H-1375.3

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**SUBSTITUTE HOUSE BILL 1597**

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**State of Washington 65th Legislature 2017 Regular Session**

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

AN ACT Relating to increasing revenue to the state wildlife account by increasing commercial fishing license fees and streamlining wholesale fish dealing, buying, and selling requirements; amending RCW 77.12.170, 77.12.177, 77.15.096, 69.04.933, 69.04.934, 77.15.110, 77.15.170, 77.15.500, 77.15.565, 77.15.568, 77.15.620, 77.15.630, 77.15.640, 77.65.010, 77.65.020, 77.65.090, 77.65.110, 77.65.120, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.240, 77.65.280, 77.65.310, 77.65.320, 77.65.330, 77.65.340, 77.65.350, 77.65.390, 77.65.440, 77.65.480, 77.65.490, 77.65.500, 77.65.510, 77.65.580, 77.65.590, 77.70.150, 77.70.190, 77.70.220, 77.70.280, 77.70.290, 77.70.300, 77.70.340, 77.70.430, 77.70.490, 82.27.020, 82.27.070, 69.07.100, and 36.71.090; reenacting and amending RCW 77.08.010, 77.65.210, 77.65.220, and 77.65.370; adding a new section to chapter 77.65 RCW; creating new sections; repealing RCW 77.65.290, 77.65.300, 77.65.360, 77.65.515, 77.65.520, and 77.65.900; and providing an effective date.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) An officer or special agent commissioned by one of the following: The national marine fisheries service; the Washington state parks and recreation commission; the United States fish and wildlife service; the Washington state department of natural resources; the United States forest service; or the United States parks service, if the agent or officer is in the respective jurisdiction of the primary commissioning agency and is acting under a mutual law enforcement assistance agreement between the department and the primary commissioning agency;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Rentals or concessions of the department;

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

(c) The assessment of administrative penalties;

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

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

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

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

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

(i) Excise tax on ((~~anadromous game~~)) enhanced food fish collected under chapter 82.27 RCW;

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

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

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

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

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

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

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

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

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

(2) ((~~The director shall make weekly remittances to the state treasurer of moneys collected by the department.~~

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

((~~(4)~~)) (3) Proceeds from the sale of ((~~food~~)) fish or shellfish taken in test fishing conducted by the department, to the extent that these proceeds exceed the estimates in the budget approved by the legislature, may be allocated as unanticipated receipts under RCW 43.79.270 to reimburse the department for unanticipated costs for test fishing operations in excess of the allowance in the budget approved by the legislature.

((~~(5)~~)) (4) Proceeds from the sale of salmon carcasses and salmon eggs from state general funded hatcheries by the department shall be deposited in the regional fisheries enhancement group account established in RCW 77.95.090.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) Using a commercial fishery license;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) The person does not hold a crewmember license when required under section 16 of this act.

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

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 77.15.568 and 2016 sp.s. c 21 s 1 are each amended to read as follows:

(1) A person is guilty of a secondary commercial fish receiver's failure to account for commercial harvest if:

(a) The person sells fish or shellfish at retail, stores or holds fish or shellfish for another in exchange for valuable consideration, ships fish or shellfish in exchange for valuable consideration, or brokers fish or shellfish in exchange for valuable consideration;

(b) The fish or shellfish were required to be entered on a Washington fish-receiving ticket or a Washington aquatic farm production annual report; and

(c) The person fails to maintain records of each receipt of fish or shellfish, as required under subsections (3) through (5) of this section, at:

(i) The location where the fish or shellfish are being sold or at the location where the fish or shellfish are being stored or held; or

(ii) The principal place of business of the shipper or broker if the fish or shellfish are not in possession.

(2) ((~~This section applies to a wholesale fish dealer acting in the capacity of a broker. However, this section does not apply to a wholesale fish dealer acting in the capacity of a wholesale fish dealer, to a fisher selling under a direct retail sale endorsement, or to a registered aquatic farmer.~~)) Wholesale fish buyers, limited fish sellers, and registered aquatic farmers are not required to comply with this section for those fish or shellfish that they have documented on fish tickets or aquatic farm production reports.

(3) Records of the receipt of fish or shellfish required to be kept under this section must be in the English language and be maintained for three years from the date fish or shellfish are received, shipped, or brokered.

(4) Records maintained by persons that retail or broker must include the following:

(a) The name, address, and phone number of the wholesale fish dealer, fisher selling under a direct retail sale endorsement, or aquatic farmer or shellstock shipper from whom the fish or shellfish were purchased or received;

(b) The Washington fish-receiving ticket number documenting original receipt or aquatic farm production quarterly report documenting production, if available;

(c) The date of purchase or receipt; and

(d) The amount and species of fish or shellfish purchased or received.

(5) Records maintained by persons that store, hold, or ship fish or shellfish for others must state the following:

(a) The name, address, and phone number of the person and business from whom the fish or shellfish were received;

(b) The date of receipt; and

(c) The amount and species of fish or shellfish received.

(6) A secondary commercial fish receiver's failure to account for commercial harvest is a misdemeanor.

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

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

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

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

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

~~(d) Engages in the commercial manufacture or preparation of fertilizer, oil, meal, caviar, fish bait, or other by-products from food fish or shellfish and does not hold a wholesale dealer's license required by RCW 77.65.280(4) or 77.65.480 for anadromous game fish.~~)) Engages in any fish selling activity as a fisher that requires a limited fish seller endorsement under RCW 77.65.510 without first obtaining the endorsement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) For the purposes of this section:

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

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

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

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

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

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

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

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

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

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

(2) A crewmember license must be purchased in the name of the individual working as the crewmember. The license holder may use the license aboard any commercial fishing vessel. A crewmember license purchased by a crewmember may not be transferred to another individual.

(3) A crewmember license may be purchased and held by a commercial fishing license holder for use by any individual working on the vessel named in the commercial fishing license. Each crewmember license held by a commercial fishing license holder covers one crewmember per trip, but the same crewmember license may be used to authorize a different individual to act as a crewmember on a subsequent trip.

(4) The fee for an annual crewmember license is thirty-five dollars for residents and nonresidents. Additional application fees and surcharges do not apply except that if the license is purchased through the automated licensing system the fees authorized in RCW 77.32.050 apply.

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

(6) A five consecutive day crewmember license may be purchased for a fee of twenty-five dollars. The license must be available through the automated licensing system and transaction fees and dealer fees apply.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | LicenseorPermit | Annual Fee(RCW 77.95.090 Surcharge)(RCW 77.12.702 Surcharge) | Appli-cation Fee | GoverningSection |
|  |  | Resident | Nonresident |  |  |
| (a) | Non-salmon charter | $225 (plus $35 for RCW 77.12.702 Surcharge) | $375(plus $35 for RCW 77.12.702 Surcharge) | $ 70 |  |
| (b) | Salmon charter | ((~~$380~~)) $460(plus $100)(plus $35 for RCW 77.12.702 Surcharge) | ((~~$685~~)) $510(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 roe | $ 95 | $ 95 | $ 70 | RCW 77.65.350 |

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

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

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

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

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

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

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

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

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
|  | FisheryLicense | ResidentFee | NonresidentFee | Surcharge | Application Fee |
| (a) | Salmon Gill Net—Grays Harbor-Columbia river | $380 | ((~~$685~~))$430 | plus $100 | $105 |
| (b) | Salmon Gill Net—Puget Sound | $380 | $685 | plus $100 | $105 |
| (c) | Salmon Gill Net—Willapa Bay-Columbia river | $380 | ((~~$685~~))$430 | plus $100 | $105 |
| (d) | Salmon purse seine | ((~~$530~~))$545 | ((~~$985~~))$595 | plus $100 | $105 |
| (e) | Salmon reef net | $380 | $685 | plus $100 | $105 |
| (f) | Salmon troll | $380 | ((~~$685~~))$430 | plus $100 | $105 |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Fishery(Governing section(s)) | Annual Fee | Application Fee | VesselRequired? | LimitedEntry? |
|  | Resident | Nonresident |  |  |  |
| (a) Baitfish Lampara | ((~~$185~~)) $305 | ((~~$295~~)) $355 | $ 70 | Yes | No |
| (b) Baitfish purse seine | $530 | $985 | $ 70 | Yes | No |
| (c) Bottom fish jig | $130 | $185 | $ 70 | Yes | No |
| (d) Bottom fish pot | $130 | $185 | $ 70 | Yes | No |
| (e) Bottom fish troll | $130 | $185 | $ 70 | Yes | No |
| (f) Carp | $130 | $185 | $ 70 | No | No |
| (g) Columbia river smelt | $380 | $685 | $ 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 | $295 | $105 | Determined by rule | Determined by rule |
| ((~~(j)~~)) (i) Food fish drag seine | $130 | $185 | $ 70 | Yes | No |
| ((~~(k)~~)) (j) Food fish set line | $130 | $185 | $ 70 | Yes  | No |
| ((~~(l) Food fish trawl-~~ | ~~$240~~ | ~~$405~~ | ~~$ 70~~ | ~~Yes~~ | ~~No~~ |
| ~~Non-Puget Sound~~ |  |  |  |  |  |
| ~~(m) Food fish trawl-~~ | ~~$185~~ | ~~$295~~ | ~~$ 70~~ | ~~Yes~~ | ~~No~~ |
| ~~Puget Sound~~ |  |  |  |  |  |
| ~~(n)~~)) (k) Herring dip bag net | $175 | $275 | $ 70 | Yes | Yes |
| (RCW 77.70.120) |  |  |  |  |  |
| ((~~(o)~~)) (l) Herring drag seine | $175 | $275 | $ 70 | Yes | Yes |
| (RCW 77.70.120) |  |  |  |  |  |
| ((~~(p)~~)) (m) Herring gill net | $175 | $275 | $105 | Yes | Yes |
| (RCW 77.70.120) |  |  |  |  |  |
| ((~~(q)~~)) (n) Herring Lampara | $175 | $275 | $ 70 | Yes | Yes |
| (RCW 77.70.120) |  |  |  |  |  |
| ((~~(r)~~)) (o) Herring purse seine | $175 | $275 | $105 | Yes | Yes |
| (RCW 77.70.120) |  |  |  |  |  |
| ((~~(s)~~)) (p) Herring spawn-on-kelp (RCW 77.70.210) | N/A | N/A | N/A | Yes | Yes |
| ((~~(t)~~)) (q) Sardine purse seine (RCW 77.70.480) | $185 | $295 | $105 | Yes | Yes |
| ((~~(u)~~)) (r) Sardine purse seine temporary (RCW 77.70.480) | ((~~$185~~)) $295 | ((~~$295~~)) $345 | $105 | Yes | No |
| ((~~(v)~~)) (s) Smelt dip bag net | $130 | $185 | $ 70 | No | No |
| ((~~(w)~~)) (t) Smelt gill net | $380 | $685 | $ 70 | Yes | No |
| ((~~(x)~~)) (v) Whiting-Puget Sound (RCW 77.70.130) | $295 | $520 | $105 | Yes | Yes |
|  |  |  |  |  |  |

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

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

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

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

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

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

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

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Fishery(Governing section(s)) | Annual Fee | Application Fee | VesselRequired? | LimitedEntry? |
|  | Resident | Nonresident |  |  |  |
| (a) Burrowing shrimp | $185 | $295 | $105 | Yes | No |
| (b) ((~~Crab ring net-~~ | ~~$130~~ | ~~$185~~ | ~~$ 70~~ | ~~Yes~~ | ~~No~~ |
| ~~Non-Puget Sound~~ |  |  |  |  |  |
| ~~(c)~~)) Crab ring net- | $130 | $185 | $ 70 | Yes | No |
| Puget Sound |  |  |  |  |  |
| ((~~(d)~~)) (c) Dungeness crab-coastal (RCW 77.70.280) | ((~~$295~~)) $325 | ((~~$520~~)) $600 | $105 | Yes | Yes |
| ((~~(e) Dungeness crab-~~ | ~~$295~~ | ~~$520~~ | ~~$105~~ | ~~Yes~~ | ~~Yes~~ |
| ~~coastal, class B~~ |  |  |  |  |  |
| ~~(RCW 77.70.280)~~ |  |  |  |  |  |
| ~~(f)~~)) (d) Dungeness crab- | ((~~$130~~)) $145 | ((~~$185~~)) $195 | $105 | Yes | Yes |
| Puget Sound |  |  |  |  |  |
| (RCW 77.70.110) |  |  |  |  |  |
| ((~~(g)~~)) (e) Emerging commercial fishery (RCW 77.70.160 and 77.65.400) | $185 | $295 | $105 | Determinedby rule | Determinedby rule |
| ((~~(h)~~)) (f) Geoduck (RCW | $ 0 | $ 0 | $ 70 | Yes | Yes |
| 77.70.220) |  |  |  |  |  |
| ((~~(i)~~)) (g) Hardshell clam | $530 | $985 | $ 70 | Yes | No |
| mechanicalharvester |  |  |  |  |  |
| (RCW 77.65.250) |  |  |  |  |  |
| ((~~(j)~~)) (h) Oyster reserve | ((~~$130~~)) $155 | ((~~$185~~)) $205 | $ 70 | No | No |
| (RCW 77.65.260) |  |  |  |  |  |
| ((~~(k)~~)) (i) Razor clam | $130 | $185 | $105 | No | No |
| ((~~(l)~~)) (j) Sea cucumber dive | $130 | $185 | $105 | Yes | Yes |
| (RCW 77.70.190) |  |  |  |  |  |
| ((~~(m)~~)) (k) Sea urchin dive | $130 | $185 | $105 | Yes | Yes |
| (RCW 77.70.150) |  |  |  |  |  |
| ((~~(n)~~)) (l) Shellfish dive | $130 | $185 | $ 70 | Yes | No |
| ((~~(o)~~)) (m) Shellfish pot | $130 | $185 | $ 70 | Yes | No |
| ((~~(p)~~)) (n) Shrimp pot- | $185 | $295 | $105 | Yes | Yes |
| Puget Sound |  |  |  |  |  |
| (RCW 77.70.410) |  |  |  |  |  |
| ((~~(q) Shrimp trawl-~~ | ~~$240~~ | ~~$405~~ | ~~$105~~ | ~~Yes~~ | ~~No~~ |
| ~~Non-Puget Sound~~ |  |  |  |  |  |
| ~~(r)~~)) (o) Shrimp trawl- | $185 | $295 | $105 | Yes | Yes |
| Puget Sound |  |  |  |  |  |
| (RCW 77.70.420) |  |  |  |  |  |
| ((~~(s)~~)) (p) Spot shrimp-coastal | ((~~$185~~)) $100 | ((~~$295~~)) $150 |  | Yes | Yes |
| ((~~(t)~~)) (q) Squid | $185 | $295 | $ 70 | Yes | No |

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

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

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

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

(1) A ((~~wholesale~~)) fish ((~~dealer's~~)) dealer license is required for((~~:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) The annual fee for a resident wholesale fish buyer's ((~~license is ninety-five~~)) endorsement is one hundred seventy dollars. The annual fee for a nonresident wholesale fish buyer's endorsement is two hundred twenty dollars. The application fee for both resident and nonresident endorsements is one hundred five dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

|  |  |  |  |
| --- | --- | --- | --- |
| PersonalLicense | Annual Fee(RCW 77.95.090 Surcharge) | Applica-tion Fee | GoverningSection |
|  | Resident | Nonresident |  |  |
| (1) AlternateOperator | $ 35 | ((~~$ 35~~)) $ 85 | $ 70 | RCW 77.65.130 |
| (2) Geoduck Diver | $185  | $295 | $ 70 | RCW 77.65.410 |
| (3) Food Fish Guide | $130  | $630 | $ 70 | RCW 77.65.370 |
|  |  | (plus $20) | (plus$100) |  |  |

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

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

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

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

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

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

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

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

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

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

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

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

(a) Practice taxidermy for commercial purposes;

(b) Deal in raw furs for commercial purposes;

(c) Act as a fishing guide; or

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

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

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

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

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

(c) Stock game fish; or

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

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

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

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

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

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

(2) ((~~The direct retail endorsement must be offered at the time of application for the qualifying commercial fishing license. Individuals in possession of a qualifying commercial fishing license issued under this chapter, and alternate operators designated on such a license, may add a direct retail endorsement to their current license at any time. Individuals who do not have a commercial fishing license for retail-eligible species issued under this chapter, and who are not designated as alternate operators on such a license, may not receive a direct retail endorsement. The costs, conditions, responsibilities, and privileges associated with the endorsed commercial fishing license is not affected or altered in any way by the addition of a direct retail endorsement. These costs include the base cost of the license and any revenue and excise taxes.~~)) A licensed commercial fisher holding a limited fish seller endorsement may allow a designated alternate to sell under the authority of that endorsement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec.**  RCW 77.70.340 and 2000 c 107 s 80 are each amended to read as follows:

(1) An Oregon resident who can show historical and continuous participation in the Washington state coastal crab fishery by having held a nonresident non-Puget Sound crab pot license issued under RCW 77.65.220 each year from 1990 through 1994, and who has delivered a minimum of eight landings totaling five thousand pounds of crab into Oregon during any two of the four qualifying seasons as provided in RCW 77.70.280((~~(5)~~)) (4) as evidenced by valid Oregon fish-receiving tickets, shall be issued a ((~~nonresident~~)) Dungeness crab-coastal fishery license valid for fishing in Washington state waters north from the Oregon-Washington boundary to United States latitude forty-six degrees thirty minutes north. Such license shall be issued upon application and submission of proof of delivery.

(2) This section shall become effective contingent upon reciprocal statutory authority in the state of Oregon providing for equal access for Washington state coastal crab fishers to Oregon territorial coastal waters north of United States latitude forty-five degrees fifty-eight minutes north, and Oregon waters of the Columbia river.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**--- END ---**