

**Concise Explanatory Statement (CES)
Amending Electronic Fish receiving ticket Rules**

Rules amended as part of this rule making:

WAC 220-352-010 Fish receiving ticket definitions.

WAC 220-352-040 Required information for Washington state nontreaty fish receiving tickets.

A. Reasons for adopting the rules:

The proposed rule changes will address an identified regulatory loophole when submitting an electronic fish receiving ticket from a mobile platform, like the new electronic mobile catch reporting software called WA-Tix in development by the Washington State Department of Fish and Wildlife (WDFW).

B. Difference between the text of the proposed rules and the text of the rules as adopted:

None

C. Summary of comments and WDFW response and consideration for the comments:

WDFW received five written comments on its proposals prior to the public comment period closing on June 25, 2022. No verbal testimony was offered at the public hearing during the Fish and Wildlife Commission briefing.

1. Supportive: One commentor believes this rule will not notably harm or inconvenience those who are following the law but will help catch potential bad actors.

WDFW Response: WDFW agrees, collecting geolocation data from users while submitting an electronic fish receiving ticket should not impact users unduly. Collecting the user's geolocation via the location services feature on a mobile device is necessary to address the identified regulatory loophole where the original receiver could submit an electronic fish receiving ticket without being physically present at the location of the purchase or delivery.

2. Opposed: Four comments all describe privacy concerns with the user's geolocation being known or tracked by WDFW.

WDFW Response: WDFW will not track users' location at all-times and will only receive their geolocation when they are submitting an electronic fish receiving ticket. See additional description above detailing the identified enforcement need to collect user geolocation information.