

**WSR 22-07-002
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 22-35—Filed March 2, 2022, 1:46 p.m., effective March 5, 2022, 8:00 a.m.]

Effective Date of Rule: March 5, 2022, 8:00 a.m.

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

Citation of Rules Affected by this Order: Repealing WAC 220-315-03000D; 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 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. The 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: March 2, 2022.

Kelly Susewind
Director

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.

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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