

WSR 22-07-098  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 22-04—Filed March 22, 2022, 1:37 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-03-089.

Title of Rule and Other Identifying Information: Free fishing weekend: Proposed amendments to WAC 220-220-230 to address changes in types of fishing that are "free" to fishing without a state license.

Hearing Location(s): On June 23-25, 2022, at 8:00 a.m., webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at <http://wdfw.wa.gov/about/commission/meetings> or contact the commission office at 360-902-2267.

Date of Intended Adoption: July 2022.

Submit Written Comments to: Washington department of fish and wildlife (WDFW) Fish Program, email [FreeFishing102@PublicInput.com](mailto:FreeFishing102@PublicInput.com), fax voicemail comments 855-925-2801, project code 2906, website portal <https://publicinput.com/FreeFishing102>, by June 28, 2022.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, email [Title6@dfw.wa.gov](mailto:Title6@dfw.wa.gov), <https://wdfw.wa.gov/accessibility/requests-accommodation>, by June 28, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The proposed amendment would limit the waiver of a license requirement on free fishing weekend to fish that do not require a catch record card. The amendment would prohibit fishing for or possessing (1) shellfish and (2) fish that require a catch record card on free fishing weekend, unless the fisher or harvester possesses an appropriate license (if otherwise required).

Under the existing rule, the Saturday and Sunday following the first Monday in June is declared to be free fishing weekend in Washington. On that weekend, a fishing license is not required for any person, regardless of age or residency, to fish for or possess fish and shellfish, except that it is unlawful to fish for or possess any species for which a catch record is required without a valid catch record card in possession. Additionally, a fish and wildlife lands vehicle use permit is not required to use department parking facilities, and anglers may fish with two poles in all lakes where it is legal to do so without purchasing a two-pole endorsement. During free fishing weekend, only the license, endorsements, and permit provided for in WAC 220-220-230 are affected, and all other rules including the catch record card requirement remain in effect.

The proposed rule, if adopted, would limit the waiver of licensure requirements for free fishing weekend to fish that do not require a catch record card. On free fishing weekend, licenses and catch record cards (if applicable) would be required to gather or possess shellfish or fish requiring a catch record card. A fishing license would not be required for any person, regardless of age or residency, to fish for or possess fish that do not require a catch record card on free fishing weekend. The new rule would waive the requirement for a vehicle access pass and continue to allow fishing with two poles (where legal) without a two-pole endorsement, on free fishing weekend.

Reasons Supporting Proposal: Amendments being considered are intended to address management and conservation concerns related to ac-

counting of fish harvesting. Historically, free fishing weekend has led to high levels of harvest of shellfish, which limits other opportunities throughout the year. In addition, the lack of a licensure requirement for fish that require catch records has led to challenges regarding catch accounting.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.32.010, 77.32.025, 77.32.090.

Statute Being Implemented: RCW 77.32.025, 77.12.047.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting: Kirt Hughes, Kirt.hughes@dfw.wa.gov, 360-480-2421; Implementation: Kelly Cunningham, Kelly.cunningham@dfw.wa.gov, 360-902-2325; and Enforcement: Chief Steve Bear, Steve.bear@dfw.wa.gov, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not require a cost-benefit analysis under RCW 34.05.328 (5) [(a)] (i).

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: The proposed rule applies to recreational fishing opportunities and does not affect small businesses.

March 22, 2022  
Annie Szvetcz  
Rules Coordinator

**OTS-3693.1**

AMENDATORY SECTION (Amending WSR 19-20-074, filed 9/27/19, effective 10/28/19)

**WAC 220-220-230 Free fishing weekend.** The Saturday and Sunday following the first Monday in June is declared to be free fishing weekend in Washington. On this weekend a fishing license is not required for any person, regardless of age or residency, to fish for or possess fish ~~((and shellfish and a fish and wildlife lands vehicle use permit is not required to utilize department parking facilities except that it is unlawful to fish for or possess any species for which a catch record is required without a valid catch record card in possession.))~~ for which a catch record card is not required. On free fishing weekend, anglers may fish with two poles in all lakes where it is legal to do so without purchasing a two-pole endorsement ~~((During free fishing weekend))~~, and a fish and wildlife lands vehicle access pass is not required to use department parking facilities. Only the license, endorsements, and permit provided for in this section are af-

fect, and all other rules ((including the catch record card requirement)) remain in effect.

Free fishing weekend does not apply to fish that require a catch record card or shellfish, and any licensure requirements otherwise provided for by rule continue to apply to those species.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090 and 77.32.470. WSR 19-20-074 (Order 19-240), § 220-220-230, filed 9/27/19, effective 10/28/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-230, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 11-16-103 (Order 11-184), § 220-55-160, filed 8/3/11, effective 9/3/11. Statutory Authority: RCW 77.12.047. WSR 06-13-023 (Order 06-135), § 220-55-160, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 220-55-160, filed 3/30/99, effective 5/1/99.]