

SB 6070 - H COMM AMD

By Committee on General Government Appropriations

ADOPTED AND ENGROSSED 4/14/09

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 (3)(a) Prior to selling or otherwise using any materials under this
26 section for commercial purposes, written notification must be provided
27 by the owners of the lands to the department outlining the type and
28 amount of material that is planned to be sold or otherwise used.

29 (b) The department shall report to the appropriate committees of
30 the legislature each biennium through the end of the 2015-2017 biennium
31 a summary of any notifications received under (a) of this subsection.
32 The report must include a determination of whether any revenue that
33 would otherwise accrue to the state has been diverted by the provisions
34 of this section and a summation of the diverted amount for the previous
35 biennium. The initial report is due by January 2, 2012, with
36 subsequent reports due by January 2nd of each even-numbered year.

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

1 Correct the title.

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