



# RULE-MAKING ORDER

**CR-103E (July 2011)**  
**(Implements RCW 34.05.350)**

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 15-309**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** Amend recreational fishing rules for the Nooksack River

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

Repealed: WAC 220-310-19000I  
 Amended: WAC 220-310-190  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020 and 77.12.047

**Other authority :**

**EMERGENCY RULE**

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Nooksack spring Chinook have experienced high pre-spawn mortality rates and although flows and river temperatures have improved, fishing restrictions remain necessary to protect spring Chinook previously exposed to drought-related stress. There is insufficient time to adopt permanent rules.

**Date adopted:** September 2, 2015

**NAME (TYPE OR PRINT)**

J W Unsworth

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 02, 2015**

**TIME: 3:12 PM**

**WSR 15-19-010**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

NEW SECTION

**WAC 220-310-19000K Freshwater exceptions to statewide rules—Puget Sound.**

Notwithstanding the provisions of WAC 220-310-190, effective immediately until further notice, it is unlawful to violate the following provisions, provided that unless otherwise amended, all permanent rules remain in effect:

- (1) The mainstem Nooksack from the Lummi Indian Reservation boundary to the yellow marker at the FFA high school barn in Deming: Open, only one single point barbless hook measuring ½” or less from point to shank may be used. It is unlawful to use bait.
- (2) North Fork Nooksack from the mouth to Nooksack Falls and all tributaries draining into the North Fork Nooksack from the mouth to Nooksack Falls: Closed
- (3) The Middle Fork Nooksack from mouth to the City of Bellingham Diversion Dam and all tributaries draining into the Middle Fork Nooksack from the mouth to the Diversion Dam: Closed
- (4) South Fork Nooksack from the mouth to Skookum Creek: Closed
- (5) South Fork Nooksack from Wanlick Creek upstream, including Wanlick Creek and all tributaries: Closed
- (6) Mainstem Nooksack from the yellow marker at the FFA high school barn in Deming to the forks: Closed

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-310-19000I Freshwater exceptions to statewide rules—Puget Sound. (15-290)

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( ) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

( ) That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, 2011, 2012 or 2013 which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

**Reasons for this finding:** Nooksack spring Chinook have experienced high pre-spawn mortality rates and although flows and river temperatures have improved, fishing restrictions remain necessary to protect spring Chinook previously exposed to drought-related stress. There is insufficient time to adopt permanent rules. **(15-309, 9/2/2015)**

