



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: August 21, 2020

TIME: 10:39 AM

WSR 20-18-009

Agency: Department of Fish and Wildlife (Order 20-162)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) August 27, 2020

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

- Yes No If Yes, explain:

Purpose: The purpose of this rule is to open a retention season for hatchery Chinook in Whatcom Creek.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-04000R
- 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 open seasons for hatchery Chinook salmon in Whatcom Creek. In 2017 comanagers released summer Chinook fry spawned at Skookum Creek that came from parents that were not genetically suitable for the Skookum program into Whatcom Creek. More fish survived than forecast. The release was intended to result in additional Chinook returning for southern resident killer whales and marine harvest programs. Because these fish have passed through from both southern resident killer whale foraging areas and marine fisheries and returned to the terminal area, they are available for harvest.

Immediate adoption of this rule is necessary for the preservation of public health, safety, or general welfare. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. 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 ____

Date Adopted: August 21, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective August 27, 2020 through September 12, 2020, the following provisions of WAC 220-312-040 regarding recreational salmon seasons for Whatcom Creek (Whatcom County), shall be as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

Whatcom Creek (Whatcom Co.); from the mouth (a line from the flashing light at the southwest end of the Port of Bellingham North Terminal to the southernmost point of the dike surrounding the Georgia Pacific treatment pond) to the markers downstream of the footbridge that is downstream of Dupont Street: Salmon:

- (a) Daily limit 1 hatchery Chinook only; release all other salmon.
- (b) Night Closure in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 13, 2020:

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