



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: December 16, 2021

TIME: 4:44 PM

WSR 22-01-167

Agency: Department of Fish and Wildlife (Order 21-275)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) December 17, 2021

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 emergency rule is to close recreational fishing seasons for Nooksack River including North and Middle forks beginning December 17. This rule will also close steelhead fishing through the end of December and all recreational fishing during the month of January in Nooksack River, South Fork.

Citation of rules affected by this order:

New:
 Repealed:
 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 necessary to close recreational fishing seasons for Nooksack River including North and Middle forks beginning December 17. This rule will also close steelhead fishing through the end of December and all recreational fishing during the month of January in Nooksack River, South Fork.

In 2021, hatchery steelhead returned to the Nooksack less abundant than forecast and the broodstock goal was not reached. The 2021-2022 hatchery steelhead forecast is for 74 fish, while 160 fish are needed to make the broodstock goal. All Nooksack comanagers are in agreement that to ensure future sport and treaty opportunity on this stock, these measures are necessary. In response, the comanagers have all agreed to cease fishing in the Nooksack. The South Fork will remain open for salmon and other gamefish through the end of the year, and then be closed to all fishing as part of the measures taken to bolster broodstock collection.

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	1	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	___

Date Adopted: December 16, 2021	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective December 17, 2021 through February 15, 2022, recreational fishing seasons for Nooksack River; Nooksack River, North Fork; Nooksack River, Middle Fork; and Nooksack River, South Fork shall be modified during dates listed as follows. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

- (1) **Nooksack River (Whatcom County)**, from Lummi Indian Reservation boundary to confluence of North and South Forks:

Effective December 17, 2021 through January 31, 2022: All species: Closed.

- (2) **Nooksack River, North Fork (Whatcom County)**:

- (a) From mouth to Maple Creek:

Effective December 17, 2021 through February 15, 2022: All species: Closed.

- (b) From Maple Creek to Nooksack Falls:

Effective December 17, 2021 through January 31, 2022: All species: Closed.

- (3) **Nooksack River, Middle Fork (Whatcom County)**, from mouth to former site of Bellingham diversion dam:

Effective December 17, 2021 through January 31, 2022: All species: Closed.

- (4) **Nooksack River, South Fork (Whatcom County)**, from mouth to Skookum Creek:

- (a) Effective December 17 through December 31, 2021: All steelhead: Closed to fishing for or retaining.

- (b) Effective January 1 through January 31, 2022: All species: Closed.