



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: November 26, 2019

TIME: 11:18 AM

WSR 19-24-043

**Agency:** Department of Fish and Wildlife (Order 19-300)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) November 28, 2019

**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 salmon rules for the Nooksack and North Fork Nooksack Rivers.

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

New:  
 Repealed: WAC 220-312-04000F  
 Amended: WAC 220-312-040  
 Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.12.045 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.

**Reasons for this finding:** This emergency rule closes retention of chum salmon in the Nooksack River and North Fork Nooksack River. Chum returns to the Nooksack River and to Kendall Creek Hatchery are not meeting escapement goals. The closure is necessary to ensure natural escapement and hatchery broodstock goals are met. There is insufficient time to adopt permanent rules.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

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

New 1 Amended \_\_\_\_ Repealed 1

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**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	____

<b>Date Adopted:</b> November 26, 2019	<b>Signature:</b> 
<b>Name:</b> Amy Windrope for Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

### **WAC 220-312-04000F Freshwater exceptions to statewide rules—Puget Sound.**

Notwithstanding the provisions of WAC 220-312-040:

- (1) **Nooksack River (Whatcom Co.):** from the Lummi Indian Reservation boundary to the confluence of the North and South Forks; salmon, effective November 28 through December 31, 2019:

Daily limit 2, plus 2 additional hatchery coho. Release pinks and chum.

- (2) **Nooksack River, North Fork (Whatcom Co.):** from the Hwy. 9 Bridge to Maple Creek; salmon, effective November 28 through November 30, 2019:

Daily limit 2, plus 2 additional hatchery coho. Release pinks and chum.

## REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2020:

WAC 220-312-04000F Freshwater exceptions to statewide rules—Puget Sound.