



# 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: March 02, 2022

TIME: 1:46 PM

WSR 22-07-002

**Agency:** Washington Department of Fish and Wildlife (22-35)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) 8:00 a.m. March 5, 2022

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

- Yes
  - No
- If Yes, explain:

**Purpose:** Amends recreational smelt harvest rule in the Cowlitz River

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

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- Repealed: WAC 220-315-03000D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

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.12.045 and RCW 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 2022 is expected to be larger in magnitude to the run in 2021. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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	___
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**The number of sections adopted on 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:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** March 2, 2022

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-315-03000D Smelt—Areas and Seasons**

Notwithstanding the provisions of WAC 220-315-030 and WAC 220-315-010, the Columbia River and Washington tributaries are closed to fishing for eulachon smelt except as provided below:

**Open Dates:** Saturday, March 5, 2022.  
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, each person harvesting smelt must 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 the Washington Administrative Code is repealed effective 1:01 p.m. March 5, 2022:

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