

WSR 23-03-016
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-02—Filed January 6, 2023, 1:25 p.m., effective January 7, 2023]

Effective Date of Rule: January 7, 2023.

Purpose: The purpose of this emergency rule is to close game fish seasons in the Nooksack River system.

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 all game fish seasons in the Nooksack River and all forks. Current hatchery steelhead returns to Kendall Hatchery are well short of steelhead broodstock needs. The hatchery has received less than 20 percent of the 160 fish needed to reach the broodstock goal. Closing game fish seasons in the system will increase the odds of meeting the hatchery steelhead program goals and perpetuation of the program. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: January 6, 2023.

Amy H. Windrope
for Kelly Susewind
Director

NEW SECTION

WAC 220-312-04000C Freshwater exceptions to statewide rules—Puget Sound. Effective January 7, through February 15, 2023, the following provisions of WAC 220-312-040 regarding game fish seasons for the Nooksack River, Nooksack River, Middle Fork, Nooksack River, North Fork, and Nooksack River, Middle Fork shall be modified during the dates and in locations listed and described herein. All other provi-

sions of WAC 220-312-040 not addressed herein, or unless otherwise amended, remain in effect:

(1) Nooksack River (Whatcom Co.): From Lummi Indian Reservation boundary to yellow marker at the FFA high school barn in Deming: January 7, through January 31, 2023: Game fish: Closed.

(2) Nooksack River, Middle Fork (Whatcom Co.): From the mouth to the former site of the City of Bellingham diversion Dam: January 7, through January 31, 2023: Game fish: Closed.

(3) Nooksack River, North Fork (Whatcom Co.): From the Hwy. 9 Bridge to Nooksack Falls:

January 7, through February 15, 2023: Game fish: Closed.

(4) Nooksack River, South Fork (Whatcom Co.): From mouth to Skookum Creek:

January 7, through January 31, 2023: Game fish: Closed.

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