



**RULE-MAKING ORDER
EMERGENCY RULE ONLY**

**CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 26, 2021
TIME: 3:30 PM

WSR 21-06-063

Agency: Department of Fish and Wildlife (Order 21-21)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) March 2, 2021

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

- Yes No If Yes, explain:

Purpose: The purpose of this rule is to open recreational smelt seasons in the Cowlitz River.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-315-03000C
- Amended: WAC 220-315-030
- Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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.

Reasons for this finding: This rule sets a limited Cowlitz River recreational fishery for eulachon smelt. This rule conforms to the Washington and Oregon Eulachon Management Plan and remains within harvest guidelines. The expected return of eulachon to the Columbia River in 2021 is expected to be similar in magnitude to the run in 2019 and 2020. The fishery serves as an important test fishery to monitor run strength and timing and to collect biological data. NOAA Fisheries concurs that a limited fishery is consistent with recovery of eulachon smelt. There is insufficient time to adopt permanent regulations.

**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:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

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

New ____ Amended ____ Repealed ____

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

New 1 Amended ____ Repealed 1

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

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: February 26, 2021
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

WAC 220-315-03000C Smelt—Areas and Seasons

Notwithstanding the provisions of WAC 220-315-030, the Columbia River and Washington tributaries are closed to fishing for eulachon smelt except as provided below:

Open Dates: Tuesday March 2, 2021.
8:00 a.m. to 1:00 p.m. (5-hour period).

Open Area: Cowlitz River (bank only) from the HWY 432 Bridge upstream to the Al Helenberg Memorial Boat Ramp located approximately 1,300 feet upstream of the HWY 411/A Street Bridge in Castle Rock.

Daily Limit: 10 pounds. Possession limit equal to one daily limit. In the field, it is unlawful for each person harvesting smelt to fail to use a separate container to hold their catch and the container must be in the harvester's presence or identified with the harvester's name.

Gear: Smelt may be taken with dip net only.

REPEALER

The following section of Washington Administrative Code is repealed effective 1:01p.m. March 3, 2021:

WAC 220-315-03000C Smelt—Areas and Seasons