



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Department of Fish and Wildlife

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** A 60,000 pound quota was imposed on the commercial smelt fishery by the Fish and Wildlife Commission in July of 2014. This "quick reporting" requirement is required for other species in WAC 220-69-240. Under temporary rule quick reporting occurred during the 2014 and 2015 seasons, and this rule action makes this requirement permanent.

**Citation of existing rules affected by this order:**

Repealed:  
 Amended: WAC 220-49-005  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 16-03-046 on January 14, 2016 (date).  
 Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**Date adopted:** March 4, 2016

**NAME (TYPE OR PRINT)**  
Brad Smith

**SIGNATURE**

**TITLE**  
Chair, Washington Fish and Wildlife Commission

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: March 22, 2016**

**TIME: 4:23 PM**

**WSR 16-07-140**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>1</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

**WAC 220-49-005 Puget Sound forage fish commercial fisheries—General provisions.** (1) It is unlawful to fish for or possess Puget Sound forage fish taken for commercial purposes except at the times, during the seasons and using the gear provided for in this chapter.

(2) It is unlawful to fish for or possess candlefish taken for commercial purposes. A violation of this subsection is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

(3) The total annual quota for the Puget Sound smelt commercial fishery may not exceed sixty thousand pounds.

(4) It is unlawful for vessel operators engaged in the commercial harvest of smelt from Puget Sound to fail to report their daily catch to the department by 2:00 p.m. the day following the harvest of smelt.

(a) Catch reports may be submitted to the department as follows:

(i) By e-mailing the catch report or a picture of the fish receiving ticket to smeltreport@dfw.wa.gov; or

(ii) By phone at 1-844-611-3822.

(b) Catch reports must include the following information as it is recorded on the fish receiving ticket:

(i) Fisher name;

(ii) Wholesale fish dealer name;

(iii) Pounds of smelt landed;

(iv) Marine fish/shellfish catch area, as described in WAC 220-22-400;

(v) Date of harvest;

(vi) Date of sale;

(vii) Complete fish ticket serial number, including the first alphanumeric letter; and

(viii) If a picture of the fish receiving ticket is e-mailed as the daily harvest report, the date of harvest must be recorded on the bottom half of the ticket.