



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: January 06, 2023

TIME: 1:25 PM

WSR 23-03-016

Agency: Department of Fish and Wildlife (Order 23-02)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) January 7, 2023

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 game fish seasons in the Nooksack River system.

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 Repealed: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 all game fish seasons in the Nooksack River and all forks. Current hatchery steelhead returns to Kendall Hatchery are well short of steelhead broodstock needs. The hatchery has received less than 20 percent of the 160 fish needed to reach the broodstock goal. Closing game fish seasons in the system will increase the odds of meeting the hatchery steelhead program goals and perpetuation of the program. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____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: January 6, 2023	Signature: 
Name: Amy Windrope for Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective January 7, through February 15, 2023, the following provisions of WAC 220-312-040 regarding game fish seasons for the Nooksack River, Nooksack River, Middle Fork, Nooksack River, North Fork, and Nooksack River, Middle Fork shall be modified during the dates and in locations listed and described herein. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

- (1) **Nooksack River** (Whatcom Co.): From Lummi Indian Reservation boundary to yellow marker at the FFA high school barn in Deming:

January 7, through January 31, 2023: Game fish: Closed.

- (2) **Nooksack River, Middle Fork** (Whatcom Co.): From the mouth to the former site of the City of Bellingham diversion Dam:

January 7, through January 31, 2023: Game fish: Closed.

- (3) **Nooksack River, North Fork** (Whatcom Co.): From the Hwy. 9 Bridge to Nooksack Falls:

January 7, through February 15, 2023: Game fish: Closed.

- (4) **Nooksack River, South Fork** (Whatcom Co.): From mouth to Skookum Creek:

January 7, through January 31, 2023: Game fish: Closed.