

**WAC 220-330-130 Oysters and scallops—Gear.** (1) It shall be lawful to take, fish for and possess oysters and scallops taken for personal use by hand or with the aid of a hand-held manually operated prying tool. It is unlawful to use a hammer, mallet or other object to strike oysters and rock scallops during the removal process. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(2) It is unlawful to possess oysters taken with gear that violates the provisions of this section. Possession of oysters while using gear in violation of the provisions of this section is a rebuttable presumption that the oysters were taken with such gear. Possession of such oysters is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the oysters are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

[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 § 220-330-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 06-09-021 (Order 06-67), § 220-56-375, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 75.08.080. WSR 97-07-078 (Order 97-53), § 220-56-375, filed 3/19/97, effective 5/1/97; WSR 80-03-064 (Order 80-12), § 220-56-375, filed 2/27/80, effective 4/1/80.]