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**SUBSTITUTE HOUSE BILL 1939**

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**State of Washington**

**54th Legislature**

**1995 Regular Session**

**By** House Committee on Natural Resources (originally sponsored by Representatives Fuhrman, Beeksma, Chappell, Smith, Campbell, Kremen, Cairnes, Buck, Thompson and Hargrove)

Read first time 02/28/95.

1 AN ACT Relating to shellfish resources; creating new sections; and  
2 declaring an emergency.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that the people of the  
5 state of Washington have an interest in the repose and quiet enjoyment  
6 of private property, in access to recreational shellfish harvesting,  
7 and in commercial shellfish harvesting. Because of the significance of  
8 the state's shellfish resources to the economy and culture of the state  
9 and because of the threat to the rights and expectations of the owners  
10 of private property caused by litigation over tribal assertions of  
11 rights to shellfish harvests, the legislature strongly encourages and  
12 supports the attorney general in taking an appeal to the United States  
13 Ninth Circuit Court of Appeals from the district court order in *United*  
14 *States of America v. State of Washington*, subproceeding 89-3. The  
15 legislature further encourages the attorney general to request from the  
16 district court and the court of appeals, if necessary, a stay of the  
17 district court's decision until the appeal can be decided. It is the  
18 further intent of the legislature to provide the resources necessary to  
19 support full prosecution of the appeal and any related proceedings.

1        NEW SECTION.    **Sec. 2.**    The Washington state department of fish and  
2 wildlife, department of natural resources, and state parks and  
3 recreation commission are required to manage the state's shellfish  
4 resources consistent with management policies in place prior to the  
5 federal district court's decision of December 20, 1994, unless ordered  
6 to manage otherwise by a subsequent order of the federal district  
7 court.

8        NEW SECTION.    **Sec. 3.**    The legislature directs the governor and the  
9 relevant executive branch agencies to request the appropriate agencies  
10 of the federal government that federally owned tidelands be made  
11 available for tribal shellfish harvest as part of a solution to this  
12 shellfish conflict.    The legislature encourages the other parties  
13 involved in the shellfish litigation to make the same request of the  
14 federal government.

15        NEW SECTION.    **Sec. 4.**    This act is necessary for the immediate  
16 preservation of the public peace, health, or safety, or support of the  
17 state government and its existing public institutions, and shall take  
18 effect immediately.

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