



Rule Petition Summary Sheet

Date Rule Petition received: April 3

Deadline for Rule Petition response: June 2

Rule Petition Topic: Request for an amendment to WAC 220-312-030 (Freshwater exceptions to statewide rules—Southwest)

Petitioner(s): Mr. Corey Corrado

Background summary of rule petition topic:

Mr. Corrado of Lacey, WA is petitioning the department to amend WAC 220-312-030 (Freshwater exceptions to statewide rules—Southwest) to allow individuals who are legally disabled but who do not require a wheelchair to fish at a dock located on the Cowlitz River that is owned by the Tacoma Power company. This fishing area is subject to sub-section (18) of the rule and a posted sign from Tacoma Power that requires that only permanently disabled individuals requiring a wheelchair may fish on the dock and is nearby the Cowlitz Salmon Hatchery.

Mr. Corrado is disabled but does not require a wheelchair; he wants the department to change the rule so that it explicitly states that disabled individuals who do need a wheelchair (like Mr. Corrado) can fish on the dock.

Rationale against Amending WAC 220-312-030:

The Tacoma Power company has allowed public fishing on their dock on the condition that only disabled individuals requiring a wheelchair may do so. This is a prime fishing location which nearly guarantees a harvest for recreational fishers which is why the company reserved this area specifically for disabled fishers who are confined to a wheelchair. To amend the rule to allow other disabled fishers who do not require a wheelchair is in direct opposition to the company's intention in allowing disabled

individuals with paraplegia to fish on their dock. The company has posted a public sign on the dock expressing their intention.

In addition, the Enforcement Program has had past challenges with other individuals with documented disabilities who did not need a wheelchair to fish on the company dock. These individuals use a wheelchair to fish in order to satisfy the requirement of the posted sign. Officers believe that amending the rule to remove the wheelchair requirement for disabled fishers would likely encourage more of this illegal activity.

Recommendation:

The programs that were consulted on this rule petition - – Enforcement, Human Resources, Licensing and Fish – all recommend denying the petition because it is inconsistent with the intent of the Tacoma Power company and may have the effect of encouraging more exploitation of the rule by the public.