

WSR 21-06-065  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 21-23—Filed February 26, 2021, 4:01 p.m., effective March 1, 2021]

Effective Date of Rule: March 1, 2021.

Purpose: Amends rules for Puget Sound commercial scallops.

Citation of Rules Affected by this Order: Amending WAC  
220-340-610.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, and  
77.12.047.

Under RCW 34.05.350 the agency for good cause finds that immedi-  
ate adoption, amendment, or repeal of a rule is necessary for the  
preservation of the public health, safety, or general welfare, and  
that observing the time requirements of notice and opportunity to com-  
ment upon adoption of a permanent rule would be contrary to the public  
interest.

Reasons for this Finding: A harvestable surplus of pink and spiny  
scallops exists in the department of health (DOH) Approved Commercial  
Shellfish Growing Areas of Marine Fish/Shellfish Catch Reporting Areas  
20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 25A and 25B. There is insuffi-  
cient time to adopt permanent rules.

Number of Sections Adopted in Order to Comply with Federal Stat-  
ute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0,  
Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0,  
Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental  
Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1,  
Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or  
Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0,  
Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed  
0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: February 26, 2021.

Kelly Susewind  
Director

NEW SECTION

**WAC 220-340-61000J Commercial scallop fishery—Puget Sound** Not-  
withstanding the provisions of WAC 220-340-610, effective March 1,  
2021 until further notice, it is unlawful to take or possess pink or  
spiny scallops taken for commercial purposes except as provided for in  
this section:

(1) It is unlawful to fish for, take, or possess pink or spiny  
scallops with shellfish dive gear without a commercial scallop dive  
fishery license holder on board the designated harvest vessel.

(2) Pink or spiny scallop harvest using shellfish diver gear is  
only allowed in Washington Department of Health (DOH) Approved Commer-  
cial Shellfish Growing Areas of Marine Fish/Shellfish Catch Reporting  
Areas 20A, 20B, 21A, 21B, 22A, 22B, 23A, 23B, 25A and 25B.

(3) It is unlawful for more than two divers from a harvest vessel to be in the water at any one time during pink or spiny scallop harvest operations or when commercial quantities of pink or spiny scallops are on board the vessel.

(4) It is unlawful to possess any other species of commercial shellfish during pink or spiny scallop harvest operations and when pink or spiny scallops are onboard the harvest vessel.

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**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.