

Concise Explanatory Statement

Fish Receiving Tickets

Rules amended as part of this rulemaking:

WAC 220-352-010 Fish receiving ticket definitions.
WAC 220-352-020 When state of Washington fish receiving tickets are required.
WAC 220-352-040 Description of Washington state nontreaty fish receiving tickets.
WAC 220-352-060 Distribution of copies of nontreaty fish receiving tickets.
WAC 220-352-130 Distribution of copies of shellfish receiving ticket.
WAC 220-352-140 Signatures—Fish receiving tickets.
WAC 220-352-150 Imprinters—Fish receiving tickets.
WAC 220-352-160 Fish receiving ticket accountability.
WAC 220-352-230 Commercial food fish and shellfish transportation ticket.
WAC 220-352-250 Sale under a limited fish seller endorsement.
WAC 220-354-090 Puget Sound salmon—Quick reporting
WAC 220-354-250 Willapa Bay salmon fall fishery
WAC 220-354-290 Grays Harbor salmon fall fishery.

Rules repealed as part of this rulemaking:

WAC 220-352-030 State of Washington fish receiving tickets—When not required—Unlawful acts
WAC 220-352-050 Required information on nontreaty fish receiving tickets
WAC 220-352-110 Description of Washington state electronic fish receiving ticket.
WAC 220-352-120 Required information on electronic fish receiving tickets
WAC 220-352-180 Duties of commercial purchasers and receivers
WAC 220-352-190 Duties of commercial fishers

New rules as part of this rulemaking:

WAC 220-352-030 State of Washington fish receiving tickets—When not required—Unlawful acts
WAC 220-352-050 Required information on nontreaty fish receiving tickets
WAC 220-352-110 Description of Washington state electronic fish receiving ticket.
WAC 220-352-120 Required information on electronic fish receiving tickets
WAC 220-352-180 Duties of commercial purchasers and receivers
WAC 220-352-190 Duties of commercial fishers

1. Background/Summary:

The department proposed changes to the fish ticket regulations for three reasons: (1) to authorize a program for voluntary use of electronic fish tickets, (2) to expand mandatory electronic fish

ticket use to a few additional types of deliveries involving groundfish and Pacific halibut; and, (3) to reorganize and streamline the regulations.

Fish and shellfish receiving tickets (“fish tickets”) are essential documents for sustainable management of commercial fisheries. They are sworn documents and are mandatory for persons receiving and delivering fish and shellfish in the state with limited exceptions. The department’s regulations establish the transactions for which fish tickets are required, define the information fish tickets must report, and set forth various requirements and procedures for completing and submitting fish tickets.

The information fish tickets provide to fisheries managers and the public is fundamental for assessing the status of fish stocks, setting sustainable harvest levels, and controlling catch to those levels. Fish tickets are also vital tools for enforcing fisheries regulations and seafood traceability. The data fish tickets provide are likewise essential for evaluating how commercial fisheries contribute to economic activity.

The department has received electronic fish tickets for portions of the Pacific Fishery Management Council (PFMC) managed groundfish fisheries since 2011. At the start of 2017, electronic reporting expanded to include deliveries of all PFMC managed groundfish fisheries with the exception of incidentally caught groundfish in the salmon troll and pink shrimp trawl fisheries.

Compared to the paper-based system, electronic fish tickets offer benefits related to timeliness of data, enforceability, legibility, and other efficiencies for the department. Electronic reporting can also provide efficiencies and recordkeeping benefits to businesses. Despite these efficiencies, roughly 99 percent of fish tickets received by the department are submitted using traditional paper forms. Other states, such as Alaska and Oregon, have used electronic reporting more extensively. The California Department of Fish and Wildlife is scheduled to offer a voluntary electronic fish ticket program this summer.

2. Reasons for adopting these rules:

The voluntary electronic fish ticket program will allow the department to grow electronic reporting. The department proposed a voluntary program because a complete transition from the paper-based system to electronic reporting does not seem warranted at this time. While offering many efficiencies, electronic reporting is not convenient or desired by all buyers or fisheries managers. To date, the Oregon Department of Fish and Wildlife (ODFW) has used voluntary electronic fish ticket reporting for a number of years. Even though using a voluntary based system, ODFW currently receives a very high percentage of commercial fisheries landings data, by weight and value, reported to them electronically.

The department is opting for the limited expansion of mandatory electronic fish ticket reporting for simplicity and consistency of reporting. The expansion covers deliveries that are closely related to those included in the 2017 expansion. The department received no comments in opposition.

The many changes made to streamline and reorganize the regulation improve the clarity of the rules and reduce redundancy.

3. Differences between the proposed rule and the rule as adopted:

The following changes from the proposed rule were made:

A. WAC 220-352-035(2)(b) and (c): clarifying that mandatory fish ticket reporting only applies if fish were not previously delivered in another jurisdiction.

The intent of the proposed rule was to cover deliveries of groundfish and Pacific halibut made by vessels making first delivery into the state. Delivery into the state can also occur after fish are landed in another jurisdiction. Previously delivered fish would be reported on import tickets. The department intends to allow voluntary electronic reporting for import tickets but does not intend to make it mandatory at this time. The proposed rule could be interpreted to apply to all groundfish and Pacific halibut deliveries. This change should make sure the interpretation follows the intent.

B. WAC 220-352-040(q)(i): clarifying species and species group required summary value information.

This is a clarifying change. In reorganizing this section, the provisions on total value of all species and the value information for each species line were combined under subsection (q). After internal review by the department, this was flagged as possibly causing confusion about what is required for the species value summary. This change from the proposed rule makes clear that the summary information is price per pound or per unit used to report the species and total value of the species line. This change better reflects the longstanding practice and the intent of the proposed rule.

C. Adding WAC 220-352-040(t): making explicit that the fish ticket number is required information and shifting current subsection (t) to subsection (u).

This change is made for completeness and to accurately reflect longstanding practice. Fish ticket numbers are currently printed on paper fish receiving tickets and assigned via protocols of the electronic fish ticket system. The number, which can be an alphanumeric or numeric code, is essential for uniquely identifying fishing tickets. A fish ticket would not be considered complete if the number were missing or illegible. The fish ticket number is also referred to and required to be reported by other sections of chapter WAC 220-352. The addition requires shifting the WAC 220-352-040(t) from the proposed rule down one level to WAC 220-352-040(u).

D. WAC 220-352-040(3): clarifying documentation retention requirements and eliminating date of harvest as required information for import tickets.

Internal review the department recognized that it was unclear what receivers would be required to do with the supporting documentation required by WAC 220-352-040(3)(b). This change makes clear that receivers should attach the documentation to the copy of the paper or printed electronic fish ticket they are required to retain and make available for inspection rather than send the documentation to the department.

Also, the proposed rule would require import tickets to include both the date of harvest and the date of import. Import deliveries can consist of a mix of fish and shellfish harvested at various times. The rule as adopted therefore requires just the date of import to be reported.

E. Replacing “scale weight” with “delivery amount” in WAC 220-352-060(1)

Most deliveries of fish are reported in pounds using scale weights but other measures and methods are used to report amounts for some species. The proposed rule was not reflective of this.

4. Comments received during the official public comment period:

The department only received two comments on the proposed rule. One commenter expressed interest in potentially using electronic fish tickets. The other expressed concern about electronic fish tickets becoming mandatory across more fisheries in the future but was not opposed to the expansion of mandatory reporting in the proposed rule.