
Summary Sheet

Meeting dates: 15 May 2025

Agenda item: Requirements for Testing of Commercial Fishing Gear– Rule-Making

Presenter(s): Kirt Hughes, Fish Management Division Manager, Fish Program

Background summary:

WAC 220-353-080, requires commercial fishing boat owners and operators to notify WDFW Police before testing their commercial fishing gear on the water. Failure to notify the department is a gross misdemeanor under RCWs 77.15.520, 77.15.550 or 77.15.589.

Currently, some commercial fishing boat owners or operators do not adequately notify the department before testing their gear. For example, a commercial fishing boat owner or operator leaves a voicemail message at the Enforcement Program's WILDCOMM call center after hours. The message may not contain sufficient contact information or detail about testing activities. When contacted on the water by WDFW police, the fishers claim that they left notification with WILDCOMM which may not be verifiable at the time of contact. The intent of proposed rule amendments is to establish additional requirements to improve the communication by fishers with DFW police before gear testing and avoid unnecessary criminal prosecution.

In 2018, department staff presented the Commission with these rule amendments through the Administrative Procedures Act. The Commission adopted the rule and unfortunately, the CR103P was not filed at that time and has since expired. At this meeting, department staff are requesting that the Commission delegate rule making authority to the Director to amend WAC 220-353-080 to provide more detailed information about scheduling and testing commercial fishing gear.

Staff recommendation:

Delegate rule-making authority to the Director.

Policy issue(s) and expected outcome:

This rule change intends to improve communication between commercial fishing boat owners and operators and WDFW Police for the purpose of testing fishing gear on the water. Additional information and communication requirements will inform DFW officers about legitimate gear testing activities versus individuals who may be trying to hide poaching activities under the pretense of testing their commercial gear.

These additional requirements will help to avoid time-consuming investigations and unnecessary criminal prosecutions while on the other hand providing additional information in prosecution of unlawful activities.

Fiscal impacts of agency implementation:

The proposed rule change would not have any fiscal impact.

Public involvement process used and what you learned:

Department staff will utilize the procedures for rule making with notice to the public as with any rule making which includes publication in the State Register and on the department's rule making webpage.

Action requested and/or proposed next steps:

Delegate rule-making authority to the Director.

Draft motion language:

In support of the recommendation of the Fish Committee, I move to delegate rule-making authority to the Director to amend WAC 220-353-080 in a manner that will improve communication with DFW police regarding the testing of Commercial Fishing Gear.

Post decision communications plan:

Inform key commercial stakeholders of changes to the WAC.

Form revised 2-15-18