



PROPOSED RULE MAKING

CR-102 (October 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: February 06, 2019

TIME: 11:46 AM

WSR 19-04-106

Agency: Washington State Department of Fish and Wildlife

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 16-16-114 filed August 02, 2016 ; 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) Establishing logbook requirements for gamefish guides, food fish guides, and combination game fish and food fish guides.

Hearing location(s):

Date: **Time:** **Location:** (be specific) **Comment:**

June 14-15, 2019	8:00 a.m.	Red Lion Hotel 221 N. Lincoln Street Port Angeles, WA 98362	
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Date of intended adoption: August 2, 2019 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Scott Bird, WDFW Rules Coordinator
Address: PO Box 43200 Olympia, WA 98501-3200
Email: Rules.Coordinator@dfw.wa.gov
Fax: (360) 902-2155
Other:
By (date) June 12,, 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) _____

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Logbooks will give fishery managers a better understanding of the guiding industry's role in state fisheries, including when and where guides are fishing, angler effort and catch.

Reasons supporting proposal: The rule will allow for documenting real time effort, species encounters and retention rates. This information will provided new information regarding all of these data points reported by guilds giving biologist more information.

Statutory authority for adoption: RCWs 77.32.470 ,77.04.012, 77.04.013, 77.04.055, and 77.12.047

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.045, and 77.12.047

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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) Washington State Department of Fish and Wildlife

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Kelly Henderson	1111 Washington Street, Olympia, WA 98501	360-902-2684
Implementation:	Christopher Donley	3215 N Discovery Place, Spokane Valley, WA 99216	509-892-1001 ext 307
Enforcement:	Chief Steve Bear	1111 Washington Street, Olympia, WA 98501	360-902-2373

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: The proposed 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:

**Small Business Economic Impact Statement
Commercial Fishing Guide Log Book Reporting Requirements, 2018**

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

The proposed rules requires commercial fishing guides to report fishing guide activities to the Department. The Department will provide fishing guides with the paper format and electronic method to report guiding activity. The Department will also provide direction regarding how and when to report.

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

None, the information the Department is requesting is limited and readily available.

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

The proposed rules requires commercial fishing guides to report fishing guide activities to the Department. The proposed rule does not require any additional equipment or supplies. There is minimal additional cost to

comply with the proposed rules. As noted above the Department will provide the paper logbooks and electronic application for reporting.

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

No, the proposed rule does not affect the number of clients or numbers of fish available to catch. Therefore, the proposed rule should not cause any businesses to lose sales or revenue.

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

The Department's understanding is that most if not all fishing guides are small businesses. The proposed rule may result in minimal costs associated with completing the reporting requirements.

Each guide will be required to complete reporting for each trip. It will take approximately 15 minutes to complete the reporting requirement at the end of each trip. The annual cost per guide to implement this rule is estimated to range from zero dollars for guides that purchase a license and do not fish to approximately a maximum of \$2,600 per guide per year (2 trip/day * 5 days/week * 52 weeks/Year *.25 hours/trip * \$20.00 dollars/hour = \$2,600).

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 these rules are small businesses. The Department will provide multiple ways for commercial guides to report guiding information to minimize costs to the businesses.

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

The Department will be conducting meetings around the state to provide commercial fishing guides with the proposed rule and receive input from affected businesses. These meetings allow small businesses to participate in formulating these rules.

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

All persons with a game fish guide, food fish guide and fish guide combination licenses will be required to comply with these rules.

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

These rules impose reporting requirements. Compliance with the rules will not result in the creation or loss of jobs.

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

Name: Scott Bird

Address: PO Box 43200 Olympia, WA 98501-3200

Phone:

Fax: 360-902-2155

TTY:

Email: Rules.Coordinator@dfw.wa.goc

Other:

Date: February 6, 2019

Name: Scott Bird

Title: Rules Coordinator

Signature:

Scott Bird

NEW SECTION

WAC 220-352-245 Reporting required of licensed food fish, game fish and combination fishing guides. (1) Licensed food fish, game fish and combination fishing guides shall maintain a daily logbook of guiding activity to include:

(a) Guide name and license No. for the guide leading the trip;

(b) Date that fishing took place. For multiday trips, each day is considered a separate trip;

(c) Specific name of river, stream, or lake fished;

(d) Site code of site fished as referenced within a list provided to each guide. If multiple sites are fished on the same day, each site is considered a separate trip;

(e) Client, "comped angler" and crew current fishing license number (wild ID No.) for each person on board if required to have a license or catch record card. A comped angler is an angler that fishes without charge;

(f) Indicate if person was a crew member or if angler was "comped";

(g) Species kept or released. For salmon and steelhead specify origin (hatchery, wild) and life stage (adult, jack).

(2) Logbooks are required to be completed for each trip before offloading any fish from the vessel or if no fish were kept, complete the logbook before leaving the site.

(3) Report of daily guiding activity shall be made using the department's paper logbook or online reporting application. Logbook pages must be provided to the department or postmarked by the Monday following the week (Monday through Sunday) the guiding activity took place.

(4) Each day of fishing that occurs on a designated WDFW licensed guide fish vessel will be required to be recorded in the logbook. This includes any personal use or nonguided fishing trips that occur.

(5) Information collected under this section may be exempt from public disclosure to the extent provided under RCW 42.56.430.

(6) Failure to report any guiding activity listed in subsections (1) through (4) of this section is an infraction, punishable under RCW 77.15.160.

(7) A fishing guide, or person under the control or direction of a fishing guide, that submits false information is guilty of a gross misdemeanor, punishable under RCW 77.15.270.

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