



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: March 13, 2023

TIME: 10:48 AM

WSR 23-07-070

**Agency:** Washington Department of Fish and Wildlife (WDFW) (Order 23-40)

**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:** The purpose of this rule is to rescind open fishing periods from the permanent Eulachon commercial fishing regulations to align these fishing regulations with current management strategies.

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

New:

Repealed:

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

Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.04.130, 77.12.045, 77.12.047

**Other authority:**

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

Adopted under notice filed as WSR 22-21-099 on October 17, 2022 (date).

Describe any changes other than editing from proposed to adopted version: None.

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

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

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| Federal statute:                 | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards:      | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | ___ | Amended | ___ | Repealed | ___ |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| New | ___ | Amended | ___ | Repealed | ___ |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

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| Negotiated rule making:        | New | ___ | Amended | ___ | Repealed | ___ |
| Pilot rule making:             | New | ___ | Amended | ___ | Repealed | ___ |
| Other alternative rule making: | New | ___ | Amended | ___ | Repealed | ___ |

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| <b>Date Adopted:</b> February 17, 2023                     |
| <b>Name:</b> Barbara Baker                                 |
| <b>Title:</b> Chair, Washington Fish & Wildlife Commission |

**Signature:**



**WAC 220-358-060 Smelt.** It is unlawful to fish for smelt in the lower Columbia River for commercial purposes or to possess smelt taken from those waters for commercial purposes, except as provided in this section:

**Gear**

- (1) Otter trawl gear may be used to fish for smelt if:
  - (a) The head rope of the trawl does not exceed 25 feet in length.
  - (b) The foot rope or groundline of the trawl does not exceed 25 feet in length.
  - (c) The dimensions of the trawl's otter doors do not exceed 3 feet by 4 feet.
  - (d) The bag length of the trawl, as measured from the center of the head rope to the terminal end of the bunt, does not exceed 35 feet.
  - (e) The bridal rope from the rear of the otter doors to the foot and head ropes does not exceed 8 feet.
  - (f) Each breast rope does not exceed 5 feet.
  - (g) The mesh size used in the trawl does not exceed 2 inches stretch measure.
  - (h) Only one trawl net is fished from the boat at a time.
- (2) Gillnet gear may be used to fish for smelt if it does not exceed 1,500 feet in length along the cork line and the mesh size of the net does not exceed 2 inches stretch measure.
- (3) Hand dip net gear may be used to fish for smelt if it does not measure more than 36 inches across the bag frame.
- (4) From December 1 through March 31 it is lawful for smelt fishers to have salmon or sturgeon gillnets aboard while fishing for smelt.

**(Fishing periods**

- ~~(5) Otter trawl gear may be used to fish for smelt in SMCRA 1A from 6 p.m. Monday to 6 p.m. Wednesday of each week from March 1 through March 31, and for boats not exceeding 32 feet in length, in SMCRA 1B, 1C, 1D and 1E 7 days per week from December 1 through March 31 of the following year.~~
- ~~(6) Gillnet gear may be used to fish for smelt in SMCRA 1A, 1B, 1C, 1D and 1E 7 days per week from December 1 of each year through March 31 of the following year.~~
- ~~(7) Hand dip net gear may be used to fish for smelt in SMCRA 1A, 1B, 1C, 1D and 1E and tributaries to these areas 7 days per week from December 1 of each year through March 31 of the following year.~~
- ~~(8) The following areas of the lower Columbia River remain closed to smelt fishing during the open time periods specified in this section:~~
  - ~~(a) Those waters within one mile of a dam or other obstruction.~~
  - ~~(b) Those waters of the Cowlitz River upstream from a monument located at Peterson's Eddy, also known as Miller's Eddy.)~~