
ENGROSSED SUBSTITUTE HOUSE BILL 2819

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 areas
9 of the state of Washington are scientifically and biologically suitable
10 for shellfish farming, and therefore the legislature has encouraged and
11 promoted shellfish farming activities, programs, and development with
12 the same status as other agricultural activities, programs, and
13 development within the state. It being the policy of this state to
14 encourage the development and expansion of shellfish farming within the
15 state and to promote the development of a diverse shellfish farming
16 industry, the legislature finds that the uncertainty surrounding
17 reversionary clauses contained in Bush act and Callow act deeds is
18 interfering with this policy. The legislature finds that uncertainty
19 of the grant of rights for the claim and other shellfish culture as

1 contained in chapter 166, Laws of 1919 must be fully and finally
2 resolved. It is not the intent of this act to impair any vested rights
3 in shellfish cultivation or current shellfish aquaculture activities to
4 which holders of Bush act and Callow act lands are entitled.

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

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

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

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

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

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

28 Beds of navigable waters held under contract or deed from the state
29 of Washington upon which a private party is harvesting or cultivating
30 geoduck shall be surveyed by the private party and a record of survey
31 filed in compliance with chapter 58.09 RCW prior to harvest. Property
32 corners will be placed in sufficient quantity and location to aid in
33 relocation of the oyster tract lines occurring or extending below
34 extreme low tide. Buoys on anchors must be placed intervisibly along
35 and at angle points on any ownership boundaries that extend below
36 extreme low tide, for the harvest term. The survey of privately owned
37 beds of navigable waters will be established on the Washington

1 coordinate system in compliance with chapter 58.20 RCW and property
2 corners labeled with their coordinates on the record of survey.

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