

BUSH AND CALLOW ACT LANDS

Basic Statistics

Description	Acres	Percent of Total
Bush and Callow Act Lands	46,784	100%
Bush Act Lands	46,204	98.8%
Pacific County (Willapa Bay)	25,324	54.1%
Grays Harbor County (Grays Harbor)	7,054	15.1%
San Juan, Skagit, Island, Snohomish, Pierce, Thurston, Kitsap, Mason, Jefferson, Clallam, and King Counties	13,826	29.6%
Callow Act Lands	580	1.2%
Thurston County	391	0.8%
Pacific County	187	0.4%
Mason County	2	0.004%

Bush and Callow Time Line

1895 **Bush Act and the Callow Acts are passed**

- **Bush Act**

1. An act relating to oyster cultivation which was passed to encourage the oyster industry in Washington State. Allowed for the sale of state-owned aquatic land (SOAL) into private ownership for “the purpose of oyster planting, to encourage and facilitate said industry.”
2. It provided for the sale of not more than one hundred acres of state owned tidelands into private ownership, at \$1.25 per acre, to any qualified individual for use only for oyster planting and cultivation. And, if those tidelands became unfit or valueless for the purpose of oyster growing, the owner was "entitled" to again purchase a substitute tract.
3. Limited the activity on the land, in whole or in part, to the purpose of oyster planting. Note: Allowing the land to lie fallow *is* in keeping with the statute.
4. Required the restriction to be written into the face of the deed.
5. Gave the Commissioner of Public Lands the discretionary authority to cancel the sale of the land and revert the property to state ownership if the lands are used for other than their deeded purpose upon application by a citizen of the state.

- **Callow Act**

1. Allowed for “purchase and sale of oyster lands” into private ownership.
2. Limited the activity on the land to “artificial oyster bed.” Note: Allowing the land to lie fallow *is NOT* in keeping with the statute.
- 3 Required the restriction to be written into the face of the deed.

4. Directed that the land will automatically revert to state ownership if the land ceases to be used as an artificial oyster bed.

- 1915 Bill passed
- Allowed Callow Act landowners to purchase back part of the state's reversionary rights. In essence it allowed owners to "convert" their Callow Lands to Bush Lands as it related to allowed uses.
- 1919 The "Edible Clam Law" is passed
- Allowed for the use of Bush and Callow lands for the cultivation and propagation clams and edible shellfish in addition to oysters.
- 1925 & 1927 Bills passed
- Allowed Bush and Callow land owners to purchase their full reversionary rights from the State. In essence it allowed owners to put the land to use as they see fit, without concern about it reverting back to state ownership.
- 1935 The Bush and Callow Acts are repealed by the Legislature
- 1949 The Edible Clam Law is repealed
- 1971 The Gissberg Amendment is passed (Codified as RCW 79.125.200(2))
- Forbids the sale of state-owned aquatic lands (SOAL) into private ownership.
- 1981 Attorney General Opinion issued
- Finds that because of the Gissberg Amendment the reversionary rights to Bush and Callow lands cannot be sold to private entities.
- 1991 Attorney General Opinion issued
- Finds that if clams and edible shellfish, other than oysters, were commercially cultivated on Bush and Callow land between 1919 and 1949, that activity is "grandfathered" on that property. Otherwise it is contrary to the deed restriction.
- 2002 HB 2819 passed (Codified as RCW 79.135.010)
- Allows for the use of Bush and Callow lands for the cultivation and propagation of clams and edible shellfish in addition to oysters in inter-tidal portions of the property.
 - Allows for the continued cultivation of shellfish in the sub-tidal portions of the property as long as active cultivation (defined as planting) of the specific species in question was initiated prior to December 31, 2001.
 - Requires a sub-tidal survey be filed with the DNR and the deep water boundaries of the property be marked prior to the initiation of harvest of geoduck (as permitted in the previous two bullets) from the property.
 - These requirements start as of the date the bill becomes law, June 13, 2002.