
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2365.1/01

ATTY/TYPIST: SCG:seg

BRIEF DESCRIPTION:

2 **SSB 5837** - H COMM AMD
3 By Committee on Natural Resources

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 77.60 RCW
8 to read as follows:

9 (1) The department shall initiate a pilot project to evaluate the
10 feasibility and potential of intensively culturing shellfish on
11 currently nonproductive oyster reserve land in Puget Sound. The pilot
12 program shall include no fewer than three long-term lease agreements
13 with commercial shellfish growers.

14 (2) The department shall form one advisory committee each for the
15 Willapa Bay oyster reserve lands and the Puget Sound oyster reserve
16 lands. The advisory committees shall make recommendations on
17 management practices to conserve, protect, and develop oyster reserve
18 lands. The advisory committees may make recommendations regarding the
19 management practices on oyster reserve lands, in particular to ensure
20 that they are managed in a manner that will: (a) Increase revenue
21 through production of high-value shellfish; (b) not be detrimental to
22 the market for shellfish grown on nonreserve lands; and (c) avoid
23 negative impacts to existing shellfish populations. The advisory
24 committees may also make recommendation on the distribution of funds in
25 RCW 77.12.170(1)(k)(i). The department shall attempt to structure each
26 advisory committee to include equal representation between shellfish
27 growers that participate in reserve sales and shellfish growers that do
28 not.

29 (3) The department shall submit a brief progress report on the
30 status of the pilot programs to the appropriate standing committees of
31 the legislature by January 7, 2003.

32 (4) The department of natural resources, in consultation with the
33 department of fish and wildlife, shall administer the leases for oyster
34 reserves entered into under this chapter. In administering the leases,
35 the department of natural resources shall exercise its authority under
36 RCW 79.96.090. Vacation of state oyster reserves by the department of

1 fish and wildlife shall not be a requirement for the department of
2 natural resources to lease any oyster reserves under this section. The
3 department of natural resources may recover reasonable costs directly
4 associated with the administration of the leases for oyster reserves
5 entered into under this chapter. All administrative fees collected by
6 the department of natural resources pursuant to this section shall be
7 deposited into the resource management cost account established in RCW
8 79.64.020. The department of fish and wildlife may not assess charges
9 to recover the costs of consulting with the department of natural
10 resources under this subsection.

11 (5) The Puget Sound pilot program shall not include the culture of
12 geoduck.

13 (6) All receipts from revenues from the lease of land or sale of
14 shellfish from oyster reserve lands must be deposited in the state
15 wildlife fund established under RCW 77.12.170.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.71 RCW
17 to read as follows:

18 (1) The action team shall establish a shellfish - on-site sewage
19 grant program in Puget Sound and for Pacific and Grays Harbor counties.
20 The action team shall provide funds to local health jurisdictions to be
21 used as grants to individuals for improving their on-site sewage
22 systems. The grants may be provided only in areas that have the
23 potential to adversely affect water quality in commercial and
24 recreational shellfish growing areas. A recipient of a grant shall
25 enter into an agreement with the appropriate local health jurisdiction
26 to maintain the improved on-site sewage system according to
27 specifications required by the local health jurisdiction. The action
28 team shall work closely with local health jurisdictions and shall
29 endeavor to attain geographic equity between Willapa Bay and the Puget
30 Sound when making funds available under this program. For the purposes
31 of this subsection, "geographic equity" means issuing on-site sewage
32 grants at a level that matches the funds generated from the oyster
33 reserve lands in that area.

34 (2) In the Puget Sound, the action team shall give first priority
35 to areas that are:

36 (a) Identified as "areas of special concern" under WAC 246-272-
37 01001; or

1 (b) Included within a shellfish protection district under chapter
2 90.72 RCW.

3 (3) In Grays Harbor and Pacific counties, the action team shall
4 give first priority to preventing the deterioration of water quality in
5 areas where commercial or recreational shellfish are grown.

6 (4) The action team and each participating local health
7 jurisdiction shall enter into a memorandum of understanding that will
8 establish an applicant income eligibility requirement for individual
9 grant applicants from within the jurisdiction and other mutually
10 agreeable terms and conditions of the grant program.

11 (5) The action team may recover the costs to administer this
12 program not to exceed ten percent of the shellfish - on-site sewage
13 grant program.

14 (6) For the 2001-2003 biennium, the action team may use up to fifty
15 percent of the shellfish - on-site sewage grant program funds for
16 grants to local health jurisdictions to establish areas of special
17 concern under WAC 246-272-01001, or for operation and maintenance
18 programs therein, where commercial and recreational uses are present.

19 **Sec. 3.** RCW 79.96.110 and 2000 c 11 s 30 are each amended to read
20 as follows:

21 (1) In ((~~case the director of~~)) the event that the fish and
22 wildlife ~~commission~~ approves the vacation of the whole or any part of
23 ((~~said~~)) a reserve, the department of natural resources may vacate and
24 offer for lease such parts or all of ((~~said~~)) the reserve as it deems
25 to be for the best interest of the state, and all moneys received for
26 the lease of such lands shall be paid to the department of natural
27 resources((~~: PROVIDED, That nothing in RCW 79.96.090 through 79.96.110~~
28 ~~shall be construed as authorizing the lease of any tidelands which have~~
29 ~~heretofore, or which may hereafter, be set aside as))).~~

30 (2) Notwithstanding RCW 77.60.020, subsection (1) of this section,
31 or any other provision of state law, the state oyster reserves in Eld
32 Inlet, Hammersley Inlet, or Totten Inlet, situated in Mason or Thurston
33 counties((~~: PROVIDED FURTHER, That any portion of Plat 138, Clifton's~~
34 ~~Oyster Reserve, which has already been vacated, may be leased by the~~
35 ~~department~~)) shall permanently be designated as state oyster reserve
36 lands.

1 **Sec. 4.** RCW 77.12.170 and 2000 c 107 s 216 are each amended to
2 read as follows:

3 (1) There is established in the state treasury the state wildlife
4 fund which consists of moneys received from:

5 (a) Rentals or concessions of the department;

6 (b) The sale of real or personal property held for department
7 purposes;

8 (c) The sale of licenses, permits, tags, stamps, and punchcards
9 required by this title, except annual resident adult saltwater and all
10 shellfish licenses, which shall be deposited into the state general
11 fund;

12 (d) Fees for informational materials published by the department;

13 (e) Fees for personalized vehicle license plates as provided in
14 chapter 46.16 RCW;

15 (f) Articles or wildlife sold by the director under this title;

16 (g) Compensation for damage to department property or wildlife
17 losses or contributions, gifts, or grants received under RCW 77.12.320
18 or 77.32.380;

19 (h) Excise tax on anadromous game fish collected under chapter
20 82.27 RCW;

21 (i) The sale of personal property seized by the department for food
22 fish, shellfish, or wildlife violations; ~~((and))~~

23 (j) The department's share of revenues from auctions and raffles
24 authorized by the commission; and

25 (k) All receipts from revenues from the lease of land or sale of
26 shellfish from oyster reserve lands under section 1 of this act.
27 Revenues deposited into the fund pursuant to this subsection (1)(k) may
28 only be expended in the following manner:

29 (i) Up to forty percent for the management expenses incurred by the
30 department that are directly attributable to the management of the
31 oyster reserve lands and for the expenses associated with new research
32 and development activities at the Pt. Whitney and Nahcotta shellfish
33 laboratories managed by the department. As used in this subsection
34 (1)(k)(i), "new research and development activities" includes an
35 emphasis on the control of aquatic nuisance species and burrowing
36 shrimp;

37 (ii) Up to ten percent may be deposited into the state general
38 fund; and

1 (iii) All remaining revenues deposited into the fund pursuant to
2 this subsection (1)(k) shall be used for the shellfish - on-site sewage
3 grant program established in section 2 of this act.

4 (2) State and county officers receiving any moneys listed in
5 subsection (1) of this section shall deposit them in the state treasury
6 to be credited to the state wildlife fund."

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8 By Committee on Natural Resources

9
10 On page 1, line 1 of the title, after "lands;" strike the remainder
11 of the title and insert "amending RCW 79.96.110 and 77.12.170; adding
12 a new section to chapter 77.60 RCW; and adding a new section to chapter
13 90.71 RCW."

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