

**Commercial Fishing Guide Logbook Requirements**  
**(Briefing and Public Hearing)**

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## Summary Sheet

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<b>Meeting dates:</b>	June 14-15, 2019
<b>Agenda item:</b>	Commercial Fishing Guide Logbook Requirements – (Briefing/Public Hearing)
<b>Presenter(s):</b>	Kelly Cunningham, Fish Program Deputy Assistant Director  Chris Donley, Region 1 Fish Program Manager

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### **Background summary:**

During the 2017 legislative session, a bill was introduced that would have drastically changed how guides are regulated in the state of Washington. This bill failed to make it through the legislative process and instead, the legislature provided the Department guidance in the form of proviso language attached to our budget. The proviso directed the Department to do the following:

- Convene public meetings in the North Olympic Peninsula and Klickitat River.
- Evaluate guided and non-guided angler data.
- Explore alternative structures for guide licensing with the objective of:
  - Improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers.
  - Managing fishing pressure to protect wild steelhead and other species.
  - Ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies.
- Provide a report to the legislature that summarized the findings of the work mentioned above.

In response to the proviso, the Department conducted 14 meetings across the state with both guides and recreational anglers to collect information on guiding in Washington. The Department also solicited two separate surveys to gather opinions from the guide industry and recreational anglers.

In addition, the Department received legislative authority to pursue guide logbooks under RCW 77.65.500. During discussions at the public meetings in 2017, the Department committed to coming back to the guide industry in 2018 to gather specific feedback about the logbook program prior to moving forward with implementation.

In 2018 and early 2019, the Department conducted eight meetings across the state to gather feedback regarding the implementation of a logbook system. In addition, the department provided an online comment page to receive feedback from fishing guides that were unable to attend the meetings or wanted to provide additional comment.

Today, Department staff are before the Fish and Wildlife Commission to introduce the Commercial Fishing Guide Logbook proposal. The Commission will be briefed on the origins of the logbook proposal. Including, how the Department intends to collect and use data from the guiding industry and public comment received to date on the proposal. This presentation is the beginning of the public process for Commission to consider ruling on the implementation of logbook program. There is time between now and June 2019 for the public comment on the proposal with an expected final ruling on the logbook program from the Commission in August 2019.

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**Staff recommendation:**

No recommendation, briefing only

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**Policy issue(s) and expected outcome:**

Providing the Commission a briefing regarding Department activities associated with the Proposed Commercial fishing guide logbook rule

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**Fiscal impacts of agency implementation:**

Undetermined.

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**Public involvement process used and what you learned:**

In winter of 2018 and early 2019, Fish program staff conducted eight meetings across the state with licensed fishing guides to gather feedback regarding the implementation of a logbook system.

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**Action requested and/or proposed next steps:**

Fish and Wildlife Commission decision on implementation of the Commercial Fishing Guide Logbook Program in August 2019.

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**Draft motion language:**

N/A

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**Post decision communications plan:**

N/A

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*Form revised 2-15-18*

## **Developing a method to understand licensed guiding participation, effort and harvest of gamefish and food fish in Washington**

The licensed guiding industry in Washington consists mostly of owner/operator small businesses providing a service to the public to access gamefish and food fish fisheries. These businesses generally have a clientele of anglers that are looking for expert assistance to access these resources. As the human population of Washington State continues to grow, there is a public perception that demand for fishing guides has increased, however guide licensing data indicates that the overall number of guides in the State has fluctuated very little over the past decade (Figure 1).

During the 2017 legislative session, a bill was introduced that would have drastically changed how guides are regulated in the state of Washington. This bill failed to make it through the legislative process and instead, the legislature provided the Department guidance in the form of proviso language attached to our budget. The proviso directed the Department to do the following:

- Convene public meetings in the North Olympic Peninsula and Klickitat River.
- Evaluate guided and non-guided angler data.
- Explore alternative structures for guide licensing with the objective of:
  - Improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers.
  - Managing fishing pressure to protect wild steelhead and other species.
  - Ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies.
- Provide a report to the legislature that summarized the findings of the work mentioned above.

In response to the proviso, the Department conducted 14 meetings across the state with both guides and recreational anglers to collect information on guiding in Washington. The Department also solicited two separate surveys to gather opinions from the guide industry and recreational anglers.

Finally, the Department received legislative authority to pursue guide logbooks under RCW 77.65.500. During discussions at the meetings in 2017, the Department committed to coming back to the guide industry in 2018 to gather specific feedback prior to moving forward with implementation.

In 2018 and early 2019, the department conducted eight meetings across the state to gather feedback regarding the implementation of a logbook system. In addition, the department provided an online comment page to receive feedback from fishing guides that were unable to attend the meetings or wanted to provide additional comment.

Based on the feedback received from the fishing guide community the Department proposes the following rules under WAC 220-352-245 for consideration by the Fish and Wildlife Commission:

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.

### **Guide demographics and guiding activities**

- (1) Licensed food fish, gamefish 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.

It is important that the Department understand which guides are reporting activity, specific days the guide is fishing and the overall number of fishing activity days. This information is critical for understanding the number of angling days a guide takes, effort expended on specific fisheries, as well as, overall economic value generated for the guide industry.

### **Geographic distribution of fishery use:**

- 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.

This information will provide data to answer questions regarding guide effort and harvest by water.

### **Clientele demographics:**

- 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".

This information will provide the Department with information to quantify the number of paying customers, the number of unique individuals that use guides annually, the number of trips individuals use a guide during a license year, the number of nonresident guided anglers and the state they reside in.

### **Catch and effort data for guides and guided anglers:**

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

This information will be used to quantify the encounter and harvest rates for species caught by guided clientele. In addition, this information will also assist in identifying seasonal use and attraction to certain fisheries.

- (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.

This requirement will ensure that logbook information is recorded after each trip.

- (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.

This requirement provides reporting options to report that do not require a mobile application. It also allows the department to monitor activity by requiring weekly reporting to the department.

- (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.

This will enable the department to distinguish between guided trips and nonguided activity occurring on guide vessels.

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

This subsection clarifies intent by the department to exempt certain information including catch location, timing, and methodology (RCW 42.56.430(1)) in addition to personally identifying information of persons who acquire licenses (RCW 42.56.430(5)).

- (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.

This subsection identifies the penalty for failure to report guiding activity.

- (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.

This subsection identifies the penalty for submitting false information.

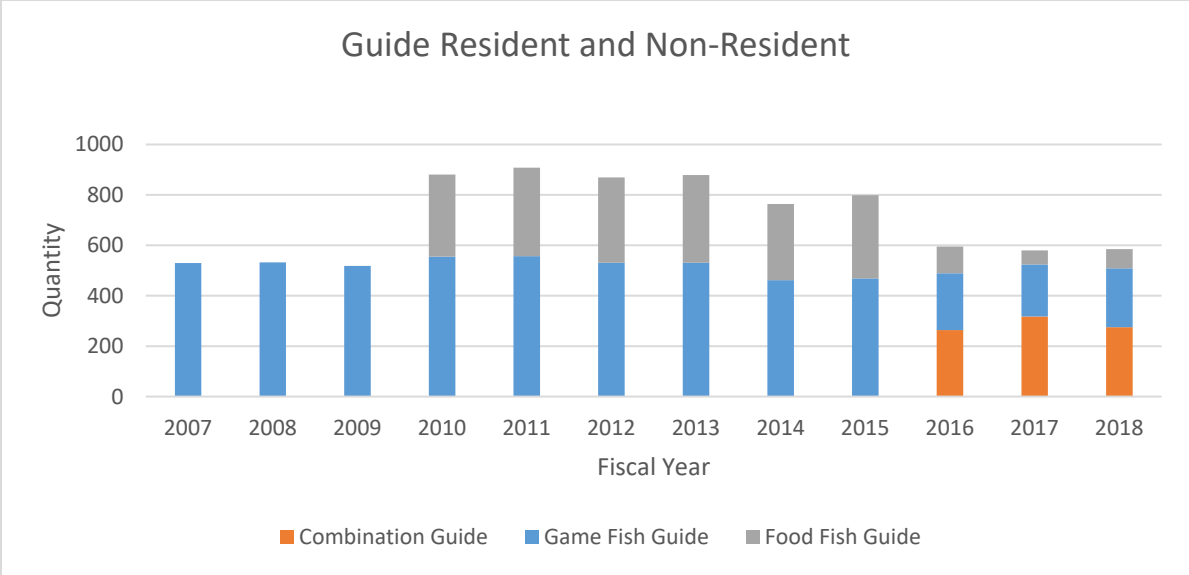


Figure 1. Total number of game fish, food fish and combination fishing guide licenses sold (2010-2018). Combination fishing guide licenses were authorized for sale beginning in 2016.

DRAFT





State of Washington

DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: P.O. Box 43200, Olympia, WA 98504-3200 • (360) 902-2200 • TDD (360) 902-2207  
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia, WA

December 28<sup>th</sup>, 2017

The Honorable Kevin Van De Wege  
Washington State Senator  
212 John A. Cherberg Building  
Post Office Box 40424  
Olympia, WA 98504

The Honorable Brian Blake  
Washington State Representative  
314 John L. O'Brien Building  
Post Office Box 40600  
Olympia, WA 98504

Dear Senator Van De Wege and Representative Blake:

In 2017, the Washington State Legislature directed the Department of Fish & Wildlife to gather feedback from both fishing guides and recreational anglers on the quality of the fishing experience in Washington State and the potential for adopting an alternative structure for fishing guide licensing with the objectives of:

- “(a) Improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers,*
- (b) managing fishing pressure to protect wild steelhead and other species; and*
- (c) ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies.”*

During the fall of 2017, the department conducted seven public meetings and several smaller workshops to gather feedback from guided and non-guided anglers throughout the state and conducted a survey to gather feedback from those who couldn't attend the meetings in person. Please find (attached) a report which includes a high level summary of the feedback we received, meeting summaries and materials from the public meetings and a detailed summary of the survey results.

If you have any questions regarding this report, please contact Raquel Crosier, Legislative Liaison at (360) 902-2226.

Sincerely,

James Unsworth, Ph.D.  
Director  
Washington Department of Fish & Wildlife



# Guiding in Washington Waters

Washington Department of Fish and Wildlife

December 15, 2017



Washington  
Department of  
**FISH and  
WILDLIFE**

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## Acknowledgements

The Washington Department of Fish and Wildlife would like to acknowledge and thank the over 300 guides and recreational anglers who took the time to attend the public meetings scheduled across the state to obtain the information required for this report.

Additionally, the department would like to recognize and thank the 1,145 licensed guides and recreational anglers who participated in the surveys associated with this report. As with the public meeting participants, their generous donation of time and opinions provided crucial content for this effort.

## Background

During the 2017 Legislative session, state lawmakers introduced a bill that would have limited the number of fishing guides and their activities on Olympic Peninsula rivers and the Klickitat River in southwest Washington. The legislation – originally proposed by the Olympic Peninsula Guides Association and Trout Unlimited – was intended to address concerns voiced by some fishing guides and anglers that fisheries are becoming too concentrated in portions of the state, threatening the viability of healthy salmon and steelhead stocks. In addition, they expressed concerns that an increase in the number of fishing guides, especially out-of-state guides, is putting even more additional pressure on those remaining healthy populations.

However, the proposed legislation (SB 5302), which would have drastically changed how game fish and food fish guides are regulated, was met with significant resistance from the guide community. In response, the bill sponsors ultimately pulled back the proposal, and instead directed WDFW to provide the legislature with feedback from both the fishing guides and recreational anglers. This direction was in the form of a budget proviso that states:

- (11) Within the appropriations of this section, the department shall initiate outreach with recreational fishing stakeholders so that recreational fishing guide and non-guided angler data can be collected and analyzed to evaluate changes in the structure of guide licensing, with the objectives of:
  - (a) Improving the fishing experience and ensuring equitable opportunity for both guided and non-guided river anglers,
  - (b) managing fishing pressure to protect wild steelhead and other species; and
  - (c) ensuring that recreational fish guiding remains a sustainable economic contributor to rural economies. The department shall convene public meetings in the North Olympic Peninsula and Klickitat River areas, and may include other areas of the state, and shall provide the appropriate standing committees of the legislature a summary of its findings, by December 31, 2017.

In response to the budget proviso directive, the Washington Department of Fish and Wildlife (WDFW) conducted public hearings and workshops across the state; completed a survey of all licensed game fish and food fish guides; and completed a random/stratified survey of salmon and steelhead anglers licensed in Washington.

## Summary of Findings

This effort has helped the department better understand the broad range of perspectives associated with fishing guide services in Washington. Fishery managers heard various ideas on how to improve the fishing experience, species conservation, and reduce crowding. Ideas ranged from extending fishing seasons and increasing angler opportunities to limiting retention of fish and reducing the number of licensed guides. The predominant viewpoints were for more fishing opportunities, more fish available to harvest and improved angler etiquette.

Guides and recreational anglers also expressed concerns that the department didn't have the enforcement officers necessary to ensure rules are followed and higher standards of fishing etiquette are demonstrated by both guides and recreational anglers.

In addition, there was an acknowledgement that WDFW lacks adequate data to quantify fishing-guide effort by location – information that is key to determining if regulation changes should be considered. One consideration that was discussed was requiring fishing guides to keep a logbook to collect fishing trip information, helping fishery managers evaluate effort at different times of year in specific river systems throughout the state.

WDFW is committed to data-driven fisheries management and will continue to work with the guide industry to further explore ideas and concerns around a logbook program that meets the department's needs while minimizing impact on the industry.

# Proviso Implementation Plan

## Public meetings

The proviso required the department to conduct public meetings in the Olympic Peninsula and Klickitat areas, however, fishery managers held additional meetings in other areas of the state to help ensure there were opportunities to hear from anglers and the 557 game fish and food fish guides licensed in the state of Washington (503 resident guides and 54 non-resident guides). Those meetings include:

- **Forks:** Oct. 25
- **Lyle:** Nov. 8
- **Ridgefield:** Nov. 9
- **Mill Creek:** Nov. 13
- **East Wenatchee:** Nov. 20
- **Clarkston:** Nov. 21
- **Selah:** Dec. 7

In addition to the public meetings, WDFW conducted two work sessions at the request of guides who were unable to attend the public meetings. The work sessions included:

- **Montesano:** Nov. 6
- **Olympia:** Dec 6

More than 300 guides and recreational anglers attended the public meetings. The largest meeting attracted just over 90 people (Forks) while the smallest had just under 20 (Clarkston). Summaries of meetings and work sessions are attached as Appendix A.

During the meetings, people could provide input at breakout sessions, where staff posed a series of questions regarding quality of fisheries, potentially capping the number of guides in Washington, and the possibility of requiring guides to keep logbooks. A presentation and the questions asked in the breakout sessions are attached as Appendix B.

## Surveys

WDFW also contracted with an outside vendor to conduct two surveys. The contractor, Responsive Management, has over 20 years of experience conducting natural resource-related public surveys for government agencies both nationally and internationally. The purpose of the surveys was to capture both guide and recreational angler sentiments associated with the data collection requirements of the proviso. The guide survey included contact with every game fish and food fish guide licensed in Washington. The recreational angler survey utilized a random/stratified design due to the large number of licensed salmon and steelhead fishers. The methods and results of the surveys are attached as Appendix C.



## Themes Associated with the Public Meetings/Workshops

The four main themes discussed at each meeting included:

- The quality of fishing in Washington.
- Capping the number of guides in the state.
- Creating a limited entry system for guides in Washington.
- Requiring guides to maintain a logbook.

**Quality of fishing** – Although there was recognition that the quality of fishing in Washington has improved in some areas, the general consensus was that there is an overall decline in both opportunity and numbers of available fish. Quality was discussed in terms of numbers of fish available, fishery closures, and the amount of fishing pressure in certain areas. The public urged the department to increase production of hatchery fish where appropriate. Some suggested the department prioritize hatchery production over wild fish recovery on some river systems – a difficult task considering the requirements of the federal Endangered Species Act. There was unanimous support statewide for increased enforcement to address unlicensed guiding and general fishing regulations.

**Capping** – For the purpose of this report, “capping” means the maximum number of guides licensed by the department each year. New participants would be able to enter the fishery under the capping through attrition. Guides leaving the fishery would free-up licenses that would become available for purchase from the state. Under capping, licenses would have no monetary value to the license holder.

Currently, there is no limit to the number of game fish and food fish guides in Washington. Generally, the public felt that there were too many guides. However, many guides did not want to limit a person’s ability to get into guiding in the future. There was resistance to the idea of a statewide cap on the number of guide licenses, and even more resistance to the idea of a geographically specific cap on the number of guide licenses issued. While there was more support for a geographic cap in the Olympic Peninsula and Klickitat areas, the response to this concept was still mixed.

**Limited entry** – For the purposes of this report, “limited entry” means establishing a finite number of licenses available for purchase from the state. Under this model, guides would own the license, which would then have a monetary value. Any new guides would be required to purchase the license from a guide who was willing to sell.

Many members of the guide community supported the idea of a limited entry system, similar to how recreational charters operate. Some recreational anglers opposed this and did not feel it appropriate for guides to profit from the sale of a business based on the utilization of a public resource.

**Logbooks** – The concept of requiring fishing guides to maintain logbooks was discussed at length during these meetings. The department is considering requiring a logbook to collect fishing trip information, such as when, where and what fish were caught each day. This information would help fishery managers evaluate effort at different times of year in specific river systems throughout the state. That information is important in determining whether or not regulation changes for guides are needed and, if so, what changes should be considered.

Generally, the guide community was split on the idea of requiring a mandatory guide logbook. Those who were opposed expressed concern about how the information would be utilized by the department. Some were less concerned and requested additional information while others were supportive. Recreational anglers, in general, were supportive of requiring guides to provide this information to the department.



## Themes Associated with the Guide and Angler Survey

The department contracted with Responsive Management to conduct two surveys – one aimed at licensed guides and one of recreational anglers in Washington state – in order to gather opinions regarding crowding, fisheries management, regulations, and the steelhead and salmon fishing experience. All guides licensed in Washington in 2017 (554 guides) were contacted to participate in the survey. A total of 298 (53.8%) guides completed the survey and a total of 847 completed recreational angler interviews were obtained from a population size of 471,029 anglers. (Findings of the recreational angler survey was reported at a 95% confidence interval with a sampling error of plus or minus 3.36%.)

Survey questions were designed to gather feedback on how anglers use steelhead and salmon fisheries statewide, perceptions around the trends in the quality of fisheries, and how geographic areas may differ (i.e., Olympic Peninsula rivers and the Klickitat River). The survey explored themes around fishing characteristics, the importance and opportunity for steelhead fishing, perceptions on the health of steelhead populations, opinions on crowding, perceived

effects of guides on the fishery, opinions on guiding regulations, and quality of the fishing experience.

The methods and results of the surveys are attached as Appendix C. A summary of survey feedback is organized by theme below.

### Fishing characteristics: Years fishing, days fishing, counties and waterbodies

The survey found that the majority of guides surveyed (44%) had been guiding for 5 years or less with the average number of years guiding in Washington being 9.45 years. The survey found there were two predominate age groups for recreational anglers, “Old Timers” that have been fishing in Washington for more than 25 years (37% of respondents) and “Newcomers” that have been fishing in Washington for 5 years or less (27% of respondents). The survey also asked guides and recreational anglers which counties and waterbodies they primarily used and how many days they used them last year. See tables below:

Guide Use by County	
County	% Guided on It
Cowlitz County	24.6
Grays Harbor County	21.0
Clallam County	18.8
Klickitat County	18.8
Lewis County	15.1
Jefferson County	13.2
Kittitas County	12.9
Snohomish County	11.8
Clark County	10.7
Grant County	10.7
King County	10.3

Guide Use by Water Body	
Water Body	% Guided on
Columbia River	38.3
Cowlitz River	24.2
Hoh River	20.0
Bogachiel River	17.5
Humptulips River	16.7
Sol Duc River	15.8
Wynoochee River	15.8
Klickitat River	14.6
Satsop River	13.8
Yakima River	12.5
Chehalis River	12.1
Calawah River	8.8
Skykomish River	8.3
Clearwater River (Queets River tributary)	7.9
Kalama River	7.5
Lewis River	7.1
Quillayute River	6.3
Snohomish River	6.3
Nisqually River	5.4
Franklin D. Roosevelt Lake	5.0

## **Steelhead fishing: overall rate, importance and angler satisfaction**

When asked about the importance of the Olympic Peninsula and Klickitat fisheries to their steelhead fishing experience, guides rated it as very important to their businesses at a 9.15 out of 10 and recreational anglers rated it as 8.02 out of 10. When asked whether they were satisfied with the steelhead fishing experience in Washington, only 41% of guides said they were satisfied and only 49% of recreational anglers were satisfied.

## **Steelhead: Perceptions of the steelhead populations**

When asked about their perceptions of the steelhead populations and whether they had increased, decreased or remained the same in abundance, the majority of guides and recreational anglers said that for the Olympic Peninsula rivers and Klickitat River the overall abundance of steelhead has gone down over the last 5 years.

## **Steelhead fishing: Perceptions of quality of steelhead and opinions on harvest**

When asked whether the quality of steelhead on the Olympic Peninsula rivers and the Klickitat River has gone down, stayed the same or increased, both guides and recreational anglers said that the quality of steelhead fishing has gone down in those areas. Both user groups felt that large steelhead were highly valuable and felt that sustainable harvest was very important.

## **Opinions on fishery crowding**

When asked about fishery crowding, Guides were split on whether they felt Washington's fisheries were crowded, with 45% saying that fisheries were crowded and 30% stating that statewide fisheries are not crowded. Recreational anglers were also split, with 37% stating that fisheries on a typical day were crowded, but 41% saying they are not crowded.

Guides and recreational anglers were also split on whether guides affected the crowding of fisheries. Fifty percent of guides surveyed believed that guides contributed a great deal to crowding issues while 48% surveyed believed that guides contributed little to not at all to fishery crowding. Similarly, 39% of recreational anglers believed guides contributed to crowding while 47% believed that guides contributed little to not at all to fishery crowding.

When asked about the Olympic Peninsula rivers and the Klickitat River specifically, 72% of guides and 46% of recreational anglers felt there was a crowding issue on the Olympic Peninsula rivers while 51% of guides and 66% of recreational anglers felt there was a crowding issue on the Klickitat River.

## **Perceived effects of guides on fishing**

When recreational anglers were asked if they agree or disagree that the guiding industry negatively affects their recreational fishing experience, 59% disagreed that guides affected their personal recreational fishing experience and 26% agreed that guides have an impact on their recreational fishing experience.

## **Opinions on guiding regulations**

When guides were asked whether they would be willing to report trip and harvest information, 36% of guides said they would be willing to report harvest and trip information, while 46 % were opposed. The surveyed guides willingness to support reporting trip and harvest information increased to approximately 50% support to 50% opposed if the information collected would be used to manage, maintain and improve fishing opportunities.

## **Fishery experience and quality on Klickitat and Olympic Peninsula rivers**

### *Olympic Peninsula rivers*

When Olympic peninsula guides were asked about their level of satisfaction with the fishery 47% responded that they are satisfied while 40% responded that they are unsatisfied. Among guides surveyed that fish the Olympic Peninsula rivers, the most commonly fished species was steelhead (91%) followed by salmon (58%). The most commonly fished species by recreational anglers on the Olympic Peninsula was salmon (60%) followed by steelhead (31%). Olympic Peninsula guides typically spent 30 days guiding anglers on the Olympic Peninsula. Recreational anglers surveyed spent an average of 7 days fishing specifically on the Olympic Peninsula. The majority of guiding activity on the Olympic Peninsula occurs January through March with a secondary peak of activity in October. The busiest angling months for recreational anglers on the Olympic Peninsula were June to October.

### *Klickitat River*

When Klickitat River guides were asked about their level of satisfaction with the fishery, 50% responded that they are satisfied while 50% responded that they are unsatisfied. The most commonly fished species by recreational anglers on the Klickitat River was salmon (69%) followed by steelhead (61%). Klickitat River guides spend an average of 15 days (median value) per year guiding on the river. The majority of Recreation anglers surveyed (70%) spend no more than 9 days fishing the Klickitat River. The active months for guiding on the Klickitat River are September through November. The busiest months for recreational angling on the Klickitat River are August to October, with the peak in September.



**For more information, see:**

- Appendix A – Meetings and work sessions
- Appendix B – WDFW presentation and questions asked in the breakout sessions
- Appendix C – Methods and results of the surveys



*Steelhead caught in Schneider Creek*



# PROPOSED RULE MAKING

**CR-102 (October 2017)**  
**(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: 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:**

A handwritten signature in cursive script that reads "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.