

**WAC 220-340-150 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.

(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 It is unlawful to make any transfer requiring a permit under subsection (1) of this section if a permit has been revoked or suspended.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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-340-150, filed 2/15/17, effective 3/18/17. 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.]