



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: June 30, 2021

TIME: 5:24 PM

WSR 21-14-044

Agency: Washington Department of Fish and Wildlife (21-109)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) July 1, 2021

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

- Yes No If Yes, explain:

Purpose: Amends freshwater fishing rules for North Fork Nooksack River

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-04000C, WAC 220-312-04000F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 is needed to reopen the hatchery spring Chinook fishery in a portion of the North Fork Nooksack River. Shortly after reopening the sport fishery on June 18th, the weather got hot and the river became high and turbid resulting in poor to unfishable fishing conditions. Sufficient numbers of hatchery spring Chinook are forecasted to return to allow for a harvest fishery. Once tribal co-manager's had completed their spring Chinook fishery with unused wild Chinook impacts and offered those unused impacts to the state. This transaction has been approved by NOAA and all comanagers. With additional allowable encounters the recreational fishery can reopen. This fishery will be actively monitored. Should total encounters reach the agreed to threshold, the fishery may close earlier than scheduled. 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: June 30, 2021

Name: Amy Windrope for Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective immediately through July 9, 2021, the following provisions of WAC 220-312-040 regarding salmon seasons for the Nooksack River, North Fork, shall be as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

Nooksack River, North Fork (Whatcom Co.) from the Hwy. 9 Bridge to the yellow marker at the upstream side of Kendall Hatchery:

Salmon: Daily limit 2. Release all salmon other than hatchery Chinook. Night Closure and Anti-snagging rule in effect.

REPEALERS

The following section of the Washington Administrative Code is repealed effective July 1, 2021:

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

The following section of the Washington Administrative Code is repealed effective July 10, 2021:

WAC 220-312-04000F Freshwater exceptions to statewide rules—Puget Sound. (21-99)