

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2819

57th Legislature
2002 Regular Session

Passed by the House February 18, 2002
Yeas 94 Nays 0

Speaker of the House of Representatives

Passed by the Senate March 5, 2002
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Cynthia Zehnder, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2819** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2819

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2002 Regular Session

By House Committee on Natural Resources (originally sponsored by Representatives Doumit, Buck, Hatfield and Linville)

Read first time 02/06/2002. Referred to Committee on .

1 AN ACT Relating to Bush act and Callow act lands; adding a new
2 section to chapter 79.90 RCW; adding a new section to chapter 79.96
3 RCW; and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature declares that shellfish
6 farming provides a consistent source of quality food, offers
7 opportunities of new jobs, increases farm income stability, and
8 improves balance of trade. The legislature also finds that many
9 areas of the state of Washington are scientifically and biologically
10 suitable for shellfish farming, and therefore the legislature has
11 encouraged and promoted shellfish farming activities, programs, and
12 development with the same status as other agricultural activities,
13 programs, and development within the state. It being the policy of
14 this state to encourage the development and expansion of shellfish
15 farming within the state and to promote the development of a diverse
16 shellfish farming industry, the legislature finds that the
17 uncertainty surrounding reversionary clauses contained in Bush act

1 and Callow act deeds is interfering with this policy. The
2 legislature finds that uncertainty of the grant of rights for the
3 claim and other shellfish culture as contained in chapter 166, Laws
4 of 1919 must be fully and finally resolved. It is not the intent of
5 this act to impair any vested rights in shellfish cultivation or
6 current shellfish aquaculture activities to which holders of Bush act
7 and Callow act lands are entitled.

8 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.90
9 RCW to read as follows:

10 (1) A person in possession of real property conveyed by the state
11 of Washington pursuant to the authority of chapter 24, Laws of 1895
12 (Bush act) or chapter 25, Laws of 1895 (Callow act), wherein such
13 lands are subject to a possibility of reversion, shall heretofore
14 have and are granted the further right to use all of the property for
15 the purpose of cultivating and propagating clams and any shellfish.

16 (2) The rights granted under subsection (1) of this section do
17 not include the right to use subtidal portions of Bush act and Callow
18 act lands for the harvest and cultivation of any species of shellfish
19 that had not commenced prior to December 31, 2001.

20 (3) For the purposes of this section, harvest and cultivation of
21 any species of shellfish shall not be deemed to have commenced unless
22 the subtidal portions of the land had been planted with that species
23 of shellfish prior to December 31, 2001.

24 (4) No vested rights in shellfish cultivation may be impaired by
25 any of the provisions of this act, nor is anything other than what is
26 stated in subsection (2) of this section intended to grant any
27 further rights in the subtidal lands than what was originally
28 included under the intent of the Bush and Callow acts.

29 NEW SECTION. **Sec. 3.** A new section is added to chapter 79.96
30 RCW to read as follows:

31 Beds of navigable waters held under contract or deed from the
32 state of Washington upon which a private party is harvesting or
33 cultivating geoduck shall be surveyed by the private party and a

1 record of survey filed in compliance with chapter 58.09 RCW prior to
2 harvest. Property corners will be placed in sufficient quantity and
3 location to aid in relocation of the oyster tract lines occurring or
4 extending below extreme low tide. Buoys on anchors must be placed
5 intervisibly along and at angle points on any ownership boundaries
6 that extend below extreme low tide, for the harvest term. The survey
7 of privately owned beds of navigable waters will be established on
8 the Washington coordinate system in compliance with chapter 58.20 RCW
9 and property corners labeled with their coordinates on the record of
10 survey.

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