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HOUSE BILL 2598

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State of Washington

61st Legislature

2010 Regular Session

By Representatives Takko, Blake, and Herrera

Prefiled 01/08/10. Read first time 01/11/10. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to disposal of dredged riverbed materials from the  
2 Mount St. Helen's eruption; amending RCW 79.140.210; and creating a new  
3 section.

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

5 **Sec. 1.** RCW 79.140.210 and 2009 c 426 s 1 are each amended to read  
6 as follows:

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

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

16 (c) The legislature further finds that the dredging activities  
17 following the eruption of Mount St. Helens are no longer adequate to  
18 protect engineered structures on the affected rivers or the public  
19 health and safety of the communities located in proximity to the

1 affected rivers. Future river dredging will be necessary as part of  
2 managing the post-eruption state of the rivers, and with the  
3 commencement of new dredging activities, the underlying conditions  
4 leading to the previous authority for private landowners to dispose of  
5 the dredged materials without the necessity of any charge by the  
6 department are replicated.

7 (d) The legislature further finds that just as between the years of  
8 1980 and 1995, the dredge spoils placed upon adjacent publicly and  
9 privately owned property in the affected areas, if further disposed,  
10 will be of nominal value to the state and that it is in the best  
11 interests of the state to allow further disposal without charge.

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

21 ~~(b))~~ All dredge spoil or materials removed from the state-owned  
22 beds and shores of the Toutle river, Coweeman river, and that portion  
23 of the Cowlitz river from two miles above the confluence of the Toutle  
24 river to its mouth deposited on adjacent public and private lands  
25 ~~((after January 1, 2009, but))~~ before December 31, ~~((2017))~~ 2035, as a  
26 result of dredging the affected rivers for navigation and flood control  
27 purposes that as of the effective date of this section have not been  
28 sold, transferred, or otherwise disposed of by owners of the lands, may  
29 be sold, transferred, or otherwise disposed of by owners of the lands  
30 without the necessity of any charge by the department and free and  
31 clear of any interest of the department ~~((if the land in question was  
32 not used as a source for commercially sold materials prior to January  
33 1, 2009. If the land in question was used as a source for commercially  
34 sold materials prior to January 1, 2009, the dredge spoils may be used  
35 without the necessity of any charge by the department. However, any  
36 sale of the materials would not be exempt from charges by the  
37 department consistent with this title.~~

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

5       ~~(b) The department shall report to the appropriate committees of~~  
6 ~~the legislature each biennium through the end of the 2015-2017 biennium~~  
7 ~~a summary of any notifications received under (a) of this subsection.~~  
8 ~~The report must include a determination of whether any revenue that~~  
9 ~~would otherwise accrue to the state has been diverted by the provisions~~  
10 ~~of this section and a summation of the diverted amount for the previous~~  
11 ~~biennium. The initial report is due by January 2, 2012, with~~  
12 ~~subsequent reports due by January 2nd of each even-numbered year)).~~

13       NEW SECTION.   **Sec. 2.**   This act applies to all dredge spoil or  
14 materials removed from the state-owned beds and shores of the Toutle  
15 river, Coweeman river, and that portion of the Cowlitz river from two  
16 miles above the confluence of the Toutle river to its mouth deposited  
17 on adjacent public and private lands as a result of dredging the  
18 affected rivers for navigation and flood control purposes following the  
19 eruption of Mount St. Helens in 1980 that, as of the effective date of  
20 this section, have not been sold, transferred, or otherwise disposed of  
21 by owners of the lands.   To this extent, this act applies  
22 retroactively, but in all other respects it applies prospectively.

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