



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: May 20, 2025

TIME: 11:10 AM

WSR 25-11-076

Agency: Department of Fish and Wildlife (Order 25-84)

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) May 24, 2025

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 closes recreational fishing in the Nooksack River system where spring Chinook are present.

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Repealed: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 Middle, North, and South forks beginning May 24, 2025. This rule is needed for the protection of spring Chinook. Projected spring Chinook returns to the Nooksack system are extremely low. 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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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	New	_____	Amended _____ Repealed _____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	New	1	Amended _____ Repealed _____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: May 20, 2025		Signature: 	
Name: Kelly Susewind			
Title: Director			

NEW SECTION

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

Effective May 24, 2025, until further notice, 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 described in this section. All other provisions of WAC 220-312-040 not addressed in this section, or unless otherwise amended by emergency rule, remain in effect:

(1) Nooksack River (Whatcom County):

- (a) From Lummi Indian Reservation boundary to the Yellow Marker at the FFA High School Barn in Deming: Effective May 24 through July 31, 2025; all species Closed.
- (b) From the Yellow Marker at the FFA High School Barn in Deming to confluence of North and South Forks: Effective May 24, 2025, until further notice; all species Closed.

(2) Nooksack River, Middle Fork (Whatcom County):

From the mouth to the former City of Bellingham diversion dam: Effective May 24, 2024, until further notice; all species Closed.

(3) Nooksack River, North Fork (Whatcom County):

From Hwy. 9 Bridge to Nooksack Falls: Effective May 24, 2024, until further notice; all species Closed.

(4) Nooksack River, South Fork (Whatcom County), from mouth to Skookum Creek:
Effective May 24, 2025, until further notice; all species Closed.