

WAC 220-200-140 General provisions—Rearing and planting food fish. It is unlawful for any person, group, corporation, association, or governmental entity to plant or release any food fish into the waters of the state of Washington without first obtaining a permit from the department. The department may not issue a permit unless the following time periods are observed and information is provided to the department prior to planting:

(1) Thirty days prior to obtaining or importing food fish or food fish eggs, fry, or fingerlings with the intention of planting them in Washington state waters, the person, group, corporation, association, or governmental entity must provide the department with information regarding the:

(a) Source of the food fish or food fish eggs, fry, or fingerlings;

(b) Species, race, and size of the food fish or food fish eggs, fry, or fingerlings; and

(c) Time and place for the proposed release or other disposition of the food fish to be planted.

(2) Thereafter, the department will examine the provided information and determine whether it should issue a permit. The department will not issue a permit if the planting:

(a) Presents an important conflict or competition to the established stocks in the waters to be planted;

(b) Conflicts with the department's overall management plan for the waters in which the planting is proposed;

(c) Would cause a significant decrease in the abundance of stocks already present; or

(d) Would significantly inhibit the ability to harvest existing stocks.

(3) Thirty days prior to planting, and within 10 days of the actual plant, the permittee must make the food fish to be released available to the department for inspection for disease. If the department representative inspecting the fish is not satisfied the food fish are disease-free or otherwise in a condition specified in subsection (2) of this section, then the department representative may not allow the food fish to be released in state waters, and may automatically withdraw any prior department approval for the planting. In lieu of actual department inspection, the department will consider a certification by department-approved pathologists that the food fish to be released are disease-free.

(4) Any person, group, corporation, association or governmental entity intending to release food fish in the waters of the state, must report to the department immediately the outbreak of any disease among the food fish, food fish eggs, fry or fingerlings intended to be released. If an outbreak presents a threat to a state fishery resource, the department may immediately order actions necessary to protect the state's fisheries in a manner satisfactory to the department, including quarantine or destruction of stocks, sterilization of closures and facilities, cessation of activities, and disposal of the infected fish.

(5) It is unlawful to brand, tattoo, tag, fin-clip, or otherwise mark food fish covered under a permit under this section for identification without prior approval by the department.

(6) It is unlawful to construct or operate facilities for food fish propagating or rearing without first obtaining a permit from the department. The department may not issue a permit unless the entity

wanting to propagate or rear the fish provides the following information prior to beginning construction of a facility:

(a) The species to be produced in the facility or otherwise affected by the facility;

(b) A general plan of times and places for the proposed releases or other disposition;

(c) The size, age, and maturity of the food fish to be released; and

(d) Functional plans for constructing the facility.

(7) Once the department receives the information required under subsection (6) of this section, it will examine the information and determine whether the facility construction permit should be issued. The department will not issue a permit if the proposed planting, release, or operational scheme:

(a) Presents an important conflict or competition to established stocks of food fish;

(b) Conflicts with the department's overall management plan for the waters or areas to be planted;

(c) Would cause a significant decrease in the abundance of stocks already present; or

(d) Will significantly inhibit the ability to harvest existing stocks.

(8) The department may revoke a permit for construction or operation of a propagation facility if any food fish are planted, released, or otherwise disposed of by entity that holds a construction or operation permit under this section and does not, prior to planting or releasing the fish, provide the department with the required information and secure any additional permits this section requires.

(9) The department will establish an advisory committee of potentially affected groups to provide technical input on the requirements of this section.

[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 § 220-200-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 220-20-040, filed 12/21/12, effective 1/21/13; Order 76-96, § 220-20-040, filed 9/23/76.]