

Summary Sheet

Meeting dates: December 9th, 2022

Agenda item: Fishing Guide Logbook Rule Briefing, Rule Recommendations and Public Comment

Presenter(s): Raquel Crosier, Special Assistant, Fish Program, Chris Donley, Fish Program Region 1 Program Manager, Captain Jeffrey Wickersham, Enforcement Captain Region 5

Background summary:

The FWC began requiring Fishing Guides operating with a Washington Food Fish, Game Fish or Combination Guide License to log guided fishing trips beginning January of 2020. The agency developed three different reporting tools to allow guides to report additional trip and harvest data. Staff has worked with industry through a Fishing Guide Advisory Committee to develop and test reporting tools and create strategies for increasing communications and compliance with the guide industry. More info on the rule, advisory committee and progress report on implementation can be found here: <https://wdfw.wa.gov/fishing/commercial/guide-logbook>

Staff will provide background on the rule, implementation of the rule to date and will highlight some of the implementation challenges. Staff will walk through rule revisions proposed to support enhanced enforceability and compliance with the rule. Revisions to the rule include:

- Requiring certain trip information to be entered at the start of fishing day so enforcement can make compliance contacts on the water vs. at the end of the day.
- Take out reference to vessel and boat launch to clarify that reporting is required by all guides.
- Remove web reporting option which is underutilized and requires guides to transpose trip data.
- Increase paper logbook return to twice monthly vs. once monthly to allow more efficient follow up on enforcement contacts made.

After the briefing, the Commission will take public comment on the proposed rule revisions.

Staff recommendation:

Consider public comments and agency rule revision recommendations.

Policy issue(s) and expected outcome:

- These rule revisions will support compliance and enforcement of the guide logbook reporting requirement. Requiring certain trip information to be logged at the beginning of the day and increasing the frequency of paper log submittals will allow us to increase contacts with guides on the water and follow up with guides to ensure trips were logged.
-

Fiscal impacts of agency implementation:

Nominal fiscal impacts to the agency and the guide community associated with these rule revisions. The agency will need to make minor edits to communication tools around guide reporting and will provide pre-addressed return envelopes to guides to facilitate more frequent return of paper logs. There will be a nominal cost to guides who take frequent trips and use the paper report, they will be required to report twice a month vs. once a month. All guides will continue to have the option of reporting for free through the mobile reporting application.

Public involvement process used and what you learned:

The agency has been working with our guide advisory committee to get input from industry on these rule revisions and is collecting public comment online. The Commission will also hear public comment at this meeting.

Action requested and/or proposed next steps:

Consider revisions to WAC 220-352-245 to enhance enforceability of the rule, as presented. Consider public comments on these rule revisions. Schedule time to review and approve final rule revisions in January.

Draft motion language:

NA

Post decision communications plan:

Staff will summarize public comment received and report back to the Commission in January.



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: October 17, 2022
TIME: 2:52 PM

WSR 22-21-100

Agency: Washington Department of Fish & Wildlife P2022-15

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

- 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:
December 8-10, 2022	8:00 am	Clarkston, WA or Please click the link below to join the webinar: https://us06web.zoom.us/j/86718864047 Webinar ID: 867 1886 4047	In Person/Hybrid

Date of intended adoption: No sooner than January 1, 2023 (Note: This is NOT the effective date)

Submit written comments to:

Name: Kelly Henderson
 Address:
 Email: GuideLogbook@PublicInput.com
 Fax:
 Other: Website: <https://publicinput.com/GuideLogbook>; Phone for voicemail comments: 855-925-2801 project code: 4215
 By (date) December 10, 2022

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
 Other:
 By (date) December 10, 2022

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.

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"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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 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. The 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 at no cost.
- 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: 10/17/2022	Signature: 
Name: Chris Fredley for Annie Szvetecz	
Title: Agency Rules Analyst	

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.