



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 Nello Picinich

Name of Organization Coastal Conservation Association Washington

Mailing Address [REDACTED]

City [REDACTED] State [REDACTED] Zip Code [REDACTED]

Telephone [REDACTED] Email [REDACTED]

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/RClst.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Dept. of Fish and Wildlife, Fish and Wildlife Commission

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

The subject (or purpose) of this rule is: Reducing non-tribal Columbia River gillnetting consistent with the \$14.4 million voluntary gillnet buyback funded by the Washington Legislature

The rule is needed because: WDFW has indicated that it will not honor the intent of the legislature to ensure the \$14.4 million spent on a Columbia River gillnet buyback benefits conservation.

The new rule would affect the following people or groups: Gillnetters who sought to profit from the buyback and deny the public the benefit of the \$14.4 million buyback.

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: _____

(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): _____

Rulemaking Petition: Reducing non-tribal Columbia River gillnetting consistent with the \$14.4 million voluntary gillnet buyback funded by the Washington Legislature

Proposed Rule Language:

Consistent with the intent of the voluntary Columbia River non-tribal commercial fishery buyback program funded in 2022, the department shall reduce the fishery impacts allocated to the Columbia River non-tribal commercial fishery compared to the allocations in place from 2017-2021 using the department's calculation of reduced impacts associated with licenses retired under the buyback program. The department shall utilize these impacts for conservation purposes, including in connection with mark-selective fisheries, in a manner consistent with state-tribal fishery management agreements and the Columbia River Compact.

Background:

A \$14.4 million voluntary gillnet buyback was included in Section 308(65) of the 2022 Supplemental Operating Budget (ESSB 5693). Subsection (b) of the proviso directed WDFW to reserve for conservation the harvest impacts associated with purchased licenses. The specific language reads as follows:

(b) For all licenses purchased, the department shall calculate the reduced impacts to wild and endangered stocks based on the most recent five-year average of harvest and reserve those impacts for conservation through increased wild salmonid escapement or mark selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

Consistent with Subsection (b) of the proviso, WDFW should reduce the mainstem non-tribal gillnet fishery and utilize those reserved impacts to benefit conservation -- through increased escapement of wild salmonids, including ESA-listed species, and for use in mark-selective fisheries capable of harvesting hatchery fish.

In September 2023, WDFW Director Kelly Susewind released a statement indicating that WDFW would not concur with ODFW to jointly approve an additional day of fall mainstem gillnetting based on its calculation of the impacts required to be reserved under the \$14.4 million gillnet buyback. The resulting Oregon-only gillnet fishery, which had little participation, was a small first step towards improving conservation through the buyback.

By adopting this rule, WDFW and the Commission can ensure that the primary intent of the buyback – reducing non-tribal mainstem gillnetting – will be rule in Washington. WDFW can then negotiate with ODFW through the Columbia River Compact to address any areas of non-concurrence, similar to what has occurred annually since 2021.

The actual voluntary gillnet buyback budget proviso language from Section 308(65) of the 2022 Supplemental Operating Budget (ESSB 5693) is attached.

Also attached is a list of the retired licenses.

**FINAL 2022 WASHINGTON BUDGET LANGUAGE
APPROVED BY THE HOUSE, SENATE & GOVERNOR**

Voluntary Buyback Program

\$14,400,000 of the general fund—state appropriation for fiscal year 2023 is provided solely for the department to reduce the number of nontribal commercial gillnet fishing licenses on the Columbia river through a voluntary buy-back program.

(a) Until November 30, 2022, the department may pay up to \$25,000 each for licenses that have been inactive since 2019 and up to \$120,000 each for licenses that have been active since 2019. After November 30, 2022, the department may pay up to \$20,000 each for licenses that have been inactive since 2019 and up to \$96,000 each for licenses that have been active since 2019. It is the intent of the legislature that this will be the last appropriation made to buy back licenses for the Columbia river gillnet fishery.

(b) For all licenses purchased, the department shall calculate the reduced impacts to wild and endangered stocks based on the most recent five-year average of harvest and reserve those impacts for conservation through increased wild salmonid escapement or mark selective fisheries capable of harvesting surplus hatchery-reared salmon where needed to meet federal genetic protection requirements for wild salmon populations in a manner consistent with state-tribal fishery management agreements.

(c) The department must make recommendations to the legislature for any necessary changes in statute, regulations, or program funding levels to transition lower Columbia river mainstem gillnet fisheries to alternative, selective fishing gears, including pound nets or other gears capable of benefitting wild salmon conservation through mark-selective harvest practices. The recommendation must be submitted to the appropriate committees of the legislature by December 1, 2022.

\$14.4 Million Voluntary Gillnet Buyback Funded by the Washington Legislature

A total of 172 licenses were retired as part of the \$14.4 million voluntary gillnet buyback program and less than 70 licenses remain. Of these remaining licenses, **only 11 licenses had Columbia River salmon landings** in the five-year period covered by the buyback. **The retired licenses were responsible for 87% of Chinook and Coho landings made by Washington license holders.**

The list of individuals/corporations who voluntarily sold their license(s) can be found in the table below.

| Lic # | Name | Paid |
|--------------|-----------------------------|-------------|
| 71093 | ASHLEY, LORI C | \$90,835 |
| 72293 | BACKLASH CORP | \$90,835 |
| 72306 | BACKLASH CORP | \$90,835 |
| 71802 | BACKMAN GARY M & MARTHA L | \$90,835 |
| 72708 | BACKMAN, GARY M | \$90,835 |
| 73315 | BALDWIN CHARLES & CAROL | \$90,835 |
| 72002 | BEESE, THEODORE W | \$90,835 |
| 72257 | BEESE, THEODORE W | \$90,835 |
| 72588 | BOWERS, STEVEN H | \$25,000 |
| 71755 | BOWERS, STEVEN H | \$90,835 |
| 70139 | BRAY, RICHARD D | \$90,835 |
| 70436 | BRITT RONALD & NORMA | \$90,835 |
| 72133 | BUCHKOSKI, BILL B | \$90,835 |
| 71691 | BUCKENDAHL, TIMOTHY L | \$90,835 |
| 71325 | CHILMAN, LANE G | \$90,835 |
| 72498 | CHILMAN, LANE G | \$90,835 |
| 72646 | CLARK LEE S & CYNTHIA G | \$90,835 |
| 72909 | CLARK LESLIE & FRANCES | \$90,835 |
| 70610 | CLARK, STEVEN E | \$90,835 |
| 70069 | COFFEEN, NAT | \$59,999 |
| 72895 | COWELL, WARREN E | \$90,835 |
| 71881 | CROOKSHANKS BRUCE & MARGRET | \$90,835 |
| 71072 | CROOKSHANKS, DARREN W | \$90,835 |
| 72908 | CROOKSHANKS, DARREN W | \$90,835 |
| 72967 | CROOKSHANKS, DARREN W | \$90,835 |
| 70131 | CUBERT, DAVID J | \$90,835 |
| 70330 | CUBERT, DAVID J | \$90,835 |
| 71278 | CUBERT, DAVID J | \$90,835 |
| 71462 | CUBERT, DAVID J | \$90,835 |
| 73098 | CUBERT, DAVID J | \$90,835 |
| 73463 | CUBERT, DAVID J | \$90,835 |

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|-------|--------------------------|----------|
| 72691 | DAVIS, DOUGLAS M | \$90,835 |
| 71995 | DICKENSON, ROY J | \$90,835 |
| 72020 | DIVINE, BRYCE E | \$90,835 |
| 72571 | DOUMIT MARK L & MINDY L | \$90,835 |
| 70390 | DUNCAN, DUFFY G | \$25,000 |
| 71835 | EDWARDS, PATRIK E | \$90,835 |
| 71153 | EMBLEY, LARRY B | \$90,835 |
| 70931 | EVANS, JOHN A | \$90,835 |
| 72048 | FALLEUR, MIKE D | \$25,000 |
| 70877 | FALLEUR, MIKE D | \$90,835 |
| 70362 | FORSBERG VERNON & DENNIS | \$90,835 |
| 70896 | FORSBERG, DENNIS W | \$90,835 |
| 71040 | FORSBERG, DENNIS W | \$90,835 |
| 70567 | FORSBERG, DOUG W | \$90,835 |
| 71228 | FURFORD, MICHAEL L | \$90,835 |
| 71955 | GAIL FORCE INC | \$90,835 |
| 72167 | GAIL FORCE INC | \$90,835 |
| 70058 | GARDNER, LUKE | \$65,000 |
| 73311 | GIBBS, GLEN T | \$90,835 |
| 72644 | GIFFORD, JUSTIN A | \$90,835 |
| 70244 | GILMORE, GREG M | \$90,835 |
| 71392 | GITCHEL, JAMES D | \$90,835 |
| 71483 | GITCHEL, JAMES D | \$90,835 |
| 72486 | GRAHAM, DEAN N | \$90,835 |
| 72905 | GRAHAM, DEAN N | \$90,835 |
| 70531 | GRAHAM, GORDON L | \$90,835 |
| 71519 | GRAHAM, GORDON L | \$90,835 |
| 71147 | GRAY FISHERIES LLC | \$90,835 |
| 72005 | GRAY, LANCE E | \$90,835 |
| 72479 | GREEN MARVIN & ELLEN | \$90,835 |
| 70919 | GROCOTT, JOHN A | \$90,835 |
| 71876 | GUNTLE, TOM L | \$90,835 |
| 71634 | GUNTLE, TOMMY L | \$90,835 |
| 71669 | GUNTLE, TOMMY L | \$90,835 |
| 71697 | HAATAIA, TIMOTHY P | \$90,835 |
| 70641 | HANSON, JOHN C | \$90,835 |
| 73455 | HANSON, JOHN C | \$90,835 |
| 72104 | HARDER, MATT R | \$90,835 |
| 72937 | HARDER, MATT R | \$90,835 |
| 71862 | HAVENS, JADE A | \$90,835 |
| 70117 | HOLLAND, LARRY D | \$90,835 |

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|-------|-----------------------------|----------|
| 73116 | HOLLINGSWORTH DAVID & ALLEN | \$90,835 |
| 70313 | HOLLINGSWORTH DAVID & ALLEN | \$90,835 |
| 71220 | HOLLINGSWORTH JACK & MARTHA | \$90,835 |
| 72540 | HOLLINGSWORTH JACK & MARTHA | \$90,835 |
| 71001 | HUDDLESTON, ERIC J | \$90,835 |
| 72012 | JASPER, LESLIE A | \$90,835 |
| 71777 | JOHNSON, DENNIS A | \$90,835 |
| 71574 | JOHNSON, GREGORY E | \$90,835 |
| 73017 | KAMP, BRIAN W | \$90,835 |
| 72088 | KARY, JIM A | \$90,835 |
| 72994 | KARY, RONALD J | \$90,835 |
| 71486 | KARY, ROSE M | \$90,835 |
| 72059 | KARY, ROSS | \$90,835 |
| 72228 | KATO, WILLIAM G | \$25,000 |
| 73195 | KEMMER, JAMES L | \$90,835 |
| 71212 | KULLER, MARTIN L | \$90,835 |
| 71219 | LAKE, RICHARD S | \$90,835 |
| 73115 | LAKE, RICHARD S | \$90,835 |
| 71292 | LEGLER, RUSSELL D | \$25,000 |
| 70676 | LONG, JAMES A | \$90,835 |
| 71820 | LOVE, BRIAN G | \$90,835 |
| 71514 | LOVROVICH, DAVID J | \$90,835 |
| 70511 | LYTLE, JAMES L | \$25,000 |
| 71598 | LYTLE, MICHAEL C | \$90,835 |
| 72861 | MANDICH, DAVID J | \$90,835 |
| 70357 | MANLOW, WENDY J | \$90,835 |
| 73066 | MARIYAH INC | \$90,835 |
| 73153 | MARIYAH INC | \$90,835 |
| 72375 | MARTIN, KENT O | \$90,835 |
| 71875 | MATTSON CRAIG W & DIANE | \$90,835 |
| 72247 | MCDOUGALL, JACK W | \$90,835 |
| 72817 | MCDOUGALL, JACK W | \$90,835 |
| 71991 | MCMILLAN FISHERIES INC | \$90,835 |
| 70253 | MCMILLAN, GREGORY J | \$90,835 |
| 70455 | MITBY, A J | \$90,835 |
| 71941 | MITBY, A J | \$90,835 |
| 71524 | MITBY, CYNDY S | \$90,835 |
| 70724 | OATFIELD, WESTLY J | \$90,835 |
| 70586 | OGREN, BRUCE R | \$90,835 |
| 70333 | OLSEN, PHIL F | \$90,835 |
| 71647 | OLSEN, WILLIAM R | \$25,000 |

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|-------|--------------------------|----------|
| 73273 | OLSEN, WILLIAM R | \$90,835 |
| 71839 | OLSON, RICHARD W | \$90,835 |
| 72151 | OMAN, PHILIP J | \$90,835 |
| 73122 | PACIFIC PRIDE INC | \$25,000 |
| 73160 | PACIFIC PRIDE INC | \$25,000 |
| 73219 | PACIFIC PRIDE INC | \$25,000 |
| 71005 | PAGE, JOHN L | \$90,835 |
| 72841 | PAVLETICH, JACK M | \$90,835 |
| 73092 | PAVLETICH, JACK M | \$90,835 |
| 71466 | PEDERSEN, ARTHUR G | \$90,835 |
| 72263 | PETERSON MARK & JULIE | \$90,835 |
| 72567 | PETRICIC BRUNO & ZITA | \$25,000 |
| 70874 | POE, GORDON A | \$90,835 |
| 70119 | PONN, LARRY E | \$90,835 |
| 71493 | POVELITE, JEFFERY R | \$90,835 |
| 71250 | QUASHNICK, RICHARD S | \$90,835 |
| 70569 | RASMUSSEN, JACK | \$25,000 |
| 71694 | REEVES, DANNY J | \$90,835 |
| 72765 | REEVES, DANNY J | \$90,835 |
| 70349 | RIGGS, MICHAEL W | \$90,835 |
| 71732 | RISLEY RODNEY & FLORENCE | \$90,835 |
| 71959 | ROBINSON, STEPHEN W | \$90,835 |
| 70995 | RUSHTON, GARY R | \$90,835 |
| 71266 | RUSHTON, GARY R | \$90,835 |
| 72393 | RUSHTON, GARY R | \$90,835 |
| 71616 | RYDMAN, EDWARD A | \$90,835 |
| 73101 | SARY, MELVIN O | \$90,835 |
| 71062 | SCOTT, LORI A | \$25,000 |
| 70887 | SEA TOO INC | \$90,835 |
| 73364 | SEA TOO INC | \$90,835 |
| 70650 | SEDY, GREGORY L | \$90,835 |
| 72030 | SHIPPENTOWER, CLIFFORD D | \$90,835 |
| 70640 | SOULE, ERNEST L | \$25,000 |
| 72712 | SOULE, ERNEST L | \$25,000 |
| 71861 | SOUVENIR, GORDON F | \$90,835 |
| 70305 | STECKER, ROGER S | \$90,835 |
| 70072 | STIGALL, JAMES C | \$90,835 |
| 71580 | STIGALL, JOHN G | \$90,835 |
| 72876 | SWAIN DANIEL & DIANE | \$90,835 |
| 72731 | T HAWK FISH INC | \$90,835 |
| 71548 | TARABOCHIA, TERRY P | \$90,835 |

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|-------|-----------------------------|---------------------|
| 71988 | THOMAS, WILLIAM P | \$90,835 |
| 71126 | TOSTE, RAY M | \$90,835 |
| 73042 | TOSTE, RAY M | \$90,835 |
| 72790 | TRACY, DALE | \$70,000 |
| 71387 | TROTT NANCY & GEORGE | \$25,000 |
| 70365 | TUCKER ENTERPRISES INC | \$90,835 |
| 73252 | UNGARO LOUIS & GEORGIANNA P | \$25,000 |
| 71620 | URIE, ALEXANDER M | \$90,835 |
| 71724 | URQUHART, BRUCE T | \$90,835 |
| 73139 | WALLACE, MICHAEL T | \$90,835 |
| 72660 | WALTERS LESLIE & GARY L | \$90,835 |
| 70541 | WATSON, GENE E | \$90,835 |
| 71596 | WELLS, JAMES R | \$25,000 |
| 71953 | WESTFALL, JOHN R | \$90,835 |
| 73114 | WIRKKALA, KENNETH L | \$90,835 |
| 73041 | WIRKKALA, ROBERT P | \$90,835 |
| 73058 | WULLGER, MIKE L | \$90,835 |
| 71379 | ZERR PHILIP & SULEMA | \$90,835 |
| | | \$14,361,084 |