

WSR 22-21-100
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 22-15—Filed October 17, 2022, 2:52 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 22-16-100 on August 2, 2022.

Title of Rule and Other Identifying Information: Fishing guide logbook reporting rule revision, WAC 220-352-245 Reporting required of licensed food fish, game fish and combination fishing guides.

Hearing Location(s): On December 8 - 10, 2022, at 8:00 a.m., at Clarkston, Washington; or join the webinar <https://us06web.zoom.us/j/86718864047>, Webinar ID 867 1886 4047. In person/hybrid.

Date of Intended Adoption: No sooner than January 1, 2023.

Submit Written Comments to: Kelly Henderson, email GuideLogbook@PublicInput.com, website <https://publicinput.com/GuideLogbook>, phone for voicemail comments 855-925-2801, project code 4215, by December 10, 2022.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov, by December 10, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: This revision to the fishing guide logbook rule will improve enforceability and compliance of the rule. Specifically, this revision will require trip location and date information at the beginning of the trip, will clarify when reports entered through the web reporting tool need to be submitted, and remove reference to vessel, so it's clear that all guided fishing trips, whether on foot or on a vessel must be reported.

Reasons Supporting Proposal: This proposal will close enforcement loopholes allowing officers to make contacts at any point in the guided trip, not just at the end of the day at the boat launch. It also clarifies elements of the rule for the benefit of guides and will hopefully increase overall compliance with the rule.

Statutory Authority for Adoption: RCW 77.65.500.

Statute Being Implemented: RCW 77.65.500.

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: This rule making does not change the type of data being collected by guides, the reporting tools, or frequency of reporting. It clarifies elements of the rule and makes it easier to enforce.

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

Name of Agency Personnel Responsible for Drafting and Implementation: Raquel Crosier, 111 Sherman Street, La Conner, WA 98257, 360-789-9652.

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.

Scope of exemption for rule proposal from Regulatory Fairness Act requirements:

Is not exempt.

The proposed rule does impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. The revision will increase postage costs for those submitting paper logbook reports by requiring them to be submitted twice a month as opposed to once a month. All guides will have the option of submitting reports through the mobile application at no cost.

October 17, 2022
Chris Fredley
for Annie Szvetcz
Rules Analyst

OTS-4142.3

AMENDATORY SECTION (Amending WSR 19-17-010, filed 8/9/19, effective 1/1/20)

WAC 220-352-245 Reporting required of licensed food fish, game fish and combination fishing guides. (1) Licensed food fish, game fish and combination fishing guides shall maintain a daily logbook of guiding activity to include:

- (a) Guide name and license No. for the guide leading the trip;
- (b) Date that fishing took place. For multiday trips, each day is considered a separate trip;
- (c) Specific name of river, stream, or lake fished;
- (d) Site code of site fished as referenced within a list provided to each guide. If multiple sites are fished on the same day, each site is considered a separate trip;
- (e) Client, "comped angler" and crew current fishing license number (wild ID No.) for each person on board if required to have a license or catch record card. A comped angler is an angler that fishes without charge;
- (f) Indicate if person was a crew member or if angler was "comped";
- (g) Species kept or released. For salmon and steelhead specify origin (hatchery, wild) and life stage (adult, jack).

(2) ~~((Logbooks are required to be completed for each trip before offloading any fish from the vessel or if no fish were kept, complete the logbook before leaving the site))~~ Every daily logbook entry must be started before fishing activity begins by entering guide name, license number, date, and waterbody the trip initiated from.

(3) Report of daily guiding activity shall be made using the department's paper logbook or ~~((online))~~ mobile reporting application. ~~((Logbook pages))~~ Trips reported using the paper logbook for activity that occurred between the first day of the calendar month and the 15th day of the calendar month must be ((provided)) postmarked and mailed to the department ((or postmarked within ten days following any calendar month in which the guiding activity took place)) by the 28th day of the same calendar month. Trips reported using the paper logbook for activity that occurred between the 16th day of the calendar month and the last day of the calendar month must be postmarked and mailed to the department by the 14th day of the calendar month immediately fol-

lowing. Reports logged using the mobile application must be finalized or submitted at the end of the guided trip before leaving the site.

(4) Each day of fishing (~~(that occurs on a designated WDFW licensed guide fish vessel)~~) will be required to be recorded in the logbook. This includes any personal use or nonguided fishing trips that occur. Only guide name, license number, and date are required for non-guided fishing trips.

(5) Information collected under this section may be exempt from public disclosure to the extent provided under RCW 42.56.430.

(6) Failure to report any guiding activity listed in subsections (1) through (4) of this section is an infraction, punishable under RCW 77.15.160.

(7) A fishing guide, or person under the control or direction of a fishing guide, that submits false information is guilty of a gross misdemeanor, punishable under RCW 77.15.270.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020 and 77.04.055. WSR 19-17-010 (Order 19-141), § 220-352-245, filed 8/9/19, effective 1/1/20.]