

Frequently Asked Questions: Seed Size, Aquaculture, and Wild Seed



The State Board of Health (Board) and the Department of Health (Health) are considering changes to chapter 246-282 WAC. Possible changes include:

- Changing the seed size of oysters from 2 inches to 1 ½ inches (except for Kumamoto and Olympia oysters).
- Requiring additional record keeping for 1 to 1 ½ inch oysters (except for Kumamoto and Olympias) from Prohibited and unclassified areas.
- Except for wild seed harvest from Approved and Conditionally Approved in the Open status growing areas, all other wild seed harvest will have additional requirements.

Question 1: What changes are being considered for the definition of “Seed”?

We are considering changing the seed size for Pacific and other oysters (not including Kumamoto and Olympia). The current language is as follows with the possible change in bold font under (e) below:

(24) "Seed" means shellfish that are less than market size for human consumption and have a maximum shell length of:

- (a) Thirteen millimeters (1/2 inch) for mussels.
- (b) Twenty-five millimeters (1 inch) for scallops.
- (c) Nineteen millimeters (3/4 inch) for Olympia oysters.
- (d) Nineteen millimeters (3/4 inch) for Kumomoto oysters.
- (e) **Thirty- eight millimeters (1 and ½ inch) for other oyster species.**
- (f) Thirty-eight millimeters (1 and 1/2 inch) for geoducks; and
- (g) Thirteen millimeters (1/2 inch) for other clam species.

Question 2: Why are you considering a change to the seed size for other oysters?

We received data from growers that market size oysters can be 1 ¾ inches, which is below our maximum seed size. We need to make sure shellfish have a grow out time of at least 120 days before they are harvested. The proposed seed sizes should allow that grow out time.

Question 3: Do I need to keep additional records if I move 1 inch seed from Approved or Conditionally Approved areas in Open status?

No. The additional record keeping is only for seed from Prohibited or unclassified areas and does not include Kumamoto and Olympia oysters. Moving seed from a Conditionally Approved area in Closed status will require a relay permit.

Question 4: Can I move seed from a Conditionally Approved area in Closed status?

Yes, only if you have an approved relay permit.

Question 5: Who needs to keep the records if I buy oyster seed from Prohibited areas AND they are between 1 and 1 ½ inches (not Kumamoto and Olympias)? The buyer or the seed producer?

Both!

- The **operation producing the seed (producer)** in a Prohibited or unclassified area and the buyer must:
 - Have an Aquaculture permit per Chapter 6 in the NSSP Model Ordinance.
 - Keep records of amounts of seed production and which operation bought seed.
- The **buyer** must keep records of the purchase.
 - Have an Aquaculture permit per Chapter 6 in the NSSP Model Ordinance
 - Where the seed will be planted keeping in mind that the grow out site must be on the buyer's harvest site certificate.
 - Demonstrate that the seed was staked or marked in some way and kept in the grow out site for a minimum of 120 days.
- Both the **producer** and the **buyer** must make these records available for review during an inspection.

Question 6: What if I am buying seed less than 1 inch from a Prohibited or unclassified area? Do I need to keep extra records?

No. The additional record keeping is only for oyster seed 1-1 ½ inches from Prohibited or unclassified areas. (Not including Kumamoto and Olympia oysters.)

Question 7: What if I want to harvest wild seed from an Approved or Conditionally Approved area in Open status? Do I need to get a permit and keep records?

No.

Question 8: What if I want to harvest wild seed from a Prohibited or unclassified area?

This will not be permitted with the WAC changes being considered. In these cases, shellfish are not in a controlled environment, vary in size, and seed and market size shellfish may be available in the same area. Use of flip bags, grow out bags, etc. are all considered aquaculture and would be covered under an aquaculture permit.

Question 9: What if I want to harvest wild seed from a Conditionally Approved area in Closed status or a restricted area?

You need to follow the requirements under [WAC 246-282-032](#).

Summary of Possible Seed Size Requirements

Seed Size	Species	Type	Status of Growing Area where initially harvested	Aquaculture Permit Needed?	Extra Record Keeping Needed?
< 1 inch	Pacific, Virginica	AQ	Unclassified, Prohibited	Y	N
1 inch-1 ½ inches	Pacific, Virginica	AQ	Unclassified, Prohibited	Y	Y
>1 ½ inches	Pacific, Virginica	AQ	Unclassified, Prohibited	Not allowed	Not allowed
< 1 inch	Pacific, Virginica	AQ	Approved, CA in Open Status	N	N
1 inch-1 ½ inches	Pacific, Virginica	AQ	Approved, CA in Open Status	N	N
>1 ½ inches	Pacific, Virginica	AQ	Approved, CA in Open Status	N	N
< 1 inch	Any type	Wild	Unclassified, Prohibited	Not allowed	Not allowed
1 inch-1 ½ inches	Any type	Wild	Unclassified, Prohibited	Not allowed	Not allowed
>1 ½ inches	Any type	Wild	Unclassified, Prohibited	Not allowed	Not allowed
< 1 inch	Any type	Wild	Approved, CA in Open Status	N	N
1 inch-1 ½ inches	Any type	Wild	Approved, CA in Open Status	N	N
>1 ½ inches	Any type	Wild	Approved, CA in Open Status	N	N

CA: Conditionally Approved

AQ: Aquaculture

BOLD sections are possible new requirements.

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