

**Concise Explanatory Statement
Amendment to the Commercial Eulachon Fishing Regulations**

Rules amended as part of this rulemaking:

WAC 220-358-060, Commercial Fisheries – Columbia River Below Bonneville Dam - Smelt

Rules repealed as part of this rulemaking:

None.

Rules created as part of this rulemaking:

None.

1. Background/Summary of Project:

The Southern Distinct Population Segment of Eulachon, native to the Columbia River, was federally listed under the Endangered Species Act in March 2010. Following the listing, the department temporarily rescinded commercial fisheries, but failed to change permanent regulations. Over the past decade, DFW has worked closely with NOAA fisheries to determine if and when sustainable harvest may occur and commercial fisheries have been set through the emergency rule process only when the run size is large enough to allow for sustainable harvest. The current rulemaking allows commercial smelt fishing seasons to be decided via the Columbia River Compact Process as opposed to defined in permanent rules.

2. Reasons for adopting the rule:

The current rulemaking is to align the permanent rules with our current management process for eulachon fisheries by rescinding the “Fishing Periods” section of the commercial smelt fisheries WAC. These changes will allow fisheries to be managed under the current management plan and within the Columbia River Compact process.

3. Differences between the text of the proposed rule and the rule as adopted:

None.

4. Public comments, response to comments, and consideration of comments

The proposed rule change was announced on the agency rulemaking website. Announcements of, and links to the rulemaking project, were also shared through a public news release. The Columbia River Commercial Fishing Advisory Group was also notified during a hybrid meeting on January 10, 2023. Public comments were allowed following the briefing on this rule change to the Washington Fish and Wildlife Commission on January 27, 2023. No public testimony was given, and no public comments were received regarding the rule changes.