

**WSR 23-19-046  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 23-201—Filed September 14, 2023, 11:46 a.m., effective September 15, 2023]

Effective Date of Rule: September 15, 2023.

Purpose: The purpose of this emergency rule is to open Chinook harvest opportunities in Samish River and Whatcom Creek.

Citation of Rules Affected by this Order: Amending WAC 220-312-040.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: This action is necessary to open recreational hatchery Chinook retention seasons in Samish River and 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 comanager fisheries and recreational fisheries are avoided.

For Samish River, hatchery broodstock needs are expected to be met and a harvestable surplus of Chinook exists, allowing for this harvest opportunity. Gear restrictions for Samish River reflect salmon gear restrictions agreed to during the 2023 North of Falcon season setting process.

There is insufficient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: September 14, 2023.

Kelly Susewind  
Director

NEW SECTION

**WAC 220-312-04000S Freshwater exceptions to statewide rules—Puget Sound.** Effective September 15 through September 24, 2023, provi-

sions of WAC 220-312-040 regarding salmon seasons for Samish River and Whatcom Creek shall be as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule remain in effect:

**(1) 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:**

Salmon: Effective September 15 through September 24:

(a) Open Fridays, Saturdays, and Sundays only.

(b) Daily limit 1. Release all salmon other than hatchery Chinook.

(c) Night Closure in effect.

(d) Anti-snagging rule in effect.

**(2) Samish River (Skagit Co.), from the mouth (Bayview-Edison Rd.) to Thomas Rd. Bridge:**

Salmon: Effective September 15 through September 17:

(a) Daily limit 2. Release all salmon other than Chinook.

(b) Stationary gear rule in effect.

(c) Night closure in effect.

(d) It is unlawful for anglers to use anything other than 1 single-point hook, with a hook gap of 3/4 inch or less measured from point to shank.

(e) Only fish hooked inside the mouth may be retained.

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