

Chapter 220-60 WAC

OYSTERS AND CLAMS—SALES FROM STATE RESERVES

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

220-60-001	Promulgation. [Order 248, Promulgation, filed 3/1/60.] Repealed by Order 1179, filed 11/19/74.
220-60-030	Director to designate place of taking. [Order 248, § 3, filed 3/1/60.] Repealed by WSR 85-24-045 (Order 85-190), filed 11/27/85. Statutory Authority: RCW 75.08.080.
220-60-100	No resales or processing by purchaser within twenty days. [Order 248, § 10, filed 3/1/60.] Repealed by Order 1179, filed 11/19/74.
220-60-120	Director's agent may issue instructions. [Order 248, § 12, filed 3/1/60.] Repealed by WSR 85-24-045 (Order 85-190), filed 11/27/85. Statutory Authority: RCW 75.08.080.

WAC 220-60-010 State oyster reserves sales—Notice for sales over 50 bushels. (1) Sales of oysters or clams from state oyster reserves in excess of 50 bushels must occur by bid at public auction.

(2) The department must publish notice of a sale of over 50 bushels of oysters or clams from state oyster reserves in one newspaper of general circulation in the area where the state oyster reserves sale will occur before the oyster reserves sale may take place.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-60-010, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 77.12.047. WSR 04-01-054 (Order 03-307), § 220-60-010, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-010, filed 11/27/85; Order 248, § 1, filed 3/1/60.]

WAC 220-60-020 Director to designate time and place of harvest from reserves. All harvesting of oysters shall take place under the supervision of the director or his authorized agent, and such harvesting shall be accomplished only at such times and in such areas as may be specified in writing by such authorized agent of the director, or by the director.

[Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-020, filed 11/27/85; Order 1179, § 220-60-020, filed 11/19/74; Order 248, § 2, filed 3/1/60.]

WAC 220-60-040 State oyster reserves sales—Harvest and measuring loads. (1) Oyster harvest from state

reserves must occur under the supervision of authorized department personnel. Harvest from state reserves may only occur as specified in writing in the department contract with the harvester.

(2) Purchasers must contact department personnel to measure loads of oysters or clams before leaving a state oyster reserve. It is unlawful for any scow, dredge, or other conveyance containing oysters or clams to leave a state oyster reserve unless department personnel grants permission to leave the reserve.

(3) A violation of subsection (1) or (2) of this section is a gross misdemeanor under RCW 77.15.560, Commercial fish, shellfish harvest or delivery—Failure to report—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-60-040, filed 12/19/13, effective 1/19/14; Order 248, § 4, filed 3/1/60.]

WAC 220-60-050 State oyster reserves sales—Invoices and payment. (1) The department issues invoices for loads of oysters or clams leaving state reserves in triplicate. Invoices must show the number of bushels or pounds in each load of oysters or clams. The department agent must retain a copy of the invoice, give one copy to the buyer, and forward a copy to the department's central office.

(2) Purchasers of oysters or clams from state oyster reserves must pay for purchases by bank draft or check payable to the treasurer of the state of Washington. Purchasers must make payments to authorized department personnel by the Friday of the week following the week invoices are issued.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-60-050, filed 12/19/13, effective 1/19/14; Order 1179, § 220-60-050, filed 11/19/74; Order 248, § 5, filed 3/1/60.]

WAC 220-60-060 State oyster reserves sales—Oyster growers' associations—Representative. An organized oyster growers' association may, at the association's expense, appoint a representative to be present during purchases of oysters or clams from state oyster reserves. The representative will have access to the department's boat and all records pertaining to those state oyster reserves sales.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-60-060, filed 12/19/13, effective 1/19/14; Order 248, § 6, filed 3/1/60.]

WAC 220-60-070 State oyster reserves sales—Purchasers' licenses. (1) It is unlawful for purchasers of oysters or clams from state oyster reserves to remove any oysters or clams from any state oyster reserve without first obtaining an oyster reserve license from the department as required by RCW 77.65.260.

(2) A violation of this section is a gross misdemeanor or class C felony under RCW 77.15.500, Commercial fishing

without a license—Penalty, depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-60-070, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-070, filed 11/27/85; Order 248, § 7, filed 3/1/60.]

WAC 220-60-080 State oyster reserves sales—Director may limit use of licenses. The department may limit the number of bushels of oysters or pounds of clams sold to an oyster reserve licensee. The department may also limit the number of dredges operated by a licensee.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-60-080, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-080, filed 11/27/85; Order 248, § 8, filed 3/1/60.]

WAC 220-60-090 State oyster reserves sales—Broodstock sale prices. (1) Sale of oysters from the state oyster reserves to registered oyster farmers for broodstock purposes in amounts of 50 bushels or less may occur at a price established by the director that accounts for costs associated with the sale. However, the director's established price cannot be less than the average price paid at the most recent bid sale.

(2) Sales of oysters for broodstock purposes in amounts over 50 bushels must occur by bid at public auction.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 14-02-013 (Order 13-304), § 220-60-090, filed 12/19/13, effective 1/19/14. Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-090, filed 11/27/85; Order 248, § 9, filed 3/1/60.]

WAC 220-60-110 Other unlawful conduct. It is unlawful to violate any of the provisions of this chapter.

[Statutory Authority: RCW 75.08.080. WSR 85-24-045 (Order 85-190), § 220-60-110, filed 11/27/85; Order 248, § 11, filed 3/1/60.]