**Agency:** Department of Fish and Wildlife  
(Order No. 21-23)

**Effective date of rule:**
- **Emergency Rules**
  - ☒ Immediately upon filing.
  - ☐ Later (specify) March 1, 2021

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**
- ☐ Yes
- ☒ No
  - If Yes, explain:

**Purpose:** Amends rules for Puget Sound commercial scallops

**Citation of rules affected by this order:**
- New:
- Repealed: WAC 220-340-610,
- Amended: WAC 220-340-610,
- Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020 and 77.12.047

**Other authority:**

**EMERGENCY RULE**
Under RCW 34.05.350 the agency for good cause finds:
- ☒ That immediate 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 comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Note: If any category is left blank, it will be calculated as zero.
No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

- Federal statute:  
  - New: ___  
  - Amended: ___  
  - Repealed: ___

- Federal rules or standards:  
  - New: ___  
  - Amended: ___  
  - Repealed: ___

- Recently enacted state statutes:  
  - New: ___  
  - Amended: ___  
  - Repealed: ___

The number of sections adopted at the request of a nongovernmental entity:

- New: ___  
- Amended: ___  
- Repealed: ___

The number of sections adopted on the agency’s own initiative:

- New: 1  
- Amended: ___  
- Repealed: 1

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

- New: ___  
- Amended: ___  
- Repealed: ___

The number of sections adopted using:

- Negotiated rule making:  
  - New: ___  
  - Amended: ___  
  - Repealed: ___

- Pilot rule making:  
  - New: ___  
  - Amended: ___  
  - Repealed: ___

- Other alternative rule making:  
  - New: ___  
  - Amended: ___  
  - Repealed: ___

**Date Adopted:** February 26, 2021

**Name:** Kelly Susewind

**Title:** Director

**Signature:**

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NEW SECTION

WAC 220-340-61000J Commercial scallop fishery—Puget Sound

Notwithstanding 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.


(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.