

Summary Sheet

Meeting dates: September 27, 2019

Agenda item: C. Amending rules pertaining to the expired Columbia River Salmon and Steelhead Endorsement.

Presenter(s): Nate Pamplin, Director of Budget and Government Affairs

Background summary:

The Columbia River Salmon and Steelhead Endorsement (CRSSE) was established by the legislature in 2009 with revenue dedicated to maintaining and improving recreational fishing opportunities throughout the Columbia River Basin. Projects included monitoring of salmon and steelhead fisheries in the Columbia and Snake rivers and tributaries to ensure WDFW remains within conservation and allocation guidelines, increased enforcement of regulations in designated areas, and funded research that allowed fishery managers to more accurately estimate angling impacts to listed fish populations. Anglers were required to have the CRSSE when fishing for salmon and steelhead in the Columbia River Basin.

The original CRSSE authorization expired after six years. The legislature extended the CRSSE in 2016 for 1 year. The legislature again extended the CRSSE in 2017 for 2 years. The Department's agency request legislation to extend the CRSSE was not adopted in the 2019 legislative session, and thus the CRSSE expired on July 1, 2019.

The Department filed an emergency rule this summer to remove references to the CRSSE and establish a new price-point for the Fish Washington license.

The CRSSE generated \$1.2 million in SFY2019. The Department is requesting State General Fund in the 2020 supplemental operating budget for an on-going appropriation to backfill the loss of this revenue source.

The Department is requesting the Commission amend or repeal the following WACs that reference the now-expired CRSSE:

WAC 220-220-060: Reduced rate annual fish Washington license, and license upgrades.

WAC 220-220-230: Free Fishing Weekend.

WAC 220-220-210 Columbia River endorsement - repealed

The Department originally included WAC 220-220-320 in this CR-102 rule making package, but the Department notified the Code Reviser on August 9, 2019 to remove it. The Department has filed to re-open the rule and will amend the reference to CRSSE, as well as make other changes to the dealer fee rule at the Fish and Wildlife Commission meeting in December 2019.

Staff recommendation: Staff recommend that the Commission adopt and repeal the rules as proposed.

Policy issue(s) and expected outcome:

This proposal is primarily a technical proposal to strike references to an expired endorsement and set a new price point for the Fish Washington license package in WAC.

Fiscal impacts of agency implementation:

The Columbia River Salmon Steelhead Endorsement generated \$1,203,000 in Fiscal Year 2019. The legislature provided a one-time appropriation of State General Fund which back-filled this revenue loss in SFY2020, and partially in SFY2021.

The proposed price for the Fish Washington license was reduced by both the cost of the CRSSE and an additional \$1.20 to get the overall out-the-door license cost under \$70. Sales to date for this license package have increased.

Public involvement process used and what you learned: The Department filed a CR-101 on May 22, 2019. The CR-102 was filed July 3. The Department received a single comment from the public following the CR-101; the commenter asked a clarifying question about what the proposal's intention and the Department responded. The Commission held a public hearing on September 13, 2019 and no one signed up to testify. As of writing this summary sheet on September 20, 2019, there have been no further comments received.

Action requested and/or proposed next steps: Department staff request that the Commission approve edits/amendments to the following WACs:

- WAC 220-220-060 Reduced rate annual fish Washington license, and license upgrades.
- WAC 220-220-230 Free Fishing Weekend.

And repeal of:

- WAC 220-220-210 Columbia River endorsement.

Draft motion language: "I move to amend WAC 220-220-060, WAC 220-220-230, and repeal WAC 220-220-210, as presented by staff."

Post decision communications plan: The sunset to CRSSE has been communicated to retail license dealers via alerts on their sales system, as well as the fishing pamphlet. The Department distributed Fish Washington flyers to dealers that highlighted the CRSSE sunset and the new cost that was included in the e-rule, and communicated to customers via social media.



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 03, 2019

TIME: 11:40 AM

WSR 19-14-126

Agency: Washington Department of Fish & Wildlife (WDFW)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 19-11-128 filed May 22, 2019 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The department needs to change its rules concerning the Columbia River Salmon and Steelhead Endorsement (CRSSE) to conform to state law.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 13-14, 2019	8:00 am	Sun Mountain Lodge 604 Patterson Lake Rd, Winthrop, WA 98862	None

Date of intended adoption: September 16, 2019 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Scott Bird
Address: 600 Capitol Way North, Olympia, WA 98501
Email: (360) 902-2403
Fax: (360) 902-2162
Other:
By (date) September 10, 2019

Assistance for persons with disabilities:

Contact Delores Noyes
Phone: 360-902-2349
Fax:
TTY: 360-902-2207
Email: Delores.Noyes@dfw.wa.gov
Other:
By (date) September 10, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The department needs to amend rules in order to conform to state law.

Reasons supporting proposal: Based on the expiration of RCWs 77.12.712, 77.12.714 and 77.15.718 concerning CRSSE, the department must amend its existing rules to conform to state law..

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090, 77.32.470

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.240, 77.12.800, 77.32.090, 77.32.470

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization)

- Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Deirdre Bissonnette	1111 Washington Street, Olympia, WA 98501	(360) 902-2211
Implementation:	Jenika Stinkeoway	1111 Washington Street, Olympia, WA 98501	(360) 902-2304-
Enforcement:	Chief Steve Bear	1111 Washington Street, Olympia, WA 98501	(360) 902-6428

Is a school district fiscal impact statement required under RCW 28A.305.135?

- Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

- Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

- No: Please explain: This rule does not affect hydraulics

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

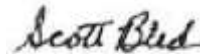
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: July 3, 2019

Name: Scott Bird

Title: Rules Coordinator

Signature:



AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-220-060 Reduced rate annual fish Washington license, and license upgrades. (1) There is hereby created an annual fish Washington license for residents that combines recreational freshwater and saltwater fishing, shellfish, and seaweed harvest privileges. The fee for the annual fish Washington license is \$60.50 and applicable fees as of July 1, 2019, and will not be priced higher than the sum of the individual items. The fish Washington license also includes the following:

- (a) ~~((The Columbia River salmon and steelhead endorsement;~~
- ~~(b-))~~ A Puget Sound Dungeness Crab endorsement; and
- ~~((c-))~~ (b) A two-pole endorsement.

(2) The director is authorized to allow any Washington state resident who has purchased an annual freshwater, saltwater, or shellfish/seaweed license to upgrade to a combination license for the cost difference between his or her current annual fishing license(s) and the cost of the combination license, plus transaction and dealer fees. The director may limit the times of the year that this upgrade is made available for sale.

(3) There is hereby created an annual senior combination recreation fishing license which includes freshwater and saltwater fishing, shellfish, and seaweed harvest privileges. The state fee for the annual senior combination fishing license will not be priced higher than the sum of the individual items and is available to any senior residents.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

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. Anglers may fish with two poles in all lakes where it is legal to do so without purchasing a two-pole endorsement ~~((, and may also fish in all open areas of the Columbia River and tributaries without purchasing a Columbia River endorsement))~~. During free fishing weekend only the license, endorsements, and permit provided for in this section are affected, and all other rules including the catch record card requirement remain in effect.

WAC 220-220-320 Recreational license dealer's fees. The department and license dealers may charge a license issuance fee as follows:

(1) Two dollars for the issuance of any of the following fishing licenses:

- (a) A combination license.
- (b) A saltwater license.
- (c) A freshwater license.
- (d) A one-, two-, or three-day temporary fishing license.
- (e) A family fishing weekend license.
- (f) A shellfish and seaweed license.
- (g) A razor clam license.

(2) Two dollars for the issuance of any of the following hunting licenses:

- (a) A big game combination license.
- (b) A small game license.
- (c) A three-consecutive day small game license.
- (d) A hunter education deferral for a big game license.
- (e) A hunter education deferral for a small game license.
- (f) A second animal license.
- (g) A special hunt license for mountain goat, bighorn sheep, or moose.
- (h) A Western Washington pheasant license.
- (i) A three-day Western Washington pheasant license.

(3) Notwithstanding the provisions of this section, if any two or more licenses are issued at the same time, or the fish and wildlife lands vehicle access pass is issued with any recreational license, the license issuance fee for the document is two dollars.

(4) Two dollars for the issuance of an annual discover pass.

(5) Two dollars for the issuance of an aquatic invasive species prevention permit.

(6) Fifty cents for the issuance of any of the following:

(a) A deer, elk, bear, cougar, mountain goat, mountain sheep, moose, or turkey transport tag.

(b) An application for a special permit hunt.

(c) Migratory bird harvest report cards issued with a hunt authorization.

(d) A replacement of substitute special hunting season permit.

(e) A migratory bird permit.

(f) Additional fishing catch record cards.

(g) A Puget Sound crab endorsement.

(h) A temporary Puget Sound crab endorsement.

(i) A two-pole endorsement.

(j) (~~A Columbia River salmon/steelhead endorsement.~~

~~(k))~~) A one-day discover pass.

~~((l))~~) (k) Raffle tickets.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-220-210

Columbia River endorsement.

WAC 220-220-210 (Repeal)

Columbia River endorsement.

Anglers 15 years of age and older must purchase and have a valid Columbia River endorsement in their possession to fish for salmon or steelhead in the following waters:

- (1) In the mainstem Columbia River from the Rocky Point/Tongue Point line to Chief Joseph Dam
- (2) Deep River (Wahkiakum County)
- (3) Grays River (Wahkiakum County) from the mouth to the mouth of the South Fork
 - (a) Grays River, West Fork
 - (b) Grays River, South Fork
 - (c) Grays River, East Fork
- (4) Skamokawa River (Wahkiakum County)
- (5) Elochoman River (Wahkiakum County)
- (6) Mill Creek (Cowlitz County)
- (7) Abernathy Creek (Cowlitz County), including all tributaries
- (8) Germany Creek (Cowlitz County), including all tributaries
- (9) Coal Creek (Cowlitz County) from the mouth to 400 feet below the falls
- (10) Cowlitz River (Cowlitz County) from the mouth to the mouth of Ohanapecosh and Muddy forks
 - (a) Olequa Creek
 - (b) Lacamas Creek (Lewis County)
 - (c) Blue Creek
 - (d) Mill Creek (Lewis County)
 - (e) Mayfield Lake
 - (f) Tilton River from the mouth to West Fork
 - (g) Tilton River, East Fork
 - (h) Tilton River, North Fork
 - (i) Tilton River, South Fork
 - (j) Tilton River, West Fork
 - (k) Lake Scanewa (Cowlitz Falls Reservoir)
 - (l) Cispus River (Lewis County) mouth to North Fork
 - (m) Cowlitz River, Clear Fork and Muddy Fork
- (11) Coweeman River (Cowlitz County)
- (12) Toutle River (Cowlitz County) from the mouth to forks
 - (a) Toutle River, North Fork
 - (b) Toutle River, South Fork
 - (c) Green River (Cowlitz County) from the mouth to Miner's Creek
- (13) Kalama River (Cowlitz County) from the mouth to Kalama Falls; Gobar Creek
 - (14) Lewis River (Clark/Cowlitz counties) from the mouth to Merwin Dam
 - (a) Lewis River, East Fork
 - (b) Cedar Creek (Clark County)

- (15) Salmon Creek (Clark County) from the mouth to 182nd Ave. Bridge
- (16) Camas Slough (Clark County) (waters outside the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island)
- (17) Washougal River (Clark County)
 - (a) Little Washougal
 - (b) Washougal River West, North Fork
- (18) Hamilton Creek (Skamania County)
- (19) Rock Creek (Skamania County) from the mouth to the falls at approximately river mile 1
- (20) Wind River (Skamania County)
- (21) Drano Lake (Skamania County) (Little White Salmon River downstream of the markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Highway 14 Bridge)
- (22) White Salmon River (Klickitat/Skamania counties) from the mouth to Big Brother Falls at river mile 16
- (23) Klickitat River (Klickitat County)
- (24) Walla Walla River (Walla Walla County) and tributaries
- (25) Mill Creek (Walla Walla County)
- (26) Touchet River (Columbia/Walla Walla counties) from the mouth to the confluence of North Fork and South Fork
 - (a) Touchet River, North Fork
 - (b) Touchet River, South Fork
 - (c) Touchet River, Wolf Fork
- (27) Grande Ronde River (Asotin County)
- (28) Snake River mainstem; Palouse River (Whitman County) (below the falls)
- (29) Tucannon River (Columbia/Garfield counties)
- (30) Yakima River (Benton/Yakima/Kittitas counties)
 - (a) From the mouth to the Mabton-Sunnyside Rd. (SR 241) Bridge
 - (b) From the Interstate 82 Bridge at Union Gap to Roza Dam
- (31) Wenatchee River from the mouth to Tumwater Dam
- (32) Chelan River (Chelan County) from the mouth (railroad bridge) to Chelan PUD safety barrier below the powerhouse
- (33) Icicle River (Chelan County) from the mouth to Icicle Irrigation Peshastin District footbridge
- (34) Lake Wenatchee (Chelan County)
- (35) Entiat River (Chelan County) from the mouth to Entiat Falls
- (36) Methow River (Okanogan County) from the mouth to Foghorn Dam
- (37) Okanogan River (Okanogan County)
- (38) Lake Osoyoos (Okanogan County)
- (39) Similkameen River (Okanogan County) mouth to Enloe Dam

[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 § 220-220-210, filed 2/15/17, effective 3/18/17; WSR 16-14-038 (Order 16-158), § 220-55-230, filed 6/28/16, effective 7/29/16; WSR 15-13-081 (Order 15-177), § 220-55-230, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW [77.04.012](#), [77.04.013](#), [77.04.055](#), [77.12.045](#), and [77.12.047](#).

WSR 13-02-043 (Order 12-290), § 220-55-230, filed 12/21/12, effective 1/21/13.
Statutory Authority: RCW [77.04.020](#) and [77.12.047](#). WSR 11-16-103 (Order 11-184), §
220-55-230, filed 8/3/11, effective 9/3/11. Statutory Authority: RCW [77.12.047](#). WSR 10-
07-105 (Order 10-64), § 220-55-230, filed 3/19/10, effective 5/1/10.]



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: Post Office Box 43200 • Olympia, WA 98504-3200 • (360) 902-2200, TDD (800) 833-6388
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

August 9, 2019

Ms. Kerry Radcliff
Office of the Code Reviser
Post Office Box 40551
Olympia, Washington 98504-0551

Re: Withdrawal of WAC 220-220-320 from WSR 19-14-126 filed on July 3, 2019.

Dear Ms. Radcliff:

The Washington Department of Fish and Wildlife is withdrawing WAC 220-220-320 from WSR 19-14-126 filed on July 3, 2019.

Please let me know if you have any questions or need additional information.

Sincerely,

Jacalyn M Hursey
Rules Coordinator

cc: Nate Pamplin
Deirdre Bissonnette
Kelly Henderson