

**WSR 22-19-086  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 22-212—Filed September 20, 2022, 3:06 p.m., effective September 21, 2022]

Effective Date of Rule: September 21, 2022.

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: Amending WAC 220-354-120.

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 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 United States waters and has been approved by the Pacific Salmon Commission, as well as authorized and permitted by NOAA. F/V Nita 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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 20, 2022.

Kelly Susewind  
Director

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.

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**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**Reviser's note:** The unnecessary underscoring in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.