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**Meeting dates:** November 17, 2006 Conference Call  
**Agenda item:** Relic Shells – (rule adoption)  
**Staff Contact:** Jon. D. Anderson, Freshwater Native Species Fisheries Manager  
**Presenter/s:** Morris Barker, Ph.D. State Marine Resource Manager

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**Background:**

In 2003, the take and possession of freshwater mussels (or parts thereof) for personal use was prohibited. Freshwater mussels are classified as wildlife so no commercial activity is allowed. The marine rules prohibit the take of clams and mussels (or parts thereof) during closed seasons, unless a person has obtained a scientific collection permit. If a sport season was open, a fishing license would be required to have a shell from a marine species. These rules were not intended to preclude the take and possession of relic shells by the public and this proposal is of a house keeping nature.

The proposed WAC changes will define “relic shells” and allow the public to collect limited amounts of relic shells (5 pounds in the aggregate per day) for personal use without the need to obtain a scientific collection permit. Collection of relic oyster shells would still be prohibited if the Commission adopts this proposal, due to their use for settling oyster spat from natural reproduction.

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**Policy issue(s) you are bringing to the Commission for consideration:**

Does the Commission wish to allow the casual, non-commercial collection of relic shells without a recreational license being required?

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**Public involvement process used and what you learned:**

Requests from several agency and non-profit groups have been received to allow the take of relic freshwater clam and mussel shells without obtaining a scientific permit, to allow for more expedient collections, particularly in watershed inventory efforts. Members of the public are often surprised to find that they and their children cannot legally collect “sea shells” from beaches that are closed to clamming and that a license would be required to collect when the season is open for persons 15 years of age and older. The take of relic shells will not pose a threat to any population and licensing requirements were not meant for relic shell collection.

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**Action requested** (identify the specific Commission decisions you are seeking and when):

Commission to consider adoption of proposed rule amendment at the November 17, 2006 conference call meeting.

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**Draft motion language:**

Move to adopt amendment to WAC 220-20-025 as proposed.

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**Justification for Commission action:**

This action is justified under RCW 77.12.047, and for the purpose of removing license requirements on non-living resources that do not affect resource management.

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