



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
**(Implements RCW 34.05.350)**

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 14-52**

- Immediately upon filing.
- Later (specify) 6:00 a.m. March 8, 2014

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

- Yes
  - No
- If Yes, explain:

**Purpose:** Amend recreational fishing rules

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

Repealed: WAC 220-56-27000L  
 Amended: WAC 220-56-270  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.04.055, and 77.12.047

**Other authority :**

**EMERGENCY RULE**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Sets one additional day of recreational smelt dipping opportunity in the Cowlitz River. The eulachon return was delayed due to cold river temperatures that caused the fish to hold in the warmer Columbia River estuary for most of February. The fish only showed up in the Cowlitz River on the final day of the original four-day season (Saturdays from Feb. 8 through Mar. 1). This year will be the fourth year of significantly improved smelt returns to the Columbia River beginning in 2011. Even with the one day extension to the sport season, combined sport and commercial harvest is expected to not exceed 1% of the total run size forecasted for 2014. The fishery serves as an important test fishery to monitor run strength and timing and to collect biological data. The regulations are consistent with a reduced Level One fishery as described in the "Washington and Oregon Eulachon Management Plan" for the Columbia River.

**Date adopted:** March 4, 2014

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: March 04, 2014**

**TIME: 4:56 PM**

**WSR 14-06-095**

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

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**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	_____

ORDER NO. 14-52

NEW SECTION

**WAC 220-56-27000L Smelt—Areas and Seasons.**

Notwithstanding the provisions of WAC 220-56-270, WAC 220-56-240, WAC 220-56-265, and WAC 220-56-275, it is unlawful to fish for or possess eulachon smelt in those waters of the Columbia River and Washington tributaries except as provided below:

Open Area: Cowlitz River (bank only).  
Open Dates: Saturday March 8, 2014  
Hours: 6:00 a.m. to 12:00 p.m.  
Daily limit: 10 pounds. Possession limit equal to one daily limit.  
Gear: Dip net only.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 p.m. March 8, 2014:

WAC 220-56-27000L Smelt – Areas and Seasons.

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**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

: (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

9 (b) That state or federal law or federal rule a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reason for Finding:** Sets one additional day of recreational smelt dipping opportunity in the Cowlitz River. The eulachon return was delayed due to cold river temperatures that caused the fish to hold in the warmer Columbia River estuary for most of February. The fish only showed up in the Cowlitz River on the final day of the original four-day season (Saturdays from Feb. 8 through Mar. 1). This year will be the fourth year of significantly improved smelt returns to the Columbia River beginning in 2011. Even with the one day extension to the sport season, combined sport and commercial harvest is expected to not exceed 1% of the total run size forecasted for 2014. The fishery serves as an important test fishery to monitor run strength and timing and to collect biological data. The regulations are consistent with a reduced Level One fishery as described in the "Washington and Oregon Eulachon Management Plan" for the Columbia River.

**(14-52, 3/4/2014)**