



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 15-438

- 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Repealed:
 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: Restrictions are needed on the Nooksack River as the Kendall Creek Hatchery and Whatcom Creek Hatchery programs did not release hatchery steelhead smolts in 2014 and thus are relying on fish returning from the 2013 release. Retention restrictions are needed to collect sufficient fish to meet egg take needs. There is insufficient time to adopt permanent rules.

Date adopted: December 3, 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: December 03, 2015

TIME: 9:30 AM

WSR 16-01-004

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

New	<u>1</u>	Amended	_____	Repealed	_____
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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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

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

Notwithstanding the provisions of WAC 220-310-190, effective December 5, 2015, until further notice:

(1) The following waters are closed to fishing:

(a) Waters of the Middle Fork Nooksack from mouth to city of Bellingham diversion dam;
and

(b) Waters of the North Fork from mouth to Nooksack Falls.

(2) The following waters are closed to hatchery steelhead retention:

(a) Waters of the mainstem Nooksack River from Lummi Indian Reservation boundary to the confluence of the North and South Forks;

(b) Waters of the South Fork Nooksack River from mouth to Skookum Creek; and

(c) Whatcom Creek from the mouth to the yellow markers below the foot bridge below Dupont Street.