



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 11, 2024

TIME: 1:58 PM

WSR 25-01-060

Agency: Department of Fish and Wildlife (Order 24-281)

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) December 12, 2024

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

- ☐ Yes ☒ No If Yes, explain:

Purpose: This emergency rule will require release of hatchery steelhead in the Nooksack River and its forks through December 31, 2024, and then close all fishing beginning January 1, 2025.

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Repealed: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 hatchery steelhead retention in the Nooksack River and its forks. The 2024-2025 hatchery steelhead forecast is for 58 fish, well below the 160 fish broodstock goal. These in-season conservation measures are needed to ensure future sport and treaty steelhead fishing opportunities. 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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New Amended Repealed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New 1 Amended Repealed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: December 11, 2024
Name: Amy Windrope for Kelly Susewind
Title: Director

Signature: 

NEW SECTION

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

Effective December 12, 2024, through January 31, 2025, hatchery steelhead retention rules and recreational fishing seasons for Nooksack River and its forks shall be modified as described herein. 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 the Lummi Indian Reservation boundary to confluence of North and South Forks:

- (a) December 12 through December 31, 2024: Hatchery steelhead: Release hatchery steelhead.
- (b) January 1 through January 31, 2025: All species: Closed Waters.

(2) Nooksack River, Middle Fork (Whatcom County), from mouth to the former City of Bellingham diversion dam:

- (a) December 12 through December 31, 2024: Hatchery steelhead: Release hatchery steelhead.
- (b) January 1 through January 31, 2025: All species: Closed Waters.

(3) Nooksack River, North Fork (Whatcom County), from Highway 9 Bridge to Nooksack Falls:

- (a) December 12 through December 31, 2024: Hatchery steelhead: Release hatchery steelhead.
- (b) January 1 through January 31, 2025: All species: Closed Waters.

(4) Nooksack River, South Fork (Whatcom County), from mouth to Skookum Creek:
December 12 through December 31, 2024: Hatchery steelhead: Release hatchery steelhead.