

WSR 25-01-060  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 24-281—Filed December 11, 2024, 1:58 p.m., effective December 12, 2024]

Effective Date of Rule: December 12, 2024.

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: 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 emergency rule is necessary to close hatchery steelhead retention in the Nooksack River and its forks. The 2024-25 hatchery steelhead forecast is 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: December 11, 2024.

Amy H. Windrope  
for Kelly Susewind  
Director

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.