



March 24, 2021

Dear F&W Commission Members,

I am not sure the official process, but I would like to petition for a rule making review to repeal a regulation change put into effect in 2016. Specifically, to make the changes below:

WAC 220-312-020

(41) Hoh River (Jefferson County)

(e) From Morgan's Crossing Boat Launch upstream to the Olympic National Park boundary below mouth of South Fork Hoh River:

~~(iii) It is unlawful to fish from a floating device~~

Please see attached "WDFW 2016-17 Sport Fishing Rule Change Proposals Concise Explanatory Statement" from February 17, 2016 (pp. 57-60). Specifically on page 60 #4 states:

"Prohibit fishing from floating devices on the Hoh River above Morgan's Crossing.

- intended to create a trial area for this approach to reducing catch. The pattern of use in this reach over time by different angler types will be examined, leading to a greater understanding of the impact and value of this type of regulation.

For years, we have questioned the Department meeting the intention of this regulated trial area and also applying it to fisheries other than wild winter steelhead. A letter to this end was submitted to the Department on March 16, 2018.

I will reiterate our feelings we voiced 3-years ago along with current concerns:

- No study of the use of no fishing from a floating device was ever completed.
- At the time of the regulation changes, we were told that the coastal sportfishing rule changes would be on a 3-year cycle. Now that the department has deviated from that and this rule has now been in effect for almost 5-years I am requesting this rule change be evaluated now before the department continues to use an untested and unfair rule to manage future fisheries.
- RCW 77.04.012 Mandate of Department and Commission states they must maximize recreational game fishing opportunities for all citizens, including juvenile, disabled, and senior citizens. No fishing from a floating device unfairly limits anglers that are unable to safely enter/exit boat, wade in swift waters or on slippery terrain.
- RCW 77.04.012 mandates the Department to seek to maintain the economic well-being and stability of the fishing industry in the state. Fishing guides provide a valuable service and access to the public, many times to those that are unable to safely fish without a guide. A no fishing from a floating device will cause economic distress to the fishing industry and local economies.
- Additionally, if this rule was proposed as a way to limit sport impact on wild winter steelhead, it is unreasonable that the closure would be for the entire year affecting hatchery summer and winter steelhead, as well as cutthroat trout fisheries.

We appreciate your time and are available for any further discussion.

Regards,

Ravae & Aaron O'Leary
Angler's Obsession
360-485-3334



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Ravae & Aaron O'Leary
Name of Organization _____
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COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington Department of Fish and Wildlife

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: _____

I am requesting the following change: _____

This change is needed because: _____

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: WAC 220-312-020 section (41)(e)(iii) _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: Please see attached letter. _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____