

**WSR 22-01-167**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Order 21-275—Filed December 16, 2021, 4:44 p.m., effective December 17, 2021]

Effective Date of Rule: December 17, 2021.

Purpose: The purpose of this emergency rule is to close recreational fishing seasons for Nooksack River, including North and Middle forks, beginning December 17. This rule will also close steelhead fishing through the end of December and all recreational fishing during the month of January in Nooksack River, South Fork.

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 recreational fishing seasons for Nooksack River, including North and Middle forks, beginning December 17. This rule will also close steelhead fishing through the end of December and all recreational fishing during the month of January in Nooksack River, South Fork.

In 2021, hatchery steelhead returned to the Nooksack [River] less abundant than forecasted and the broodstock goal was not reached. The 2021-2022 hatchery steelhead forecast is for 74 fish, while 160 fish are needed to make the broodstock goal. All Nooksack comanagers are in agreement that to ensure future sport and treaty opportunity on this stock, these measures are necessary. In response, the comanagers have all agreed to cease fishing in the Nooksack [River]. The South Fork will remain open for salmon and other gamefish through the end of the year, and then be closed to all fishing as part of the measures taken to bolster broodstock collection.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.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 16, 2021.

Kelly Susewind  
Director

NEW SECTION

**WAC 220-312-04000Y Freshwater exceptions to statewide rules—Puget Sound.** Effective December 17, 2021 through February 15, 2022, 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 follows. 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 Lummi Indian Reservation boundary to confluence of North and South Forks:

Effective December 17, 2021 through January 31, 2022: All species: Closed.

**(2) Nooksack River, North Fork (Whatcom County):**

(a) From mouth to Maple Creek:

Effective December 17, 2021 through February 15, 2022: All species: Closed.

(b) From Maple Creek to Nooksack Falls:

Effective December 17, 2021 through January 31, 2022: All species: Closed.

**(3) Nooksack River, Middle Fork (Whatcom County),** from mouth to former site of Bellingham diversion dam:

Effective December 17, 2021 through January 31, 2022: All species: Closed.

**(4) Nooksack River, South Fork (Whatcom County),** from mouth to Skookum Creek:

(a) Effective December 17 through December 31, 2021: All steelhead: Closed to fishing for or retaining.

(b) Effective January 1 through January 31, 2022: All species: Closed.

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