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SECOND SUBSTITUTE HOUSE BILL 1658

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State of Washington

57th Legislature

2001 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Buck, Doumit, Ericksen, Linville, Haigh, G. Chandler, Cooper and Dunshee)

Read first time 03/08/2001. Referred to Committee on .

1 AN ACT Relating to state oyster reserve lands; amending RCW  
2 79.96.110 and 77.12.170; adding a new section to chapter 77.60 RCW; and  
3 adding a new section to chapter 90.71 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 77.60 RCW  
6 to read as follows:

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

12 (2) The department shall form one advisory committee each for the  
13 Willapa Bay oyster reserve lands and the Puget Sound oyster reserve  
14 lands. The advisory committees shall make recommendations on  
15 management practices to conserve, protect, and develop oyster reserve  
16 lands. The advisory committees may make recommendations regarding the  
17 management practices on oyster reserve lands, in particular to ensure  
18 that they are managed in a manner that will: (a) Increase revenue  
19 through production of high-value shellfish; (b) not be detrimental to

1 the market for shellfish grown on nonreserve lands; and (c) avoid  
2 negative impacts to existing shellfish populations. The advisory  
3 committees may also make recommendation on the distribution of funds in  
4 section 2(2)(a) of this act. The department shall attempt to structure  
5 each advisory committee to include equal representation between  
6 shellfish growers that participate in reserve sales and shellfish  
7 growers that do not.

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

11 (4) The department of natural resources, in consultation with the  
12 department of fish and wildlife, shall administer the leases for oyster  
13 reserves entered into under this chapter. In administering the leases,  
14 the department of natural resources shall exercise its authority under  
15 RCW 79.96.090. Vacation of state oyster reserves by the department of  
16 fish and wildlife shall not be a requirement for the department of  
17 natural resources to lease any oyster reserves under this section. The  
18 department of natural resources may recover reasonable costs directly  
19 associated with the administration of the leases for oyster reserves  
20 entered into under this chapter. All administrative fees collected by  
21 the department of natural resources pursuant to this section shall be  
22 deposited into the resource management cost account established in RCW  
23 79.64.020. The department of fish and wildlife may not assess charges  
24 to recover the costs of consulting with the department of natural  
25 resources under this subsection.

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

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

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

33 (1) The action team shall establish a shellfish - on-site sewage  
34 grant program in Puget Sound and for Pacific and Grays Harbor counties.  
35 The action team shall provide funds to local health jurisdictions to be  
36 used as grants to individuals for improving their on-site sewage  
37 systems. The grants may be provided only in areas that have the  
38 potential to adversely affect water quality in commercial and

1 recreational shellfish growing areas. A recipient of a grant shall  
2 enter into an agreement with the appropriate local health jurisdiction  
3 to maintain the improved on-site sewage system according to  
4 specifications required by the local health jurisdiction. The action  
5 team shall work closely with local health jurisdictions and shall  
6 endeavor to attain geographic equity between Willapa Bay and the Puget  
7 Sound when making funds available under this program. For the purposes  
8 of this subsection, "geographic equity" means issuing on-site sewage  
9 grants at a level that matches the funds generated from the oyster  
10 reserve lands in that area.

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

13 (a) Identified as "areas of special concern" under WAC 246-272-  
14 01001; or

15 (b) Included within a shellfish protection district under chapter  
16 90.72 RCW.

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

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

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

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

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

35 (1) In ~~((case the director of))~~ the event that the fish and  
36 wildlife commission approves the vacation of the whole or any part of  
37 ~~((said))~~ a reserve, the department of natural resources may vacate and  
38 offer for lease such parts or all of ~~((said))~~ the reserve as it deems

1 to be for the best interest of the state, and all moneys received for  
2 the lease of such lands shall be paid to the department of natural  
3 resources(~~(: PROVIDED, That nothing in RCW 79.96.090 through 79.96.110~~  
4 ~~shall be construed as authorizing the lease of any tidelands which have~~  
5 ~~heretofore, or which may hereafter, be set aside as))).~~

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

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

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

17 (a) Rentals or concessions of the department;

18 (b) The sale of real or personal property held for department  
19 purposes;

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

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

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

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

28 (g) Compensation for damage to department property or wildlife  
29 losses or contributions, gifts, or grants received under RCW 77.12.320  
30 or 77.32.380;

31 (h) Excise tax on anadromous game fish collected under chapter  
32 82.27 RCW;

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

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

37 (k) All receipts from revenues from the lease of land or sale of  
38 shellfish from oyster reserve lands under section 1 of this act.

1 Revenues deposited into the fund pursuant to this subsection (1)(k) may  
2 only be expended in the following manner:

3 (i) Up to forty percent for the management expenses incurred by the  
4 department that are directly attributable to the management of the  
5 oyster reserve lands and for the expenses associated with new research  
6 and development activities at the Pt. Whitney and Nahcotta shellfish  
7 laboratories managed by the department. As used in this subsection  
8 (1)(k)(i), "new research and development activities" includes an  
9 emphasis on the control of aquatic nuisance species and burrowing  
10 shrimp;

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

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

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

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