



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 (WDFW)

- Preproposal Statement of Inquiry was filed as WSR 16-10-099 ; 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)

Create a new rule to clarify the requirements in using charter stamps for fishing guides and charter-boat operators and the penalties for not adhering to these requirements

Hearing location(s):

Natural Resource Building
1111 Washington Street SE
Olympia, WA 98501

Date: November 4-5, 2016 Time: 8:00am – 5:00 pm

Submit written comments to:

Name: Scott Bird WDFW Rules Coordinator
Address: 600 Capitol Way North
Olympia, WA 98501-1091
e-mail Rules.Coordinator@dfw.wa.gov
fax (360)902-2155 by (date) November 2, 2016_____

Assistance for persons with disabilities: Contact

Delores Noyes by November 3, 2016

TTY (360) 902-2155 or (360)902-2349

Date of intended adoption: December 11, 2016

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The department needs to clarify for fishing guides and charter-boat operators their obligations in the use of charter stamps. Specifically, the department needs to provide a clear process for fishing guides and charter-boat operators to follow when they validate charter stamps for clients before fishing commences as well as the penalties for not properly doing so.

Reasons supporting proposal:

In the past, some members in the fishing guide and charter-boat operator industry have re-used charter stamps rather than issue new charter stamps to clients as required under RCW 77.32.430. This practice is illegal. As a result, the department needs to provide a clear process for the validation of charter stamps and to ensure that any violations of validating charter stamps are appropriately penalized.

Statutory authority for adoption: RCWs 77.12.047, 77.04.020, 77.05.055, 77.12.047, 77.12.150, 77.12.240 and 77.12.800

Statute being implemented: RCWs 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240 and 77.12.800

Is rule necessary because of a:

- Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION: Yes No

DATE
August 8, 2016

NAME (type or print)
Scott Bird

SIGNATURE *Scott Bird*

TITLE Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 11, 2016

TIME: 3:36 PM

WSR 16-17-053

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

None

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Mike Cenci	1111 Washington Street Olympia, WA 98501	(360) 902-2329
Implementation....Scott Bird	1111 Washington Street Olympia, WA 98501	(360) 902-2403
Enforcement..... Mike Cenci	1111 Washington Street Olympia, WA 98501	(360) 902-2329

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:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

This rule proposal only clarifies an existing legal obligation.

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 rule proposal does not affect hydraulics

NEW SECTION

WAC 220-69-23801 Charter stamps—Charter boat and guide operator issuance duties. It is unlawful for a charter boat or guide operator to fail to comply with the charter stamp validation requirements as provided for in this section.

(1) Before any fishing commences, the charter boat or guide operator shall write the validation date across every charter stamp issued to a client in ink. The validation date is the first day on which a client may fish for, harvest or possess fish, shellfish, or seaweed.

(2)(a) Each failure to validate a charter boat stamp is punishable as an infraction under RCW 77.15.160, so long as the charter boat or guide operator has not committed prior infractions under this subsection in the same calendar year involving a cumulative stamp value of more than one hundred fifty dollars.

(b) Each failure to validate a charter boat stamp is punishable as a gross misdemeanor under RCW 77.15.813 when the charter boat or guide operator has previously committed infractions under (a) of this subsection in the same calendar year involving a cumulative value of more than one hundred fifty dollars.