



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Washington Department of Fish and Wildlife

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules** 16-327

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:**

The purpose of the rule is to expressly prohibit fishing guides and charter-boat operators from re-using charter stamps rather than issuing new stamps as contemplated by RCW 77.32.430. The adoption of the proposed rule will do the following: (1) lay out the process for validating charter stamps so the stamps cannot be reused; and (2) ensure that charter-stamp-validation violations and the re-use of stamps are penalized appropriately.

**Citation of existing rules affected by this order:**

Repealed:

Amended:

Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047

**Other authority :** N/A

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 16-17-053 on August 11, 2016.

Describe any changes other than editing from proposed to adopted version:

See attached Concise Explanatory Statement.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_

Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

**Date adopted:** December 11, 2016

**NAME (TYPE OR PRINT)**

Brad Smith

**SIGNATURE**

**TITLE**

Chair, Washington Commission of Fish and Wildlife

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: December 14, 2016**

**TIME: 9:33 AM**

**WSR 17-01-054**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

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.