

WSR 24-05-028
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-15—Filed February 12, 2024, 2:37 p.m., effective February 15, 2024]

Effective Date of Rule: February 15, 2024.

Purpose: The purpose of this emergency rule is to open recreational eulachon smelt seasons.

Citation of Rules Affected by this Order: Repealing WAC 220-315-03000E; 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. Recent commercial fisheries indicate the eulachon run size is large enough to support a recreational opening, per management guidance found in the 2023 Washington and Oregon Eulachon Management Plan. The expected return of eulachon to the Columbia River in 2024 is expected to be similar in magnitude to the run in 2023. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 12, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-315-03000E 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: Thursday February 15, 2024, from 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 (WAC 220-315-040). Violation of this subsection is an infraction, punishable under RCW 77.15.160.

Gear: Smelt may be taken with dip net only.

Reviser's note: The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of Washington Administrative Code is repealed effective 1:01 p.m. February 15, 2024:

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