

WSR 21-19-090
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-200—Filed September 16, 2021, 4:29 p.m., effective September 18, 2021]

Effective Date of Rule: September 18, 2021.

Purpose: The purpose of this emergency rule is to open retention of hatchery Chinook salmon in 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 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 recreations fisheries are avoided. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 16, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000L Freshwater exceptions to statewide rules—Puget Sound. Effective September 18 through September 27, 2021, provisions of WAC 220-312-040 regarding salmon seasons for Whatcom Creek shall be as described below as will closure dates for all species. All other provisions of WAC 220-312-040 not addressed herein, or unless otherwise amended by emergency rule remain in effect:

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:

- (1) Salmon:
 - (a) Open Saturdays, Sundays, and Mondays only.
 - (b) Daily limit 1. Release all salmon other than hatchery Chinook.
 - (c) Night Closure in effect.
 - (d) Anti-snagging rule in effect.
- (2) All species: Closed waters on Tuesdays, Wednesdays, Thursdays, and Fridays.

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