

**WSR 21-06-063
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-21—Filed February 26, 2021, 3:30 p.m., effective March 2, 2021]

Effective Date of Rule: March 2, 2021.

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

Citation of Rules Affected by this Order: Repealing WAC 220-315-03000C; and amending WAC 220-315-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

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. National Oceanic and Atmospheric Administration fisheries concurs that a limited fishery is consistent with recovery of eulachon smelt. There is insufficient time to adopt permanent regulations.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 26, 2021.

Kelly Susewind
Director

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.

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REPEALER

The following section of Washington Administrative Code is repealed effective 1:01 p.m. March 3, 2021:

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