

## Summary

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**Meeting dates:** NOVEMBER 13-14, 2015

**Agenda item:** Establish a Combined Guide License

**Presenter(s):** Frank Hawley, Licensing & Budget Policy Manager

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**Background summary:**

Senate Bill 5824 was passed during the 2015 legislative session, creating a new section in Chapter 77.65 RCW directing the department to establish, by rule, a fish guide combination license to allow holders to offer or perform the services of a food fish and a game fish guide.

The proposed rule will establish a combined fish guide license that allows the holders to offer or perform the services of a food and a game fish guide pursuant to RCW 77.65.370. The fee proposed for a resident combined fishing guide license is \$435 for residents and proposed at \$1,435 for nonresidents. The combined guide license fee includes costs for processing the application.

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**Policy issue(s) you are bringing to the Commission for consideration:** Establish a combined guide license as stated under Senate Bill 5824.

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**Public involvement process used and what you learned:** Received no comments on the proposed fees being established in WAC 220-20-135.

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**Action requested:** If the fee is favorable to the public, the department is requesting approval of the new combined guide license after the public hearing is concluded.

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**Draft motion language:** Move to adopt WAC 220-20-135.

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**Justification for Commission action:**

SB 5824 was passed by the Washington State Legislature in 2015. The bill directs the WDFW-Commission to adopt rules to create and sell a combined fish guide license. The legislation states "must adopt rules to sell fish guide combination license."

The legislation states "the cost of fish guide combination license or licenses must be below or equal to the total cost of the individual licenses contained within the combination."

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**Communications Plan:** The department has sent notification of the rule change proposal to members of the public who expressed interest in receiving notification of proposed rule changes. The department also shared rule changes with stakeholders and notified holders of food and game fish guide license. The department will hold a public hearing at the November Fish and Wildlife Commission Meeting and receive public comments at that time as well.

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## Combined Guide License

### Background:

- SB 5824-Must Establish Combine Guide License.
- Fee for Combined Guide must be below total current fees.

### WAC 220-20-135 Establishes Combined Guide License:

- Privileges include Food Fish guiding and Game Fish guiding.
- Resident Fee..... \$ 435.00
- Non-Resident Fee \$1,435.00
- Loss of revenue approximate \$18,000 a biennium.
- Savings derived from processing time of the license.

<b>Combined Guide License Resident</b>			
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	Current Fees	Proposed Fees
Food-Fish Guide	\$ 200.00	\$ 180.00
Game-Fish Guide	\$ 250.00	\$ 235.00
Regional Fishery Fund	\$ 20.00	\$ 20.00
<b>Total</b>	<b>\$ 470.00</b>	<b>\$ 435.00</b>

<b>Combined Guide License Non-Resident</b>			
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	Current Fees	Proposed Fees
Food-Fish Guide	\$ 700.00	\$ 680.00
Game-Fish Guide	\$ 670.00	\$ 655.00
Regional Fishery Fund	\$ 100.00	\$ 100.00
<b>Total</b>	<b>\$ 1,470.00</b>	<b>\$ 1,435.00</b>



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 15-14-089 on 6/29/15; 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).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject)

The department proposes a new WAC section in Chapter 220-20 WAC to establish a combined guide license as required under Section 7 of Senate Bill 5824 (SL 2015 c 97 s 7).

### Hearing location(s):

Natural Resources Building, Room 172  
1111 Washington St. SE  
Olympia, WA 98504

Date: November 13-14, 2015 Time: 8:30 a.m.

### Submit written comments to:

Name: Joanna Eide, WDFW Rules Coordinator  
Address: 600 Capitol Way N  
Olympia, WA 98501-1091  
E-mail: [Rules.Coordinator@dfw.wa.gov](mailto:Rules.Coordinator@dfw.wa.gov)  
Fax (360) 902-2155 by (date) November 4, 2015

### Assistance for persons with disabilities:

Contact Tami Lininger by November 4, 2015  
TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: On or after November 14, 2015  
(Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** A combined food fish and game fish guide license at a reduced rate is proposed at the request of the industry and as required by the Legislature under SB 5824. A new combined guide license will expedite and simplify the issuance of guide license to individuals who hold both a food fish and game fish guide license.

**Reasons supporting proposal:** Senate Bill 5824 was passed during the 2015 legislative session creating a new section in Chapter 77.65 RCW directing the department to establish, by rule, a fish guide combination license to allow holders to offer or perform the services of a food fish and a game fish guide. The department must engage in rulemaking to adhere to state law and create the combined license, as well as establish the fee for the combined license. Senate Bill 5824 (2015 c 97) became effective on July 24, 2015.

**Statutory authority for adoption:** RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047

**Statute being implemented:** RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047

### Is rule necessary because of a:

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

If yes, CITATION:

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: **October 02, 2015**

TIME: **2:14 PM**

**WSR 15-20-074**

### DATE

October 2, 2015

### NAME (type or print)

Joanna Eide

### SIGNATURE

### TITLE

Rules Coordinator

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

There is a minimal fiscal impact to the department of approximately \$9,000 each fiscal year.

**Name of proponent:** (person or organization) Washington Department of Fish and Wildlife

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Joanna Eide	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2403
Implementation....	Frank Hawley	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2453
Enforcement.....	Steve Crown	1111 Washington St. SE, Olympia, WA 98501	(360) 902-2373

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Frank Hawley  
Address: WDFW Licensing Division  
600 Capitol Way N  
Olympia, WA 98501  
phone 360-902-2453  
fax 360-902-2466  
e-mail [frank.hawley@dfw.wa.gov](mailto:frank.hawley@dfw.wa.gov)

No. Explain why no statement was prepared.

**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 ( ) \_\_\_\_\_  
e-mail \_\_\_\_\_

No: Please explain: This proposal does not involve hydraulics rules.

NEW SECTION

WAC 220-20-135 Combined fish guide license. A combined fish guide license allows the holder to offer or perform the services of a food fish guide and a game fish guide. The fee for a resident combined fish guide license is \$435 and the fee for a nonresident combined fish guide license is \$1,435. ~~A combined fish guide license is exempt from~~ The application fee and surcharge for regional fishery enhancement groups as required by RCW 77.95.090 are included in the overall cost of the combined fish guide license.

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# **Small Business Economic Impact Statement**

## **Establish a Combined Food and Game Fish Guide License**

**1. Description of the reporting, record keeping, and other compliance requirements of the proposed rule:**

Senate Bill 5824 was passed during the 2015 legislative session creating a new section in Chapter 77.65 RCW that directs the department to establish, by rule, a fish guide combination license to allow holders to offer or perform the services of a food fish and a game fish guide. The department must engage in rulemaking to adhere to state law and create the combined license, as well as establish the fee for the combined license. Senate Bill 5824 (SL 2015 c 97) became effective on July 24, 2015.

The proposed rule establishes a combined fish guide license that allows the holders to offer or perform the services of a food and a game fish guide. The fee for a resident combined fishing guide license is proposed at \$435 for residents and proposed at \$1,435 for nonresidents. A combined guide license is exempt from an application fee.

There are no new reporting and record keeping requirements for the license holder under this rule making. Applicants for a combination food fish and game fish guide license will still need to complete preexisting requirements established in statute for obtaining a food fish guide license or a game fish guide license.

**2. Kinds of professional services that a small business is likely to need in order to comply with such requirements:**

There are no new anticipated professional services required to obtain a combined guide license. Applicants for a combination food fish and game fish guide license will still need to complete preexisting requirements established in statute for obtaining a food fish guide license or a game fish guide license.

**3. Costs of compliance for businesses, including costs of equipment, supplies, labor, and increased administrative costs:**

None. No new requirements are established in this proposal.

**4. Will compliance with the rule cause businesses to lose sales or revenue?**

No. This rule change will positively impact those individuals who obtain both a food fish guide license and a game fish guide license in that they will be able to obtain a combination license allowing them to perform the services of both at a reduced rate.

**5. Cost of compliance for small businesses compared with the cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs:**

1. Cost per employee;
2. Cost per hour of labor; or
3. Cost per one hundred dollars of sales

None - The proposed rules do not require any additional equipment, supplies, labor, or administrative costs. Costs may be incurred by businesses to meet the qualifications required to be eligible for a license, however, those costs are not determined or impacted by these rules and are already required by state law as explained above.

**6. Steps taken by the agency to reduce the costs of the rule on small businesses, or reasonable justification for not doing so:**

Most businesses affected by this rule are small individual business owners. As indicated above, the license application requirements proposed by the rule are identical to license application requirements WDFW and RCW have required for an individual food or game fish guide license. Therefore, this rule will not impose new costs on small businesses. In fact, the rule will reduce costs for those individuals who currently purchase both a food fish guide license and a game fish guide license.

The proposed rule will reduce the amount individuals wishing to be licensed as both a food fish and game fish guide pay by \$35. Individuals making separate purchases of a game or a food fish guide licenses would pay \$470. Individuals making purchases are charged \$70 for each guide application process.

**7. A description of how the agency will involve small businesses in the development of the rule.**

Industry requested and participated in passing SB 5824, and proposed the establishment of a combined guide license. WDFW will also share the rule language and proposed (largely unchanged) process for applications for the combine guide licenses with affected businesses and receive input from those individuals as part of this rulemaking. Affected businesses will also have an opportunity to provide public comment during the public hearing on the rule proposal.

**8. A list of industries that will be required to comply with the rule:**

This rule proposes creating a combination guide license which is an optional purchase for those individuals wishing to perform the services of both a food fish guide and a game fish guide. There are no new requirements for current license holders, nor are there new requirements imposed for new applicants under this proposed rule.

**9. An estimate of the number of jobs that will be created or lost as a result of compliance with the proposed rule.**

This rule will not have an impact on the individuals who currently possess a food fish guide or game fish guide license. The proposed new combination license is provided as an option to those wishing to perform the services of both a food fish or game fish guide. The rules will not have an impact on job creation or job loss.