

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2823**

Chapter 202, Laws of 2008

60th Legislature  
2008 Regular Session

WILLAPA HARBOR OYSTER RESERVE

EFFECTIVE DATE: 06/12/08

Passed by the House February 15, 2008  
Yeas 86 Nays 1

FRANK CHOPP

\_\_\_\_\_  
**Speaker of the House of Representatives**

Passed by the Senate March 7, 2008  
Yeas 45 Nays 0

BRAD OWEN

\_\_\_\_\_  
**President of the Senate**

Approved March 27, 2008, 4:17 p.m.

CHRISTINE GREGOIRE

\_\_\_\_\_  
**Governor of the State of Washington**

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2823** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

\_\_\_\_\_  
**Chief Clerk**

FILED

March 28, 2008

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2823**

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Passed Legislature - 2008 Regular Session

**State of Washington                      60th Legislature                      2008 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Blake and Kretz)

READ FIRST TIME 02/05/08.

1            AN ACT Relating to the Willapa harbor oyster reserve; amending RCW  
2 70.118.140 and 77.60.160; adding a new section to chapter 77.60 RCW;  
3 and recodifying RCW 70.118.140.

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

5            **Sec. 1.** RCW 70.118.140 and 2007 c 341 s 43 are each amended to  
6 read as follows:

7            (1)(a) The department (~~of health~~) shall transfer the funds  
8 required by RCW 77.60.160 to the appropriate local governments.  
9 Pacific and Grays Harbor counties and Puget Sound shall manage (~~the~~)  
10 their established shellfish--on-site sewage grant program (~~in Puget~~  
11 ~~Sound and for Pacific and Grays Harbor counties~~). The (~~department of~~  
12 ~~health~~) local governments, in consultation with the department of  
13 health, shall (~~provide~~) use the provided funds (~~to local health~~  
14 ~~jurisdictions to be used~~) as grants or loans to individuals for  
15 repairing or improving their on-site sewage systems. The grants or  
16 loans may be provided only in areas that have the potential to  
17 adversely affect water quality in commercial and recreational shellfish  
18 growing areas.

1 (b) A recipient of a grant or loan shall enter into an agreement  
2 with the appropriate local (~~health jurisdiction~~) government to  
3 maintain the improved on-site sewage system according to specifications  
4 required by the local (~~health jurisdiction~~) government.

5 (c) The department (~~of health~~) shall work closely with local  
6 (~~health jurisdictions~~) governments and it shall be the goal of the  
7 department (~~of health~~) to attain geographic equity between Grays  
8 Harbor, Willapa Bay, and Puget Sound when making funds available under  
9 this program.

10 (d) For the purposes of this subsection, "geographic equity" means  
11 issuing on-site sewage grants or loans at a level that matches the  
12 funds generated from the oyster reserve lands in that area.

13 (2) In Puget Sound, the (~~department of health~~) local governments  
14 shall give first priority to areas that are:

15 (a) Identified as "areas of special concern" under WAC 246-272-  
16 01001;

17 (b) Included within a shellfish protection district under chapter  
18 90.72 RCW; or

19 (c) Identified as a marine recovery area under chapter 70.118A RCW.

20 (3) In Grays Harbor and Pacific counties, the (~~department of~~  
21 ~~health~~) local governments shall give first priority to preventing the  
22 deterioration of water quality in areas where commercial or  
23 recreational shellfish are grown.

24 (4) The department (~~of health~~) and each participating local  
25 (~~health jurisdiction~~) government shall enter into a memorandum of  
26 understanding that will establish an applicant income eligibility  
27 requirement for individual grant applicants from within the  
28 jurisdiction and other mutually agreeable terms and conditions of the  
29 grant program.

30 (5) (~~The department of health may recover the costs to administer~~  
31 ~~this program not to exceed ten percent of the shellfish on-site sewage~~  
32 ~~grant program.~~

33 (6)) For the 2007-2009 biennium, from the funds received under  
34 this section, Pacific county (~~may~~) shall transfer up to two hundred  
35 thousand dollars to the department (~~of fish and wildlife for research~~  
36 ~~identified by the department of fish and wildlife~~). Upon receiving  
37 the funds from Pacific county, the department and the appropriate

1 oyster reserve advisory committee under RCW 77.60.160 shall identify  
2 and execute specific research projects with those funds.

3 **Sec. 2.** RCW 77.60.160 and 2007 c 341 s 44 are each amended to read  
4 as follows:

5 (1) The oyster reserve land account is created in the state  
6 treasury. All receipts from revenues from the lease of land or sale of  
7 shellfish from oyster reserve lands must be deposited into the account.  
8 Moneys in the account may be spent only after appropriation.  
9 Expenditures from the account may be used only as provided in this  
10 section.

11 (2) Funds in the account shall be used for the purposes provided  
12 for in this subsection:

13 (a) Up to forty percent for:

14 (i) The management expenses incurred by the department that are  
15 directly attributable to the management of the oyster reserve lands;  
16 and ((for))

17 (ii) The expenses associated with new bivalve shellfish research  
18 and development activities at the Pt. Whitney and Nahcotta shellfish  
19 laboratories managed by the department. As used in this subsection,  
20 "new research and development activities" includes an emphasis on the  
21 control of aquatic nuisance species and burrowing shrimp. New research  
22 and development activities must be identified by the department and the  
23 appropriate oyster reserve advisory committee;

24 (b) Up to ten percent may be deposited into the state general fund;  
25 and

26 (c) Except as provided in subsection (3) of this section, all  
27 remaining funds in the account shall be used for the shellfish - on-  
28 site sewage grant program established in RCW 70.118.140 (as recodified  
29 by this act).

30 (3)(a) No later than January 1st of each year, ~~((from revenues~~  
31 ~~received from the Willapa bay oyster reserve, the department shall~~  
32 ~~transfer one hundred thousand dollars to the on-site sewage grant~~  
33 ~~program established in RCW 70.118.140)) the department shall transfer  
34 up to fifty percent of the annual revenues generated in the preceding  
35 year from the Willapa harbor oyster reserve to the on-site sewage grant  
36 program established under RCW 70.118.140 (as recodified by this act) as  
37 necessary to achieve a fund balance of one hundred thousand dollars.~~

1 (b) All remaining revenues received from the Willapa (~~bay~~) harbor  
2 oyster reserve shall be used to fund research activities as specified  
3 in subsection (2)(a) of this section.

4 NEW SECTION. **Sec. 3.** RCW 70.118.140 is recodified as a section in  
5 chapter 77.60 RCW.

Passed by the House February 15, 2008.

Passed by the Senate March 7, 2008.

Approved by the Governor March 27, 2008.

Filed in Office of Secretary of State March 28, 2008.