

WSR 23-22-100
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-241—Filed October 30, 2023, 5:04 p.m., effective October 30, 2023, 5:04 p.m.]

Effective Date of Rule: Immediately upon filing.

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 immediately through November 17, 2023.

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 Pacific Salmon Commission, as well as authorized and permitted by the National Oceanic and Atmospheric Administration. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: October 30, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-354-12000G Puget Sound salmon—Purse seine—Open periods. Effective immediately, through November 17, 2023, 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 immediately, through November 17, 2023.

(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 or by phone at 1-360-688-0831.

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.