

SB 6070 - H COMM AMD

By Committee on General Government Appropriations

ADOPTED AS AMENDED 04/14/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 79.140  
4 RCW under the subchapter heading "special provisions and leases" to  
5 read as follows:

6 (1)(a) The legislature finds and declares that an extraordinary  
7 volume of material washed down onto beds of navigable waters and  
8 shorelands in the Toutle river, Coweeman river, and portions of the  
9 Cowlitz river following the eruption of Mount St. Helens in 1980.

10 (b) The legislature further finds that the owners of private lands  
11 located near the impacted rivers were authorized to sell, transfer, or  
12 otherwise dispose of any dredge spoils removed from the river between  
13 the years of 1980 and 1995 without the necessity of any charge by the  
14 department.

15 (c) The legislature further finds that the dredging activities  
16 following the eruption of Mount St. Helens are no longer adequate to  
17 protect engineered structures on the affected rivers or the public  
18 health and safety of the communities located in proximity to the  
19 affected rivers. Future river dredging will be necessary as part of  
20 managing the post-eruption state of the rivers, and with the  
21 commencement of new dredging activities, the underlying conditions  
22 leading to the previous authority for private landowners to dispose of  
23 the dredged materials without the necessity of any charge by the  
24 department are replicated.

25 (d) The legislature further finds that just as between the years of  
26 1980 and 1995, the dredge spoils placed upon adjacent publicly and  
27 privately owned property in the affected areas, if further disposed,  
28 will be of nominal value to the state and that it is in the best  
29 interests of the state to allow further disposal without charge.

1 (2)(a) All dredge spoil or materials removed from the state-owned  
2 beds and shores of the Toutle river, Coweeman river, and that portion  
3 of the Cowlitz river from two miles above the confluence of the Toutle  
4 river to its mouth deposited on adjacent public and private lands prior  
5 to January 1, 2009, as a result of dredging the affected rivers for  
6 navigation and flood control purposes may be sold, transferred, or  
7 otherwise disposed of by owners of the lands without the necessity of  
8 any charge by the department and free and clear of any interest of the  
9 department.

10 (b) All dredge spoil or materials removed from the state-owned beds  
11 and shores of the Toutle river, Coweeman river, and that portion of the  
12 Cowlitz river from two miles above the confluence of the Toutle river  
13 to its mouth deposited on adjacent public and private lands after  
14 January 1, 2009, but before December 31, 2017, as a result of dredging  
15 the affected rivers for navigation and flood control purposes may be  
16 sold, transferred, or otherwise disposed of by owners of the lands  
17 without the necessity of any charge by the department and free and  
18 clear of any interest of the department if the land in question was not  
19 used as a source for commercially sold materials prior to January 1,  
20 2009. If the land in question was used as a source for commercially  
21 sold materials prior to January 1, 2009, the dredge spoils may be used  
22 without the necessity of any charge by the department. However, any  
23 sale of the materials would not be exempt from charges by the  
24 department consistent with this title.

25 NEW SECTION. **Sec. 2.** RCW 79.140.120 is decodified."

26 Correct the title.

EFFECT: Decodifies the existing law as it deals with dredge materials in the Mount St. Helens area and replaces it with a new section that allows all landowners to sell any materials that were deposited on their property prior to January 1, 2009, without paying a royalty and allows noncommercial landowners to sell dredged materials deposited on their property after January 1, 2009, without paying a royalty.

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