



**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: September 15, 2022

TIME: 10:12 AM

WSR 22-19-047

Agency: Department of Fish and Wildlife (Order 22-205)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 17, 2022

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 open hatchery Chinook retention seasons in a portion of Whatcom Creek.

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- Repealed: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 action is necessary to open recreational hatchery Chinook retention seasons in Whatcom Creek. Chinook released at the Whatcom Fish Hatchery to aid southern resident killer whales and support harvest programs have returned to Whatcom Creek in harvestable numbers. Closure dates ensure that gear conflicts between co-manager fisheries and recreational fisheries are avoided. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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 ____

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: September 15, 2022	Signature: 
Name: Amy Windrope for Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective September 17 through September 26, 2022, provisions of WAC 220-312-040 regarding salmon seasons for Whatcom Creek shall be as described below as will closure dates for all species. 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:

- (a) Salmon:
 - (i) Open Saturdays, Sundays, and Mondays only.
 - (ii) Daily limit 1. Release all salmon other than hatchery Chinook.
 - (iii) Night Closure in effect.
 - (iv) Anti-snagging rule in effect.
- (b) Gamefish: Closed Saturdays, Sundays, and Mondays.
- (c) All species: Closed waters on Tuesdays, Wednesdays, Thursdays, and Fridays.