



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 20, 2022

TIME: 3:06 PM

WSR 22-19-086

Agency: Department of Fish and Wildlife (Order 22-212)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) September 21, 2022

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The purpose of this emergency rule is to allow the Canadian-flagged purse seine vessel F/V Nita Maria to conduct a federally authorized test fishery from September 21 through November 17, 2022.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: WAC 220-354-120
- Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

**Other authority:**

**EMERGENCY RULE**

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

**Reasons for this finding:** This emergency rule is needed to allow the Canadian-flagged purse seine vessel, F/V Nita Maria to conduct a test fishery in Washington waters. The test fishery will take place in both Canadian and US waters and has been approved by Pacific Salmon Commission, as well as authorized and permitted by NOAA. F/V Maria will be allowed to take no more than 1,000 chum salmon over the duration of the test fishing period and must release all other fish. There is insufficient time to adopt permanent rules.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted on the agency's own initiative:**

New 1 Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New \_\_\_\_ Amended \_\_\_\_ Repealed \_\_\_\_

**The number of sections adopted using:**

Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

<b>Date Adopted:</b> September 20, 2022
<b>Name:</b> Kelly Susewind
<b>Title:</b> Director

**Signature:**



## NEW SECTION

### **WAC 220-354-12000I Puget Sound salmon—Purse seine—Open periods.**

Effective September 21 through November 17, 2022, the Canadian-flagged purse seiner, F/V Nita Maria is permitted to carry out purse seine test fishery operations with Puget Sound Salmon Management and Catch Reporting Areas 5 and 6C, including within the Strait of Juan de Fuca Salmon preserve defined in WAC 220-354-330:

- (1) Allowed fishing period is from September 21 through November 17, 2022.
- (2) Up to 1,000 chum salmon may be taken over the entirety of the fishing period. All other fish must be released.
- (3) F/V Nita Maria must notify the Puget Sound commercial salmon manager David Low which days, prior to fishery operation, that test fishery operations by F/V Nita Maria will be taking place. Notification shall be made via email to [david.low@dfw.wa.gov](mailto:david.low@dfw.wa.gov) or by phone at 1-360-688-0831.