



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 20, 2022

TIME: 2:20 PM

WSR 23-01-128

Agency: Washington Department of Fish & Wildlife P2022-15

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR 22-21-100 on October 17, 2022

Preproposal Statement of Inquiry was filed as WSR 22-16-100 August 02, 2022 ; 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) Fishing Guide Logbook Reporting Rule Revision- WAC 220-352-245 Reporting required of licensed food fish, game fish and combination fishing guides

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
January 27-28, 2023	8:00 am	Webinar	This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at <a href="http://wdfw.wa.gov/about/commission/meetings">http://wdfw.wa.gov/about/commission/meetings</a> or contact the Commission office at (360) 902-2267.

Date of intended adoption: No sooner than January 27, 2023 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Kelly Henderson

Address:

Email: [GuideLogbook@PublicInput.com](mailto:GuideLogbook@PublicInput.com)

Fax:

Other: Website: <https://publicinput.com/GuideLogbook>; Phone for voicemail comments: 855-925-2801 project code: 4215

By (date) January 24, 2023

Assistance for persons with disabilities:

Contact Title VI/ADA Compliance Coordinator

Phone: (360) 902-2349

Fax:

TTY: 1-800-833-6388 OR 711

Email: [Title6@dfw.wa.gov](mailto:Title6@dfw.wa.gov)

Other:

By (date) January 24, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This revision to the fishing guide logbook rule will improve enforceability and compliance of the rule. Specifically, this revision will require trip location and date information at the beginning of the trip, will clarify when reports entered through the web reporting tool need to be submitted and remove reference to vessel so it's clear that all guided fishing trips, whether on foot or on a vessel must be reported.

The public hearing has been rescheduled from its original date and the public comment period is being extended. The proposed rule is unchanged from the original notice.

**Reasons supporting proposal:** This proposal will close enforcement loopholes allowing officers to make contacts at any point in the guided trip, not just at the end of the day at the boat launch. It also clarifies elements of the rule for the benefit of guides and will hopefully increase overall compliance with the rule.

**Statutory authority for adoption:** RCW 77.65.500

**Statute being implemented:** RCW 77.65.500

**Is rule necessary because of a:**

Federal Law?  Yes  No

Federal Court Decision?  Yes  No

State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** This rulemaking does not change the type of data being collected by guides, the reporting tools or frequency of reporting. It clarifies elements of the rule and makes it easier to enforce.

**Type of proponent:**  Private  Public  Governmental  
**Name of proponent:** (person or organization) Washington Department of Fish & Wildlife

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Raquel Crosier	111 Sherman St, La Conner WA, 98257	360-789-9652
Implementation:	Raquel Crosier	111 Sherman St, La Conner WA 98257	360-789-9652
Enforcement:			

**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: This proposal does not require a cost benefit analysis under RCW 34.05.328

**Regulatory Fairness Act and Small Business Economic Impact Statement**  
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**  
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:
- |                                                                                                   |                                                                                                                                                                                   |
|---------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(b)<br>(Internal government operations) | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(e)<br>(Dictated by statute)                                                                                            |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(f)<br>(Set or adjust fees)                                                                                             |
| <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> <a href="#">RCW 34.05.310</a> (4)(g)<br>(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 19.85.025\(4\)](#) (does not affect small businesses).
- This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. This rule revision does not change the information collected on the logbook, but will require some information to be collected at the beginning of the day. For mobile logbook users most of the fields required at the beginning of the trip "name", "license number" and "date," fields are auto-populated. The only field being required at the beginning of the day that is not auto-populated is the "waterbody" field. Opening the mobile app and entering water body takes less than one minute and entering that info at the beginning of the day eliminates the need to enter the field later in the trip. Some guides choose to use paper logbooks instead of the mobile reporting tool. Guides choosing to use the paper logbook to report will have to hand-write "name," "license number," "date" and "water body" fields at the beginning of the trip vs. at the end of the trip. This may increase the time spent entering paper logs at the beginning of the trip by one to five minutes and may reduce the time spent on logbooks at the end of the trip by one to five minutes. The rule revision will increase postage costs for those submitting paper logbook reports by requiring them to be submitted twice a month as opposed to once a month. All guides will have the option of submitting reports through the mobile application and avoiding postage costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

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

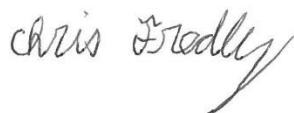
- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Date:** 12/20/2022

**Name:** Chris Fredley

**Title:** Acting Agency Rules Coordinator

**Signature:**



**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))~~ Every daily logbook entry must be started before fishing activity begins by entering guide name, license number, date, and waterbody the trip initiated from.

(3) Report of daily guiding activity shall be made using the department's paper logbook or ((online)) mobile reporting application. ((Logbook pages)) Trips reported using the paper logbook for activity that occurred between the first day of the calendar month and the 15th day of the calendar month must be ((provided)) postmarked and mailed to the department ((or postmarked within ten days following any calendar month in which the guiding activity took place)) by the 28th day of the same calendar month. Trips reported using the paper logbook for activity that occurred between the 16th day of the calendar month and the last day of the calendar month must be postmarked and mailed to the department by the 14th day of the calendar month immediately following. Reports logged using the mobile application must be finalized or submitted at the end of the guided trip before leaving the site.

(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. Only guide name, license number, and date are required for nonguided fishing trips.

(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.