

**WSR 21-14-044
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-109—Filed June 30, 2021, 5:24 p.m., effective July 1, 2021]

Effective Date of Rule: July 1, 2021.

Purpose: Amends freshwater fishing rules for North Fork Nooksack River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-04000C and 220-312-04000F; and 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 needed to reopen the hatchery spring Chinook fishery in a portion of the North Fork Nooksack River. Shortly after reopening the sport fishery on June 18, the weather got hot and the river became high and turbid resulting in poor to unfishable fishing conditions. Sufficient numbers of hatchery spring Chinook are forecasted to return to allow for a harvest fishery. Once tribal comanager's had completed their spring Chinook fishery with unused wild Chinook impacts and offered those unused impacts to the state. This transaction has been approved by the National Oceanic and Atmospheric Administration and all comanagers. With additional allowable encounters, the recreational fishery can reopen. This fishery will be actively monitored. Should total encounters reach the agreed to threshold, the fishery may close earlier than scheduled. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: June 30, 2021.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000F Freshwater exceptions to statewide rules—Puget Sound. Effective immediately through July 9, 2021, the following provisions of WAC 220-312-040 regarding salmon seasons for the Nooksack River, North Fork, shall be as described below. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

Nooksack River, North Fork (Whatcom Co.) from the Hwy. 9 Bridge to the yellow marker at the upstream side of Kendall Hatchery:

Salmon: Daily limit 2. Release all salmon other than hatchery Chinook. Night Closure and Anti-snagging rule in effect.

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REPEALER

The following section of the Washington Administrative Code is repealed effective July 1, 2021:

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

REPEALER

The following section of the Washington Administrative Code is repealed effective July 10, 2021:

WAC 220-312-04000F Freshwater exceptions to statewide rules—Puget Sound. (21-99)