

Chapter 220-72 WAC

OYSTER DISEASES AND PESTS

WAC

220-72-011	Oyster drill restricted shellfish areas—Puget Sound.
220-72-015	Oyster drill restricted shellfish areas—Willapa.
220-72-076	Unlawful acts—Permit required.
220-72-086	European green crab (<i>Carcinus maenas</i>) restricted shellfish area.
220-72-089	Denman Island Disease prohibited area.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-72-001	Promulgation. [Order 413, Promulgation, filed 3/1/60.] Repealed by Order 847, filed 9/24/69 and 5/27/70.
220-72-002	Promulgation. [Statutory Authority: RCW 77.12.047. WSR 03-10-041 (Order 03-86), § 220-72-002, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. WSR 97-08-078 (Order 97-56), § 220-72-002, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-002, filed 9/24/69.] Repealed by WSR 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.
220-72-010	Restricted and unrestricted areas—Unlawful acts. [Order 413, § 1(1)-(3), filed 3/1/60.] Repealed by Order 847, filed 9/24/69 and 5/27/70.
220-72-013	Restricted shellfish areas—Drayton Harbor. [Order 847, § 220-72-013, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-016	Restricted shellfish areas—Samish Bay. [Order 847, § 220-72-016, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-019	Restricted shellfish areas—Padilla Bay. [Order 847, § 220-72-019, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-020	Imports. [Order 413, § 2(1)-(5), filed 3/1/60.] Repealed by Order 847, filed 9/24/69 and 5/27/70.
220-72-022	Restricted shellfish areas—Similk Bay. [Order 847, § 220-72-022, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-025	Restricted shellfish areas—Liberty Bay. [Order 847, § 220-72-025, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-028	Restricted shellfish areas—Dyes Inlet. [Order 847, § 220-72-028, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-031	Restricted shellfish areas—Case Inlet—Rocky Bay and North Bay. [Order 847, § 220-72-031, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-034	Restricted shellfish areas—Hammersley Inlet—Oakland Bay. [Order 847, § 220-72-034, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-037	Restricted shellfish areas—Totten Inlet—Oyster Bay. [Order 847, § 220-72-037, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-040	Restricted shellfish areas—Eld Inlet—Mud Bay. [Order 847, § 220-72-040, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-043	Restricted shellfish areas—Nisqually Flats. [Order 847, § 220-72-043, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

220-72-046	Restricted shellfish areas—Hood Canal—Quilcene Bay. [Order 847, § 220-72-046, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-049	Restricted shellfish areas—Hood Canal—Lynch Cove. [Order 847, § 220-72-049, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-052	Restricted shellfish areas—Hood Canal—Hamma Hamma Flats. [Order 847, § 220-72-052, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-055	Restricted shellfish areas—Henderson Inlet—South Bay. [Order 847, § 220-72-055, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-058	Restricted shellfish areas—Willapa Bay—Middle Sands. [Order 847, § 220-72-058, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-061	Restricted shellfish areas—Willapa Bay—Nemah. [Order 847, § 220-72-061, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-064	Restricted shellfish areas—Willapa Bay—Bay Center. [Order 847, § 220-72-064, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-067	Restricted shellfish areas—Willapa Bay—Cedar River. [Order 847, § 220-72-067, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-070	Oyster drill unrestricted shellfish areas. [Statutory Authority: RCW 77.12.047. WSR 03-10-041 (Order 03-86), § 220-72-070, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. WSR 97-08-078 (Order 97-56), § 220-72-070, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-070, filed 9/24/69.] Repealed by WSR 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.
220-72-073	Unlawful acts—Shellfish transfer. [Statutory Authority: RCW 77.12.047. WSR 03-10-041 (Order 03-86), § 220-72-073, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080. WSR 97-08-078 (Order 97-56), § 220-72-073, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-073, filed 9/24/69.] Repealed by WSR 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.
220-72-079	Unlawful acts—Compliance. [Order 847, § 220-72-079, filed 9/24/69.] Repealed by WSR 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.
220-72-082	Imports—Inspection. [Order 847, § 220-72-082, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
220-72-085	Imports—Written permission. [Statutory Authority: RCW 75.08.080. WSR 97-08-078 (Order 97-56), § 220-72-085, filed 4/2/97, effective 5/3/97; Order 1045, § 220-72-085, filed 3/8/73; Order 847, § 220-72-085, filed 9/24/69.] Repealed by WSR 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.
220-72-087	European green crab unrestricted area. [Statutory Authority: RCW 77.12.047. WSR 03-10-041 (Order 03-86), § 220-72-087, filed 4/30/03, effective 5/31/03.] Repealed by WSR 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.
220-72-088	Imports—Certification. [Order 1045, § 220-72-088, filed 3/8/73; Order 847, § 220-72-088, filed 9/24/69.]

- Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
- 220-72-090 Denman Island Disease surveillance area. [Statutory Authority: RCW 77.12.047. WSR 03-10-041 (Order 03-86), § 220-72-090, filed 4/30/03, effective 5/31/03.] Repealed by WSR 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.
- 220-72-091 Imports—Importation period. [Order 1045, § 220-72-091, filed 3/8/73; Order 847, § 220-72-091, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.
- 220-72-092 Denman Island Disease unrestricted area. [Statutory Authority: RCW 77.12.047. WSR 03-10-041 (Order 03-86), § 220-72-092, filed 4/30/03, effective 5/31/03.] Repealed by WSR 05-01-113 (Order 04-318), filed 12/15/04, effective 1/15/05. Statutory Authority: RCW 77.12.047.
- 220-72-094 Imports—Shipping season. [Order 1045, § 220-72-094, filed 3/8/73; Order 847, § 220-72-094, filed 9/24/69.] Repealed by WSR 97-08-078 (Order 97-56), filed 4/2/97, effective 5/3/97. Statutory Authority: RCW 75.08.080.

WAC 220-72-011 Oyster drill restricted shellfish areas—Puget Sound. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Puget Sound within the following areas are designated as oyster drill restricted shellfish areas:

(1) Dungeness Bay—inside and bounded westerly of a line projected from the most easterly tip of Dungeness Spit true-south to the mainland.

(2) Drayton Harbor—inside and southerly of a line projected from the north most tip of Semiahmoo Spit to where the International Boundary line intersects the mainland.

(3) Lummi Bay—inside the Lummi Dike and inside and bounded by a line projected from:

48°46'32" N. Lat.

122°40'00" W. Long.; thence to

48°45'55" N. Lat.

122°40'00" W. Long.; thence to

48°45'55" N. Lat.

122°39'12" W. Long.; then northerly along the beach to the point of origin.

(4) Samish Bay—inside and easterly of a line starting at the most westerly tip of Governor's Point and projected in a southerly direction to the most westerly tip of William Point on Samish Island.

(5) Padilla Bay—easterly (including the Swinomish channel) of a line starting at the most westerly tip of William Point on Samish Island and projected southerly to the most northerly tip of March Point on Fidalgo Island.

(6) Similk and Skagit Bays—northerly of a line projected across Skagit Bay following latitude 48°20' N. and easterly of the Deception Pass bridge.

(7) Liberty Bay—inside and westerly of a line projected true south from the most southerly point at Tower Point.

(8) Dyes Inlet—inside and northerly of a line projected true east from the most northerly tip of Rocky Point to the mainland.

(9) Carr Inlet—

(a) Burley Lagoon—inside and northerly of the Purdy bridge.

(b) Minter Creek—inside and westerly of a line projected from the east shore at 122°41'00" W. Long. true south to 47°21'00" N. Lat., then true west to shore.

(10) Case Inlet—

(a) Rocky Bay and North Bay—northerly of a line projected across Case Inlet following latitude 47°20'44" N.

(b) Vaughn Bay—easterly of a line projected true north from the most northerly point of the southern spit at the mouth of Vaughn Bay to the mainland on the north shore.

(11) Hammersley Inlet and Oakland Bay—inside, westerly and northerly of a line starting at the most southeasterly point of Munson Point and projected in a southeasterly direction to Eagle Point.

(12) Totten Inlet, Oyster Bay and Little Skookum Inlet—inside and southerly of a line starting at the most southeasterly point on Windy Point and projected northeasterly to the most northerly tip of Sandy Point (i.e., the southern base of the Steamboat Island Bridge).

(13) Eld Inlet—

(a) Mud Bay—inside and westerly of a line projected from the most easterly point of Flapjack Point and projected true south to the mainland.

(b) Sanderson Harbor—lying inside and westerly of a line starting at the most northern point on Sanderson Spit and projected northeasterly to the mainland.

(14) Nisqually Flats—inside and southerly of a line starting near the DuPont Dock on the east shore at 47°07'00" N. Lat. and projected true west to the mainland.

(15) Hood Canal—

(a) Quilcene Bay—inside, northerly and easterly of a line starting at the Port of Port Townsend boat ramp north of Coast Seafoods company shellfish hatchery projected easterly to a point at 48°48'10" N. Lat., 122°51'30" W. Long. and then projected southeasterly to the most westerly tip of Fisherman's Point.

(b) Tarboo Bay—inside, northerly and easterly of a line starting at the most northerly tip of Long Spit and then projected true west to the mainland.

(c) The Great Bend to Lynch Cove—inside and bounded easterly by a line projected from the western most point at Musqueti Point true west to the mainland.

(d) Hamma Hamma Flats and Jorsted Creek—inside and westerly of a line projected from:

47°33'15" N. Lat.

123°01'42" W. Long.; thence to

47°32'54" N. Lat.

123°01'06" W. Long.; thence to

47°32'54" N. Lat.

123°01'48" W. Long.; thence to

47°31'00" N. Lat.

123°01'54" W. Long.; then true west to shore.

(e) Dosewallips Delta—inside and westerly of lines projected from:

47°41'03" N. Lat.

122°53'45" W. Long.; thence to

47°41'03" N. Lat.

122°52'24" W. Long.; thence to

47°42'20.6" N. Lat.

122°52'24" W. Long.; thence to

47°42'20.6" N. Lat.
122°52'39" W. Long.

(f) Point Whitney—inside and westerly of lines projected from:

47°45'43.7" N. Lat.
122°51'02" W. Long.; thence to
45°45'56" N. Lat.
122°51'02" W. Long.; thence to
45°45'56" N. Lat.
122°51'12" W. Long.; thence to
47°45'45" N. Lat.
122°51'12" W. Long.

(g) Duckabush River Mouth—inside and westerly of a line projected from:

47°38'46" N. Lat.
122°54'08" W. Long.; thence to
47°37'55" N. Lat.
122°56'25" W. Long.

(16) Henderson Inlet—South Bay—inside and southerly of a line commencing at a point on the west shore of Henderson Inlet where the south line of Section 17, Twp 19 N R 1 WWM intersects the shoreline, thence projected true east across Henderson Inlet to the east shoreline.

[Statutory Authority: RCW 77.12.047, WSR 05-01-113 (Order 04-318), § 220-72-011, filed 12/15/04, effective 1/15/05; WSR 03-10-041 (Order 03-86), § 220-72-011, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080, WSR 97-08-078 (Order 97-56), § 220-72-011, filed 4/2/97, effective 5/3/97.]

WAC 220-72-015 Oyster drill restricted shellfish areas—Willapa. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

[Statutory Authority: RCW 77.12.047, WSR 03-10-041 (Order 03-86), § 220-72-015, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080, WSR 97-08-078 (Order 97-56), § 220-72-015, filed 4/2/97, effective 5/3/97.]

WAC 220-72-076 Unlawful acts—Permit required.

(1) It shall be unlawful to transfer shellfish, shellfish aquaculture products (including oyster seed, cultch and shell), aquaculture equipment (including aquaculture vehicles and vessels) or any marine organisms adversely affecting shellfish without first obtaining written permission from the director of fish and wildlife or the director's authorized agent except for market ready shellfish as provided for in this subsection and except for shellfish seed transferred under a shellfish health agreement as provided for in subsection (3) of this section. Such written permit must be affixed to or otherwise accompany the conveyance. Where regular and reoccurring transfers take place, a permit may be issued on an annual basis. Shellfish which are market ready, intended for immediate human consumption, and which will not be placed into or come in contact with state waters may be transferred without a department permit. Failure to obtain a permit or failure to affix the permit or to have the permit accompany the conveyance is punishable under RCW 77.15.350.

(12/9/05)

(2) Permits will be approved with conditions or denied based on the shellfish disease or pest transfer risk. Existing permits may be revoked, suspended or modified upon a finding of an aquatic disease or pest or upon determination of violation of the conditions of a permit. In the event of revocation, suspension or denial of a permit, the affected party may appeal through the Administrative Procedure Act. A suspended or revoked permit will remain suspended or revoked during the appeal process. It is unlawful to make any transfer requiring a permit under subsection (1) of this section if a permit has been revoked or suspended. Violation of this subsection is punishable under RCW 77.15.350.

(3) When shellfish health agreements have been made by memoranda of agreement between WDFW and companies which operate shellfish hatcheries, the company may be authorized to transfer shellfish seed to seed buyers without a transfer permit. Shellfish health agreements may be revoked for cause. Shellfish health agreements will require submission of a seed transfer report to the department on a quarterly basis and when requested by authorized department personnel.

[Statutory Authority: RCW 77.12.047, WSR 05-01-113 (Order 04-318), § 220-72-076, filed 12/15/04, effective 1/15/05; WSR 03-10-041 (Order 03-86), § 220-72-076, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 75.08.080, WSR 99-10-061 (Order 99-60), § 220-72-076, filed 5/3/99, effective 6/3/99; WSR 97-08-078 (Order 97-56), § 220-72-076, filed 4/2/97, effective 5/3/97; Order 847, § 220-72-076, filed 9/24/69.]

WAC 220-72-086 European green crab (*Carcinus maenas*) restricted shellfish area. The European green crab restricted shellfish areas are as follows:

The waters and tidelands of Grays Harbor inside and easterly of a line projected from the outermost end of the north jetty to the outermost end of the south jetty and from the waters and tidelands of Willapa Bay inside and easterly of a line projected from the most northern tip of Leadbetter Point true north to Cape Shoalwater.

[Statutory Authority: RCW 77.12.047, WSR 03-10-041 (Order 03-86), § 220-72-086, filed 4/30/03, effective 5/31/03.]

WAC 220-72-089 Denman Island Disease prohibited area. An area where *Mikrocytos mackini*, the causative agent of Denman Island Disease, has been confirmed with department approved histological methods by a department approved shellfish pathologist or reported in peer-reviewed scientific journal and accepted by the department. All waters, tidelands, shellfish handling facilities and equipment (including aquaculture vehicles and vessels) operated in conjunction with said waters and tidelands within the following areas are designated as Denman Island Disease prohibited areas:

(1) Strait of Juan de Fuca, Dungeness Bay—inside and westerly of a line projected from the tip of Dungeness Spit due south to the mainland.

(2) Orcas Island—

(a) Deer Harbor—inside and northerly of a line projected between Pole Pass Point and Steep Point.

(b) West Sound—inside and northerly of a line projected between Caldwell Point and the most southerly point of land west of the community of Orcas.

[Ch. 220-72 WAC p. 3]

(c) East Sound—inside and northerly of a line projected between Diamond Point and the most southwesterly point on Orcas Island at Obstruction Pass.

(3) Westcott Bay—inside and westerly of a line projected between the most southerly point of White Point and the most northerly point of Delacombe Point.

(4) Bellingham and Samish Bays—southerly and inside of a line projected between Lummi Point and Gooseberry Point and easterly and inside of a line projected between Carter Point and William Point.

(5) Minter Creek—inside and westerly of a line projected from:

The mainland at 122°41'00" W. Long. due south to

47°21'00" N. Lat.,

122°41'00" W. Long.; thence to

47°21'00" N. Lat. where it intersects the mainland.

(6) McMicken Island—inside and westerly of a line projected between the following two points on the east shore of Hartstene Island:

47°14.084' N. Lat., 122°51.316' W. Long. and
47°16.224' N. Lat., 122°51.746' W. Long.

(7) Carr Inlet—northerly of a line projected from the northern tip of South Head on Key Peninsula to the most western point of Green Point.

(8) Eld Inlet—southerly of a line projected due north from the northern most point of Cooper Point to the mainland at Edgewater Beach.

(9) Port Orchard—southerly of a line projected from Battle Point projected due west to the mainland; westerly of a line projected from Point White due south to the mainland; and easterly of a line projected from the southern most point of Point Herron due south to the mainland.

(10) Kilisut Harbor—southerly of a line projected from the northeasterly most point on Indian Island north to the most northwesterly point of Marrowstone Island.

[Statutory Authority: RCW 77.12.047. WSR 06-01-015 (Order 05-272), § 220-72-089, filed 12/9/05, effective 1/9/06; WSR 05-01-113 (Order 04-318), § 220-72-089, filed 12/15/04, effective 1/15/05; WSR 03-10-041 (Order 03-86), § 220-72-089, filed 4/30/03, effective 5/31/03.]