

PETITION TO AMEND A RULE

**STATE OF OREGON
FISH AND WILDLIFE COMMISSION**

IN THE MATTER OF 2009 STATE)
SPORT FISHING REGULATION) PETITION TO AMEND RULE
ON SEC 1:8 A GAFF MAY NOT) 2009 STATE SPORT FISHING
BE USED TO LAND A HOOKED) REGULATION SEC1 PAGE 8
SALMON, STEELHEAD OR)
OTHER FRESHWATER GAME)
FISH IN INLAND OR OCEAN)
FISHERIES.

1. Petitioner's name and address is
Jeff Breithbarth
2805 Anderson Ave
Klamath Falls, OR 97603

Wayne Riley
5029 Bypass Terr.
Oklahoma City, OK 73119

2. Petitioner is a sport fisherman and has been a holder of Oregon fishing permit for 40 years.

3. Petitioner asserts that the rule as adopted by the Commission is arbitrary and capricious, unfair, unsafe, and will impose a significant adverse economic effect on Oregon based fishing communities and personal safety.

4. Petitioner proposes that the Regulation be amended to read as follows:

A GAFF MAY NOT BE USED TO LAND A HOOKED ILLEGAL
SALMON, STEELHEAD OR OTHER FRESHWATER GAME
FISH IN INLAND OR OCEAN FISHERIES.

Wherefore the Petitioner's requests the STATE OF OREGON FISH AND WILDLIFE COMMISSION to adopt the proposed amendment to the OREGON SPORT FISHING REGULATIONS SEC1 PAGE 8.

Dated December 4, 2009.

Petitioner's: Jeff Breithbarth & Wayne Riley

To: Commission Members

It has come to my attention that a new regulation has been added to the rules this year.
(A GAFF MAY NOT BE USED TO LAND A HOOKED SALMON, STEELHEAD OR OTHER FRESHWATER GAME IN INLAND OR OCEAN FISHERIES.)

The Fact being this regulation is nonsense and putting the lives of fishermen in danger and the loss of life could happen. I personally fish the Rouge River and Fish it by myself being no amateur to the sport it make no sense if you hook a legal fish not to be able to land the legal fish with a gaff. You are not to take an illegal fish. The Fish being legal and only being able to net the legal fish when you are the only person in the boat with other boats around you puts lives in danger. Being the operator of the boat has to watch for other boats and working the rod and reel then having to grab a large net to land the legal fish leaves a person in jeopardy of an accident to happen. When a gaff could be use to land the legal fish and respond to the danger of hitting another boat or landing upon the rocks without loosing the legal fish.

As stated in the Rules and Regulations Most accidents occur on the bar – that point where the river meets the ocean. Avoid crossing the bar on an ebb-tide – it is very unstable and unpredictable. At times, even on a calm day, breakers may form across much of the bar quickly and without notice.

As a fisherman I would like to protest this regulation and I will start a petition to have this regulation changed or removed for the sake of fishermen's lives.

Respectfully,
Wayne Riley