

**WSR 16-22-012**  
**EXPEDITED RULES**  
**ENVIRONMENTAL AND**  
**LAND USE HEARINGS OFFICE**

[Filed October 21, 2016, 12:23 p.m.]

Title of Rule and Other Identifying Information: The growth management hearings board (GMHB) is repealing WAC 242-03-070, which sets regular monthly meetings of the board; and WAC 242-03-080, which sets annual and/or semiannual meetings of the board.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Paulette Yorke, Environmental and Land Use Hearings Office, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501, AND RECEIVED BY January 3, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the amendments which repeal WAC 242-03-070 and 242-03-080, is to allow the GMHB to set meetings as needed instead of having a set monthly and annual meeting date, which are often not necessary. By repealing them, it allows the board to meet as needed and removes the need to cancel meetings that are scheduled but not necessary.

Reasons Supporting Proposal: Repeal of WAC 242-03-070 and 242-03-080 eliminates the need to cancel unnecessary meetings. The board will post its anticipated list of meetings in the state register each January for the coming year as well as post them on their web site.

Statutory Authority for Adoption: RCW 36.70A.270 (4) and (7).

Statute Being Implemented: RCW 36.70A.270 (7) and (9).

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: GMHB, governmental.

Name of Agency Personnel Responsible for Drafting: Paulette Yorke, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501, (360) 664-9171; Implementation and Enforcement: Cheryl Pflug, 1111 Israel Road S.W., Suite 301, Tumwater, WA 98501, (360) 664-9171.

October 21, 2016

Paulette Yorke  
Administrative Manager

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 242-03-070 Regular meetings.

WAC 242-03-080 Annual and semiannual board meetings.

**WSR 16-22-057**  
**EXPEDITED RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed October 31, 2016, 10:45 a.m.]

Title of Rule and Other Identifying Information: New WAC 390-05-255 Definition of terms "day" and "business day"; and amending WAC 390-12-250 Declaratory order—Petition requisites—Consideration—Disposition, 390-16-033 Earmarked contributions—Reporting—Form, 390-16-240 Earmarked contributions—Definition and use, 390-16-312 Handling contributions of uncertain origin, 390-28-060 Hearing to modify reporting—Administrative law judge proceedings, and 390-32-030 Complaint publication—Fair Campaign Practices Code—Alternative to investigation or adjudicative proceeding.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Evelyn Fielding Lopez, Public Disclosure Commission, e-mail [evelyn.lopez@pdc.wa.gov](mailto:evelyn.lopez@pdc.wa.gov), P.O. Box 40908, Olympia, WA 98504-0908, AND RECEIVED BY January 5, 2016 [2017].

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Proposed new rule defines the terms "day" and "business day" as they are used throughout chapter 42.17A RCW and Title 390 WAC. Proposed amendments clarify and make consistent the terms "day" and "business day." Proposed amendments remove variations "working days" and "calendar days."

Reasons Supporting Proposal: Proposals simplify the rules and make them easier to understand by using consistent terms throughout. Proposals do not change the effect of the rules.

Statutory Authority for Adoption: RCW 42.17A.110.

Statute Being Implemented: Chapter 42.17 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Public disclosure commission, governmental.

Name of Agency Personnel Responsible for Drafting: Lori Anderson, 711 Capitol Way, Room 206, Olympia, WA

98504-0908, (360) 664-2737; Implementation and Enforcement: Evelyn Fielding-Lopez, 711 Capitol Way, Room 206, Olympia, WA 98504-0908, (360) 664-2737.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The commission anticipates no enforcement or fiscal impacts.

October 31, 2016  
Lori Anderson  
Communications and  
Training Officer

#### NEW SECTION

**WAC 390-05-255 Definition of terms "day" and "business day."** (1) "Day" as that term is used in chapter 42.17A RCW and Title 390 WAC, unless otherwise specified, means a calendar day, including Saturday, Sunday and legal holidays.

(2) "Business day" as used in chapter 42.17A RCW and Title 390 WAC, means a calendar day, excluding Saturday, Sunday and legal holidays defined in WAC 357-31-005.

AMENDATORY SECTION (Amending WSR 90-16-083, filed 7/31/90, effective 8/31/90)

**WAC 390-12-250 Declaratory order—Petition requisites—Consideration—Disposition.** (1) Any person may submit a petition for a declaratory order pursuant to RCW 34.05.240 in any form so long as it:

(a) Clearly states the question the declaratory order is to answer(¿); and

(b) Provides a statement of the facts which raise the question.

(2) The executive director may conduct an independent investigation in order to fully develop the relevant facts.

(3) The executive director will present the petition to the commission at the first meeting when it is practical to do so and will provide the petitioner with at least five business days notice of the time and place of such meeting. Such notice may be waived by the petitioner.

(4) The petitioner may present additional material and/or argument at any time prior to the issuance of the declaratory order.

(5) The commission may issue either a binding or a non-binding order or decline to issue any order.

(6) The commission may decide that a public hearing would assist its deliberations and decisions. If such a hearing is ordered, it will be placed on the agenda of a meeting and at least five business days notice of such meeting shall be provided to the petitioner.

(7) If an order is to be issued, the petitioner shall be provided a copy of the proposed order and invited to comment.

(8) The declaratory order cannot be a substitute for a compliance action and is intended to be prospective in effect.

(9) The commission will decline to consider a petition for a declaratory or to issue an order when (a) the petition requests advice regarding a factual situation which has actually taken place, or (b) when a pending investigation or compliance action involves a similar factual situation.

AMENDATORY SECTION (Amending WSR 16-04-027, filed 1/25/16, effective 2/25/16)

WAC 390-16-033 Earmarked contributions—Reporting—Form. The official form for reporting the details surrounding an earmarked contribution, as required by RCW 42.17A.270, is designated "Special Report E," revised ((2/16)) 2/17. This report shall be filed within two ((working)) business days of receiving a contribution earmarked for another candidate or committee. Copies of this form are available on the commission's web site, www.pdc.wa.gov, and at the Commission Office, Room 206, Evergreen Plaza Building, Olympia, Washington 98504-0908.

((



EARMARKED CONTRIBUTION

SPECIAL REPORT E 2/16

PDC OFFICE USE
POST MARK RECEIVED

1. Name of committee filing this report (Candidate or committee which received a contribution earmarked for another.)

Address
City County Zip

2. Original source of earmarked contribution

Name
Address
City State Zip

Table with 4 columns: 3. Contribution Date, Amount/Value, Description (Fully describe in-kind contributions), If contribution is to benefit a state office candidate, designate whether it's for Primary or General Election. Primary, General

4. Name of candidate or committee to be benefited

Address
City County Zip
If candidate, what office is the person seeking?

5. Certification: I certify that the information contained herein is true, complete and correct to the best of my knowledge.

Treasurer's signature Date

The purpose of this report is to highlight receipt of an earmarked contribution. (That is, a contribution given to one candidate or political committee with the understanding, intent or instruction that it be used to benefit another candidate or committee.) This report is filed in addition to any other required reporting of the transaction.

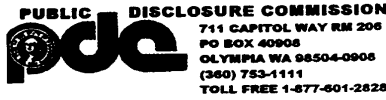
A separate "Special Report E" is filed for each earmarked contribution received by any candidate or political committee.

File this report within two working days of receiving the earmarked contribution. Mail or deliver the original to PDC. Send a copy to the benefiting candidate or committee, also within two working days.

NOTE: Candidates for legislative and statewide executive office are subject to state contribution limits. Earmarked contributions count toward the applicable limit and are attributed to the original source of the contribution (unless another person controlled the choice of recipient). It's a violation for anyone to accept a contribution in excess of the relevant limit. Verify with the campaign of a legislative or statewide office candidate before accepting a contribution earmarked for the benefit of such a candidate.



)



**EARMARKED CONTRIBUTION**

**SPECIAL REPORT**  
2/17

**E**

P  
D  
C  
O  
F  
F  
I  
C  
E  
U  
S  
E

PDC OFFICE USE

1. Name of committee filing this report (Candidate or committee which received a contribution earmarked for another.)

Address

City

County

Zip

2. Original source of earmarked contribution

Name

Address

City

State

Zip

3. Contribution Date	Amount/Value	Description (Fully describe in-kind contributions)	If contribution is to benefit a state office candidate, designate whether it's for Primary or General Election.
			Primary _____ General _____

4. Name of candidate or committee to be benefited

Address

City

County

Zip

If candidate, what office is the person seeking? \_\_\_\_\_

5. Certification: I certify that the information contained herein is true, complete and correct to the best of my knowledge.

Treasurer's signature \_\_\_\_\_ Date \_\_\_\_\_

The purpose of this report is to highlight receipt of an earmarked contribution. (That is, a contribution given to one candidate or political committee with the understanding, intent or instruction that it be used to benefit another candidate or committee.) This report is filed in addition to any other required reporting of the transaction.

A separate "Special Report E" is filed for each earmarked contribution received by any candidate or political committee.

File this report within two business days of receiving the earmarked contribution. Mail or deliver the original to the Public Disclosure Commission. Deliver a copy to the benefiting candidate or committee, also within two business days.

**NOTE: Candidates for legislative and statewide executive office are subject to state contribution limits. Earmarked contributions count toward the applicable limit and are attributed to the original source of the contribution (unless another person controlled the choice of recipient). It's a violation for anyone to accept a contribution in excess of the relevant limit. Verify with the campaign of a legislative or statewide office candidate before accepting a contribution earmarked for the benefit of such a candidate.**

PDC E



AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-16-240 Earmarked contributions—Definition and use.** (1) Earmarked contributions, as that term is used in RCW 42.17A.270 and 42.17A.460, means any contribution given to an intermediary or conduit, either a political committee, candidate or third party, with a designation, instruction, or encumbrance, whether direct or indirect,

express or implied, oral or written, which is intended to result in or which does result in all or any part of the contribution being made to or for the promotion of a certain candidate, state official, or ballot proposition.

(2) For purposes of RCW 42.17A.405 and 42.17A.410, an earmarked contribution is deemed to be for the promotion of, and attributable to any limit applicable to the candidate, authorized committee, bona fide political party, caucus of the

state legislature or political committee designated by the original contributor.

(3) If an earmarked contribution is given to an intermediary or conduit to be spent on behalf of a candidate and the entire amount given is not used for this purpose, the remainder of the contribution shall be given to the designated candidate unless its use is redesignated by the original contributor. If the conduit or intermediary exercise any direction or control over the use of the remainder of the contribution, then the amount of the remainder shall be considered a contribution from the original contributor and the conduit or intermediary to the recipient.

(4) The intermediary or conduit receiving the earmarked contribution shall notify the candidate or political committee for whose use or benefit the contribution is designated within two (~~working~~) business days after receipt of the contribution.

(5) If an earmarked contribution is refused by the designated recipient candidate or political committee, the earmarked contribution must be returned by the intermediary or conduit to the original contributor within five (~~working~~) business days of refusal.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-16-312 Handling contributions of uncertain origin.** No contribution shall be deposited by any candidate or treasurer who believes, from the face of the contribution instrument or for any other reason, the contribution was made in a fictitious name, by one person through an agent, relative, political committee, or any other person so as to conceal the source of the contribution or to exceed the contribution limits provided in RCW 42.17A.420, 42.17A.405, or 42.17A.410. The candidate or treasurer shall return such contributions within ten (~~calendar~~) days to the original contributor if his or her identity is known. Otherwise, the contribution instrument shall be endorsed and made payable to "Washington state treasurer" and the contribution sent to the public disclosure commission for deposit in the state's general fund.

AMENDATORY SECTION (Amending WSR 12-03-002, filed 1/4/12, effective 2/4/12)

**WAC 390-28-060 Hearing to modify reporting—Administrative law judge proceedings.** (1) The commission may request through the office of administrative hearings the appointment of an administrative law judge to hear individual applicants.

(2) After such hearing is concluded, the administrative law judge shall prepare and distribute to the applicant and each commissioner a proposed decision determining the issue. The applicant shall have five business days to file with the commission specific objections to the administrative law judge's **proposed** decision and to request an opportunity to present additional evidence to the commission. When written objections are timely filed, the commission, at the time of review and ratification, shall consider the whole record or such portions as may be cited by the administrative law

judge, applicant or executive director. The commission may also hear additional testimony.

(3) If the applicant files objections to the administrative law judge's proposed decision, the filing requirement from which the applicant has sought modification shall not be suspended unless the commission, upon notice of the filing of objections, determines that a temporary suspension is justifiable pursuant to the criteria set out in RCW 42.17A.120. Such suspension of filing requirements shall be granted only until the decision is finalized by formal action of the commission.

(4) At the next meeting at which the matter can be lawfully considered, the commission shall review and either ratify or modify or revise the proposed order.

AMENDATORY SECTION (Amending WSR 16-01-015, filed 12/4/15, effective 1/4/16)

**WAC 390-32-030 Complaint publication—Fair Campaign Practices Code—Alternative to investigation or adjudicative proceeding.** (1) Written and signed complaints alleging a violation of one or more specific provisions of WAC 390-32-010. The Fair Campaign Practices Code may be submitted to the commission by any person.

(a) Subject to the limitations in subsection (4) of this section, upon receipt of a complaint under subsection (1) of this section, the executive director shall forward a copy of the complaint to the respondent within twenty-four hours, accompanied by a request for a response to the complaint returned within five business days from the date of mailing.

(b) Upon receipt of any response, the executive director shall forward a copy of the response to the complainant. A copy of the complaint and the response shall be sent to news media at the expiration of the five business days for response. The complaint and the response shall be available at the commission office for public inspection and copying. If no response is received within five business days, the complaint shall be made public without a response.

(c) The commission will not issue comments or opinions about complaints or responses received under this subsection.

(2) As provided by WAC 390-37-055, and considering the factors set forth in WAC 390-37-056, the executive director may authorize the processing of a complaint alleging violations of chapter 42.17A RCW or Title 390 WAC according to the complaint publication process provided in this section.

(a) Subject to the limitations in subsection (4) of this section, upon receipt of a complaint authorized by the executive director for processing under this subsection, the executive director shall forward a copy of the complaint to the respondent, accompanied by a request for a response to the complaint to be returned within five business days from the date of mailing.

(b) Complaints authorized by the executive director for processing under this subsection shall be forwarded to the respondent within (~~ten business days of receipt, or~~) eight days prior to the date that ballots must be available under RCW 29A.40.070(1)(~~whichever is earlier~~).

(c) Upon receipt of any response, the executive director shall forward a copy of the response to the complainant. A copy of the complaint and the response shall be sent to news

media at the expiration of the five business days for response. The complaint and the response shall be available at the commission office for public inspection and copying. If no response is received within five days, the complaint shall be made public without a response.

(d) Except as provided under (a) or (b) of this subsection, the publication of complaints or responses under this subsection shall constitute the final disposition of complaints authorized by the executive director for processing under this section.

(3) Following the processing of a complaint under subsection (2) of this section, the executive director shall review the complaint and any response received. Whenever a complaint and response indicate that a material violation of chapter 42.17A RCW may have occurred and/or the respondent may not be in substantial compliance with the relevant statutes and rules, considering the factors set forth in WAC 390-37-056, the executive director may:

(a) Dispose of the complaint through an additional alternative response as provided in WAC 390-37-055; or

(b) Direct a formal investigation be conducted.

(4) The commission will make no attempt to secure a reply to and will make no public release of complaints received within eight days of the date that ballots must be mailed to voters under RCW 29A.40.070(1).

(5) The filing of a complaint with the commission under this section or any provision of chapter 390-37 WAC constitutes implied consent to have the complainant's identity disclosed.

**WSR 16-22-097**  
**EXPEDITED RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed November 2, 2016, 11:42 a.m.]

Title of Rule and Other Identifying Information: Removing duplicative reporting requirements for federal commercial groundfish fisheries, with proposed changes to WAC 220-69-210 Fish receiving ticket definitions, 220-69-240 Duties of commercial purchasers and receivers, 220-69-246 Description of Washington state electronic fish receiving ticket, 220-69-250 Required information on nontreaty fish receiving tickets, and 220-69-274 Signatures.

**NOTICE**

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Scott Bird, Washington Department of Fish and Wildlife, 600 Capitol Way North,

Olympia, WA 98501-1091, AND RECEIVED BY January 3, 2017.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: A new federal rule is expected to become effective on January 1, 2018, and will require all purchases of sablefish from vessels landing into Washington, Oregon, and California to be reported using the Pacific States Marine Fisheries Commission (PSMFC) ETix system. This is an electronic, paperless data system. This change to an electronic system was recommended by the Pacific Fishery Management Council (PFMC) and announced in a proposed rule issued by the National Marine Fisheries Service on June 1, 2016 (Federal Register, Vol. 81, page 34947). The Washington department of fish and wildlife will continue to be responsible for collecting the official records of commercial fish deliveries into the state from the fisheries affected by the new federal rule. Washington department of fish and wildlife currently collects information on deliveries from these fisheries using marine fish receiving tickets in paper format. The PSMFC ETix system will collect the same information as is currently collected on the paper forms and transmit the data to Washington department of fish and wildlife electronically. Electronic submission of this data will improve the speed with which Washington department of fish and wildlife receives the data and reduces data entry costs.

If Washington department of fish and wildlife does not adopt the changes proposed by this rule making, existing state regulations would require deliveries from the affected fisheries to be reporting using both the ETix system and the state paper form. Such duplicative reporting would be unnecessarily burdensome on those delivering and purchasing fish from the affected fisheries.

This rule making would affect the directed commercial groundfish fisheries managed through the PFMC's Pacific Coast Groundfish Fishery Management Plan. Deliveries from the PFMC Pacific Coast Groundfish individual fishing quota (IFQ) fishery have already been reported to Washington department of fish and wildlife via the ETix system since 2011. Incidental landings of groundfish from the commercial ocean salmon troll and pink shrimp fisheries would not be affected by this rule making. Washington department of fish and wildlife expects to consider the option of electronic fish ticket reporting for these and other commercial fisheries through separate rule-making processes in the future.

Reasons Supporting Proposal: The proposal (PSMFC ETix system) will allow parties to transmit data needed for conservation and management to Washington department of fish and wildlife in a more timely manner via electronic means, reduce the agency's data entry costs, and improve enforcement of landing limits across Washington, Oregon, and California. The proposal is also beneficial to participants and fish buyers working in the groundfish fisheries because it eliminates the burden of duplicative reporting requirements that include submitting paper marine fish receiving tickets to Washington department of fish and wildlife. Instead, the proposal will allow participants and fish buyers to submit the same information electronically.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Statute Being Implemented: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047.

Rule is necessary because of federal law, 6 U.S.C. § 1881a, 50 C.F.R. Part 660.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Corey Niles, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 249-1223; Implementation: Deputy Chief Mike Cenci, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2373; and Enforcement: Chief Eric Anderson, 600 Capitol Way North, Olympia, WA 98501-1091, (360) 902-2938.

November 2, 2016  
Scott Bird  
Rules Coordinator

**AMENDATORY SECTION** (Amending WSR 14-02-013, filed 12/19/13, effective 1/19/14)

**WAC 220-69-210 Fish receiving ticket definitions.**

The following definitions apply to this chapter:

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

(2) A broker who takes physical possession of fish or shellfish is an original receiver and must complete a fish receiving ticket. A broker acting strictly as an intermediary is not required to complete a fish receiving ticket for fish or shellfish that are delivered to an original receiver in the state of Washington. A broker must complete a fish receiving ticket for brokering an interstate or foreign sale from a Washington fisher who is not a holder of a direct retail endorsement, or a sale of fish or shellfish that have entered the state from another state, territory, or country, if the fish or shellfish are placed into interstate or foreign commerce without having been delivered to an original receiver in the state of Washington.

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

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

(5) "Electronic fish receiving ticket" means the ground-fish catch reporting system described in 50 C.F.R. (~~§ 660.113 (b)(4)(iii)~~), Part 660 that is used to submit harvest and fishing information to the department and the National Marine Fisheries Service.

(6) "Fish" means food fish classified under WAC 220-12-010 and game fish taken by treaty fishers and sold commercially.

(7) "Fish buyer" or "buyer" means a person who receives fish or shellfish and who is required to complete a fish receiving ticket. A wholesale fish dealer or a retail seller who

directly receives fish or shellfish taken by a commercial fisher, or receives fish or shellfish in interstate or foreign commerce is acting in the capacity of a buyer and is required to complete a fish receiving ticket. A buyer who is acting as an agent for a wholesale fish dealer is required to have a fish buyer's license issued by the department.

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

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

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

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

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

(13) "Original receiver" or "receiver" means the first person in possession of fish or shellfish in the state of Washington who is acting in the capacity of a buyer. A fisher who is not the holder of a direct retail endorsement and who sells fish or shellfish to anyone other than a dealer, or a fisher who delivers fish or shellfish and places the fish or shellfish into interstate or foreign commerce, is the original receiver of the fish or shellfish. A cold storage facility that holds fish or shellfish for a fisher is not an original receiver, provided that the facility does not process, package, or otherwise handle the fish or shellfish. A person transporting fish or shellfish on behalf of a fisher, and who is in possession of an accurately completed commercial food fish and shellfish transportation ticket, is not an original receiver, provided that the fish or shellfish are transported only to a cold storage facility or to a buyer.

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

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

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

(17) "Wholesale fish dealer" or "dealer" means a person who, acting for commercial purposes, takes possession or ownership of fish or shellfish and sells, barbers, 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. A wholesale fish dealer must be licensed. A fisher who is not a holder of a direct retail endorsement and sells fish or shellfish to anyone other than a wholesale fish dealer is required to have a wholesale dealer's license. A retail seller who receives

fish or shellfish in interstate or foreign commerce, or from a person who is not a wholesale fish dealer, is required to have a wholesale fish dealer's license.

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

**AMENDATORY SECTION** (Amending WSR 16-14-046, filed 6/28/16, effective 7/29/16)

**WAC 220-69-240 Duties of commercial purchasers and receivers.** (1) It is unlawful for any person originally receiving or buying fresh, iced, or frozen fish or shellfish, whether or not the fish or shellfish was previously delivered in another state, territory, or country, to fail to:

(a) Be a licensed wholesale fish dealer or fish buyer; and  
 (b) Immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket for each and every purchase or receipt of such commodities.

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

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

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

(3) It is unlawful for the original receiver to fail to initiate the completion of the fish receiving ticket upon receipt of any portion of a commercial catch. If delivery of the catch takes more than one day, the original receiver must enter the date that the delivery is completed on the fish receiving ticket as the date of delivery. If, for any reason, the delivery vessel leaves the delivery site, the original receiver must immediately enter the date the vessel leaves the delivery site on the fish receiving ticket.

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

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

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

(7) Subsections (1) through (4) of this section do not apply to persons delivering or receiving fish taken ~~(under the Pacific Coast Groundfish Shoreside Individual Fishing Quota~~

~~(IFQ) Program (50 C.F.R. § 660.140) who)) by the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 if such persons are in compliance with the provisions of WAC 220-69-250(5) and ((who)):~~

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

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

(c) Electronically submit any amendments made to the mandatory information required under WAC 220-69-256 after the initial submission required under (b) of this subsection.

(8) For purposes of this section;

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

(b) The term "submitted" means that all mandatory information required under WAC 220-69-256 has been entered and timelines under subsection (7)(b) of this section have been met.

(9) Forage fish and mackerel:

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

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

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

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

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

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

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

(11) Puget Sound shrimp - Pot gear:



(a) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 23A, to fail to record 23A-C, 23A-E, 23A-W, or 23A-S on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(b) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26A, to fail to record either 26A-E or 26A-W on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(c) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Area 26B, to fail to record either 26B-1 or 26B-2 on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(d) It is unlawful for any person originally receiving or purchasing shrimp, other than ghost shrimp, harvested from Catch Areas 20B, 21A, and 22A, to fail to record 1A-20B, 1A-22A, 1B-20B, 1B-21A, 1B-22A, or 1C-21A on shellfish receiving tickets based on the location of harvest and the boundary definitions specified in WAC 220-52-051.

(12) Puget Sound shrimp - Trawl gear:

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

(b) Reports must be made by fax at 360-796-0108 or by text message or e-mail at [shrimpreport@dfw.wa.gov](mailto:shrimpreport@dfw.wa.gov).

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

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

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

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

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

(13) Puget Sound crab:

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

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

(c) Reports must include:

(i) The dealer's name;

(ii) The dealer's phone number;

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

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

(14) Salmon and sturgeon:

(a) During any Puget Sound fishery opening that is designated as "quick reporting required," per WAC 220-47-001:

(i) It is unlawful for any wholesale dealer acting in the capacity of an original receiver to fail to report all purchases

of salmon and sturgeon made on the previous calendar day, or for a direct retail endorsement (DRE) holder to fail to report all salmon offered for retail sale on the previous calendar day.

(ii) The report must include:

(A) The dealer or DRE holder name and purchasing location;

(B) The date of purchase;

(C) Each fish receiving ticket number, including the first alphanumeric letter, used on the purchasing date; and

(D) The following catch data for each fish ticket used: The total number of days fished, gear, catch area, species, number, and total weight for each species purchased and all take home fish not purchased (wholesale dealer) or sold (DRE).

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

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

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

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

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

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

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

(ii) The report must include dealer or DRE holder name and purchasing location; date of purchase; each fish receiving ticket number, including the first alphanumeric letter, used on

the purchasing date; and the following catch data for each fish ticket used:

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

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

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

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

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

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

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

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

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

(15) Sea urchins and sea cucumbers:

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

(i) Wholesale dealers must report by:

- (A) Fax at 360-902-2943;
- (B) Toll-free telephone at 866-207-8223; or
- (C) Text message or e-mail at seaurchinreport@dfw.wa.gov for sea urchins or seacucumberreport@dfw.wa.gov for sea cucumbers.

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

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

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

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

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

(16) A violation of the documentation or reporting requirements in this section is punishable under RCW 77.15.630, Unlawful fish and shellfish catch accounting—Penalty.

AMENDATORY SECTION (Amending WSR 12-04-028, filed 1/26/12, effective 2/26/12)

**WAC 220-69-246 Description of Washington state electronic fish receiving ticket.** (1) There is hereby created a nontreaty electronic fish receiving ticket. Electronic forms are available (~~to original receivers participating in the Pacific Coast Groundfish Shoreside Individual Fishing Quota (IFQ) Program~~) for deliveries of fish from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660. The electronic form shall contain space for the following information:

- (a) Fisherman: Name of licensed deliverer and department number assigned to licensed deliverer;
- (b) Address: Address of licensed deliverer;
- (c) Boat name: Name or Coast Guard number of landing vessel;
- (d) WDFW boat registration: Washington department of fish and wildlife boat registration number;
- (e) Gear: Code number or name of specific gear type used;
- (f) Fisherman's signature: Signature of licensed deliverer;
- (g) Date: Date of landing;
- (h) Dealer: Name of dealer and department number assigned to dealer;
- (i) Buyer: Name of buyer and department number assigned to buyer;
- (j) Receiver's signature: Signature of original receiver;
- (k) Number of days fished: Days spent catching fish;
- (l) Catch area: Marine fish/shellfish management and catch reporting area code where the majority of the marine fish were caught or harvested;
- (m) Species code: Department assigned species code;
- (n) Individual numbers of fish species, if such fish are landed as part of an incidental catch allowance or catch ratio restriction that is expressed in numbers of fish rather than in pounds;
- (o) The scale weight of all fish, to include fish with no value. However, if the department allows a species of fish to

be dressed, and the fish is dressed as the department requires, such fish can be recorded in its original dressed weight and designated as dressed on the fish receiving ticket;

(p) Value of fish sold or purchased: Summary information for species, or species groups landed as described in (q) of this subsection;

(q) Description of species or species category: All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-44-050), and all others must be described with the relevant category or species name issued by the department;

(r) Federal limited entry permit number granting authority for the delivery. (~~Separate electronic fish receiving tickets are required for each federal sablefish endorsed limited entry permit number used in the delivery;~~) The weight and value of sablefish delivered by vessels participating in the primary sablefish season authorized under 50 C.F.R., Part 660, Subpart E, Section 231 must be reported by individual sablefish limited entry permit number.

(s) All legally defined gear as defined in 50 C.F.R. 660, Subpart D, and WAC 220-44-030, aboard the vessel at the time of delivery;

(t) Total amount: Total value of landing;

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

(v) Seized/overage: Species and pounds of fish or shellfish; and

(w) Work area for dealer's use: Used at dealer's discretion.

(2) The electronic fish receiving ticket shall be used exclusively for nontreaty deliveries of fish harvested by participants lawfully involved in the (~~Pacific Coast Groundfish Shoreside IFQ Program described in 50 C.F.R. 660.140~~) directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660.

AMENDATORY SECTION (Amending WSR 14-02-013, filed 12/19/13, effective 1/19/14)

**WAC 220-69-250 Required information on nontreaty fish receiving tickets.** (1) It is unlawful for a person required to complete a nontreaty fish receiving ticket to fail to enter the mandatory information referenced in WAC 220-69-230 (2)(a) through (m) and (p) through (y) on each nontreaty fish receiving ticket, except as provided in subsection (5) of this section.

(2) A valid license card or duplicate license card issued by the department used with an approved mechanical imprinter satisfies the requirements in WAC 220-69-230 (2)(a) through (e), except as provided in WAC 220-69-273.

(3) A valid dealer or buyer card issued by the department used with an approved mechanical imprinter satisfies the requirements in WAC 220-69-230 (2)(h) and (i).

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

(5) A person who sells or receives deliveries of fish made (~~under the Pacific Coast Groundfish Shoreside Individual Fishing Quota (IFQ) Program (50 C.F.R. § 660.140) may use the electronic fish ticket system described in 50 C.F.R. § 660.113 (b)(4)(ii))~~) from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 may use an electronic fish receiving ticket to enter mandatory information in lieu of completing a nontreaty fish receiving ticket, so long as:

(a) All information required under WAC 220-69-256 is entered on the electronic fish receiving ticket;

(b) Both the fisherman and original receiver sign a legible, printed copy of the original electronic fish receiving ticket, plus all amended copies declaring the document and information contained therein as being true and accurate, and submit those signed copies as prescribed in WAC 220-69-260; and

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

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

AMENDATORY SECTION (Amending WSR 12-04-028, filed 1/26/12, effective 2/26/12)

**WAC 220-69-274 Signatures.** (1) It is unlawful for the deliverer or original receiver of nontreaty fish or shellfish to fail to sign the complete nontreaty fish receiving ticket to certify that all entries on the ticket are accurate and correct.

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

(3) It is unlawful for the deliverer or original receiver of fish (~~caught under the Pacific Coast Groundfish Shoreside Individual Fishing Quota (IFQ) Program (50 C.F.R. § 660.140))~~) from the directed commercial fisheries for Pacific Coast Groundfish authorized under 50 C.F.R., Part 660 to fail to print and sign a copy of the completed electronic fish receiving ticket to certify that all entries on the ticket are accurate and correct.

(a) A fisher who fails to sign a fish receiving ticket is in violation of RCW 77.15.560.

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

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

(5) If the receiver receives the fish or shellfish by any method other than direct delivery, the receiver shall affix his or her signature to the fish receiving ticket, and the fish receiving ticket shall be completed and submitted without the deliverer's signature and together with the transportation

ticket. The receiver shall assume complete responsibility for the correctness of all entries on the fish receiving ticket.