July 10, 2023

Whatcom County Council
311 Grand Ave.
Bellingham, WA 98225

<Sent via electronic service>

Dear Whatcom County Council members:

Re: Annual closure of the South Fork Nooksack to recreational uses from June 1 through October 31.

The purpose of this letter is to strongly urge Whatcom County Council to amend the seasonal ban on flotation devices on the South Fork Nooksack River (WCC 11.20.025) to better protect imperiled, ESA-listed South Fork Nooksack Early Chinook Salmon. The current ban applies to persons operating "a paddleboard, innertube, inflatable flotation device, foam flotation device, limb-propelled flotation device, or rubber raft intended for limb use on the section of the South Fork of the Nooksack River between Edfro Creek and the Acme Bridge between the dates of June 1st and October 31st". **We request that the ban be expanded to encompass the entire South Fork Nooksack River within Whatcom County through at least September 30.**

South Nooksack Early Chinook Salmon are in crisis, and it is imperative that we do what we can to protect them. The South Fork Nooksack is identified as an impaired waterbody on Ecology's 303(d) list for temperature, and high stream temperatures are known stressors for salmon. In summer 2021, over 2,500 returning adult Chinook died on the South Fork spawning grounds before they could spawn. The cause of death was a disease outbreak that was exacerbated by low river flows, high temperatures, and a lack of adequate habitat (deep, complex pools) for holding fish. The mortality event prompted Lummi Nation to declare an emergency and both Tribes to petition Governor Inslee to: (1) establish a crisis team to implement solutions to avoid future mortality events; and (2) invest $25.5M to fund critically important actions in the South Fork.

The South Fork Nooksack River has been a top priority for habitat restoration, and significant resources have already been invested to date, including over $10M from the Salmon Recovery Funding Board alone for restoration planning and project design and implementation. Both Nooksack Tribe and Lummi Nation have been leading this restoration effort, and the Tribes' habitat programs have completed over 27 river restoration projects – constructing hundreds of log jams - in the South Fork since 2001. While projects have been very effective at restoring the deep, complex, cool pool habitat so important for

salmon, it will take time for restoration to reverse the legacy and ongoing land use impacts that have degraded habitat. In the meantime, the South Fork Chinook Rescue Program, initiated in 2007 and operated out of the Lummi Nation's Skookum Creek Hatchery, has been very successful at protecting the stock from extinction and helping to rebuild it. The 2021 mass mortality event coincided with the largest return of adult Chinook to the South Fork in decades.

Despite the good news of increasing hatchery-origin returns in recent years, abundance of natural-origin spawners remains critically low and far below the recovery goal of at least 9,900 natural-origin spawners. Indeed, an average of just 105 South Fork Nooksack Early Chinook natural-origin spawners returned in the 5 most recent years (2015-2019) for which we have estimates. Low natural-origin spawner abundance of Nooksack Early Chinook constrains both species recovery and fisheries across the region. The negative impacts from tubing further threaten both South Fork Nooksack Early Chinook and our shared investment in their recovery. Although the 2005 ban protected almost 7 miles of the South Fork, tubing continues in the lower 8.5 miles, negatively impacting both Chinook holding and spawning in that section of the South Fork and Chinook migrating to the Skookum Hatchery and to upstream spawning grounds. The number of people tubing down the South Fork downstream of Acme can range from hundreds to thousands during the warmest days of summer, and the effects of tubers can compound already existing temperature stress for salmon, further increasing the risk of prespawn mortality. Tubers can stress adult salmon by startling them and can also lead to delayed migration as they hide to avoid interaction. Wading by tubers can also cause redd trampling that directly kills salmon eggs.

We urge you to act quickly to expand the tubing ban to more fully protect the migration, holding and spawning habitat of this valuable and vulnerable local resource. While we recognize that controlling access to the river may be unpopular, the profound importance of this request cannot be overstated, especially considering how much outside human influence remains beyond our local control. We thank you in advance for your leadership on this.

Sincerely,

Rosemary LaClair, Chairwoman
Nooksack Tribal Council

Merle Jefferson, Director
Lummi Natural Resources Department

Brendan Brokes, Regional Director (North Puget Sound Region)
Washington Department of Fish and Wildlife