

# Chapter 220-60 WAC

## OYSTERS AND CLAMS—SALES FROM STATE RESERVES

### WAC

|            |  |
|------------|--|
| 220-60-010 | Publishing notice of sale.                                     |
| 220-60-020 | Director to designate time and place of harvest from reserves. |
| 220-60-040 | Loads to be measured.  |
| 220-60-050 | Payment.   |
| 220-60-060 | Oyster growers' associations.                                  |
| 220-60-070 | Purchasers' licenses.  |
| 220-60-080 | Director may limit use of licenses.                            |
| 220-60-090 | Director to establish sale prices.                             |
| 220-60-110 | Other unlawful conduct.  |

### 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 Repealed by Order 1179, filed 11/19/74.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 Repealed by 85-24-045 (Order 85-190), filed 11/27/85.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 Repealed by Order 1179, filed 11/19/74.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 Repealed by 85-24-045 (Order 85-190), filed 11/27/85. Statutory Authority: RCW 75.08.080. |

**WAC 220-60-010 Publishing notice of sale.** Sales of oysters and/or clams from the oyster reserves of the state in excess of 50 bushels shall take place only after notice of such sales has been published in one newspaper of general circulation in the area in which such sales shall take place.

[Statutory Authority: RCW 77.12.047. 04-01-054 (Order 03-307), § 220-60-010, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 75.08.080. 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. 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 Loads to be measured.** Before each scow, or dredge, or other conveyance, containing oysters or clams leaves any state oyster reserve, the person in charge of such scow or dredge shall contact the nearest authorized agent of the director for measuring the load. Such load shall not be removed from the reserve without permission of the director or his authorized agent. Invoices will be issued in triplicate, showing the number of bushels and/or pounds in each such load. One copy of such invoice shall be given to the buyer, one copy shall be forwarded to the central office of the department, and the third copy shall be retained by the authorized agent of the director.

(12/11/03)

[Order 248, § 4, filed 3/1/60.]

**WAC 220-60-050 Payment.** All purchasers of oysters or clams from any of the state oyster reserves shall make remittance for purchases by bank draft or check payable to the treasurer of the state of Washington, and shall render such payment to the authorized agent of the director by Friday of each week for invoices of the previous week.

[Order 1179, § 220-60-050, filed 11/19/74; Order 248, § 5, filed 3/1/60.]

**WAC 220-60-060 Oyster growers' associations.** Any organized oyster growers' association may at its discretion appoint a qualified representative to be present at any or all times during purchases of oysters and/or clams from state oyster reserves. Such representative shall have access to the department's boat and all records pertaining to such sales. Any expenses of such representative shall not be borne by the department of fisheries.

[Order 248, § 6, filed 3/1/60.]

**WAC 220-60-070 Purchasers' licenses.** All purchasers of oysters or clams from any of the state oyster reserves shall, in advance of the removal of any oysters and/or clams from any such reserve, obtain from the department an oyster reserve license as required by RCW 75.28.290.

[Statutory Authority: RCW 75.08.080. 85-24-045 (Order 85-190), § 220-60-070, filed 11/27/85; Order 248, § 7, filed 3/1/60.]

**WAC 220-60-080 Director may limit use of licenses.** Nothing in this chapter shall prevent the director or his authorized agent from limiting the number of bushels of oysters or pounds of clams which may be sold to any one oyster reserve licensee. The department of fisheries reserves the right to limit the number of dredges operated by any one licensee.

[Statutory Authority: RCW 75.08.080. 85-24-045 (Order 85-190), § 220-60-080, filed 11/27/85; Order 248, § 8, filed 3/1/60.]

**WAC 220-60-090 Director to establish sale prices.** Sale of oysters from the reserves for broodstock purposes to registered oyster farmers in amounts of 50 bushels or less may occur at a price established by the director taking into account costs associated with the sale, but in no event may be less than the average price paid at the latest bid sale. Sale of oysters in amounts over 50 bushels shall be by bid at public auction.

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

[Ch. 220-60 WAC—p. 1]