
HOUSE BILL 1595

State of Washington 60th Legislature 2007 Regular Session

By Representatives Appleton, Jarrett, Hunt and Lantz

Read first time 01/23/2007. Referred to Committee on Select
Committee on Puget Sound.

1 AN ACT Relating to shellfish protection programs; amending RCW
2 90.72.020, 90.72.030, and 90.72.045; creating new sections; and making
3 an appropriation.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the importance of
6 shellfish to Puget Sound's environment, economy, and heritage, and
7 further recognizes that Puget Sound merits additional protective
8 measures than currently exist. This act intends to expand the
9 protection of shellfish within Puget Sound.

10 **Sec. 2.** RCW 90.72.020 and 1985 c 417 s 2 are each amended to read
11 as follows:

12 (~~For purposes of this chapter,~~) The definitions in this section
13 apply throughout this chapter unless the context clearly requires
14 otherwise.

15 (1) "Department" means the department of health.

16 (2) "Fishable" means that marine organisms thrive in a waterbody
17 and, when grown or harvested, are safe for human consumption.

1 (3) "Puget Sound county" means Clallam, Island, Jefferson, King,
2 Kitsap, Mason, Pierce, San Juan, Skagit, Snohomish, Thurston, and
3 Whatcom counties.

4 (4) "Shellfish areas" means all saltwater areas, whether tidal or
5 subtidal, containing shellfish species typically grown or harvested for
6 human consumption.

7 (5) "Shellfish areas of concern" means those shellfish areas that:
8 (a) Are compliant with existing health standards; (b) have declining
9 water quality; and (c) are at risk of becoming nonfishable.

10 (6) "Shellfish tidelands" means all saltwater tidelands on which
11 shellfish are grown or harvested for human consumption.

12 **Sec. 3.** RCW 90.72.030 and 1992 c 100 s 2 are each amended to read
13 as follows:

14 (1) For Puget Sound counties, the following apply to the
15 legislative authority of each county having shellfish areas within its
16 boundaries:

17 (a) The legislative authority is authorized to establish a
18 shellfish protection district to include areas in which pollution,
19 whether point or nonpoint pollution, threatens the water quality upon
20 which the continuation or restoration of shellfish farming or
21 harvesting is dependent;

22 (b) The legislative authority constitutes the governing body of the
23 district and shall adopt a shellfish protection program to be effective
24 within the district;

25 (c) The legislative authority may appoint a local advisory council
26 to advise the legislative authority in preparation and implementation
27 of a shellfish protection program. The shellfish protection program
28 must include any elements deemed appropriate to deal with pollution,
29 whether point or nonpoint pollution, threatening water quality,
30 including, but not limited to, the following:

31 (i) Requiring the elimination or decrease of contaminants in storm
32 water runoff;

33 (ii) Establishing monitoring, inspection, and repair elements to
34 ensure that on-site sewage systems are adequately maintained and
35 working properly;

36 (iii) Ensuring that animal grazing and manure management practices
37 are consistent with best management practices; and

1 (iv) Establishing educational and public involvement programs to
2 inform citizens on the causes of the threatening point and nonpoint
3 pollution and what citizens may do to decrease the amount of the
4 pollution;

5 (d) The legislative authority may omit an element where another
6 program is effectively addressing those sources of point and nonpoint
7 pollution; and

8 (e) The legislative authority has full jurisdiction and authority,
9 within the limits of RCW 90.72.040 and 90.72.070, to do the following:

10 (i) Manage, regulate, and control its shellfish protection program;
11 and

12 (ii) Fix, alter, regulate, and control the fees for services
13 provided and charges or rates as provided under the shellfish
14 protection program.

15 (2) For non-Puget Sound counties, the following apply to the
16 legislative authority of each county having shellfish tidelands within
17 its boundaries:

18 (a) The legislative authority is authorized to establish a
19 shellfish protection district to include areas in which nonpoint
20 pollution threatens the water quality upon which the continuation or
21 restoration of shellfish farming or harvesting is dependent((~~τ~~));

22 (b) The legislative authority shall constitute the governing body
23 of the district and shall adopt a shellfish protection program to be
24 effective within the district((~~τ~~));

25 (c) The legislative authority may appoint a local advisory council
26 to advise the legislative authority in preparation and implementation
27 of shellfish protection programs. This program shall include any
28 elements deemed appropriate to deal with the nonpoint pollution
29 threatening water quality, including, but not limited to, the
30 following:

31 (i) Requiring the elimination or decrease of contaminants in storm
32 water runoff((~~τ~~));

33 (ii) Establishing monitoring, inspection, and repair elements to
34 ensure that on-site sewage systems are adequately maintained and
35 working properly((~~τ-assuring~~));

36 (iii) Ensuring that animal grazing and manure management practices
37 are consistent with best management practices((~~τ~~)); and

1 (iv) Establishing educational and public involvement programs to
2 inform citizens on the causes of the threatening nonpoint pollution and
3 what they can do to decrease the amount of such pollution((~~-~~));

4 (d) The legislative authority may omit an element ((~~may be~~
5 omitted)) where another program is effectively addressing those sources
6 of nonpoint water pollution((~~-~~)); and

7 (e) The legislative authority has full jurisdiction and authority,
8 within the limits of RCW 90.72.040 and 90.72.070, ((~~the county~~
9 legislative authority shall have full jurisdiction and authority)) to
10 do the following:

11 (i) Manage, regulate, and control its programs; and ((~~to~~))

12 (ii) Fix, alter, regulate, and control the fees for services
13 provided and charges or rates as provided under those programs.

14 (3) For Puget Sound and non-Puget Sound counties, programs
15 established under this chapter, may, but are not required to, be part
16 of a system of sewerage as defined in RCW 36.94.010.

17 **Sec. 4.** RCW 90.72.045 and 1992 c 100 s 4 are each amended to read
18 as follows:

19 (1) For Puget Sound counties, the legislative authorities of each
20 county shall:

21 (a) Create a shellfish protection district and establish a
22 shellfish protection program under RCW 90.72.030, to address causes of
23 pollution within one hundred eighty days after the department, because
24 of water quality degradation due to ongoing sources of pollution, has,
25 after June 11, 1992, performed one of the following within the
26 boundaries of the county:

27 (i) Closed a shellfish area;

28 (ii) Downgraded the classification of a shellfish area; or

29 (iii) Determined a shellfish area to be a shellfish area of
30 concern;

31 (b) If the legislative authorities of each Puget Sound county are
32 unable to create a shellfish protection district and establish a
33 shellfish protection program within the one hundred eighty-day time
34 period, as specified under (a) of this subsection, then the department
35 may grant an extension, provided that all of the following conditions
36 are met:

37 (i) Each extension may not be more than thirty days;

1 (ii) No more than two extensions may be granted for each shellfish
2 area or shellfish area of concern; and

3 (iii) The legislative authority requires additional time to
4 establish a taxing or fee district, or a funding account or source, to
5 pay for the implementation of (a) of this subsection;

6 (c) Implement a shellfish protection program within sixty days
7 after establishment of the shellfish protection district and shellfish
8 protection program; and

9 (d) Enforce the provisions of shellfish protection programs upon
10 implementation.

11 (2) For non-Puget Sound counties, the county legislative authority
12 shall create a shellfish protection district and establish a shellfish
13 protection program under RCW 90.72.030 to address causes of pollution
14 within one hundred eighty days after the department (~~of health~~),
15 because of water quality degradation due to ongoing nonpoint sources of
16 pollution, has, after June 11, 1992, closed or downgraded the
17 classification of a recreational or commercial shellfish growing area
18 within the boundaries of the county.

19 NEW SECTION. Sec. 5. The sum of one million dollars, or as much
20 thereof as may be necessary, is appropriated for the biennium ending
21 June 30, 2009, from the aquatic lands enhancement account to the
22 department of health for the purposes of this act.

23 NEW SECTION. Sec. 6. If specific funding for the purposes of this
24 act, referencing this act by bill or chapter number, is not provided by
25 June 30, 2007, in the omnibus appropriations act, this act is null and
26 void.

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