

WSR 23-01-128  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 22-15—Filed December 20, 2022, 2:20 p.m.]

Continuance of WSR 22-21-100 on October 17, 2022.

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 January 27-28, 2023, 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: No sooner than January 27, 2023.

Submit Written Comments to: Kelly Henderson, email [GuideLogbook@PublicInput.com](mailto:GuideLogbook@PublicInput.com), website <https://publicinput.com/GuideLogbook>, voicemail comments 855-925-2801, project code 4215, by January 24, 2023.

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](mailto:Title6@dfw.wa.gov), by January 24, 2023.

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 references to "vessel" so it's clear that all guided fishing trips, whether on foot or on a vessel, must be reported.

The public hearing has been rescheduled from its original date and the public comment period is being extended. The proposed rule is unchanged from the original notice.

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.

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

Is not exempt.

The proposed rule does not impose more-than-minor costs on businesses. Following is a summary of the agency's analysis showing how costs were calculated. This rule revision does not change the information collected on the logbook, but will require some information to be collected at the beginning of the day. For mobile logbook users, most of the fields required at the beginning of the trip, "name," "license number," and "date," fields are auto-populated. The only field being required at the beginning of the day that is not auto-populated is the "waterbody" field. Opening the mobile app and entering water body takes less than one minute and entering that information at the beginning of the day eliminates the need to enter the field later in the trip. Some guides choose to use paper logbooks instead of the mobile reporting tool. Guides choosing to use the paper logbook to report will have to hand-write "name," "license number," "date," and "water body" fields at the beginning of the trip vs. at the end of the trip. This may increase the time spent entering paper logs at the beginning of the trip by one to five minutes and may reduce the time spent on logbooks at the end of the trip by one to five minutes. The rule 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 and avoiding postage costs.

December 20, 2022

Chris Fredley

Acting Agency Rules Coordinator

### 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 following. 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 nonguided 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.]