

**WAC 220-370-100 Marine finfish aquaculture—Approval permit for marine finfish aquaculture.**

(1) It is unlawful for any aquatic farmer to possess any species, stock or race of marine finfish, defined as finfish being raised in marine waters, in net pens, cages or other rearing vessels without having first obtained and possessing a valid marine finfish aquaculture permit from the director for that species, stock and race at that specific location of rearing or holding. The director will approve, condition, or deny a permit within sixty days after a completed application containing all requested information is received by the department's aquaculture coordinator. The application must be accompanied by an escape prevention plan and the escape reporting and recapture plan as required by this chapter. A permit may be denied based on the determination by the director of significant genetic, ecological or fish health risks of the proposed fish rearing program on naturally occurring fish and wildlife, their habitat or other existing fish rearing programs. The use of transgenic fish (as defined by the actual transfer of genetic material from one species to another) is prohibited. Each permit application must contain a means mutually agreed to by the department and the aquatic farmer to individually identify to the aquatic farmer all marine finfish in aquaculture hatched after December 31, 2003. A permit will be valid for a period of five years from the date of approval. The department will comply with the procedures of any appropriate federal court order in processing permit applications. Any change in species, stock, or race at a specific location of rearing or holding will require reapproval of the marine finfish rearing operation. In the event of denial, the affected person may appeal the decision to the director. The department will advise the person of the appeals process. Additional appeals may be made through the Administrative Procedure Act (chapter 34.05 RCW).

(2) Any person who imports marine finfish into the state for aquaculture or transports marine finfish within the state for aquaculture and who does not have an approved marine finfish aquaculture permit is guilty of unlawfully transporting finfish. Violation of this section shall be enforced under RCW 77.15.290.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-370-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 03-02-047 (Order 02-309), § 220-76-100, filed 12/24/02, effective 7/1/03.]