



**RULE-MAKING ORDER  
EMERGENCY RULE ONLY**

**CR-103E (August 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 27, 2018

TIME: 2:08 PM

WSR 18-24-019

**Agency:** Department of Fish and Wildlife (18-327)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) November 28, 2018

**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 regulations in the Nooksack River

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

New:  
 Repealed: WAC 220-312-04000D  
 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 is needed to close a portion of the Nooksack River to the retention of chum salmon because returns to the Nooksack River and to Kendall 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	<u>1</u>	Amended	___	Repealed	1
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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	___

**Date adopted:** November 27, 2018

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-312-04000D Exceptions to statewide rules – Puget Sound -- Nooksack River; Nooksack River, North Fork; Nooksack River, South Fork .**

Notwithstanding the provisions of WAC 220-312-040, effective November 28 through December 31, 2018, in those waters of the Nooksack River from the Lummi Indian Reservation boundary to the confluence of the North and South Forks, the North Fork Nooksack from the Highway 9 Bridge to Maple Creek – release chum salmon.

## REPEALER

The following section of the Washington Administrative Code is repealed effective January 1, 2019:

WAC 220-312-04000D Puget Sound – Freshwater exceptions to statewide rules.