projected southerly from the
6 most westerly point of the North jetty to the most westerly point of
7 the South jetty.

8 (c) "Willapa Bay-Columbia river" includes waters of Willapa Bay
9 and tributary estuaries and easterly of a line projected northerly
10 from Leadbetter Point to the Cape Shoalwater tower and those waters
11 of the Columbia river and tributary sloughs described in (b) of this
12 subsection.

13 (6) A commercial salmon troll fishery license may be renewed
14 under this section if the license holder notifies the department by
15 May 1st of that year that he or she will not participate in the
16 fishery during that calendar year. A commercial salmon gill net, reef
17 net, or seine fishery license may be renewed under this section if
18 the license holder notifies the department before the third Monday in
19 September of that year that he or she will not participate in the
20 fishery during that calendar year. The license holder must pay the
21 one hundred dollar enhancement surcharge, plus a one hundred five
22 dollar application fee before the third Monday in September, in order
23 to be considered a valid renewal and eligible to renew the license
24 the following year.

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

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

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

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

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

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

1 (1) A salmon delivery license is required for a commercial
2 fishing vessel to deliver salmon taken for commercial purposes in
3 offshore waters to a place or port in the state. As used in this
4 section, "deliver" and "delivery" mean arrival at a place or port,
5 and include arrivals from offshore waters to waters within the state
6 and arrivals ashore from offshore waters. The annual fee for a salmon
7 delivery license is (~~three~~) four hundred (~~eighty~~) thirty dollars
8 for residents and (~~six~~) five hundred (~~eighty-five~~) five dollars
9 for nonresidents. The application fee for a salmon delivery license
10 is one hundred five dollars. The annual surcharge under RCW 77.95.090
11 is one hundred dollars for each license. Holders of nonlimited entry
12 delivery licenses issued under RCW 77.65.210 may apply the nonlimited
13 entry delivery license fee against the salmon delivery license fee.

14 (2) Only a person who meets the qualifications established in RCW
15 77.70.090 may hold a salmon delivery license issued under this
16 section.

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

19 (4) If the director determines that the operation of a vessel
20 under a salmon delivery license results in the depletion or
21 destruction of the state's salmon resource or the delivery into this
22 state of salmon products prohibited by law, the director may revoke
23 the license under the procedures of chapter 34.05 RCW.

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

26 A person who does not qualify for a license under RCW 77.70.090
27 shall obtain a nontransferable emergency salmon delivery license to
28 make one delivery from a commercial fishing vessel of salmon taken
29 for commercial purposes in offshore waters. As used in this section,
30 "delivery" means arrival at a place or port, and include arrivals
31 from offshore waters to waters within the state and arrivals ashore
32 from offshore waters. The director shall not issue an emergency
33 salmon delivery license unless, as determined by the director, a bona
34 fide emergency exists. The license fee is two hundred (~~twenty-five~~)
35 seventy-five dollars for residents and (~~four~~) three hundred
36 (~~seventy-five~~) fifty dollars for nonresidents. The application fee
37 is one hundred five dollars. An applicant for an emergency salmon
38 delivery license shall designate no more than one vessel that will be
39 used with the license. Alternate operator licenses are not required

1 of persons delivering salmon under an emergency salmon delivery
 2 license. Emergency salmon delivery licenses are not renewable.

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

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

Fishery (Governing section(s))	Annual Fee		Application Fee	Vessel Required?	Limited Entry?
	Resident	Nonresident			
(a) Baitfish Lampara	((185)) <u>\$335</u>	((295)) <u>\$410</u>	\$ 70	Yes	No
(b) Baitfish purse seine	((530)) <u>\$380</u>	((985)) <u>\$655</u>	\$ 70	Yes	No
(c) Bottom fish jig	((130)) <u>\$180</u>	((185)) <u>\$255</u>	\$ 70	Yes	No
(d) Bottom fish pot	((130)) <u>\$180</u>	((185)) <u>\$255</u>	\$ 70	Yes	No
(e) Bottom fish troll	((130)) <u>\$180</u>	((185)) <u>\$255</u>	\$ 70	Yes	No
(f) Carp	((130)) <u>\$180</u>	((185)) <u>\$255</u>	\$ 70	No	No
(g) Columbia river smelt	((380)) <u>\$430</u>	((685)) <u>\$505</u>	\$ 70	No	No
(h) ((Dog fish set net	\$130	\$185	\$70	Yes	No
(i) Emerging commercial fishery (RCW 77.70.160 and 77.65.400)	((185)) <u>\$335</u>	((295)) <u>\$410</u>	\$105	Determined by rule	Determined by rule
((j)) (i) Food fish drag seine	((130)) <u>\$180</u>	((185)) <u>\$255</u>	\$ 70	Yes	No
((k)) (j) Food fish set line	((130)) <u>\$180</u>	((185)) <u>\$255</u>	\$ 70	Yes	No
((l)) Food fish trawl- Non-Puget Sound	\$240	\$405	\$70	Yes	No
(m) Food fish trawl- Puget Sound	\$185	\$295	\$70	Yes	No
((n)) (k) Herring dip bag net (RCW 77.70.120)	((175)) <u>\$325</u>	((275)) <u>\$400</u>	\$ 70	Yes	Yes
((o)) (l) Herring drag seine (RCW 77.70.120)	((175)) <u>\$325</u>	((275)) <u>\$400</u>	\$ 70	Yes	Yes
((p)) (m) Herring gill net (RCW 77.70.120)	((175)) <u>\$325</u>	((275)) <u>\$400</u>	\$105	Yes	Yes

1	((q)) <u>(n)</u> Herring Lampara	((175)) <u>\$325</u>	((275)) <u>\$400</u>	\$ 70	Yes	Yes
2	(RCW 77.70.120)					
3	((t)) <u>(o)</u> Herring purse seine	((175)) <u>\$325</u>	((275)) <u>\$400</u>	\$105	Yes	Yes
4	(RCW 77.70.120)					
5	((s)) <u>(p)</u> Herring spawn-on-kelp	N/A	N/A	N/A	Yes	Yes
6	(RCW 77.70.210)					
7	((t)) <u>(q)</u> Sardine purse seine	((185)) <u>\$335</u>	((295)) <u>\$410</u>	\$105	Yes	Yes
8	(RCW 77.70.480)					
9	((t)) <u>(r)</u> Sardine purse seine	((185)) <u>\$335</u>	((295)) <u>\$410</u>	\$105	Yes	No
10	temporary (RCW 77.70.480)					
11	((w)) <u>(s)</u> Smelt dip bag net	((130)) <u>\$180</u>	((185)) <u>\$255</u>	\$ 70	No	No
12	((w)) <u>(t)</u> Smelt gill net	((380)) <u>\$430</u>	((685)) <u>\$505</u>	\$ 70	Yes	No
13	((x)) <u>(v)</u> Whiting-Puget Sound	((295)) <u>\$345</u>	((520)) <u>\$420</u>	\$105	Yes	Yes
14	(RCW 77.70.130)					

15 (2) The director may by rule determine the species of food fish
16 that may be taken with the commercial fishery licenses established in
17 this section, the gear that may be used with the licenses, and the
18 areas or waters in which the licenses may be used. Where a fishery
19 license has been established for a particular species, gear,
20 geographical area, or combination thereof, a more general fishery
21 license may not be used to take food fish in that fishery.

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

24 (1) Except as provided in subsection (2) of this section, a
25 person may not use a commercial fishing vessel to deliver food fish
26 or shellfish taken for commercial purposes in offshore waters to a
27 port in the state without a nonlimited entry delivery license. As
28 used in this section, "deliver" and "delivery" mean arrival at a
29 place or port, and include arrivals from offshore waters to waters
30 within the state and arrivals ashore from offshore waters. As used in
31 this section, "food fish" does not include salmon. As used in this
32 section, "shellfish" does not include ocean pink shrimp, coastal
33 crab, coastal spot shrimp, or fish or shellfish taken under an
34 emerging commercial fisheries license if taken from off-shore waters.
35 The annual license fee for a nonlimited entry delivery license is
36 ~~((one))~~ two hundred ~~((ten))~~ sixty dollars for residents and ~~((two))~~
37 three hundred thirty-five dollars for nonresidents, and an additional

1 thirty-five dollar surcharge for both residents and nonresidents to
 2 be deposited in the rockfish research account created in RCW
 3 77.12.702. The application fee for a nonlimited entry delivery
 4 license is one hundred five dollars.

5 (2) Holders of the following licenses may deliver food fish or
 6 shellfish taken in offshore waters without a nonlimited entry
 7 delivery license: Salmon troll fishery licenses issued under RCW
 8 77.65.160; salmon delivery licenses issued under RCW 77.65.170; crab
 9 pot fishery licenses issued under RCW 77.65.220; food fish trawl—Non-
 10 Puget Sound fishery licenses, and emerging commercial fishery
 11 licenses issued under RCW 77.65.200; Dungeness crab—coastal fishery
 12 licenses; ocean pink shrimp delivery licenses; (~~shrimp trawl—Non-~~
 13 ~~Puget Sound fishery licenses,~~) Washington coastal spot shrimp pot
 14 fishery licenses issued under chapter 77.70 RCW; and emerging
 15 commercial fishery licenses issued under RCW 77.65.220.

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

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

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

25 Fishery	26 Annual Fee		27 Application Fee	28 Vessel 29 Required?	30 Limited 31 Entry?
	32 Resident	33 Nonresident			
34 (a) Burrowing shrimp	35 (\$185) <u>\$235</u>	36 (\$295) <u>\$310</u>	37 \$105	Yes	No
38 (b) Crab ring net- 39 Non-Puget Sound	\$130	\$185	\$70	Yes	No
40 (c) Crab ring net- 41 Puget Sound	42 (\$130) <u>\$180</u>	43 (\$185) <u>\$255</u>	\$70	Yes	No
44 (d) (c) Dungeness crab-coastal 45 (RCW 77.70.280)	46 (\$295) <u>\$345</u>	47 (\$520) <u>\$420</u>	\$105	Yes	Yes
48 (e) Dungeness crab- 49 coastal, class B 50 (RCW 77.70.280)	\$295	\$520	\$105	Yes	Yes

1	(f) (d) Dungeness crab-	(((\$130)) <u>\$180</u>	(((\$185)) <u>\$255</u>	\$105	Yes	Yes
2	Puget Sound					
3	(RCW 77.70.110)					
4	(((\$3)) (e) Emerging commercial	(((\$185)) <u>\$335</u>	(((\$295)) <u>\$410</u>	\$105	Determined	Determined
5	fishery (RCW 77.70.160 and				by rule	by rule
6	77.65.400)					
7	(((\$h)) (f) Geoduck (RCW	\$ 0	\$ 0	\$ 70	Yes	Yes
8	77.70.220)					
9	(((\$i)) (g) Hardshell clam	(((\$530)) <u>\$580</u>	(((\$985)) <u>\$655</u>	\$ 70	Yes	No
10	mechanical					
11	harvester					
12	(RCW 77.65.250)					
13	(((\$j)) (h) Oyster reserve	(((\$130)) <u>\$180</u>	(((\$185)) <u>\$255</u>	\$ 70	No	No
14	(RCW 77.65.260)					
15	(((\$k)) (i) Razor clam	(((\$130)) <u>\$180</u>	(((\$185)) <u>\$255</u>	\$105	No	No
16	(((\$l)) (j) Sea cucumber dive	(((\$130)) <u>\$280</u>	(((\$185)) <u>\$355</u>	\$105	Yes	Yes
17	(RCW 77.70.190)					
18	(((\$m)) (k) Sea urchin dive	(((\$130)) <u>\$280</u>	(((\$185)) <u>\$355</u>	\$105	Yes	Yes
19	(RCW 77.70.150)					
20	(((\$n)) (l) Shellfish dive	(((\$130)) <u>\$180</u>	(((\$185)) <u>\$255</u>	\$ 70	Yes	No
21	(((\$o)) (m) Shellfish pot	(((\$130)) <u>\$180</u>	(((\$185)) <u>\$255</u>	\$ 70	Yes	No
22	(((\$p)) (n) Shrimp pot-	(((\$185)) <u>\$335</u>	(((\$295)) <u>\$410</u>	\$105	Yes	Yes
23	Puget Sound					
24	(RCW 77.70.410)					
25	(((\$q)) Shrimp trawl-	\$240	\$405	\$105	Yes	No
26	Non-Puget Sound					
27	(((\$r)) (o) Shrimp trawl-	(((\$185)) <u>\$335</u>	(((\$295)) <u>\$410</u>	\$105	Yes	Yes
28	Puget Sound					
29	(RCW 77.70.420)					
30	(((\$s)) (p) Spot shrimp-coastal	(((\$185)) <u>\$335</u>	(((\$295)) <u>\$410</u>	<u>\$ 70</u>	Yes	Yes
31	(((\$t)) (q) Squid	(((\$185)) <u>\$335</u>	(((\$295)) <u>\$410</u>	\$ 70	Yes	No

32 (2) The director may by rule determine the species of shellfish
33 that may be taken with the commercial fishery licenses established in
34 this section, the gear that may be used with the licenses, and the
35 areas or waters in which the licenses may be used. Where a fishery
36 license has been established for a particular species, gear,

1 geographical area, or combination thereof, a more general fishery
2 license may not be used to take shellfish in that fishery.

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

5 A surcharge of one hundred twenty dollars shall be collected with
6 each Dungeness crab-coastal fishery license (~~((and with each Dungeness~~
7 ~~crab-coastal class B fishery license))~~) issued under RCW 77.65.220.
8 Moneys collected under this section shall be placed in the coastal
9 crab account created under RCW 77.70.320.

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

12 (1) A (~~wholesale~~) fish (~~dealer's~~) dealer license is required
13 for(~~(+~~

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

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

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

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

28 ~~(e) A business engaging a fish buyer as defined under RCW~~
29 ~~77.65.340.~~

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

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

34 (i) Canning or processing of fish or shellfish for payment,
35 whether the fish or shellfish is commercially harvested or taken for
36 personal use; and

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

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

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

9 (a) Licensed commercial fish or shellfish harvesters who either
10 sell only to licensed wholesale fish buyers or who possess a limited
11 fish seller endorsement;

12 (b) Retail businesses that purchase exclusively from Washington
13 licensed wholesale fish buyers or from limited fish sellers for sale
14 to end consumers.

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

18 (4) The annual license fee for a ((wholesale)) resident fish
19 dealer is ((two)) four hundred ((fifty)) dollars. The fee for a
20 nonresident fish dealer license is four hundred seventy-five dollars.
21 The application fee for both resident and nonresident licenses is one
22 hundred five dollars. ((A wholesale fish dealer's license is not
23 required for persons engaged in the processing, wholesale selling,
24 buying, or brokering of private sector cultured aquatic products as
25 defined in RCW 15.85.020. However, if a means of identifying such
26 products is required by rules adopted under RCW 15.85.060, the
27 exemption from licensing requirements established by this subsection
28 applies only if the aquatic products are identified in conformance
29 with those rules.))

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

32 Wholesale fish ((dealers)) buyers and limited fish sellers are
33 ((responsible for documenting)) required to document the commercial
34 harvest of ((food)) fish and shellfish according to the rules of the
35 department. ((The director may allow only wholesale fish dealers or
36 their designees to receive the forms necessary for the accounting of
37 the commercial harvest of food fish and shellfish.))

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

3 (1) A wholesale fish (~~((dealer shall not take possession of food~~
4 ~~fish or shellfish until the dealer has deposited))~~ buyer or limited
5 fish seller must deposit with the department an acceptable
6 performance bond on forms prescribed and furnished by the department
7 before engaging in fish selling or buying activities. This
8 performance bond shall be a corporate surety bond executed in favor
9 of the department by a corporation authorized to do business in the
10 state of Washington under chapter 48.28 RCW and approved by the
11 department.

12 (a) For wholesale fish buyers, the bond shall be filed and
13 maintained in an amount equal to ((one)) two thousand dollars. For
14 each additional buyer engaged by the wholesale (~~(dealer. In no case~~
15 ~~shall the bond be less than two thousand dollars nor more than fifty~~
16 ~~thousand dollars))~~ business, the bond must be increased an additional
17 one thousand dollars.

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

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

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

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

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

33 (4) The bond shall be conditioned upon the compliance with the
34 requirements of this chapter and rules of the department relating to
35 the payment of fines for violations of rules for the accounting of
36 the commercial harvest of (~~(food))~~ fish or shellfish. In lieu of the
37 surety bond required by this section, the wholesale fish (~~(dealer))~~
38 buyer or limited fish seller may file with the department a cash
39 deposit, negotiable securities acceptable to the department, or an

1 assignment of a savings account or of a savings certificate in a
2 Washington bank on an assignment form prescribed by the department.

3 ~~(5) ((Liability under the bond shall be maintained as long as the~~
4 ~~wholesale fish dealer engages in activities under RCW 77.65.280~~
5 ~~unless released.))~~ Liability under the bond may be released only upon
6 written notification from the department. Notification shall be given
7 upon acceptance by the department of a substitute bond or forty-five
8 days after the expiration of the wholesale fish ~~((dealer's annual~~
9 ~~license))~~ buyer or limited fish seller annual endorsement. In no
10 event shall the liability of the surety exceed the amount of the
11 surety bond required under this chapter.

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

14 The director shall promptly notify by order a wholesale
15 ~~((dealer))~~ fish buyer or limited fish seller and the appropriate
16 surety when a violation of rules relating to the accounting of
17 commercial harvest has occurred. The notification shall specify the
18 type of violation, the liability to be imposed for damages caused by
19 the violation, and a notice that the amount of liability is due and
20 payable to the department by the wholesale fish ~~((dealer))~~ buyer or
21 limited fish seller and the surety.

22 If the amount specified in the order is not paid within thirty
23 days after receipt of the notice, the prosecuting attorney for any
24 county in which the persons to whom the order is directed do
25 business, or the attorney general upon request of the department, may
26 bring an action on behalf of the state in the superior court for
27 Thurston county or any county in which the persons to whom the order
28 is directed do business to recover the amount specified in the final
29 order of the department. The surety shall be liable to the state to
30 the extent of the bond.

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

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

37 ~~(2))~~ wholesale fish buyer endorsement is required for a licensed
38 fish dealer:

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

4 (b) To take first possession or ownership of raw or frozen fish
5 or shellfish in the state of Washington from interstate or foreign
6 commerce; or

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

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

19 (3) The annual fee for a resident wholesale fish buyer's
20 ((license is ninety-five)) endorsement is two hundred forty-five
21 dollars. The annual fee for a nonresident wholesale fish buyer's
22 endorsement is three hundred twenty dollars. The application fee for
23 both resident and nonresident endorsements is one hundred five
24 dollars.

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

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

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

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

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

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

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

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

9 (1) A person shall not offer or perform the services of a food
10 fish guide without a food fish guide license in the taking of food
11 fish for personal use, except that a charter boat license is required
12 to operate a vessel from which a person may for a fee fish for food
13 fish in state waters listed in RCW 77.65.150(4)(b).

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

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

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

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

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

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

29 An ocean pink shrimp delivery license is required for a
30 commercial fishing vessel to deliver ocean pink shrimp taken for
31 commercial purposes in offshore waters and delivered to a port in the
32 state. As used in this section, "deliver" and "delivery" mean arrival
33 at a place or port, and include arrivals from offshore waters to
34 waters within the state and arrivals from state or offshore waters.
35 The annual license fee is ((one)) three hundred ((fifty)) dollars for
36 residents and three hundred seventy-five dollars for nonresidents.
37 The application fee is one hundred five dollars. Ocean pink shrimp
38 delivery licenses are transferable.

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

3 The director shall issue the personal licenses listed in this
4 section according to the requirements of this title. The licenses and
5 their annual fees are:

Personal License	Annual Fee		Applica- tion Fee	Governing Section
	Resident	Nonresident		
(1) Alternate Operator	(\$35) <u>\$185</u>	(\$35) <u>\$260</u>	\$ 70	RCW 77.65.130
(2) Geoduck Diver	(\$185) <u>\$355</u>	(\$295) <u>\$410</u>	\$ 70	RCW 77.65.410
(3) Food Fish Guide	(\$130) <u>\$280</u>	(\$630) <u>\$355</u>	\$ 70	RCW 77.65.370
	(plus \$20)	(plus \$100)		

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

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

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

27 (3)(a) A game fish guide license allows the holder to offer or
28 perform the services of a game fish guide in the taking of game fish.
29 The fee for this license is ~~((one))~~ four hundred ~~((eighty))~~ ten
30 dollars for a resident and ~~((six))~~ four hundred eighty-five dollars
31 for a nonresident. The application fee is seventy dollars. An
32 application for a game fish guide license must include the
33 information required in RCW 77.65.560.

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

36 (4) A game farm license allows the holder to operate a game farm
37 to acquire, breed, grow, keep, and sell wildlife under conditions

1 prescribed by the rules adopted pursuant to this title. The fee for
2 this license is seventy-two dollars for the first year and forty-
3 eight dollars for each following year. The application fee is seventy
4 dollars.

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

9 (6) A fishing or field trial permit allows the holder to promote,
10 conduct, hold, or sponsor a fishing or field trial contest in
11 accordance with rules of the commission. The fee for a fishing
12 contest permit is twenty-four dollars. The fee for a field trial
13 contest permit is twenty-four dollars. The application fee is seventy
14 dollars.

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

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

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

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

29 (a) Practice taxidermy for commercial purposes;

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

31 (c) Act as a fishing guide; or

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

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

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

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

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

39 (c) Stock game fish; or

1 (d) Conduct commercial activities on department-owned or
2 controlled lands.

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

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

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

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

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

29 (2) (~~The direct retail endorsement must be offered at the time~~
30 ~~of application for the qualifying commercial fishing license.~~
31 ~~Individuals in possession of a qualifying commercial fishing license~~
32 ~~issued under this chapter, and alternate operators designated on such~~
33 ~~a license, may add a direct retail endorsement to their current~~
34 ~~license at any time. Individuals who do not have a commercial fishing~~
35 ~~license for retail-eligible species issued under this chapter, and~~
36 ~~who are not designated as alternate operators on such a license, may~~
37 ~~not receive a direct retail endorsement. The costs, conditions,~~
38 ~~responsibilities, and privileges associated with the endorsed~~

1 ~~commercial fishing license is not affected or altered in any way by~~
2 ~~the addition of a direct retail endorsement. These costs include the~~
3 ~~base cost of the license and any revenue and excise taxes.))~~ The
4 holder of a limited fish seller endorsement selling their own catch
5 directly to consumers is exempt from the permitting requirements of
6 chapter 246-215 WAC. To ensure food safety for consumers, the holder
7 of a limited fish seller endorsement must follow these requirements:
8 (a) Only sell fresh, whole fish or fresh fish that has been cleaned
9 and dressed; (b) use ice from a commercial source to hold the fish;
10 and (c) provide the buyer with a receipt stating the date of
11 purchase, Washington fish-receiving ticket number documenting the
12 original delivery, name, address, and phone number of the holder of
13 the limited fish seller endorsement from whom the fish or shellfish
14 was purchased, and the species and weight or number of fish or
15 shellfish sold. Failure to satisfy these food safety requirements is
16 punishable as an infraction under RCW 77.15.160. A licensed
17 commercial fisher holding a limited fish seller endorsement may allow
18 a designated alternate to sell under the authority of that
19 endorsement.

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

38 (4) (~~In addition to any fees charged for the endorsed licenses~~
39 ~~and harvest documentation as required by this chapter or the rules of~~
40 ~~the department, the department may set a reasonable annual fee not to~~

1 ~~exceed the administrative costs to the department for a direct retail~~
2 ~~endorsement.)~~ The fee for a resident limited fish seller endorsement
3 is seventy dollars. The fee for a nonresident limited fish seller
4 endorsement is one hundred forty-five dollars. The application fee
5 for both a resident and nonresident endorsement is one hundred five
6 dollars.

7 (5) The holder of a ~~((direct retail))~~ limited fish seller
8 endorsement is responsible for documenting the commercial harvest
9 ~~((of salmon and crab))~~ and sales according to ~~((the provisions of~~
10 ~~this chapter,))~~ the rules of the department ~~((for a wholesale fish~~
11 ~~dealer, and the reporting requirements of the endorsed license. Any~~
12 ~~retail-eligible species caught by the holder of a direct retail~~
13 ~~endorsement must be documented on fish tickets))~~.

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

27 ~~(7))~~ The ~~((direct retail))~~ limited fish seller endorsement is to
28 be held by a natural person and is not transferable or assignable. If
29 the endorsed license is transferred, the ~~((direct retail))~~ limited
30 fish seller endorsement immediately becomes void, and the transferor
31 is not eligible for a full or prorated reimbursement of the annual
32 fee paid for the ~~((direct retail))~~ limited fish seller endorsement.
33 Upon becoming void, the holder of a ~~((direct retail))~~ limited fish
34 seller endorsement must surrender the physical endorsement to the
35 department.

36 ~~((8) The holder of a direct retail endorsement must abide by the~~
37 ~~provisions of Title 69 RCW as they apply to the processing and retail~~
38 ~~sale of seafood. The department must distribute a pamphlet, provided~~
39 ~~by the department of agriculture, with the direct retail endorsement~~

1 ~~generally describing the labeling requirements set forth in chapter~~
2 ~~69.04 RCW as they apply to seafood.~~

3 ~~(9))~~ (7) The holder of a qualifying commercial fishing license
4 ~~((issued under this chapter,))~~ or an alternate operator designated on
5 such a license, must either possess a ~~((direct retail))~~ limited fish
6 seller endorsement or a wholesale ~~((dealer license))~~ fish buyer
7 endorsement provided for in RCW ~~((77.65.280))~~ 77.65.340 in order to
8 lawfully sell their catch or harvest in the state to anyone other
9 than a licensed wholesale ~~((dealer))~~ fish buyer.

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

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

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

18 (1) Fishing and shellfishing infractions:

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

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

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

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

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

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

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

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

3 (ii) In violation of any rule of the department or the department
4 of natural resources regarding seasons, closed areas, closed times,
5 or any other rule addressing the manner or method of taking,
6 possessing, or harvesting of seaweed.

7 (f) Unclassified fish or shellfish: Taking unclassified fish or
8 shellfish in violation of any department rule by killing, fishing,
9 taking, holding, possessing, or maliciously injuring or harming fish
10 or shellfish that is not classified as game fish, food fish,
11 shellfish, protected fish, or endangered fish.

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

15 (2) Hunting infractions:

16 (a) Eggs or nests: Maliciously, and without permit authorization,
17 destroying, taking, or harming the eggs or active nests of a wild
18 bird not classified as endangered or protected. For purposes of this
19 subsection, "active nests" means nests that contain eggs or
20 fledglings.

21 (b) Unclassified wildlife: Taking unclassified wildlife in
22 violation of any department rule by killing, hunting, taking,
23 holding, possessing, or maliciously injuring or harming wildlife that
24 is not classified as big game, game animals, game birds, protected
25 wildlife, or endangered wildlife.

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

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

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

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

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

1 (3) Trapping, taxidermy, fur dealing, and wildlife meat cutting
2 infractions:

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

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

7 (ii) Report information from these records as required by
8 department rule.

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

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

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

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

18 (ii) Clean and drain requirements: Possessing an aquatic
19 conveyance that does not meet clean and drain requirements under RCW
20 77.135.110;

21 (iii) Clean and drain orders: Possessing an aquatic conveyance
22 and failing to obey a clean and drain order under RCW 77.135.110 or
23 77.135.120; and

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

27 (A) Being transported to the department or to another destination
28 designated by the director, in a manner designated by the department,
29 for purposes of identifying a species or reporting the presence of a
30 species;

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

33 (C) Located within or on a commercial aquatic plant harvester
34 that is being transported to a suitable location to remove aquatic
35 plants;

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

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

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

4 (~~((5))~~) (6) Other infractions:

5 (a) Contests: Conducting, holding, or sponsoring a hunting
6 contest, a fishing contest involving game fish, or a competitive
7 field trial using live wildlife.

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

10 (c) Posting signs: Posting signs preventing hunting or fishing on
11 any land not owned or leased by the person doing the posting, or
12 without the permission of the person who owns, leases, or controls
13 the land posted.

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

- 17 (i) Violates any terms or conditions of the scientific permit; or
18 (ii) Violates any department rule applicable to the issuance or
19 use of scientific permits.

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

22 (1) The department must issue a department vessel registration
23 number decal and an identifying decal to all food fish guides, game
24 fish guides, and charter boat operators licensed under RCW 77.65.010.
25 (~~The identifying decal must display the license number~~
26 ~~prominently.~~)

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

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

33 (1) A fish guide combination license allows the holder to offer
34 or perform the services of a food fish guide(~~(7)~~) and game fish
35 guide(~~(, salmon charter boat operator, and nonsalmon charter boat~~
36 ~~operator)~~).

37 (2) The commission must adopt rules to create and sell a fish
38 guide combination license. (~~The commission may adopt rules to create~~

1 ~~and sell separate combination licenses, one for food fish and game~~
2 ~~fish guide activities only and another combination license for all~~
3 ~~food fish guide, game fish guide, salmon charter boat operator, and~~
4 ~~nonsalmon charter boat operator activities.))~~ The cost of the fish
5 guide combination license or licenses must be below a fee equal to
6 the total cost of the individual licenses contained within the
7 combination.

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

10 (1) A sea urchin dive fishery license is required to take sea
11 urchins for commercial purposes. A sea urchin dive fishery license
12 authorizes the use of only one diver in the water at any time during
13 sea urchin harvest operations. If the same vessel has been designated
14 on two sea urchin dive fishery licenses, two divers may be in the
15 water. A natural person may not hold more than two sea urchin dive
16 fishery licenses.

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

29 (3) Where a licensee failed to obtain the license during the
30 previous year because of a license suspension or revocation by the
31 director or the court, the licensee may qualify for a license by
32 establishing that the person held such a license during the last year
33 in which the person was eligible.

34 ~~((Surcharges as provided for in this section shall be~~
35 ~~collected and deposited into the sea urchin dive fishery account~~
36 ~~hereby created in the custody of the state treasurer. The collections~~
37 ~~and deposits must continue, as set forth in (a) and (b) of this~~
38 ~~subsection, through license year 2013, or until the number of~~
39 ~~licenses is reduced to twenty, whichever occurs first. Only the~~

1 ~~director or the director's designee may authorize expenditures from~~
2 ~~the account. The sea urchin dive fishery account is subject to~~
3 ~~allotment procedures under chapter 43.88 RCW, but no appropriation is~~
4 ~~required for expenditures. Expenditures from the account shall only~~
5 ~~be used to retire sea urchin licenses until the number of licenses is~~
6 ~~reduced to twenty, and thereafter shall only be used for sea urchin~~
7 ~~management and enforcement. The director or the director's designee~~
8 ~~shall notify the department of revenue within thirty days when the~~
9 ~~number of licenses is reduced to twenty.~~

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

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

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

35 ~~(6)) (5) If fewer than twenty natural persons are eligible for~~
36 ~~sea urchin dive fishery licenses, the director may accept~~
37 ~~applications for new licenses. The additional licenses may not cause~~
38 ~~more than twenty natural persons to be eligible for a sea urchin dive~~
39 ~~fishery license. New licenses issued under this section shall be~~

1 distributed according to rules of the department that recover the
2 value of such licensed privilege.

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

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

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

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

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

1 ~~is reduced to twenty, and thereafter shall only be used for sea~~
2 ~~cucumber management and enforcement. The director or the director's~~
3 ~~designee shall notify the department of revenue within thirty days~~
4 ~~when the number of licenses is reduced to twenty.~~

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

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

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

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

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

1 (1) A person shall not harvest geoduck clams commercially without
2 a geoduck fishery license. This section does not apply to the harvest
3 of private sector cultured aquatic products as defined in RCW
4 15.85.020. The geoduck fishery license fee and the application fee
5 ~~((is seventy dollars))~~ are specified in RCW 77.65.220.

6 (2) Only a person who has entered into a geoduck harvesting
7 agreement with the department of natural resources under RCW
8 79.135.210 may hold a geoduck fishery license.

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

13 (4) A geoduck fishery license expires when the underlying geoduck
14 harvesting agreement terminates.

15 (5) The director shall determine the number of geoduck fishery
16 licenses that may be issued for each geoduck harvesting agreement,
17 the number of units of gear whose use the license authorizes, and the
18 type of gear that may be used, subject to RCW 77.60.070. In making
19 those determinations, the director shall seek to conserve the geoduck
20 resource and prevent damage to its habitat.

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

1 for the harvesting of geoducks, the director shall not suspend or
2 revoke the license if the license holder terminates its business
3 relationship with that person until compliance with this subsection
4 is secured.

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

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

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

16 (2) A Dungeness crab—coastal fishery license is transferable.
17 Except as provided in subsections (3) and ((+8+)) (7) of this
18 section, such a license shall only be issued to a person who proved
19 active historical participation in the coastal crab fishery by having
20 designated, after December 31, 1993, a vessel or a replacement vessel
21 on the qualifying license that singly or in combination meets the
22 following criteria:

23 (a) Made a minimum of eight coastal crab landings totaling a
24 minimum of five thousand pounds per season in at least two of the
25 four qualifying seasons identified in subsection ((+5+)) (4) of this
26 section, as documented by valid Washington state shellfish receiving
27 tickets; and showed historical and continuous participation in the
28 coastal crab fishery by having held one of the following licenses or
29 their equivalents each calendar year beginning 1990 through 1993, and
30 was designated on the qualifying license of the person who held one
31 of the following licenses in 1994:

32 (i) Crab pot—Non-Puget Sound license, issued under RCW
33 77.65.220(1)(b);

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

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

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

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

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

1 (b) Made a minimum of four Washington landings of coastal crab
2 totaling two thousand pounds during the period from December 1, 1991,
3 to March 20, 1992, and made a minimum of eight crab landings totaling
4 a minimum of five thousand pounds of coastal crab during each of the
5 following periods: December 1, 1991, to September 15, 1992; December
6 1, 1992, to September 15, 1993; and December 1, 1993, to September
7 15, 1994. For landings made after December 31, 1993, the vessel shall
8 have been designated on the qualifying license of the person making
9 the landings; or

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

19 (3) A Dungeness crab-coastal fishery license shall be issued to a
20 person who had a new vessel under construction between December 1,
21 1988, and September 15, 1992, if the vessel made coastal crab
22 landings totaling a minimum of five thousand pounds by September 15,
23 1993, and the new vessel was designated on the qualifying license of
24 the person who held that license in 1994. All landings shall be
25 documented by valid Washington state shellfish receiving tickets.
26 License applications under this subsection may be subject to review
27 by the advisory review board in accordance with RCW 77.70.030. For
28 purposes of this subsection, "under construction" means either:

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

31 (ii) The contract for the vessel under construction was not
32 transferred or otherwise alienated from the contract holder between
33 the date of the contract and the issuance of the Dungeness crab-
34 coastal fishery license; and

35 (iii) Construction had not been completed before December 1,
36 1988; or

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

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

1 (iii) Construction had not been completed before December 1,
2 1988.

3 ~~(4) ((A Dungeness crab coastal class B fishery license is not~~
4 ~~transferable. Such a license shall be issued to persons who do not~~
5 ~~meet the qualification criteria for a Dungeness crab coastal fishery~~
6 ~~license, if the person has designated on a qualifying license after~~
7 ~~December 31, 1993, a vessel or replacement vessel that, singly or in~~
8 ~~combination, made a minimum of four landings totaling a minimum of~~
9 ~~two thousand pounds of coastal crab, documented by valid Washington~~
10 ~~state shellfish receiving tickets, during at least one of the four~~
11 ~~qualifying seasons, and if the person has participated continuously~~
12 ~~in the coastal crab fishery by having held or by having owned a~~
13 ~~vessel that held one or more of the licenses listed in subsection (2)~~
14 ~~of this section in each calendar year subsequent to the qualifying~~
15 ~~season in which qualifying landings were made through 1994. Dungeness~~
16 ~~crab coastal class B fishery licenses cease to exist after December~~
17 ~~31, 1999, and the continuing license provisions of RCW 34.05.422(3)~~
18 ~~are not applicable.~~

19 ~~(5))~~ The four qualifying seasons for purposes of this section
20 are:

21 (a) December 1, 1988, through September 15, 1989;

22 (b) December 1, 1989, through September 15, 1990;

23 (c) December 1, 1990, through September 15, 1991; and

24 (d) December 1, 1991, through September 15, 1992.

25 ~~((6))~~ (5) For purposes of this section and RCW 77.70.340,
26 "coastal crab" means Dungeness crab (cancer magister) taken in all
27 Washington territorial and offshore waters south of the United
28 States-Canada boundary and west of the Bonilla-Tatoosh line (a line
29 from the western end of Cape Flattery to Tatoosh Island lighthouse,
30 then to the buoy adjacent to Duntz Rock, then in a straight line to
31 Bonilla Point of Vancouver island), Grays Harbor, Willapa Bay, and
32 the Columbia river.

33 ~~((7))~~ (6) For purposes of this section, "replacement vessel"
34 means a vessel used in the coastal crab fishery in 1994, and that
35 replaces a vessel used in the coastal crab fishery during any period
36 from 1988 through 1993, and which vessel's licensing and catch
37 history, together with the licensing and catch history of the vessel
38 it replaces, qualifies a single applicant for a Dungeness crab—
39 coastal ~~((or Dungeness crab coastal class B fishery))~~ license. A

1 Dungeness crab—coastal (~~((or Dungeness crab coastal class B fishery))~~)
2 license may only be issued to a person who designated a vessel in the
3 1994 coastal crab fishery and who designated the same vessel in 1995.

4 ~~((+8))~~ (7) A Dungeness crab—coastal fishery license may not be
5 issued to a person who participates in the federal fleet reduction
6 program created in RCW 77.70.460 within ten years of that person's
7 participation in the federal program, if reciprocal restrictions are
8 imposed by the states of Oregon and California on persons
9 participating in the federal fleet reduction program.

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

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

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

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

31 (2) Nothing in this section allows the commercial fishing of
32 Dungeness crab in waters within three miles of Washington state by
33 fishers who do not possess a valid Dungeness crab-coastal fishery
34 license (~~((or a valid Dungeness crab coastal class B fishery~~
35 ~~license))~~). Landings of offshore Dungeness crab by fishers without a
36 valid Dungeness crab-coastal fishery license (~~((or a valid Dungeness~~
37 ~~crab coastal class B fishery license))~~) do not qualify the fisher for
38 such licenses.

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

3 A person commercially fishing for Dungeness crab in offshore
4 waters outside of Washington state jurisdiction shall obtain a
5 Dungeness crab offshore delivery license from the director if the
6 person does not possess a valid Dungeness crab-coastal fishery
7 license (~~((or a valid Dungeness crab-coastal class B fishery license))~~)
8 and the person wishes to land Dungeness crab into a place or a port
9 in the state. The annual fee for a Dungeness crab offshore delivery
10 license is two hundred fifty dollars. The director may specify
11 restrictions on landings of offshore Dungeness crab in Washington
12 state as authorized in RCW 77.70.290.

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

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

17 (1) In order to administer a Puget Sound crab pot buoy tag
18 program, the department may charge a fee to holders of a Dungeness
19 crab—Puget Sound fishery license to reimburse the department for the
20 production of Puget Sound crab pot buoy tags and the administration
21 of a Puget Sound crab pot buoy tag program.

22 (2) In order to administer a Washington coastal Dungeness crab
23 pot buoy tag program, the department may charge a fee to holders of a
24 Dungeness crab-coastal (~~((or a Dungeness crab-coastal class B))~~)
25 fishery license and to holders of out-of-state licenses who are
26 issued a pot certificate by the department to reimburse the
27 department for the production of Washington coastal crab pot buoy
28 tags and the administration of a Washington coastal crab pot buoy tag
29 program.

30 (3) The department shall annually review the costs of crab pot
31 buoy tag production under this section with the goal of minimizing
32 the per tag production costs. Any savings in production costs shall
33 be passed on to the fishers required to purchase crab pot buoy tags
34 under this section in the form of a lower tag fee.

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

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

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

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

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

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

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

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

20 (b) A Washington Pacific sardine purse seine temporary annual
21 fishery permit to any person if the combined number of active
22 Washington Pacific sardine purse seine fishery licenses and annual
23 temporary permits already issued during the year is less than twenty-
24 five.

25 (4) The annual fee for a Washington Pacific sardine purse seine
26 fishery license (~~((is one hundred eighty five dollars for residents
27 and two hundred ninety five dollars for nonresidents.))~~) and the
28 application fee ((is one hundred five dollars)) are specified in RCW
29 77.65.200.

30 (5) The fee for a Washington Pacific sardine purse seine
31 temporary annual fishery permit (~~((is one hundred eighty five dollars
32 for residents and two hundred ninety five dollars for nonresidents.))~~)
33 and the application fee ((is one hundred five dollars)) are specified
34 in RCW 77.65.200. A temporary annual fishery permit expires at the
35 end of the calendar year in which the permit is issued.

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

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

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

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

7 (1) In addition to all other taxes, licenses, or fees provided by
8 law there is established an excise tax on the commercial possession
9 of enhanced food fish as provided in this chapter. The tax is levied
10 upon and shall be collected from the owner of the enhanced food fish
11 whose possession constitutes the taxable event. The taxable event is
12 the first possession in Washington by an owner after the enhanced
13 food fish has been landed. Processing and handling of enhanced food
14 fish by a person who is not the owner is not a taxable event to the
15 processor or handler.

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

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

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

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

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

30 (c) Pink and sockeye salmon: Three and fifteen one-hundredths
31 percent;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (~~(1)~~) It shall be lawful for any farmer, gardener, or other
16 person, without license, to sell, deliver, or peddle any fruits,
17 vegetables, berries, eggs, or any farm produce or edibles raised,
18 gathered, produced, or manufactured by such person and no city or
19 town shall pass or enforce any ordinance prohibiting the sale by or
20 requiring license from the producers and manufacturers of farm
21 produce and edibles as defined in this section. However, nothing in
22 this section authorizes any person to sell, deliver, or peddle,
23 without license, in any city or town, any dairy product, meat,
24 poultry, eel, fish, mollusk, or shellfish where a license is required
25 to engage legally in such activity in such city or town.

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

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

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

8 (1) RCW 77.65.290 (Wholesale fish dealer licenses—Display) and
9 1993 c 340 s 52, 1983 1st ex.s. c 46 s 110, & 1955 c 12 s 75.28.070;

10 (2) RCW 77.65.300 (Wholesale fish dealer may be a fish buyer) and
11 1985 c 248 s 3;

12 (3) RCW 77.65.360 (License fee increases—Disposition) and 1989 c
13 316 s 20;

14 (4) RCW 77.65.515 (Direct retail endorsement—Requirements) and
15 2003 c 387 s 3 & 2002 c 301 s 3;

16 (5) RCW 77.65.520 (Direct retail endorsement—Compliance—
17 Violations—Suspension) and 2003 c 387 s 4 & 2002 c 301 s 4; and

18 (6) RCW 77.65.900 (Effective date—1989 c 316) and 1989 c 316 s
19 22.

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

21 Correct the title.

EFFECT: Makes the following changes to Substitute House Bill No. 1597:

Increases or decreases select commercial license fees, and directs only increased revenue from changes to commercial fishing, wholesaling, and dealing licenses (commercial licenses) and the enhanced food fish excise tax to the wildlife account.

Removes language duplicated in legislation enacted in 2017 related to secondary fish receiver recordkeeping requirements.

Exempts geoduck tenders from the crewmember license requirement.

Adds baitfish lampara fishing vessels as a type of fishing vessel on which an albacore tuna crewmember license satisfies the crewmember license requirement.

Allows up to two crewmember licenses to be purchased and held by a commercial fishing license holder.

Clarifies the elimination of the salmon roe license.

Reduces the nonresident salmon delivery license fee from \$535 to \$505.

Restores the nonresident Dungeness crab-coastal fishery license.

Clarifies how the excise tax on anadromous game fish is distributed.

Specifies that the holder of a limited fish seller endorsement selling their own catch directly to a consumer is exempt from food

service permitting requirements, but is required to follow certain food safety guidelines.

--- END ---