



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>.

Received

CONTACT INFORMATION *(please type or print)*

FEB 27 2025

Petitioner's Name FRANCIS V ESTALILLA MD
 Name of Organization [REDACTED]
 Mailing Address [REDACTED] Department of Fish & Wildlife
 City MONTESANO State WA Zip Code 98563
 Telephone [REDACTED] Email [REDACTED]

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples. * SEE ENCLOSED STATEMENT
- 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/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: FISH / WILDLIFE

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

- The subject (or purpose) of this rule is: TO PERMIT DISABLED HARVESTER PRIVILEGES FOR TIME-LIMITED DISABILITIES (6-12-18-MONTH DURATION)
- The rule is needed because: LICENSE HOLDERS WITH TIME-LIMITED DISABILITIES ARE DENIED HARVEST ACCESS VIA CURRENT DESIGNATED HARVEST RULES
- The new rule would affect the following people or groups: ANY LICENSE HOLDER AFFLICTED BY A MEDICAL / SURGICAL / TRAUMATIC CONDITION THAT PRECLUDES ACTIVE PARTICIPATION FOR A TIME-LIMITED PERIOD OF REHABILITATION OR RECOVERY — EX 6-12-18-MONTHS PER PHYSICIAN'S DISCRETION

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

List rule number (WAC), if known: 220-413-140
220-305-120
220-413-210

I am requesting the following change: ADD PROVISIONS FOR TIME-LIMITED DISABILITIES FOR ALL WAC'S REGULATING HARVEST OF FISH AND WILDLIFE RESOURCES IN WA STATE

This change is needed because: CURRENT LAW REQUIRES A PERMANENT DISABILITY. A TIME LIMITED DISABILITY SHOULD BE AFFORDED SAME DURATION TO BE DETERMINE

The effect of this rule change will be: BY AUTHORIZING PHYSICIAN EX 6- 12- 18-MONTH TEMPORARY DISABILITY SIMILAR TO THE ISSUANCE OF A DISABLED

The rule is not clearly or simply stated: PARKING PLACARD

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

List rule number (WAC), if known: _____

(Check one or more boxes)

- It does not do what it was intended to do.
- It is no longer needed because: _____
- 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): _____



HARBOR

FRANCIS V. ESTALILLA, M.D.
Eye Physician and Surgeon

1741 Summer Avenue • Aberdeen, WA 98521

February 21, 2025

My name is Francis Estalilla, retired ophthalmologist and avid outdoorsman in Grays Harbor County for the past 31 years.

I wish to draw your attention to a major oversight in the agency's mission to promote INCLUSION, particularly regarding those individuals with medical/surgical disabilities.

The law currently makes provisions for harvesters (fisher and/or hunter) with a PERMANENT disability to participate in recreational harvest of game, fish and shellfish.

<https://lawfilesexst.leg.wa.gov/law/wsr/2017/13/17-13-077.htm>

The oversight in the rule is the very EXCLUSIONARY policy of denying these same provisions to harvesters with time-limited disabilities. I am specifically referring to persons with medical or surgical conditions that would preclude their ability to harvest game, fish, and shellfish without assistance.

Examples would include a stroke patient that might require a 2-year rehabilitation to become able-bodied again, a patient with orthopedic trauma that would require 12-18 months of physical therapy and rehab to regain full function to engage in activities afield, or a patient with an infected non-healing wound that may take 6 months or more to close with special treatment.

I have found myself on both sides of this equation. Since 2018, I have served as "designated digger" for an elderly friend, digging all his razor clams for the past 7 seasons. Last June I suffered a major orthopedic trauma (left tibial plateau fracture requiring an 11 hour surgery. Thankfully I was healed up enough in time to participate in the fall/winter clam digging season beginning in October 2024. I was able to successfully dig not only my limit each outing, but also that of my permanently disabled friend.

All was well until the last week of January 2025 when I developed a postoperative infection that was melting my surgical wound. I am now sentenced to at least 3 months of antibiotics and NON weight bearing on my injured/infected leg. This effectively puts me out of commission for the remainder of the winter/spring razor clam season.

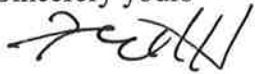
I find it troubling that anyone in my position afflicted with a medical and/or surgical condition would be denied harvesting privileges simply because that disabling condition is "time limited". The state routinely issues "time limited" handicap parking placards for temporary disabilities. It stands to reason that WDFW should do likewise to accommodate harvesters with a disability, especially in these times where promoting INCLUSIVITY is of paramount concern across all state agencies.

"Temporary" disabilities of say 6, 12, 18, or 24 months are no small matter...especially for lifetime outdoorsmen. Missing the rest of this spring clam season and perhaps the beginning of the next fall season is a devastating blow, esp when considered within the context of the many other life-changing issues that my injury has already presented.

I seek your assistance in righting this EXCLUSIONARY oversight once and for all. Even if it does not result in any direct benefit to me within the time it takes to get it passed, I believe it is an important issue for hundreds, perhaps thousands of disabled Washingtonians.

Any help you can provide to facilitate this rule-making effort and bring it to the attention of the Fish and Wildlife Commission would be greatly appreciated.

Sincerely yours



FRANCIS V ESTALILLA, MD

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