

upon receipt of information from any person claiming to be entitled to compensation, from the self-insurer, or otherwise that the right to compensation is controverted, or that payment of compensation has been opposed, stopped or changed, whether or not claim has been filed, promptly make such inquiry as circumstances require, cause such medical examinations to be made, hold such hearings, require the submission of further information, make such orders, decisions or awards, and take such further action as he or she considers will properly determine the matter and protect the rights of all parties.

(6) The director, upon his or her own initiative, may make such inquiry as circumstances require or is necessary to protect the rights of all the parties and he or she may enact rules and regulations providing for procedures to ensure fair and prompt handling by self-insurers of the claims of workers and beneficiaries.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect July 1, 1982.

Passed the Senate March 26, 1982.

Passed the House March 25, 1982.

Approved by the Governor April 3, 1982.

Filed in Office of Secretary of State April 3, 1982.

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## CHAPTER 21

[Engrossed Substitute Senate Bill No. 4824]

### AQUATIC LANDS

AN ACT Relating to aquatic lands; amending section 9, chapter 255, Laws of 1927 as amended by section 1, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.036; amending section 1, chapter 257, Laws of 1959 and RCW 79.01.038; amending section 13, chapter 255, Laws of 1927 and RCW 79.01.052; amending section 21, chapter 255, Laws of 1927 as amended by section 2, chapter 257, Laws of 1959 and RCW 79.01.084; amending section 22, chapter 255, Laws of 1927 as last amended by section 2, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.088; amending section 1, chapter 55, Laws of 1935 as amended by section 10, chapter 257, Laws of 1959 and RCW 79.01.116; amending section 30, chapter 255, Laws of 1927 as amended by section 11, chapter 257, Laws of 1959 and RCW 79.01.120; amending section 31, chapter 255, Laws of 1927 as last amended by section 12, chapter 257, Laws of 1959 and RCW 79.01.124; amending section 44, chapter 255, Laws of 1927 and RCW 79.01.176; amending section 46, chapter 255, Laws of 1927 as last amended by section 2, chapter 123, Laws of 1971 ex. sess. and RCW 79.01.184; amending section 47, chapter 255, Laws of 1927 as amended by section 19, chapter 257, Laws of 1959 and RCW 79.01.188; amending section 53, chapter 255, Laws of 1927 as amended by section 23, chapter 257, Laws of 1959 and RCW 79.01.212; amending section 54, chapter 255, Laws of 1927 as last amended by section 1, chapter 267, Laws of 1969 ex. sess. and RCW 79.01.216; amending section 55, chapter 255, Laws of 1927 as amended by section 25, chapter 257, Laws of 1959 and RCW 79.01.220; amending section 56, chapter 255, Laws of 1927 and RCW 79.01.224; amending section 57, chapter 255, Laws of 1927 as amended by section 26, chapter 257, Laws of 1959 and RCW 79.01.228; amending section 59, chapter 255, Laws of 1927 as last amended by section 8, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.236; amending section 60, chapter

255, Laws of 1927 as amended by section 28, chapter 257, Laws of 1959 and RCW 79.01.240; amending section 73, chapter 255, Laws of 1927 and RCW 79.01.292; amending section 76, chapter 255, Laws of 1927 and RCW 79.01.304; amending section 78, chapter 255, Laws of 1927 and RCW 79.01.312; amending section 79, chapter 255, Laws of 1927 and RCW 79.01.316; amending section 80, chapter 255, Laws of 1927 and RCW 79.01.320; amending section 82, chapter 255, Laws of 1927 and RCW 79.01.328; amending section 85, chapter 255, Laws of 1927 as last amended by section 5, chapter 73, Laws of 1961 and RCW 79.01.340; amending section 96, chapter 255, Laws of 1927 as last amended by section 6, chapter 73, Laws of 1961 and RCW 79.01.384; amending section 99, chapter 255, Laws of 1927 as amended by section 4, chapter 147, Laws of 1945 and RCW 79.01.396; amending section 102, chapter 255, Laws of 1927 and RCW 79.01.408; amending section 12, chapter 73, Laws of 1961 and RCW 79.01.414; amending section 2, chapter 97, Laws of 1979 and RCW 79.01.525; amending section 195, chapter 255, Laws of 1927 and RCW 79.01.740; amending section 1, chapter 164, Laws of 1919 as amended by section 2, chapter 20, Laws of 1963 and RCW 79.44.010; decodifying RCW 79.01.521; creating new sections; adding new chapters to Title 79 RCW; repealing section 2, chapter 255, Laws of 1927 and RCW 79.01.008; repealing section 3, chapter 255, Laws of 1927 and RCW 79.01.012; repealing section 4, chapter 255, Laws of 1927 and RCW 79.01.016; repealing section 5, chapter 255, Laws of 1927 and RCW 79.01.020; repealing section 6, chapter 255, Laws of 1927 and RCW 79.01.024; repealing section 7, chapter 255, Laws of 1927 and RCW 79.01.028; repealing section 8, chapter 255, Laws of 1927 and RCW 79.01.032; repealing section 11, chapter 255, Laws of 1927 and RCW 79.01.044; repealing section 1, chapter 47, Laws of 1965, section 1, chapter 54, Laws of 1970 ex. sess., section 1, chapter 87, Laws of 1977 ex. sess. and RCW 79.01.178; repealing section 92, chapter 255, Laws of 1927 and RCW 79.01.368; repealing section 93, chapter 255, Laws of 1927 and RCW 79.01.372; repealing section 94, chapter 255, Laws of 1927 and RCW 79.01.376; repealing section 95, chapter 255, Laws of 1927 and RCW 79.01.380; repealing section 105, chapter 255, Laws of 1927 and RCW 79.01.420; repealing section 106, chapter 255, Laws of 1927 and RCW 79.01.424; repealing section 107, chapter 255, Laws of 1927 and RCW 79.01.428; repealing section 108, chapter 255, Laws of 1927 and RCW 79.01.432; repealing section 109, chapter 255, Laws of 1927 and RCW 79.01.436; repealing section 110, chapter 255, Laws of 1927 and RCW 79.01.440; repealing section 111, chapter 255, Laws of 1927 and RCW 79.01.444; repealing section 112, chapter 255, Laws of 1927, section 1, chapter 217, Laws of 1971 ex. sess. and RCW 79.01.448; repealing section 113, chapter 255, Laws of 1927, section 37, chapter 257, Laws of 1959 and RCW 79.01.452; repealing section 114, chapter 255, Laws of 1927 and RCW 79.01.456; repealing section 115, chapter 255, Laws of 1927 and RCW 79.01.460; repealing section 116, chapter 255, Laws of 1927 and RCW 79.01.464; repealing section 117, chapter 255, Laws of 1927 and RCW 79.01.468; repealing section 2, chapter 217, Laws of 1971 ex. sess., section 1, chapter 186, Laws of 1974 ex. sess. and RCW 79.01.470; repealing section 3, chapter 186, Laws of 1974 ex. sess. and RCW 79.01.471; repealing section 118, chapter 255, Laws of 1927, section 1, chapter 105, Laws of 1967 ex. sess. and RCW 79.01.472; repealing section 1, chapter 150, Laws of 1979 and RCW 79.01.474; repealing section 119, chapter 255, Laws of 1927 and RCW 79.01.476; repealing section 120, chapter 255, Laws of 1927 and RCW 79.01.480; repealing section 121, chapter 255, Laws of 1927, section 1, chapter 54, Laws of 1969 ex. sess. and RCW 79.01.484; repealing section 122, chapter 255, Laws of 1927 and RCW 79.01.488; repealing section 123, chapter 255, Laws of 1927 and RCW 79.01.492; repealing section 124, chapter 255, Laws of 1927 and RCW 79.01.496; repealing section 126, chapter 255, Laws of 1927 and RCW 79.01.504; repealing section 127, chapter 255, Laws of 1927 and RCW 79.01.508; repealing section 128, chapter 255, Laws of 1927, section 1, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.512; repealing section 129, chapter 255, Laws of 1927, section 2, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.516; repealing section 130, chapter 255, Laws of 1927, section 3, chapter 97, Laws of 1969 ex. sess., section 1, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.520; repealing section 131, chapter 255, Laws of 1927 and RCW 79.01.524; repealing section 132, chapter 255, Laws of 1927 and RCW 79.01.528; repealing section 133, chapter 255, Laws of 1927 and RCW 79.01.532; repealing section 134, chapter 255, Laws of 1927 and RCW 79.01.536; repealing section 135, chapter 255, Laws of 1927 and RCW 79.01.540; repealing section 136, chapter 255, Laws of 1927 and RCW 79.01.544; repealing section 137, chapter 255, Laws of 1927 and RCW 79.01.548; repealing section 138, chapter 255, Laws of 1927 and RCW 79.01.552; repealing section 139,

chapter 255, Laws of 1927 and RCW 79.01.556; repealing section 140, chapter 255, Laws of 1927 and RCW 79.01.560; repealing section 141, chapter 255, Laws of 1927 and RCW 79.01.564; repealing section 142, chapter 255, Laws of 1927, section 39, chapter 271, Laws of 1951, section 9, chapter 73, Laws of 1961, section 1, chapter 79, Laws of 1963, section 1, chapter 228, Laws of 1967, section 1, chapter 123, Laws of 1979 ex. sess. and RCW 79.01.568; repealing section 8, chapter 141, Laws of 1979 ex. sess. and RCW 79.01.570; repealing section 143, chapter 255, Laws of 1927, section 5, chapter 163, Laws of 1967 and RCW 79.01.572; repealing section 144, chapter 255, Laws of 1927, section 40, chapter 271, Laws of 1951, section 3, chapter 228, Laws of 1967 and RCW 79.01.576; repealing section 41, chapter 271, Laws of 1951 and RCW 79.01.580; repealing section 146, chapter 255, Laws of 1927, section 4, chapter 228, Laws of 1967 and RCW 79.01.584; repealing section 148, chapter 255, Laws of 1927, section 5, chapter 228, Laws of 1967 and RCW 79.01.588; repealing section 149, chapter 255, Laws of 1927, section 6, chapter 228, Laws of 1967 and RCW 79.01.592; repealing section 150, chapter 255, Laws of 1927 and RCW 79.01.596; repealing section 151, chapter 255, Laws of 1927 and RCW 79.01.600; repealing section 152, chapter 255, Laws of 1927 and RCW 79.01.604; repealing section 153, chapter 255, Laws of 1927 and RCW 79.01.608; repealing section 189, chapter 255, Laws of 1927 and RCW 79.01.716; repealing section 1, chapter 275, Laws of 1981 and RCW 79.01.788; repealing section 1, chapter 54, Laws of 1935 and RCW 79.16.130; repealing section 2, chapter 54, Laws of 1935, section 1, chapter 168, Laws of 1959 and RCW 79.16.140; repealing section 3, chapter 54, Laws of 1935, section 2, chapter 168, Laws of 1959 and RCW 79.16.150; repealing section 1, chapter 105, Laws of 1901 and RCW 79.16.160; repealing section 2, chapter 105, Laws of 1901 and RCW 79.16.161; repealing section 1, chapter 110, Laws of 1901 and RCW 79.16.170; repealing section 2, chapter 110, Laws of 1901 and RCW 79.16.171; repealing section 1, chapter 212, Laws of 1963 and RCW 79.16.172; repealing section 2, chapter 212, Laws of 1963 and RCW 79.16.173; repealing section 1, chapter 387, Laws of 1955 and RCW 79.16.175; repealing section 2, chapter 387, Laws of 1955 and RCW 79.16.176; repealing section 1, chapter 170, Laws of 1913, section 1, chapter 115, Laws of 1937, section 2, chapter 105, Laws of 1967 ex. sess. and RCW 79.16.180; repealing section 1, chapter 168, Laws of 1913 and RCW 79.16.190; repealing section 1, chapter 199, Laws of 1955 and RCW 79.16.325; repealing section 2, chapter 199, Laws of 1955 and RCW 79.16.326; repealing section 1, chapter 186, Laws of 1957 and RCW 79.16.375; repealing section 2, chapter 186, Laws of 1957 and RCW 79.16.376; repealing section 1, chapter 183, Laws of 1913 and RCW 79.16.380; repealing section 1, chapter 183, Laws of 1913, section 17, chapter 30, Laws of 1979 ex. sess. and RCW 79.16.400; repealing section 1, chapter 150, Laws of 1917 and RCW 79.16.405; repealing section 2, chapter 150, Laws of 1917 and RCW 79.16.406; repealing section 1, chapter 70, Laws of 1931 and RCW 79.16.410; repealing section 1, chapter 99, Laws of 1893 and RCW 79.16.430; repealing section 2, chapter 99, Laws of 1893 and RCW 79.16.440; repealing section 3, chapter 99, Laws of 1893 and RCW 79.16.450; repealing section 4, chapter 99, Laws of 1893 and RCW 79.16.460; repealing section 5, chapter 99, Laws of 1893 and RCW 79.16.470; repealing section 6, chapter 99, Laws of 1893 and RCW 79.16.480; repealing section 7, chapter 99, Laws of 1893 and RCW 79.16.490; repealing section 8, chapter 99, Laws of 1893 and RCW 79.16.500; repealing section 9, chapter 99, Laws of 1893 and RCW 79.16.510; repealing section 10, chapter 99, Laws of 1893 and RCW 79.16.520; repealing section 1, chapter 164, Laws of 1953 and RCW 79.16.530; repealing section 2, chapter 164, Laws of 1953 and RCW 79.16.540; repealing section 3, chapter 164, Laws of 1953 and RCW 79.16.550; repealing section 4, chapter 164, Laws of 1953 and RCW 79.16.560; repealing section 1, chapter 386, Laws of 1955 and RCW 79.16.570; repealing section 2, chapter 386, Laws of 1955 and RCW 79.16.580; repealing section 3, chapter 386, Laws of 1955 and RCW 79.16.590; repealing section 1, chapter 224, Laws of 1929 and RCW 79.20.090; repealing section 2, chapter 224, Laws of 1929 and RCW 79.20.100; repealing section 3, chapter 224, Laws of 1929, section 1, chapter 76, Laws of 1933 and RCW 79.20.110; repealing section 1, chapter 208, Laws of 1907 and RCW 79.20.150; repealing section 2, chapter 208, Laws of 1907 and RCW 79.20.160; repealing section 3, chapter 208, Laws of 1907 and RCW 79.20.170; repealing section 4, chapter 208, Laws of 1907 and RCW 79.20.180; declaring an emergency; and providing an effective date.

Be it enacted by the Legislature of the State of Washington:

## AQUATIC LANDS—GENERAL.

NEW SECTION. Section 1. "AQUATIC LANDS". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters.

NEW SECTION. Sec. 2. "OUTER HARBOR LINE". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "outer harbor line" means a line located and established in navigable waters as provided in section 1 of Article XV of the state Constitution, beyond which the state shall never sell or lease any rights whatever to private persons.

NEW SECTION. Sec. 3. "HARBOR AREA". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "harbor area" means the area of navigable waters determined as provided in section 1 of Article XV of the state Constitution, which shall be forever reserved for landings, wharves, streets and other conveniences of navigation and commerce.

NEW SECTION. Sec. 4. "INNER HARBOR LINE". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "inner harbor line" means a line located and established in navigable waters between the line of ordinary high tide or ordinary high water and the outer harbor line, constituting the inner boundary of the harbor area.

NEW SECTION. Sec. 5. "FIRST CLASS TIDELANDS". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "first class tidelands" means the shores of navigable tidal waters belonging to the state, lying within or in front of the corporate limits of any city, or within one mile thereof upon either side and between the line of ordinary high tide and the inner harbor line; and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide.

NEW SECTION. Sec. 6. "SECOND CLASS TIDELANDS". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "second class tidelands" means the shores of navigable tidal waters belonging to the state, lying outside of and more than two miles from the corporate limits of any city, and between the line of ordinary high tide and the line of extreme low tide.

NEW SECTION. Sec. 7. "FIRST CLASS SHORELANDS". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "first class shorelands" means the shores of a navigable lake or river belonging to the state, not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, or inner harbor line

where established and within or in front of the corporate limits of any city or within two miles thereof upon either side.

NEW SECTION. Sec. 8. "SECOND CLASS SHORELANDS". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "second class shorelands" means the shores of a navigable lake or river belonging to the state, not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, and more than two miles from the corporate limits of any city.

NEW SECTION. Sec. 9. "BEDS OF NAVIGABLE WATERS". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act), the term "beds of navigable waters" means those lands lying waterward of and below the line of navigability on rivers and lakes not subject to tidal flow, or extreme low tide mark in navigable tidal waters, or the outer harbor line where harbor area has been created.

NEW SECTION. Sec. 10. "IMPROVEMENTS". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "improvements" when referring to aquatic lands means anything considered a fixture in law placed within, upon or attached to such lands that has changed the value of those lands, or any changes in the previous condition of the fixtures that changes the value of the land.

NEW SECTION. Sec. 11. "VALUABLE MATERIALS". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "valuable materials" when referring to aquatic lands means any product or material within or upon said lands, such as forest products, forage, stone, gravel, sand, peat, agricultural crops, and all other materials of value except mineral, coal, petroleum, and gas as provided for under chapters 79.01 and 79.14 RCW.

NEW SECTION. Sec. 12. "PERSON". Whenever used in chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) the term "person" means any private individual, partnership, association, organization, cooperative, firm, corporation, the state or any agency or political subdivision thereof, any public or municipal corporation, or any unit of government, however designated.

NEW SECTION. Sec. 13. HARBOR LINE COMMISSION. The board of natural resources shall constitute the commission provided for in section 1 of Article XV of the state Constitution to locate and establish outer harbor lines beyond which the state shall never sell or lease any rights whatever to private persons, and to locate and establish the inner harbor line, thereby defining the width of the harbor area between such harbor lines. The harbor area shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce.

NEW SECTION. Sec. 14. BOARD OF NATURAL RESOURCES—RECORDS—RULES AND REGULATIONS. The board of natural resources acting as the harbor line commission shall keep a full and complete record of its proceedings relating to the establishment of harbor lines and the determination of harbor areas. The board shall have the power from time to time to make and enforce rules and regulations for the carrying out of the provisions of chapters \_\_\_ through \_\_\_ RCW (sections 1 through 145 of this act) relating to its duties not inconsistent with law.

NEW SECTION. Sec. 15. SALE AND LEASE OF STATE-OWNED AQUATIC LANDS—BLANK FORMS OF APPLICATIONS. The department of natural resources shall prepare, and furnish to applicants, blank forms of applications for the purchase of tide or shore lands belonging to the state, otherwise permitted by section 100 of this act to be sold, and the purchase of valuable material situated thereon, and the lease of tidelands, shorelands and harbor areas belonging to the state, which forms shall contain such instructions as will inform and aid the applicants.

NEW SECTION. Sec. 16. WHO MAY PURCHASE OR LEASE—APPLICATION—FEES. Any person desiring to purchase any tide or shore lands belonging to the state, otherwise permitted under section 100 of this act to be sold, or to purchase any valuable material situated thereon, or to lease any aquatic lands, shall file with the department of natural resources an application, on the proper form which shall be accompanied by reasonable fees to be prescribed by the board of natural resources in its rules and regulations, in an amount sufficient to defray the cost of performing or otherwise providing for the processing, review, or inspection of the applications or activities permitted pursuant to the applications for each category of services performed. These fees shall be credited to the Resource Management Cost Account (RMCA) fund in the general fund.

NEW SECTION. Sec. 17. DATE OF SALE LIMITED BY TIME OF APPRAISAL. In no case shall any tide or shore lands belonging to the state, otherwise permitted under section 100 of this act to be sold, or any valuable materials situated within or upon any tidelands, shorelands or beds of navigable waters belonging to the state, be offered for sale unless the same shall have been appraised by the department of natural resources within ninety days prior to the date fixed for the sale.

NEW SECTION. Sec. 18. SURVEY TO DETERMINE AREAS SUBJECT TO SALE OR LEASE. The department of natural resources may cause any aquatic lands to be surveyed for the purpose of ascertaining and determining the area subject to sale or lease.

NEW SECTION. Sec. 19. VALUABLE MATERIALS SOLD SEPARATELY—VALUABLE MATERIALS FROM COLUMBIA RIVER—AGREEMENTS WITH OREGON. Valuable materials situated

within or upon tidelands, shorelands, or the beds of navigable waters belonging to the state may be sold separately from the land, when in the judgment of the department of natural resources, it is in the best interests of the state to sell the same. When application is made for the purchase of any valuable material, situated within or upon aquatic lands, the department shall inspect and appraise the value of the material applied for: PROVIDED, That no valuable material shall be sold for less than the appraised value thereof: PROVIDED FURTHER, That the department is authorized and empowered to confer with and enter into any agreements with the public authorities of the state of Oregon, which in the judgment of the department will assist the state of Washington and the state of Oregon in securing the maximum revenues for sand, gravel or other valuable materials taken from the bed of the Columbia river where said river forms the boundary line between said states.

NEW SECTION. Sec. 20. ROAD MATERIAL—SALE TO PUBLIC AUTHORITIES—DISPOSITIONS OF PROCEEDS. Any county, city, or town desiring to purchase any stone, rock, gravel, or sand upon any aquatic lands to be used in the construction, maintenance, or repair of any public street, road, or highway within such county, city, or town, may file with the department of natural resources an application for the purchase thereof, which application shall set forth the quantity and kind of material desired to be purchased, the location thereof, and the name or other designation and location of the street, road, or highway upon which the material is to be used. The department upon the receipt of such an application is authorized to sell said material in such manner and upon such terms as deemed advisable and in the best interests of the state, but for not less than the fair market value thereof to be appraised by the department. The proceeds of any such sale shall be paid into the state treasury and credited to the fund to which the proceeds of the sale would belong.

NEW SECTION. Sec. 21. MATERIAL REMOVED FOR CHANNEL OR HARBOR IMPROVEMENT, OR FLOOD CONTROL—USE FOR PUBLIC PURPOSE. When gravel, rock, sand, silt or other material from any aquatic lands is removed by any public agency or under public contract for channel or harbor improvement, or flood control, use of such material may be authorized by the department of natural resources for a public purpose on land owned or leased by the state or any municipality, county, or public corporation: PROVIDED, That when no public land site is available for deposit of such material, its deposit on private land with the landowner's permission is authorized and may be designated by the department of natural resources to be for a public purpose. Prior to removal and use, the state agency, municipality, county, or public corporation contemplating or arranging such use shall first obtain written permission from the department of natural resources. No payment of royalty shall be required

for such gravel, rock, sand, silt, or other material used for such public purpose, but a charge will be made if such material is subsequently sold or used for some other purpose: PROVIDED, That the department may authorize such public agency or private landowner to dispose of such material without charge when necessary to implement disposal of material. No charge shall be required for any use of the material obtained under the provisions of this chapter when used solely on an authorized site. Nothing in this section shall repeal or modify the provisions of RCW 75.20.100 or eliminate the necessity of obtaining a permit for such removal from other state or federal agencies as otherwise required by law.

**NEW SECTION.** Sec. 22. DREDGE SPOILS—SALE BY CERTAIN LANDOWNERS. The legislature finds and declares that, due to the extraordinary volume of material washed down onto state-owned beds and shorelands in the Toutle river, Coweeman river, and portions of the Cowlitz river, the dredge spoils placed upon adjacent privately owned property in such areas, if further disposed, will be of nominal value to the state and that it is in the best interests of the state to allow further disposal without charge.

All dredge spoil or materials removed from the state-owned beds and shores of the Toutle river, Coweeman river and that portion of the Cowlitz river from two miles above the confluence of the Toutle river to its mouth deposited on adjacent private lands during the years 1980 through December 31, 1985, as a result of dredging of these rivers for navigation and flood control purposes may be sold, transferred, or otherwise disposed of by owners of such lands without the necessity of any charge by the department of natural resources and free and clear of any interest of the department of natural resources of the state of Washington.

**NEW SECTION.** Sec. 23. SALE PROCEDURE—FIXING DATE, PLACE, AND TIME OF SALE—NOTICE—PUBLICATION AND POSTING—DIRECT SALE TO APPLICANT WITHOUT NOTICE, WHEN. When the department of natural resources shall have decided to sell any tidelands or shorelands belonging to the state, otherwise permitted by section 100 of this act to be sold, or any valuable materials situated within or upon any aquatic lands, it shall be the duty of the department to forthwith fix the date, place, and the time of sale, and no sale shall be had on any day which is a legal holiday.

The department shall give notice of the sale by advertisement published once a week for four consecutive weeks immediately preceding the date fixed for sale in said notice, in at least one newspaper published and of general circulation in the county in which the whole or any part of any lot, block, or tract of land to be sold (or the valuable materials thereon) is to be sold is situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office and the area headquarters administering such sale, and in the office of the county auditor of such



county; which notice shall specify the place and time of sale, the appraised value thereof, and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold, and in the case of material sales the estimated volume thereof, and specify that the terms of sale will be posted in the area headquarters and the department's Olympia office: PROVIDED, That any sale of valuable material of an appraised value of one thousand dollars or less may be sold directly to the applicant for cash at the appraised value without notice or advertising.

NEW SECTION. Sec. 24. SALE PROCEDURE—PAMPHLET LIST OF LANDS OR MATERIALS—NOTICE OF SALE—PROOF OF PUBLISHING AND POSTING. The department of natural resources shall cause to be printed a list of all tidelands and shorelands belonging to the state, otherwise permitted by section 100 of this act to be sold, or valuable materials contained within or upon aquatic lands, and the appraised value thereof, that are to be sold in the several counties of the state, said lists to be issued at least four weeks prior to the date of any sale of the lands and materials enumerated thereon, such materials to be listed under the name of the county wherein located, in alphabetical order giving the appraised values, the character of the same and such other information as may be of interest to prospective buyers. Said department shall cause to be distributed to the auditor of each county in the state a sufficient number of such lists to supply the demands made upon them respectively as reported by such auditors. And said county auditors shall keep the list so furnished in a conspicuous place or receptacle on the counter of the public office of their respective departments, and, when requested so to do, shall mail copies of such lists to residents of their counties. The department shall retain for free distribution in its office in Olympia and the area offices sufficient copies of said lists, to be kept in a conspicuous place or receptacle on the counter of the general office of the department of natural resources, and the areas, and, when requested so do to, shall mail copies of said list as issued to any applicant therefor. Proof of publication of the notice of sale shall be made by affidavit of the publisher, or person in charge, of the newspaper publishing the same and proof of posting the notice of sale and the receipt of the lists shall be made by certificate of the county auditor which shall forthwith be sent to and filed with the department of natural resources.

NEW SECTION. Sec. 25. SALE PROCEDURE—ADDITIONAL ADVERTISING EXPENSE. The department of natural resources is authorized to expend any sum in additional advertising of such sale as shall be determined to be in the best interests of the state.

NEW SECTION. Sec. 26. SALE PROCEDURE—PLACE OF SALE—HOURS—REOFFER—CONTINUANCE. When sales are made by the county auditor, they shall take place at such place on county property as the county legislative authority may direct in the county

in which the whole, or the greater part, of each lot, block, or tract of land, or the material thereon, to be sold, is situated. All other sales shall be held at the departmental area offices having jurisdiction over the respective sales. All sales shall be conducted between the hours of ten o'clock a.m. and four o'clock p.m.

Any sale which has been offered, and for which there are no bids received shall not be reoffered until it has been readvertised as specified in sections 23, 24 and 25 of this act. If all sales cannot be offered within the specified time on the advertised date, the sale shall continue on the following day between the hours of ten o'clock a.m. and four o'clock p.m.

**NEW SECTION. Sec. 27. SALE PROCEDURE—SALES AT AUCTION OR BY SEALED BID—MINIMUM PRICE—EXCEPTION AS TO MINOR SALE OF VALUABLE MATERIALS AT AUCTION—DIRECT SALE TO APPLICANT WITHOUT NOTICE, WHEN.** All sales of tidelands and shorelands belonging to the state, otherwise permitted by section 100 of this act to be sold, shall be at public auction and all sales of valuable materials shall be at public auction or by sealed bid to the highest bidder, on the terms prescribed by law and as specified in the notice provided, and no land or materials shall be sold for less than their appraised value: **PROVIDED,** That when valuable material has been appraised at an amount not exceeding twenty thousand dollars, the department of natural resources, when authorized by the board of natural resources, may arrange for the sale at public auction of said valuable material and for its removal under such terms and conditions as the department may prescribe, after the department shall have caused to be published ten days prior to sale a notice of such sale in a newspaper of general circulation located nearest to the property to be sold: **PROVIDED FURTHER,** That any sale of valuable material on aquatic lands of an appraised value of one thousand dollars or less may be sold directly to the applicant for cash without notice or advertising.

**NEW SECTION. Sec. 28. SALE PROCEDURE—CONDUCT OF SALES—DEPOSITS—MEMORANDUM OF PURCHASE—BID BONDS.** Sales by public auction under this chapter shall be conducted under the direction of the department of natural resources, by its authorized representative or by the county auditor of the county in which the sale is held. The department's representative and the county auditor are hereinafter referred to as auctioneers. On or before the time specified in the notice of sale each bidder shall deposit with the auctioneer, in cash or by certified check, cashier's check, or postal money order payable to the order of the department of natural resources, or by bid guarantee in the form of bid bond acceptable to the department, an amount equal to the deposit specified in the notice of sale. The deposit shall include a specified amount of the appraised price for the valuable materials offered for sale, together with any fee required by law for the issuance of contracts or bills of sale. Said deposit

may, when prescribed in the notice of sale, be considered an opening bid of an amount not less than the minimum appraised price established in the notice of sale. The successful bidder's deposit will be retained by the auctioneer and the difference, if any, between the deposit and the total amount due shall on the day of the sale be paid in cash, certified check, cashier's check, draft, postal money order or by personal check made payable to the department. If a bid bond is used, the share of the total deposit due guaranteed by the bid bond shall, within ten days of the day of sale, be paid in cash, certified check, cashier's check, draft or postal money order payable to the department. Other deposits, if any, shall be returned to the respective bidders at the conclusion of each sale. The auctioneer shall deliver to the purchaser a memorandum of his purchase containing a description of the land or materials purchased, the price bid, and the terms of the sale. The auctioneer shall at once send to the department the cash, certified check, cashier's check, draft, postal money order, or bid guarantee received from the purchaser, and a copy of the memorandum delivered to the purchaser, together with such additional report of his proceedings with reference to such sales as may be required by the department.

**NEW SECTION.** Sec. 29. SALE PROCEDURE—READVETISEMENT OF LANDS NOT SOLD. If any tide or shoreland, when otherwise permitted under section 100 of this act to be sold, so offered for sale be not sold, the same may again be advertised for sale, as provided in this chapter, whenever in the opinion of the department of natural resources it shall be expedient so to do, and such land shall be again advertised and offered for sale as herein provided, whenever any person shall apply to the commissioner in writing to have such land offered for sale and shall agree to pay, at least the appraised value thereof and shall deposit with the department at the time of making such application a sufficient sum of money to pay the cost of advertising such sale.

**NEW SECTION.** Sec. 30. SALE PROCEDURE—CONFIRMATION OF SALE. If no affidavit showing that the interest of the state in such sale was injuriously affected by fraud or collusion, shall be filed with the commissioner of public lands within ten days from the receipt of the report of the auctioneer conducting the sale of any tidelands or shorelands belonging to the state, otherwise permitted by section 100 of this act to be sold, or valuable materials located within or upon any aquatic lands, and it shall appear from such report that the sale was fairly conducted, that the purchaser was the highest bidder at such sale, and that his bid was not less than the appraised value of the property sold. If the commissioner shall be satisfied that the lands, or material, sold would not, upon being readvertised and offered for sale, sell for at least ten percent more than the price at which it shall have been sold, and the payment required by law to be made at the time of making the sale, has been made, and that the best interests of the state may be subserved thereby, the commissioner shall enter upon his

records a confirmation of sale and thereupon issue to the purchaser a contract of sale or bill of sale as the case may be, as is provided for in this chapter.

**NEW SECTION. Sec. 31. SALE PROCEDURE—TERMS OF PAYMENT—DEFERRED PAYMENTS, RATE OF INTEREST.** All tidelands and shorelands belonging to the state, otherwise permitted under section 100 of this act to be sold, shall be sold on the following terms: One-tenth to be paid on the date of sale; one-tenth to be paid one year from the date of the issuance of the contract of sale; and one-tenth annually thereafter until the full purchase price has been made; but any purchaser may make full payment at any time. All deferred payments shall draw interest at such rate as may be fixed, from time to time, by rule adopted by the board of natural resources, and the rate of interest, as so fixed at the date of each sale, shall be stated in all advertising for and notice of said sale and in the contract of sale. The first installment of interest shall become due and payable one year after the date of the contract of sale and thereafter all interest shall become due and payable annually on said date, and all remittances for payment of either principal or interest shall be forwarded to the department of natural resources.

**NEW SECTION. Sec. 32. SALE PROCEDURE—CERTIFICATE TO GOVERNOR OF PAYMENT IN FULL—DEED.** When the entire purchase price of any tidelands or shorelands belonging to the state, otherwise permitted under section 100 of this act to be sold, shall have been fully paid, the department of natural resources shall certify such fact to the governor, and shall cause a deed signed by the governor and attested by the secretary of state, with the seal of the state attached thereto, to be issued to the purchaser and to be recorded in the office of the commissioner of public lands, and no fee shall be required for any deed issued by the governor other than the fee provided for in this chapter.

**NEW SECTION. Sec. 33. SALE PROCEDURE—RESERVATION IN CONTRACT.** Each and every contract for the sale of (and each deed to) tidelands or shorelands belonging to the state, otherwise permitted under section 100 of this act to be sold, shall contain the reservation contained in RCW 79.01.224.

**NEW SECTION. Sec. 34. SALE PROCEDURE—FORM OF CONTRACT—FORFEITURE—EXTENSION OF TIME.** The purchaser of tidelands or shorelands belonging to the state, otherwise permitted under section 100 of this act to be sold, except in cases where the full purchase price is paid at the time of the purchase, shall enter into and sign a contract with the state to be signed by the commissioner of public lands on behalf of the state, with his seal of office attached, and in a form to be prescribed by the attorney general, and under those terms and conditions provided in RCW 79.01.228.

**NEW SECTION. Sec. 35. BILL OF SALE FOR VALUABLE MATERIAL SOLD SEPARATELY.** When valuable materials shall have been sold separate from aquatic lands and the purchase price is paid in full, the department of natural resources shall cause a bill of sale, signed by the commissioner of public lands and attested by the seal of his office, setting forth the time within which such material shall be removed. The bill of sale shall be issued to the purchaser and shall be recorded in the office of the commissioner of public lands, upon the payment of the fee provided for in this chapter.

**NEW SECTION. Sec. 36. SALE OF ROCK, GRAVEL, SAND AND SILT.** The department of natural resources, upon application by any person, may enter into a contract or lease providing for the removal and sale of rock, gravel, sand and silt located within or upon beds of navigable waters, or upon any tidelands or shorelands belonging to the state and providing for payment to be made therefor by such royalty as the department may fix.

**NEW SECTION. Sec. 37. SALE OF ROCK, GRAVEL, SAND AND SILT—APPLICATION—TERMS OF LEASE OR CONTRACT—BOND—PAYMENT—REPORTS.** Each application made pursuant to section 36 of this act shall set forth the estimated quantity and kind of materials desired to be removed and shall be accompanied by a map or plat showing the area from which the applicant wishes to remove such materials. The department of natural resources may in its discretion include in any lease or contract entered into pursuant to sections 36 through 38 of this act, such terms and conditions deemed necessary by the department to protect the interests of the state. In each such lease or contract the department shall provide for a right of forfeiture by the state, upon a failure to operate under the lease or contract or pay royalties or rent for periods therein stipulated, and the department shall require a bond with a surety company authorized to transact a surety business in this state, as surety to secure the performance of the terms and conditions of such contract or lease including the payment of royalties. The right of forfeiture shall be exercised by entry of a declaration of forfeiture in the records of the department. The amount of rock, gravel, sand or silt taken under the contract or lease shall be reported monthly by the purchaser to the department and payment therefor made on the basis of the royalty provided in the lease or contract.

**NEW SECTION. Sec. 38. SALE OF ROCK, GRAVEL, SAND AND SILT—INVESTIGATION, AUDIT OF BOOKS OF PERSON REMOVING.** The department of natural resources may inspect and audit books, contracts, and accounts of each person removing rock, gravel, sand, or silt pursuant to any such lease or contract under sections 36 and 37 of this act and make such other investigation and secure or receive any other evidence necessary to determine whether or not the state is being paid the full amount payable to it for the removal of such materials.

**NEW SECTION. Sec. 39. LEASES FOR PROSPECTING AND CONTRACTS FOR MINING OF VALUABLE MINERALS AND SPECIFIC MATERIALS FROM ANY AQUATIC LANDS.** The department of natural resources shall have the power to execute leases, for prospecting, and contracts for the mining of valuable minerals and specific materials, except hydrocarbons, upon and from any aquatic lands belonging to the state, or which have been sold and the minerals thereon reserved by the state, to any person, in tracts of not to exceed the equivalent of one section and not less than the equivalent of one-sixteenth of a section in legal subdivisions according to the United States government surveys. The procedures contained at RCW 79.01.616 through 79.01.650, inclusive, shall apply thereto.

**NEW SECTION. Sec. 40. OPTION CONTRACTS FOR PROSPECTING AND LEASES FOR MINING AND EXTRACTION OF COAL FROM AQUATIC LANDS.** The department of natural resources is authorized to execute option contracts for prospecting purposes and leases for the mining and extraction of coal from any aquatic lands owned by the state or from which it may hereafter acquire title, or from any aquatic lands sold or leased by the state the minerals of which have been reserved by the state. The procedures contained at RCW 79.01.652 through 79.01.696, inclusive, shall apply thereto.

**NEW SECTION. Sec. 41. SUBDIVISION OF LEASES—FEE.** Whenever the holder of any contract to purchase any tidelands or shorelands belonging to the state, otherwise permitted under section 100 of this act to be sold, or the holder of any lease of any such lands, except for mining of valuable minerals, or coal, or extraction of petroleum or gas, shall surrender the same to the department of natural resources with the request to have it divided into two or more contracts or leases, the department may divide the same and issue new contracts, or leases: **PROVIDED,** That no new contract or lease shall issue while there is due and unpaid any rental, taxes, or assessments on the land held under such contract or lease, nor in any case where the department is of the opinion that the state's security would be impaired or endangered by the proposed division. For all such new contracts, or leases, a fee as determined by the board of natural resources for each new contract or lease issued, shall be paid by the applicant and such fee shall be paid into the state treasury to the Resource Management Cost Account in the general fund, pursuant to RCW 79.64.020.

**NEW SECTION. Sec. 42. EFFECT OF MISTAKE OR FRAUD.** Any sale or lease of tidelands or shorelands belonging to the state, otherwise permitted under section 100 of this act to be sold, made by mistake, or not in accordance with law, or obtained by fraud or misrepresentation, shall be void, and the contract of purchase, or lease, issued thereon shall be of no

effect, and the holder of such contract, or lease, shall be required to surrender the same to the department of natural resources, which, except in the case of fraud on the part of the purchaser, or lessee, shall cause the money paid on account of such surrendered contract, or lease, to be refunded to the holder thereof, provided the same has not been paid into the state treasury.

**NEW SECTION.** Sec. 43. **ASSIGNMENT OF CONTRACTS OR LEASES.** All contracts of purchase of tidelands or shorelands belonging to the state, otherwise permitted under section 100 of this act to be sold, and all leases of tidelands, shorelands, or beds of navigable waters belonging to the state issued by the department of natural resources shall be assignable in writing by the contract holder or lessee. The assignee shall be subject to the provisions of law applicable to the purchaser, or lessee, of whom he is the assignee, and shall have the same rights in all respects as the original purchaser, or lessee, of the lands, but only if the assignment is first approved by the department and entered upon the records in the office of the commissioner of public lands.

**NEW SECTION.** Sec. 44. **ABSTRACTS OF STATE-OWNED AQUATIC LANDS.** The department of natural resources shall cause full and correct abstracts of all aquatic lands, to be made and kept in the same manner as provided for in RCW 79.01.304.

**NEW SECTION.** Sec. 45. **DISTRAINT OR SALE OF IMPROVEMENTS FOR TAXES.** Whenever improvements have been made on state-owned tidelands, shorelands or beds of navigable waters, in front of cities or towns, prior to the location of harbor lines in front of such cities or towns, and the reserved harbor area as located include such improvements, no distraint or sale of such improvements for taxes shall be had until six months after said lands have been leased or offered for lease: **PROVIDED,** That this section shall not affect or impair the lien for taxes on said improvements.

**NEW SECTION.** Sec. 46. **AQUATIC LANDS—COURT REVIEW OF ACTIONS.** Any applicant to purchase, or lease, any aquatic lands of the state, or any valuable materials thereon, and any person whose property rights or interest will be affected by such sale or lease, feeling himself aggrieved by any order or decision of the board of natural resources, or the commissioner of public lands, concerning the same, may appeal therefrom in the manner provided in RCW 79.01.500.

**NEW SECTION.** Sec. 47. **RECONSIDERATION OF OFFICIAL ACTS.** The department of natural resources may review and reconsider any of its official acts relating to the aquatic lands of the state until such time as a lease, contract, or deed shall have been made, executed, and finally issued, and the department may recall any lease, contract, or deed issued for the purpose of correcting mistakes or errors, or supplying omissions.

## EASEMENTS AND RIGHTS OF WAY

**NEW SECTION.** Sec. 48. CERTAIN AQUATIC LANDS SUBJECT TO EASEMENTS FOR REMOVAL OF VALUABLE MATERIALS. All tide and shore lands originally belonging to the state, and which were granted, sold or leased at any time after June 15, 1911, and which contain any valuable materials or are contiguous to or in proximity of state lands or other tide or shore lands which contain any valuable materials, shall be subject to the right of the state or any grantee or lessee thereof who has acquired such other lands, or any valuable materials thereon, after June 15, 1911, to acquire the right of way over such lands so granted, sold or leased, for private railroads, skid roads, flumes, canals, watercourses or other easements for the purpose of, and to be used in, transporting and moving such valuable materials from such other lands, over and across the lands so granted or leased in accordance with the provisions of RCW 79.01.312.

**NEW SECTION.** Sec. 49. CERTAIN AQUATIC LANDS SUBJECT TO EASEMENTS FOR REMOVAL OF VALUABLE MATERIALS—PRIVATE EASEMENTS SUBJECT TO COMMON USE IN REMOVAL OF VALUABLE MATERIALS. Every right of way for a private railroad, skid road, canal, flume, or watercourse, or other easement, over and across any tide or shore lands belonging to the state, for the purpose of, and to be used in, transporting and moving valuable materials of the land, granted after June 15, 1911, shall be subject to joint and common use in accordance with the provisions of RCW 79.01.316.

**NEW SECTION.** Sec. 50. CERTAIN STATE AND AQUATIC LANDS SUBJECT TO EASEMENTS FOR REMOVAL OF VALUABLE MATERIALS—REASONABLE FACILITIES AND SERVICE FOR TRANSPORTING MUST BE FURNISHED. Any person having acquired a right of way or easement as provided in sections 48 and 49 of this act over any tidelands or shorelands belonging to the state or over or across beds of any navigable water or stream for the purpose of transporting or moving valuable materials and being engaged in such business, or any grantee or lessee thereof acquiring after June 15, 1911, state lands or tide or shore lands containing valuable materials, where said land is contiguous to or in proximity of such right of way or easement, shall accord to the state or any person acquiring after June 15, 1911, valuable materials upon any such lands, proper and reasonable facilities and service for transporting and moving such valuable materials under reasonable rules and regulations and upon payment of just and reasonable charges thereof in accordance with the provisions of RCW 79.01.320.

**NEW SECTION.** Sec. 51. CERTAIN STATE AND AQUATIC LANDS SUBJECT TO EASEMENTS FOR REMOVAL OF VALUABLE MATERIALS—DUTY OF UTILITIES AND TRANSPORTATION COMMISSION. Should the owner or operator of any private



railroad, skid road, flume, canal, watercourse or other right of way or easement provided for in sections 49 and 50 of this act fail to agree with the state or any grantee or lessee thereof, as to the reasonable and proper rules, regulations, and charges, concerning the transportation and movement of valuable materials from those lands contiguous to or in proximity to the lands over which such private right of way or easement is operated, the state or any grantee or lessee thereof, owning and desiring to have such valuable materials transported or moved, may apply to the Washington state utilities and transportation commission for an inquiry into the reasonableness of the rules and regulations, investigate the same, and make such binding reasonable, proper and just rates and regulations in accordance with the provisions of RCW 79.01.324.

**NEW SECTION.** Sec. 52. CERTAIN STATE AND AQUATIC LAND SUBJECT TO EASEMENTS FOR REMOVAL OF VALUABLE MATERIALS—PENALTY FOR VIOLATION OF ORDERS—REVERSION OF EASEMENT. Any person owning or operating any right of way or easement subject to the provisions of sections 49 through 51 of this act, over and across any tidelands or shorelands belonging to the state or across any beds of navigable waters, and violating or failing to comply with any rule, regulation, or order made by the utilities and transportation commission, after inquiry, investigation, and a hearing as provided in section 51 of this act, shall be subject to the same penalties provided in RCW 79.01.328.

**NEW SECTION.** Sec. 53. CERTAIN STATE AND AQUATIC LANDS SUBJECT TO EASEMENTS FOR REMOVAL OF VALUABLE MATERIALS—APPLICATION FOR RIGHT OF WAY—APPRAISEMENT OF DAMAGE—CERTIFICATE, CONTENTS. Any person engaged in the business of logging or lumbering, quarrying, mining, or removing sand, gravel, or other valuable materials from land, and desirous of obtaining a right of way or easement provided for in sections 48 through 50 of this act over and across any tide or shore lands belonging to the state, or beds of navigable waters or any such lands sold or leased by the state since June 15, 1911, shall file with the department of natural resources upon a form to be furnished for that purpose, a written application for such right of way in accordance with the provisions of RCW 79.01.332.

**NEW SECTION.** Sec. 54. CERTAIN STATE AND AQUATIC LANDS SUBJECT TO EASEMENTS FOR REMOVAL OF VALUABLE MATERIALS—FORFEITURE FOR NONUSER. Any such right of way or easement granted under the provisions of sections 48 through 50 of this act which has never been used, or for a period of two years has ceased to be used for the purpose for which it was granted, shall be deemed forfeited. The forfeiture of any such right of way heretofore

granted or granted under the provisions of sections 48 through 50 of this act, shall be rendered effective by the mailing of a notice of such forfeiture to the grantee thereof at his last known post office address and by posting a copy of such certificate, or other record of the grant, in the office of the commissioner of public lands with the word "canceled" and the date of such cancellation.

**NEW SECTION. Sec. 55. UNITED STATES OF AMERICA, STATE AGENCY, COUNTY, OR CITY RIGHT OF WAY FOR ROADS AND STREETS OVER, AND WHARVES OVER AND UPON AQUATIC LANDS.** Any county or city or the United States of America or any state agency desiring to locate, establish, and construct a road or street over and across any aquatic lands, or wharf over any tide or shore lands, belonging to the state, shall by resolution of the legislative body of such county, or city council or other governing body of such city, or proper agency of the United States of America or state agency, cause to be filed with the department of natural resources a petition for a right of way for such road or street or wharf in accordance with the provisions of RCW 79.01.340.

The department may grant the petition if it deems it in the best interest of the state and upon payment for such right of way and any damages to the affected aquatic lands.

**NEW SECTION. Sec. 56. RAILROAD BRIDGE RIGHTS OF WAY ACROSS NAVIGABLE STREAMS.** Any railroad company heretofore or hereafter organized under the laws of the territory or state of Washington, or under any other state or territory of the United States, or under any act of the congress of the United States, and authorized to do business in the state and to construct and operate railroads therein, shall have the right to construct bridges across the navigable streams within this state over which the line or lines of its railway shall run for the purpose of being made a part of said railway line, or for the more convenient use thereof, if said bridges are so constructed as not to interfere with, impede, or obstruct navigation on such streams: PROVIDED, That payment for any such right of way and any damages to those aquatic lands affected be first paid.

**NEW SECTION. Sec. 57. PUBLIC BRIDGES OR TRESTLES ACROSS WATERWAYS AND AQUATIC LANDS.** Counties, cities, towns, and other municipalities shall have the right to construct bridges and trestles across waterways heretofore or hereafter laid out under the authority of the state of Washington, and over and across any tide or shore lands and harbor areas of the state adjacent thereto over which the projected line or lines of highway will run, if such bridges or trestles are constructed in good faith for the purpose of being made a part of the constructed line of such a highway, upon payment for any such right of way and upon payment for any damages to those aquatic lands affected.

**NEW SECTION.** Sec. 58. COMMON CARRIERS MAY BRIDGE OR TRESTLE STATE WATERWAYS. Any person authorized by any state or municipal law or ordinance to construct and operate railroads, interurban railroads or street railroads as common carriers within this state, shall have the right to construct bridges or trestles across waterways laid out under the authority of the state of Washington, over which the projected line or lines of railroad will run. The bridges or trestles shall be constructed in good faith for the purpose of being made a part of the constructed line of such railroad, and may also include a roadway for the accommodation of vehicles and foot passengers. Full payment for any such right of way and any damages to those aquatic lands affected by the right of way shall first be made.

**NEW SECTION.** Sec. 59. LOCATION AND PLANS OF BRIDGE OR TRESTLE TO BE APPROVED—FUTURE ALTERATIONS. The location and plans of any bridge, draw bridge, or trestle proposed to be constructed under sections 56 through 58 of this act shall be submitted to and approved by the department of natural resources before construction is commenced: PROVIDED, That in case the portion of such waterway, river, stream, or watercourse, at the place to be so crossed is navigable water of the United States, or otherwise within the jurisdiction of the United States, such location and plans shall also be submitted to and approved by the United States Corps of Engineers before construction is commenced. When plans for any bridge or trestle have been approved by the department of natural resources and the United States Corps of Engineers, it shall be unlawful to deviate from such plans either before or after the completion of such structure, unless the modification of such plans has previously been submitted to, and received the approval of the department of natural resources and the United States Corps of Engineers, as the case may be. Any structure hereby authorized and approved as indicated in this section shall remain within the jurisdiction of the respective officer or officers approving the same, and shall be altered or changed from time to time at the expense of the municipality owning the highway, or at the expense of the common carriers, at the time owning the railway or road using such structure, to meet the necessities of navigation and commerce in such manner as may be from time to time ordered by the respective officer or officers at such time having jurisdiction of the same, and such orders may be enforced by appropriate action at law or in equity at the suit of the state.

**NEW SECTION.** Sec. 60. RIGHT OF WAY FOR UTILITY PIPELINES, TRANSMISSION LINES, ETC. A right of way through, over and across any tidelands, shorelands, beds of navigable waters, oyster reserves belonging to the state, or the reversionary interest of the state in oyster lands may be granted to any person or the United States of America, constructing or proposing to construct, or which has heretofore constructed, any telephone line, ditch, flume, or pipeline for the domestic water supply of

any municipal corporation or transmission line for the purpose of generating or transmitting electricity for light, heat or power.

**NEW SECTION. Sec. 61. RIGHT OF WAY FOR UTILITY PIPELINES, TRANSMISSION LINES, ETC.—PROCEDURE TO ACQUIRE.** In order to obtain the benefits of the grant made in section 60 of this act, the person or the United States of America constructing or proposing to construct, or which has heretofore constructed, such telephone line, ditch, flume, pipeline, or transmission line, shall file, with the department of natural resources, a map accompanied by the field notes of the survey and location of such telephone line, ditch, flume, pipeline, or transmission line, and shall make payment therefor as provided in section 62 of this act. The land within the right of way shall be limited to an amount necessary for the construction of said telephone line, ditch, flume, pipeline, or transmission line sufficient for the purposes required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same. The grant shall also include the right to cut all standing timber outside the right of way marked as danger trees located on public lands upon full payment of the appraised value thereof.

**NEW SECTION. Sec. 62. RIGHT OF WAY FOR UTILITY PIPELINES, TRANSMISSION LINES, ETC.—APPRAISAL—CERTIFICATE—REVERSION FOR NONUSER.** On the filing of the plat and field notes, as provided in section 61 of this act, the land applied for and any improvements included in the right of way applied for, if any, shall be appraised as in the case of an application to purchase state lands. Upon full payment of the appraised value of the aquatic land applied for, or upon payment of an annual rental when the department of natural resources deems a rental to be in the best interests of the state, and upon full payment of the appraised value of any danger trees and improvements, if any, the department shall issue to the applicant a certificate of the grant of such right of way stating the terms and conditions thereof and shall enter the same in the abstracts and records in the office of the commissioner of public lands, and thereafter any sale or lease of the lands affected by such right of way shall be subject to the easement of such right of way: PROVIDED, That should the person or the United States of America securing such right of way ever abandon the use of the same for the purposes for which it was granted, the right of way shall revert to the state, or the state's grantee.

**NEW SECTION. Sec. 63. RIGHT OF WAY FOR IRRIGATION, DIKING, AND DRAINAGE PURPOSES.** A right of way through, over, and across any tide or shore lands belonging to the state is hereby granted to any irrigation district, or irrigation company duly organized under the

laws of this state, and to any person, or the United States of America, constructing or proposing to construct an irrigation ditch or pipeline for irrigation, or to any diking and drainage district or any diking and drainage improvement district proposing to construct a dike or drainage ditch.

**NEW SECTION.** Sec. 64. **RIGHT OF WAY FOR IRRIGATION, DIKING AND DRAINAGE PURPOSES—PROCEDURE TO ACQUIRE.** In order to obtain the benefits of the grant provided for in section 63 of this act, the irrigation district, irrigation company, person, or the United States of America, constructing or proposing to construct such irrigation ditch or pipeline for irrigation, or the diking and drainage district or diking and drainage improvement district constructing or proposing to construct any dike or drainage ditch, shall file with the department of natural resources a map accompanied by the field notes of the survey and location of the proposed irrigation ditch, pipeline, dike, or drainage ditch, and shall pay to the state as provided in section 65 of this act, the amount of the appraised value of the said lands used for or included within such right of way. The land within such right of way shall be limited to an amount necessary for the construction of the irrigation ditch, pipeline, dike, or drainage ditch for the purposes required, together with sufficient land on either side thereof for ingress and egress to maintain and repair the same.

**NEW SECTION.** Sec. 65. **RIGHT OF WAY FOR IRRIGATION, DIKING, AND DRAINAGE PURPOSES—APPRAISAL—CERTIFICATE.** Upon the filing of the plat and field notes as in section 64 of this act, the lands included within the right of way applied for shall be appraised as in the case of an application to purchase such lands, at full market value thereof. Upon full payment of the appraised value of the lands the department of natural resources shall issue to the applicant a certificate of right of way, and enter the same in the records in the office of the commissioner of public lands and thereafter any sale or lease by the state of the lands affected by such right of way shall be subject thereto.

**NEW SECTION.** Sec. 66. **GRANT OF OVERFLOW RIGHTS.** The department of natural resources shall have the power and authority to grant to any person, the right, privilege, and authority to perpetually back and hold water upon or over any state-owned tidelands or shorelands, and to overflow and inundate the same, whenever the department shall deem it necessary for the purpose of erecting, constructing, maintaining, or operating any water power plant, reservoir, or works for impounding water for power purposes, irrigation, mining, or other public use in accordance with the provisions of RCW 79.01.408.

**NEW SECTION.** Sec. 67. **CONSTRUCTION OF FOREGOING SECTIONS RELATING TO RIGHTS OF WAY AND OVERFLOW RIGHTS.** Sections 48 through 66 of this act, relating to the acquiring of rights of way and overflow rights through, over, and across aquatic lands

belonging to the state, shall not be construed as exclusive or as affecting the right of municipal and public service corporations to acquire lands belonging to or under the control of the state, or rights of way or other rights thereover, by condemnation proceedings.

**NEW SECTION.** Sec. 68. **GRANT OF SUCH EASEMENTS AND RIGHTS OF WAY AS APPLICANT MAY ACQUIRE IN PRIVATE LANDS BY EMINENT DOMAIN.** The department of natural resources may grant to any person such easements and rights in tidelands and shorelands and oyster reserves owned by the state as the applicant may acquire in privately or publicly owned lands through proceedings in eminent domain in accordance with the provisions of RCW 79.01.414.

#### HARBOR AREAS

**NEW SECTION.** Sec. 69. **HARBOR LINES AND AREAS TO BE ESTABLISHED.** It shall be the duty of the board of natural resources acting as the harbor line commission to locate and establish harbor lines and determine harbor areas, as required by section 1 of Article XV of the state Constitution, where such harbor lines and harbor areas have not heretofore been located and established.

**NEW SECTION.** Sec. 70. **RELOCATION OF HARBOR LINES BY THE HARBOR LINE COMMISSION.** Whenever it appears that the inner harbor line of any harbor area heretofore determined has been so established as to overlap or fall inside the government meander line, or for any other good cause, the board of natural resources acting as the harbor line commission is empowered to relocate and reestablish said inner harbor line so erroneously established, outside of the meander line. All tidelands or shorelands within said inner harbor line so reestablished and relocated, shall belong to the state and may be sold or leased as other tidelands or shorelands of the first class in accordance with the provisions of section 100 of this act: **PROVIDED,** That in all other cases, authority to relocate the inner harbor line or outer harbor line, or both, shall first be obtained from the legislature.

**NEW SECTION.** Sec. 71. **RELOCATION OF HARBOR LINES AUTHORIZED BY LEGISLATURE.** The commission on harbor lines is hereby authorized to change, relocate, or reestablish harbor lines in Guemes Channel and Fidalgo Bay in front of the city of Anacortes, Skagit county; in Grays Harbor in front of the cities of Aberdeen, Hoquiam, and Cosmopolis, Grays Harbor county; Bellingham Bay in front of the city of Bellingham, Whatcom county; in Elliott Bay, Puget Sound and Lake Union within, and in front of the city of Seattle, King county, and within one mile of the limits of such city; Port Angeles harbor in front of the city of Port Angeles, Clallam county; in Lake Washington in front of the cities of Renton and Lake Forest Park, King county; Commencement Bay in front of the city of Tacoma, Pierce county; and within one mile of the limits of such

city; Budd Inlet in front of the city of Olympia, Thurston county; the Columbia River in front of the city of Kalama, Cowlitz county; Port Washington Narrows and Sinclair Inlet in front of the city of Bremerton, Kitsap county; Sinclair Inlet in front of the city of Port Orchard, Kitsap county; in Liberty Bay in front of the city of Poulsbo, King county; the Columbia River in front of the city of Vancouver, Clark county; Port Townsend Bay in front of the city of Port Townsend, Jefferson county; the Swinomish Channel in front of the city of La Conner, Skagit county; and Port Gardner Bay in front of the city of Everett, Snohomish county, except no harbor lines shall be established west of the easterly shoreline of Jetty Island as presently situated or west of a line extending S 37° 09' 38" W from the Snohomish River Light (5).

**NEW SECTION. Sec. 72. AUTHORITY TO LEASE HARBOR AREAS—CONDITIONS.** The power to lease all harbor areas situated upon tidal waters shall be vested in the department of natural resources, which shall have the authority to make leases thereof to such persons, upon such terms and conditions and for such length of time, conformable to the state Constitution and this chapter, as it may prescribe. All applications for leases of harbor areas situate upon tidal waters and lying within the limits of a port district shall be referred by the department to the port commission of such district prior to the execution of any such lease, and the port district shall make such investigation as it deems advisable, and by resolution make to the department within sixty days, such recommendations as to the character of the improvements, time of commencement and completion thereof, the percentage of fixing rental, and the terms and conditions of the lease, as the port commission shall deem proper. These recommendations shall be advisory only and not binding upon the department: **PROVIDED**, That no preference rights are renewed or created under the provisions of this section, and the department shall have the power to grant or reject an application as in the department's judgment, the public interest may require, but nothing contained in this section shall be construed to nullify or qualify the provisions of sections 74 and 75 of this act: **PROVIDED FURTHER**, That in every lease granted the department shall insert a provision reserving to the state, port district, county, city, or other public agency in the vicinity where the portion of the harbor area described in such lease is located, the right to assume and thereafter hold such lease upon acquisition of the tidelands contiguous thereto and fronting thereon, without payment of any value to the former lessee for said lease except for improvements thereon.

**NEW SECTION. Sec. 73. DEPARTMENT'S VALUATION OF HARBOR AREA PRIOR TO LEASE, RENEWAL OR RE-LEASE—APPEAL.** Prior to the issuance of a lease, renewal lease, or re-lease of harbor area on tidal waters under the preceding section of this chapter, and every five years thereafter during the life of all leases written after August 11, 1969, and no less frequently than every five years for all prior leases, the

department of natural resources shall determine the true and fair value in money of such harbor area (exclusive of the improvements thereon), which value shall be the value at which the property would be taken in payment of a just debt from a solvent debtor. All harbor area leases will stipulate the percentage rate of said values that will be paid as the annual rent during the period until the next reappraisal of the value of the harbor area as established herein: PROVIDED, That the applicant, or lessee, being dissatisfied with the valuation as fixed by the department of natural resources shall have the right of appeal from the findings of the department to a valuation board to be composed of the legislative body of the county, the county treasurer and the county assessor of the county in which the harbor area is located. To perfect such appeal, notice thereof shall be in writing and a copy must, within thirty days after receipt of notice of the department of natural resources' valuation, be personally served upon each member of the legislative body of the county and upon the county treasurer, the county assessor, and the administrator of the department of natural resources; or such copy may be left at the residence of such officer with some person of suitable age and discretion. Service of the notice may be made by any person qualified to serve a summons in a civil action. Within five days following the service of such notice on the chairman of the board of county commissioners, or county council, as the case may be, said chairman shall fix a time and place for a meeting of said valuation board and shall notify each of the officers of said board thereof, which said time shall be not less than five nor more than ten days from the date of giving such notice; like notice of the time and place fixed for said hearing shall also be given the applicant, or lessee, and the department of natural resources. Such hearing will be conducted under and in compliance with the procedures of chapter 34.04 RCW. At the time and place fixed for said meeting, the said board shall meet and determine, by such means as it may select, the valuation of the harbor area in question. A majority of said officers shall constitute a quorum for the purpose of determining the question, and the valuation shall be determined by a majority vote of the members of said board. If a majority of the members of said board participate in said meeting, no question shall be made as to any irregularity of the giving of notice as required. The meeting of the board and its deliberations and voting shall be open to the public and any interested parties. The decision of the board on the question of valuation shall be final and conclusive on all parties.

NEW SECTION. Sec. 74. TERMS OF HARBOR AREA LEASES. Applications, leases, and bonds of lessees shall be in such form as the department of natural resources shall prescribe. Every lease shall provide that the rental shall be payable to the department, and for cancellation by the department upon sixty days' written notice for any breach of the conditions thereof. Every lessee shall furnish a bond, with surety satisfactory to the department, with such penalty as the department may prescribe, but not less



than five hundred dollars, conditioned upon the faithful performance of the terms of the lease and the payment of the rent when due. If the department shall at any time deem any bond insufficient, it may require the lessee to file a new and sufficient bond within thirty days after receiving notice to do so.

Applications for leases of harbor areas upon tidal waters shall be accompanied by such plans and drawings and other data concerning the proposed wharves, docks, or other structures or improvements thereof as the department shall require. Every lease of harbor areas shall provide that, wharves, docks, or other conveniences of navigation and commerce adequate for the public needs, to be specified in such lease, shall be constructed within such time as may be fixed in each case by the department. In no case shall the construction be commenced more than two years from the date of such lease and shall be completed within such reasonable time as the department shall fix, any of which times may be extended by the department either before or after their expiration, and the character of the improvements may be changed either before or after completion with the approval of the department: PROVIDED, That if in its opinion improvements existing upon such harbor area or the tidelands adjacent thereto are adequate for public needs of commerce and navigation, the department shall require the maintenance of such existing improvements and need not require further improvements.

**NEW SECTION. Sec. 75. CONSTRUCTION OR EXTENSION OF DOCKS, WHARVES, ETC. IN HARBOR AREAS—NEW LEASE.** If the owner of any harbor area lease upon tidal waters shall desire to construct thereon any wharf, dock, or other convenience of navigation or commerce, or to extend, enlarge, or substantially improve any existing structure used in connection with such harbor area, and shall deem the required expenditure not warranted by his right to occupy such harbor area during the remainder of the term of his lease, he may make application to the department of natural resources for a new lease of such harbor area for a period not exceeding thirty years. Upon the filing of such application accompanied by such proper plans, drawings or other data, the department shall forthwith investigate the same and if it shall determine that the proposed work or improvement is in the public interest and reasonably adequate for the public needs, it shall by order fix the terms and conditions and the rate of rental for such new lease, such rate of rental shall be a fixed percentage, during the term of such lease, on the true and fair value in money of such harbor area determined from time to time by the department as provided in section 73 of this act. The department may propose modifications of the proposed wharf, dock, or other convenience or extensions, enlargements, or improvements thereon. The department shall, within ninety days from the filing of such application notify the applicant in writing of the terms and conditions upon which such new lease will be granted, and of the rental to be paid, and if the applicant shall within ninety days thereafter elect to accept a new

lease of such harbor area upon the terms and conditions, and at the rental prescribed by the department, the department shall make a new lease for such harbor area for the term applied for and the existing lease shall thereupon be surrendered and canceled.

NEW SECTION. Sec. 76. RE-LEASES OF HARBOR AREAS. Upon the expiration of any harbor area lease upon tidal waters hereafter expiring, the owner thereof may apply for a re-lease of such harbor area for a period not exceeding thirty years. Such application shall be accompanied with maps showing the existing improvements upon such harbor area and the tidelands adjacent thereto and with proper plans, drawings, and other data showing any proposed extensions or improvements of existing structures. Upon the filing of such application the department of natural resources shall forthwith investigate the same and if it shall determine that the character of the wharves, docks or other conveniences of commerce and navigation are reasonably adequate for the public needs and in the public interest, it shall by order fix and determine the terms and conditions upon which such re-lease shall be granted and the rate of rental to be paid, which rate shall be a fixed percentage during the term of such lease on the true and fair value in money of such harbor area as determined from time to time by the department of natural resources in accordance with section 73 of this act.

NEW SECTION. Sec. 77. PROCEDURE TO RE-LEASE HARBOR AREAS. Upon completion of the valuation of any tract of harbor area applied for under section 76 of this act, the department of natural resources shall notify the applicant of the terms and conditions upon which the re-lease will be granted and of the rental fixed. Such applicant or his successor in interest shall have the option for the period of sixty days from the date of the service of such notice in which to accept a lease on the terms and conditions and at the rental so fixed and determined by the department. If such terms and conditions and rental are accepted a new lease shall be granted for the term applied for. If such terms and conditions are not accepted by the applicant within said period of time, or within such further time, not exceeding three months, as the department shall grant, the same shall be deemed rejected by the applicant, and the department shall give eight weeks' notice by publication in one or more weekly newspapers printed and of general circulation in the county in which such harbor area is situate, that a lease of such harbor area will be sold on such terms and conditions and at such rental, at a time and place specified in such notice (which shall not be more than three months from the date of the first publication of said notice) to the person offering at such public sale to pay the highest sum as a cash bonus at the time of sale of such lease. Notice of such sale shall be served upon the applicant at least six weeks prior to the date thereof. The person paying the highest sum as a cash bonus shall be entitled to lease such harbor area: PROVIDED, That if such lease be not sold at such public sale

the department may at any time or times again fix the terms, conditions and rental, and again advertise such lease for sale as above provided and upon similar notice: AND PROVIDED FURTHER, That upon failure to secure any sale of such lease as above prescribed, the department may issue revocable leases without requirement of improvements for one year periods at a minimum rate of two percent.

NEW SECTION. Sec. 78. REGULATION OF WHARFAGE, DOCKAGE, AND OTHER TOLLS. The state of Washington shall ever retain and does hereby reserve the right to regulate the rates of wharfage, dockage, and other tolls to be imposed by the lessee or his assigns upon commerce for any of the purposes for which the leased area may be used and the right to prevent extortion and discrimination in such use thereof.

NEW SECTION. Sec. 79. DISPOSITION OF RENTALS FROM HARBOR AREAS AND TIDELANDS. The rents paid under leases of harbor areas and tidelands belonging to the state of Washington, where not otherwise directed to a particular account or appropriated by the 1967 legislature to finance the Washington state canal commission, shall be disposed of as follows:

Where the leased harbor area or tideland is situated within the territorial limits of a port district, twenty-five percent of the rentals received from such leases shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated for the use of such port district and said rental shall go into a special fund to be expended only for harbor or waterfront improvement purposes. The remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury and shall only be subject to appropriation for purchasing, improving, and managing the east capitol site: PROVIDED, That in cases where the port district itself shall have before April 28, 1967, constructed or owned structures or improvements situate upon the leased harbor area, or tidelands, the entire rentals from such improved harbor area or tideland shall go to the port district: PROVIDED FURTHER, That whenever the port district shall after April 28, 1967, construct improvements on such leased harbor area or tidelands, the rental attributable to such improvements shall go to the port district.

In all other cases twenty-five percent of the rents shall be paid by the state treasurer into the county treasury of the county in which the leased harbor area or tidelands are situated, the same to go into a special fund known as the "harbor improvement fund", and to be disbursed only for harbor or harbor improvement purposes; and the remaining seventy-five percent shall be deposited in the capitol purchase and development account of the general fund of the state treasury: PROVIDED, That where any leased harbor area or tideland is situated within the limits of any incorporated city or town and is not embraced within the area of any port district, the legislative body of the county shall allocate the funds received from the

lease thereof to the municipal authorities of such city or town, to be expended by said authorities for harbor or waterfront purposes. The state treasurer is hereby authorized and directed to make such payments to the respective county treasurers for the use of such port districts or counties, as the case may be, on the first days of July and January of each year, of all moneys in his hands on such dates payable under the terms of this section to such port district and counties respectively.

#### WATERWAYS AND STREETS

NEW SECTION. Sec. 80. **FIRST CLASS TIDE AND SHORE LANDS TO BE PLATTED—PUBLIC WATERWAYS AND STREETS.** It shall be the duty of the department of natural resources simultaneously with the establishment of harbor lines and the determination of harbor areas in front of any city or town, or as soon thereafter as practicable, to survey and plat all tide and shore lands of the first class not heretofore platted, and in platting the same to lay out streets which shall thereby be dedicated to public use, subject to the control of the cities or towns in which they are situated.

The department shall also establish one or more public waterways not less than fifty nor more than one thousand feet wide, beginning at the outer harbor line and extending inland across the tidelands belonging to the state. These waterways shall include within their boundaries, as nearly as practicable, all navigable streams running through such tidelands, and shall be located at such other places as in the judgment of the department may be necessary for the present and future convenience of commerce and navigation. All waterways shall be reserved from sale or lease and remain as public highways for watercraft until vacated as provided for in this chapter.

The department shall appraise the value of such platted tide and shore lands and enter such appraisals in its records in the office of the commissioner of public lands.

NEW SECTION. Sec. 81. **STREETS, WATERWAYS, ETC., VALIDATED.** All alleys, streets, avenues, boulevards, waterways, and other public places and highways heretofore located and platted on the tide and shore lands of the first class, or harbor areas, as provided by law, and not heretofore vacated as provided by law, are hereby validated as public highways and dedicated to the use of the public for the purposes for which they were intended, subject however to vacation as provided for in this chapter.

NEW SECTION. Sec. 82. **STREET SLOPES ON TIDE OR SHORE LANDS.** The department of natural resources shall have power to approve plans for and authorize the construction of slopes, with rock, riprap, or other protection, upon any state owned aquatic lands incident to the improvement of any abutting or adjacent street or avenue by any city or town in this state.

**NEW SECTION. Sec. 83. PERMITS TO USE WATERWAYS.**

Whenever, in any waterways created under the laws of this state, the United States government shall have established pierhead lines within said waterway at any distance from the boundaries thereof established by the state, structures shall be allowed to be constructed in that strip of waterway between the waterway boundary and the nearest pierhead line but only upon the consent of the department of natural resources and upon such plans, terms, and conditions and for such term as approved and fixed by the department. However, no permit shall extend for a period longer than thirty years.

The department shall require of the holder of every permit under this section a penalty bond with sufficient surety, to be approved by the department, in an amount not exceeding twice the amount of the annual rental, but in no case less than five hundred dollars. The bond shall secure the payment of the rental reserved in the permit, during the term of such permit or during such part thereof as said department in its discretion shall require to be covered by such bond. In case only a part of the term of such permit shall be covered thereby, the department shall require another like bond, to be executed and delivered within three months and not less than one month prior to the expiration of the period covered by the previous bond, to cover the remainder of the term of the permit, or such part thereof as the department in its discretion shall require to be covered thereby. The department shall have power at any time to summon sureties upon any bond and to examine into the sufficiency of the bond, and if the department shall find the same to be insufficient, it shall require the holder of the permit to file a new and sufficient bond within thirty days after receiving notice to do so, under penalty of cancellation of the permit.

The department shall have power upon sixty days' notice to cancel any permit for a substantial breach by the holder thereof of any of the conditions thereof, or for lack of a bond therewith as required by this section.

In case where such waterways shall be within the territorial limits of a port district organized under the laws of this state, the duties assigned by this section to the department shall be exercised by the port commission of such port district, and in every case the rentals received shall be disposed of as follows: Seventy-five percent shall be paid by the state treasurer to the county treasurer of the county wherein such port district is situated, for the use of said port district and twenty-five percent into the state treasury: PROVIDED, That in cases where the port district itself shall have constructed or shall have owned structures or improvements situated upon such strip of waterway since June 22, 1913, the entire rentals for such improved strip of waterway shall be paid directly to the county treasurer for the use of such port district.

Nothing in this section shall confer upon, create, or recognize in any abutting owner any right or privilege in or to any strip of waterway abutting

any street and between prolongations of the lines of such street, but the control of and the right to use such strip is hereby reserved to the state of Washington, except that in cases situate in a port district such control and use shall vest in such port district.

**NEW SECTION. Sec. 84. EXCAVATION OF WATERWAYS—WATERWAYS OPEN TO PUBLIC—TIDE GATES OR LOCKS.** All waterways excavated through any tide or shore lands belonging to the state of Washington by virtue of the provisions of chapter 99, Laws of 1893, so far as they run through said tide or shore lands, are hereby declared to be public waterways, free to all citizens upon equal terms, and subject to the jurisdiction of the proper authorities, as otherwise provided by law: **PROVIDED**, That where tide gates or locks are considered by the contracting parties excavating any waterways to be necessary to the efficiency of the same, the department of natural resources may, in its discretion, authorize such tide gates or locks to be constructed and may authorize the parties constructing the same to operate them and collect a reasonable toll from vessels passing through said tide gates or locks: **PROVIDED FURTHER**, That the state of Washington or the United States of America can, at any time, appropriate said tide gates or locks upon payment to the parties erecting them of the reasonable value of the same at the date of such appropriation, said reasonable value to be ascertained and determined as in other cases of condemnation of private property for public use.

**NEW SECTION. Sec. 85. VACATION OF WATERWAYS—EXTENSION OF STREETS.** Whenever any waterway established under the authority of the laws of this state, or any portion of such waterway, shall not have been excavated, or shall not be in use for the purposes of navigation, or shall no longer be required in the public interest to exist as a waterway, such waterway or portion thereof may be vacated by written order of the commissioner of public lands of the state of Washington whenever he shall be requested so to do by ordinance or resolution of the city council of the city in which such waterway is situate, in whole or in part, or, in case such waterway is situate, in whole or in part, in a port district organized under the laws of the state of Washington, whenever he shall be requested so to do by resolution of the port commission of such port district; and upon the making of such order the waterway or portion thereof shall thereupon be deemed to be and shall be thereby vacated: **PROVIDED, HOWEVER**, That if the waterway or portion thereof so vacated be navigable water of the United States, or otherwise within the jurisdiction of the United States, a copy of such resolution or ordinance, together with a copy of said order of the commissioner of public lands certified to by him, shall be submitted to the United States Army Corps of Engineers for their approval, and if they approve the same such waterway or portion thereof shall thereupon be deemed to be and shall be thereupon vacated.

Upon such vacation occurring, in either of the manners aforesaid, the commissioner of public lands shall notify the city within, or in front of, which, such waterway is located, and the city shall have the right, if otherwise permitted by section 100 of this act, to extend across the portions so vacated any existing streets, or to select therefrom such portions thereof as the city may desire for street purposes, in no case to exceed one hundred fifty feet in width for any one street. Such selection shall be made within sixty days subsequent to the receipt of notice of the vacation of the portion of the waterway so vacated.

Should such city fail to make such selection within such time, or within such time make such selection, the title of the remaining portions of such waterway so vacated shall vest in the state, unless the same be situate within the territorial limits of a port district created under the laws of the state, in which event, if otherwise permitted by section 100 of this act, such title shall vest in said port district. If subsequent to such vacation, the vacated waterway or portion of waterway shall be embraced within the limits of a port district created under the laws of the state, the title to such portions thereof as shall then remain undisposed of by the state shall vest in such port district. Such title so vesting shall be subject to any railroad or street railway crossings existing at the time of such vacation.

#### TIDELANDS AND SHORELANDS

**NEW SECTION.** Sec. 86. SURVEY TO DETERMINE ARE SUBJECT TO SALE OR LEASE. The department of natural resources may cause any tide or shore lands belonging to the state to be surveyed and platted for the purpose of ascertaining and determining the area subject to sale or lease.

**NEW SECTION.** Sec. 87. FIRST CLASS TIDELANDS AND SHORELANDS TO BE PLATTED. It shall be the duty of the department of natural resources simultaneously with the establishment of harbor lines and the determination of harbor areas in front of any city or town or as soon thereafter as practicable to survey and plat all tidelands and shorelands of the first class not heretofore platted as provided in section 80 of this act.

**NEW SECTION.** Sec. 88. SECOND CLASS TIDELANDS AND SHORELANDS MAY BE PLATTED. The department of natural resources may survey and plat any tidelands and shorelands of the second class not heretofore platted.

**NEW SECTION.** Sec. 89. TIDELANDS AND SHORELANDS OF THE FIRST AND SECOND CLASS—PLATS—RECORD. The department of natural resources shall prepare plats showing all tidelands and shorelands of the first class and second class, surveyed, platted, and appraised by it in the respective counties, on which shall be marked the location of all such aquatic lands, with reference to the lines of the United

States survey of the abutting upland, and shall prepare in well bound books a record of its proceedings, including a list of said tidelands and shorelands surveyed, platted, or replatted, and appraised by it and its appraisal of the same, which plats and books shall be in triplicate and the department shall file one copy of such plats and records in the office of the commissioner of public lands, and file one copy in the office of the county auditor of the county where the lands platted, or replatted, and appraised are situated, and file one copy in the office of the city engineer of the city in which, or within two miles of which, the lands platted, or replatted, are situated.

**NEW SECTION. Sec. 90. TIDELANDS AND SHORELANDS OF THE FIRST CLASS AND SECOND CLASS—APPRAISAL—RECORD.** In appraising tidelands or shorelands of the first class or second class platted or replatted after March 26, 1895, the department of natural resources shall appraise each lot, tract or piece of land separately, and shall enter in a well bound book to be kept in the office of the commissioner of public lands a description of each lot, tract or piece of tide or shore land of the first or second class, its full appraised value, the area and rate per acre at which it was appraised, and if any lot is covered in whole or in part by improvements in actual use for commerce, trade, residence, or business, on or prior to, the date of the plat or replat, the department shall enter the name of the owner, or reputed owner, the nature of the improvements, the area covered by the improvements, the portion of each lot, tract or piece of land covered, and the appraised value of the land covered, with and exclusive of, the improvements.

**NEW SECTION. Sec. 91. TIDELANDS AND SHORELANDS OF THE FIRST CLASS AND SECOND CLASS—NOTICE OF FILING PLAT AND RECORD OF APPRAISAL—APPEAL.** The department of natural resources shall, before filing in the office of the commissioner of public lands the plat and record of appraisal of any tidelands or shorelands of the first or second class platted and appraised by it, cause a notice to be published once each week for four consecutive weeks in a newspaper published and of general circulation in the county wherein the land covered by such plat and record are situated, stating that such plat and record, describing it, is complete and subject to inspection at the office of the commissioner of public lands, and will be filed on a certain day to be named in the notice.

Any person entitled to purchase under section 100 of this act and claiming a preference right of purchase of any of the tidelands or shorelands platted and appraised by the department, and who feels aggrieved at the appraisement fixed by the department upon such lands, or any part thereof, may within sixty days after the filing of such plat and record in the office of the commissioner (which shall be done on the day fixed in said notice), appeal from such appraisement to the superior court of the county in which



the tide or shore lands are situated, in the manner provided for taking appeals from orders or decisions under section 46 of this act.

The prosecuting attorney of any county, or city attorney of any city, in which such aquatic lands are located, shall at the request of the governor, or of ten freeholders of the county or city, in which such lands are situated, appeal on behalf of the state, or the county, or city, from any such appraisal in the manner provided in this section. Notice of such appeal shall be served upon the department of natural resources through the administrator, and it shall be his duty to immediately notify all persons entitled to purchase under section 100 of this act and claiming a preference right to purchase the lands subject to the appraisal.

Any party, other than the state or the county or city appealing, shall execute a bond to the state with sufficient surety, to be approved by the department of natural resources, in the sum of two hundred dollars conditioned for the payment of costs on appeal.

The superior court to which an appeal is taken shall hear evidence as to the value of the lands appraised and enter an order confirming, or raising, or lowering the appraisal appealed from, and the clerk of the court shall file a certified copy thereof in the office of the commissioner of public lands. The appraisal fixed by the court shall be final.

**NEW SECTION. Sec. 92. TIDELANDS AND SHORELANDS OF THE FIRST CLASS—PREFERENCE RIGHT OF UPLAND OWNER—HOW EXERCISED.** Upon platting and appraisal of tidelands or shorelands of the first class as in this chapter provided, if the department of natural resources shall deem it for the best public interest to offer said tide or shore lands of the first class for lease, the department shall cause a notice to be served upon the owner of record of uplands fronting upon the tide or shore lands to be offered for lease if he be a resident of the state, or if he be a nonresident of the state, shall mail to his last known post office address, as reflected in the county records, a copy of the notice notifying him that the state is offering such tide or shore lands for lease, giving a description of those lands and the department's appraised fair market value of such tide or shore lands for lease, and notifying such owner that he has a preference right to apply to lease said tide or shore lands at the appraised value for the lease thereof for a period of sixty days from the date of service of mailing of said notice. If at the expiration of sixty days from the service or mailing of the notice, as above provided, there being no conflicting applications filed, and the owner of the uplands fronting upon the tide or shore lands offered for lease, has failed to avail himself of his preference right to apply to lease or to pay to the department the appraised value for lease of the tide or shore lands described in said notice, then in that event, said tide or shore lands may be offered for lease to any person and may be leased in the manner provided for in the case of lease of state lands.

If at the expiration of sixty days two or more claimants asserting a preference right to lease shall have filed applications to lease any tract, conflicting with each other, the conflict between the claimants shall be equitably resolved by the department of natural resource as the best interests of the state require in accord with the procedures prescribed by chapter 34-.04 RCW: PROVIDED, That any contract purchaser of lands or rights therein, which upland qualifies the owner for a preference right under this section, shall have first priority for such preference right.

**NEW SECTION. Sec. 93. TIDE AND SHORE LANDS—SALE OF REMAINING LANDS.** Any tide or shore lands of the first class remaining unsold, and where there is no pending application for the purchase of the same under claim of any preference right, when otherwise permitted under section 100 of this act to be sold, shall be sold on the same terms and in the same manner as provided for the sale of state lands for not less than the appraised value fixed at the time of the application to purchase, and the department of natural resources whenever it shall deem it advisable and for the best interest of the state may reappraise such lands in the same manner as provided for the appraisal of state lands.

**NEW SECTION. Sec. 94. SALE OF TIDELANDS OTHER THAN FIRST CLASS.** All tidelands, other than first class, shall be offered for sale, when otherwise permitted under section 100 of this act to be sold, and sold in the same manner as state lands, other than capitol building lands, but for not less than five dollars per lineal chain, measured on the United States meander line bounding the inner shore limit of such tidelands, and each applicant shall furnish a copy of the United States field notes, certified to by the officer in charge thereof, of said meander line with his application, and shall pay one-tenth of the purchase price on the date of sale.

**NEW SECTION. Sec. 95. TIDELANDS AND SHORELANDS OF THE FIRST AND SECOND CLASS—PETITION FOR REPLAT—REPLATTING AND REAPPRAISAL—VACATION BY REPLAT.** Whenever all of the owners and other persons having a vested interest in those tidelands or shorelands embraced within any plat of tide or shore lands of the first or second class, heretofore or hereafter platted or replatted, or within any portion of any such plat in which there are unsold tide or shore lands belonging to the state, shall file a petition with the department of natural resources accompanied by proof of service of such petition upon the city council, or other governing body, of the city or town in which the tide or shore lands described in the petition are situated, or upon the legislative body of the county in which such tide or shore lands outside of any incorporated city or town are situated, asking for a replat of such tide or shore lands, the department is authorized and empowered to replat said tide or shore lands described in such petition, and all unsold tide or shore lands situated within such replat shall be reappraised as provided for

the original appraisal of tide or shore lands: PROVIDED, That any streets or alleys embraced within such plat or portion of plat, vacated by the replat hereby authorized shall vest in the owner or owners of the lands abutting thereon.

NEW SECTION. Sec. 96. TIDELANDS AND SHORELANDS OF THE FIRST AND SECOND CLASS—DEDICATION OF REPLAT—ALL INTERESTS MUST JOIN. If in the preparation of a replat provided for in section 95 of this act by the department of natural resources, it becomes desirable to appropriate any tidelands or shorelands heretofore sold for use as streets, alleys, waterways, or other public places, all persons interested in the title to such tidelands or shorelands desired for public places shall join in the dedication of such replat before it shall become effective.

NEW SECTION. Sec. 97. TIDELANDS AND SHORELANDS OF THE FIRST AND SECOND CLASS—VACATION BY REPLAT—PREFERENCE RIGHT OF TIDELAND OR SHORELAND OWNER. If any street, alley, waterway, or other public place theretofore platted, is vacated by a replat as provided for in sections 95 and 96 of this act, or any new street, alley, waterway, or other public place is so laid out as to leave unsold tidelands or shorelands between such new street, alley, waterway, or other public place, and tidelands or shorelands theretofore sold, the owner of the adjacent tidelands or shorelands theretofore sold shall have the preference right for sixty days after the final approval of such plat to purchase the unsold tidelands or shorelands so intervening at the appraised value thereof, if otherwise permitted under section 100 of this act to be sold.

NEW SECTION. Sec. 98. TIDELANDS AND SHORELANDS OF THE FIRST AND SECOND CLASS—VACATION PROCEDURE CUMULATIVE. Sections 95 through 97 of this act are intended to afford a method of procedure, in addition to other methods provided in this chapter for the vacation of streets, alleys, waterways, and other public places platted on tidelands or shorelands of the first or second class.

NEW SECTION. Sec. 99. TIDELANDS AND SHORELANDS OF THE FIRST AND SECOND CLASS—EFFECT OF REPLAT. A replat of tidelands or shorelands of the first or second class heretofore, or hereafter, platted shall be in full force and effect and shall constitute a vacation of streets, alleys, waterways, and other public places theretofore dedicated, when otherwise permitted by section 100 of this act, and the dedication of new streets, alleys, waterways, and other public places appearing upon such replat, when the same is recorded and filed as in the case of original plats.

NEW SECTION. Sec. 100. FIRST AND SECOND CLASS TIDELANDS AND SHORELANDS AND WATERWAYS OF STATE TO

**BE SOLD ONLY TO PUBLIC ENTITIES—LEASING—LIMITATION.** (1) This section shall apply to:

- (a) First class tidelands as defined in section 5 of this act;
- (b) Second class tidelands as defined in section 6 of this act;
- (c) First class shorelands as defined in section 7 of this act;
- (d) Second class shorelands as defined in section 8 of this act, except as included within section 106 of this act;
- (e) Waterways as described in section 80 of this act.

(2) Notwithstanding any other provision of law, from and after August 9, 1971, all tidelands and shorelands enumerated in subsection (1) of this section owned by the state of Washington shall not be sold except to public entities as may be authorized by law and they shall not be given away.

(3) Tidelands and shorelands enumerated in subsection (1) of this section may be leased for a period not to exceed fifty-five years: PROVIDED, That nothing in this section shall be construed as modifying or canceling any outstanding lease during its present term.

- (4) Nothing in this section shall:
- (a) Be construed to cancel an existing sale contract;
  - (b) Prohibit sale or exchange of beds and shorelands where the water course has changed and the area now has the characteristics of uplands;
  - (c) Prevent exchange involving state-owned tide and shore lands.

**NEW SECTION.** Sec. 101. **SALE OF STATE-OWNED TIDE OR SHORE LANDS TO MUNICIPAL CORPORATION OR STATE AGENCY—AUTHORITY TO EXECUTE AGREEMENTS, DEEDS, ETC.** The department of natural resources may with the advice and approval of the board of natural resources sell state-owned tide or shore lands at the appraised market value to any municipal corporation or agency of the state of Washington when said land is to be used solely for municipal or state purposes: PROVIDED, That the department shall with the advice and approval of the attorney general, execute such agreements, writings, or relinquishments and certify to the governor such deeds as are necessary or proper to affect such sale or exchange.

**NEW SECTION.** Sec. 102. **CONSTRUCTION OF SECTIONS 100 AND 102 OF THIS ACT—USE AND OCCUPANCY FEE WHERE UNAUTHORIZED IMPROVEMENTS PLACED ON PUBLICLY OWNED AQUATIC LANDS.** Nothing in sections 100 and 102 of this act shall be construed to prevent the assertion of public ownership rights in any publicly owned aquatic lands, or the leasing of such aquatic lands when such leasing is not contrary to the state-wide public interest.

The department of natural resources may require the payment of a use and occupancy fee in lieu of a lease where improvements have been placed without authorization on publicly owned aquatic lands.

**NEW SECTION.** Sec. 103. LEASES OF FIRST AND SECOND CLASS TIDELANDS—CONDITIONS. The power to lease all platted first class tidelands and all second class tidelands shall be vested in the department of natural resources which shall have the authority to make leases thereof to such persons, for such purposes, upon such terms and conditions, and for such length of time, in accordance with this chapter, as it may prescribe: PROVIDED, That all applications for leases of first or second class tidelands lying within the limits of a port district shall before the execution of any such lease be referred by the department to the port commission of such port district which shall make such investigation as it deems advisable, and by resolution make to the department within sixty days such recommendations as to the character of the improvements, time of commencement and completion thereof, the percentage for fixing rental, and the terms and conditions of the lease, as such port commission shall deem proper, which recommendation shall be advisory to, but not binding, upon the department: PROVIDED FURTHER, That no preference rights are renewed or created under the provisions of this section and the power of the department to grant or reject an application, as the public interest in its judgment may require, is hereby declared, but nothing in this section shall be construed to nullify or qualify the provisions of section 104 of this act.

**NEW SECTION.** Sec. 104. LEASES OF FIRST AND SECOND CLASS TIDELAND—TERMS. Applications, leases, and bonds of lessees shall be in such form as the department of natural resources shall prescribe. Every lease of tidelands owned by the state shall provide that the rental shall be payable to the department, and for cancellation by the department upon sixty days' written notice for any breach of the conditions thereof. Every lessee shall furnish a bond, with surety satisfactory to the department, in such penalty as it may prescribe, but not less than five hundred dollars, as security for the faithful performance of the terms of the lease and the payment of the rent when due. If the department shall at any time deem any bond insufficient, it may require the lessee to file a new and sufficient bond within thirty days after receiving notice so to do.

**NEW SECTION.** Sec. 105. FIRST CLASS SHORELANDS—LEASING. The department of natural resources is authorized to lease any platted first class shorelands in the same manner as provided for the lease of state lands, except capitol building lands.

**NEW SECTION.** Sec. 106. SECOND CLASS SHORELANDS ON NAVIGABLE LAKES—SALE. (1) The legislature finds that maintaining public lands in public ownership is often in the public interest. However, when second class shorelands on navigable lakes have minimal public value, the sale of those shorelands to the abutting upland owner may not be contrary to the public interest: PROVIDED, That the purpose of this section is to remove the prohibition contained in section 100 of this act regarding the

sale of second class shorelands to abutting owners, whose uplands front on the shorelands. Nothing contained in this section shall be construed to otherwise affect the rights of interested parties relating to public or private ownership of shorelands within the state.

(2) Notwithstanding the provisions of section 100 of this act, the department of natural resources may sell second class shorelands on navigable lakes to abutting owners whose uplands front upon the shorelands in cases where the board of natural resources has determined that these sales would not be contrary to the public interest. These shorelands shall be sold at fair market value, but not less than five percent of the fair market value of the abutting upland, less improvements, to a maximum depth of one hundred and fifty feet landward from the line of ordinary high water.

(3) Review of the decision of the department regarding the sale price established for a shoreland to be sold pursuant to this section may be obtained by the upland owner by filing a petition with the board of tax appeals created in accordance with chapter 82.03 RCW within thirty days of the date the department notified the owner regarding the price. The board of tax appeals shall review such cases in a "contested case" proceeding as described in chapter 34.04 RCW, and the board's review shall be de novo. Decisions of the board of tax appeals regarding fair market values determined pursuant to this section shall be final unless appealed to the superior court pursuant to RCW 34.04.130.

**NEW SECTION. Sec. 107. SECOND CLASS SHORELANDS—  
BOUNDARY OF SHORELANDS WHEN WATER LOWERED—  
CERTAIN SHORELANDS GRANTED TO CITY OF SEATTLE.** In every case where the state of Washington had prior to June 13, 1913, sold to any purchaser from the state any second class shorelands bordering upon navigable waters of this state by description wherein the water boundary of the shorelands so purchased is not defined, such water boundary shall be the line of ordinary navigation in such water; and whenever such waters have been or shall hereafter be lowered by any action done or authorized either by the state of Washington or the United States, such water boundary shall thereafter be the line of ordinary navigation as the same shall be found in such waters after such lowering, and there is hereby granted and confirmed to every such purchaser, his heirs and assigns, all such lands: **PROVIDED HOWEVER,** That sections 107 and 108 of this act shall not apply to such portions of such second class shorelands which shall, as provided by section 108 of this act, be selected by the department of natural resources for harbor areas, slips, docks, wharves, warehouses, streets, avenues, parkways and boulevards, alleys, or other public purposes: **PROVIDED FURTHER,** That all shorelands and the bed of Lake Washington from the southerly margin of the plat of Lake Washington shorelands southerly along the westerly shore of said lake to a line three hundred feet south of and parallel with the east and west center line of section 35, township 24 north, range 4 east,

W.M., are hereby reserved for public uses and are hereby granted and donated to the city of Seattle for public park, parkway and boulevard purposes, and as a part of its public park, parkway, and boulevard system and any diversion or attempted diversion of such lands so donated from such purposes shall cause the title to said lands to revert to the state.

NEW SECTION. Sec. 108. SECOND CLASS SHORELANDS—PLATTING—SELECTION FOR SLIPS, DOCKS, WHARVES, ETC. It shall be the duty of the department of natural resources to survey such second class shorelands and in platting such survey to designate thereon as selected for public use all of such shorelands as in the opinion of the department is available, convenient or necessary to be selected for the use of the public as harbor areas, sites for slips, docks, wharves, warehouses, streets, avenues, parkways and boulevards, alleys, and other public purposes.

Upon the filing of such plat in the office of the commissioner of public lands, the title to all harbor areas so selected shall remain in the state, the title to all selections for streets, avenues, and alleys shall vest in any city or town within the corporate limits of which they may be then situate, otherwise in the county in which situate, the title to and control of any lands so selected and designated upon such plat for parkways and boulevard purposes shall, if the same lie outside of the corporate limits of any city or town and if the same form a part of the general parkway and boulevard system of a city of the first class, be in such city, and the title to all selections for slips, docks, wharves, warehouses and other public purposes shall vest in the port district if they be situate in a port district, otherwise in the county in which situate.

NEW SECTION. Sec. 109. SECOND CLASS SHORELANDS—PLATTING OF CERTAIN SHORELANDS OF LAKE WASHINGTON FOR USE AS HARBOR AREA—EFFECT. It shall be the duty of the department of natural resources to plat for the public use harbor area in front of such portions of the shorelands of Lake Washington heretofore sold as second class shorelands by the state of Washington as in the opinion of the department are necessary for the use of the public as harbor area: PROVIDED HOWEVER, That sections 109 and 110 of this act shall not be construed to authorize the department to change the location of any inner or outer harbor line or the boundaries or location of, or to replat any harbor area heretofore platted under and by virtue of sections 1 and 2, chapter 183, Laws of 1913, and the title to all shorelands heretofore purchased from the state as second class shorelands is hereby confirmed to such purchaser, his heirs and assigns, out to the inner harbor line heretofore established and platted under sections 1 and 2, chapter 183, Laws of 1913, or which shall be established and platted under sections 108 and 110 of this act, and all reservations shown upon the plat made and filed pursuant to sections 1 and 2, chapter 183, Laws of 1913, are declared null and void, except reservations shown thereon for harbor area, and reservations in such

harbor area, and reservations across shorelands for traversed streets which were extensions of streets existing across shorelands at the time of filing of such plat. Said department shall in platting said harbor area make a new plat showing all the harbor area on Lake Washington already platted under said sections 1 and 2, chapter 183, Laws of 1913, and under sections 1 and 2, chapter 150, Laws of 1917, and upon the adoption of any new plat by the board of natural resources acting as the harbor line commission, and the filing of said plat in the office of the commissioner of public lands, the title to all such harbor areas so selected shall remain in the state of Washington, and such harbor areas shall not be sold, but may be leased as provided for by law relating to the leasing of such harbor area.

**NEW SECTION. Sec. 110. SECOND CLASS SHORELANDS—PLATTING OF CERTAIN SHORELANDS OF LAKE WASHINGTON FOR USE AS HARBOR AREA—SELECTION FOR SLIPS, DOCKS, WHARVES, ETC.—VESTING OF TITLE.** Immediately after establishing the harbor area provided for in section 109 of this act, it shall be the duty of the department of natural resources to make a plat designating thereon all shorelands, of the first and second class, not theretofore sold by the state of Washington, and to select for the use of the public out of such shorelands, or out of harbor areas in front thereof, sites for slips, docks, wharves, warehouses, streets, avenues, parkways, boulevards, alleys, commercial waterways, and other public purposes, insofar as such shorelands may be available for any or all such public purposes.

Upon the filing of such plat of shorelands with such reservations and selections thereon in the office of the commissioner of public lands, the title to all selections for streets, avenues, and alleys shall vest in any city or town within the corporate limits of which they may be then situate, otherwise in the county in which they are situate. The title to and control of any land so selected and designated upon such plat for parkway and boulevard purposes shall, if the same lie outside the corporate limits of any city or town, and if the same form a part of the general parkway and boulevard system of the city of the first class, be in such city. The title to all selections for commercial waterway purposes shall vest in the commercial waterway district in which situate, or for which selected, and the title to all selections for slips, docks, wharves, warehouses and other purposes shall vest in the port district if they be situate in a port district, otherwise in the county in which situated, and any sales of such shorelands when otherwise permitted by law shall be made subject to such selection and reservation for public use.

**NEW SECTION. Sec. 11i. SECOND CLASS SHORELANDS—SALE OR LEASE WHEN IN BEST PUBLIC INTEREST—PREFERENCE RIGHT OF UPLAND OWNER—PROCEDURE UPON DETERMINING SALE OR LEASE NOT IN BEST PUBLIC INTEREST OR WHERE TRANSFER MADE FOR PUBLIC USE—PLATTING.** If application is made to purchase or lease any shorelands of the



second class and the department of natural resources shall deem it for the best public interest to offer said shorelands of the second class for sale or lease, the department shall cause a notice to be served upon the abutting upland owner if he be a resident of the state, or if the upland owner be a nonresident of the state, shall mail to his last known post office address, as reflected in the county records a copy of a notice notifying him that the state is offering such shorelands for sale or lease, giving a description of the department's appraised fair market value of such shorelands for sale or lease, and notifying such upland owner that he has a preference right to purchase, if such purchase is otherwise permitted under section 100 of this act, or lease said shorelands at the appraised value thereof for a period of thirty days from the date of the service or mailing of said notice. If at the expiration of the thirty days from the service or mailing of the notice, as provided in this section, the abutting upland owner has failed to avail himself of his preference right to purchase, as otherwise permitted under section 100 of this act, or lease, or to pay to the department the appraised value for sale or lease of the shorelands described in said notice, then in that event, except as otherwise provided in this section, said shorelands may be offered for sale, when otherwise permitted under section 100 of this act, or offered for lease, and sold or leased in the manner provided for the sale or lease of state lands, as otherwise permitted under this chapter.

The department of natural resources shall authorize the sale or lease, whether to abutting upland owners or others, only if such sale or lease would be in the best public interest and is otherwise permitted under section 100 of this act. It is the intent of the legislature that whenever it is in the best public interest, the shorelands of the second class managed by the department of natural resources shall not be sold but shall be maintained in public ownership for the use and benefit of the people of the state.

In all cases where application is made for the lease of any second class shorelands adjacent to upland, under the provisions of this section, the same shall be leased per lineal chain frontage, and the United States field notes of the meander line shall accompany each application as required for the sale of such lands, and when application is made for the lease of second class shorelands separated from the upland by navigable waters, the application shall be accompanied by the plat and field notes of a survey of the lands applied for, as required with applications for the purchase of such lands.

If, following an application by the abutting upland owner to either purchase as otherwise permitted under section 100 of this act or to obtain an exclusive lease at appraised full market value or rental, the department deems that such sale or lease is not in the best public interest, or if property rights in state-owned second class shorelands are at any time withdrawn, sold, or assigned in any manner authorized by law to a public agency for a use by the general public, the department shall within one hundred and eighty days from receipt of such application to purchase or lease, or on

reaching a decision to withdraw, sell or assign such shorelands to a public agency, and: (1) Make a formal finding that the body of water adjacent to such shorelands is navigable; (2) find that the state or the public has an overriding interest inconsistent with a sale or exclusive lease to a private person, and specifically identify such interest and the factor or factors amounting to such inconsistency; and (3) provide for the review of said decision in accordance with the procedures prescribed by chapter 34.04 RCW.

Notwithstanding the above provisions, the department may cause any of such shorelands to be platted as is provided for the platting of shorelands of the first class, and when so platted such lands shall be sold, when otherwise permitted under section 100 of this act to be sold, or leased in the manner provided for the sale or lease of shorelands of the first class.

**NEW SECTION. Sec. 112. SECOND CLASS TIDE OR SHORE LANDS DETACHED FROM UPLANDS BY NAVIGABLE WATER—SALE.** Tide or shorelands of the second class which are separated from the upland by navigable waters shall be sold, when otherwise permitted under section 100 of this act to be sold, but in no case at less than five dollars per acre. An applicant to purchase such tide or shore lands shall, at his own expense, survey and file with his application a plat of the surveys of the land applied for, which survey shall be connected with, and the plat shall show, two or more connections with the United States survey of the uplands, and the applicant shall file the field notes of the survey of said land with his application. The department of natural resources shall examine and test said plat and field notes of the survey, and if found incorrect or indefinite, it shall cause the same to be corrected or may reject the same and cause a new survey to be made.

**NEW SECTION. Sec. 113. FIRST CLASS UNPLATTED TIDE OR SHORE LANDS—LEASE PREFERENCE RIGHT TO UPLAND OWNERS—LEASE FOR BOOMING PURPOSES.** The department of natural resources is authorized to lease to the abutting upland owner any unplatted first class tide or shore lands.

The department shall, prior to the issuance of any lease under the provisions of this section, fix the annual rental for said tide or shore lands and prescribe the terms and conditions of the lease. No lease issued under the provisions of this section shall be for a longer term than ten years from the date thereof, and every such lease shall be subject to termination upon ninety days' notice to the lessee in the event that the department shall decide that it is in the best interest of the state that such tide or shore lands be surveyed and platted. At the expiration of any lease issued under the provisions of this section, the lessee or his successors or assigns shall have a preference right to re-lease the lands covered by the original lease or any portion thereof, if the department shall deem it to be in the best interests of the state to re-lease the same, for succeeding periods not exceeding five

years each at such rental and upon such terms and conditions as may be prescribed by said department.

In case the abutting uplands are not improved and occupied for residential purposes and the abutting upland owner has not filed an application for the lease of such lands, the department may lease the same to any person for booming purposes under the terms and conditions of this section: PROVIDED, That failure to use for booming purposes any lands leased under this section for such purposes for a period of one year shall work a forfeiture of such lease and such land shall revert to the state without any notice to the lessee upon the entry of a declaration of forfeiture in the records of the department of natural resources.

NEW SECTION. Sec. 114. SECOND CLASS TIDE OR SHORE LANDS—LEASE FOR BOOMING PURPOSES. The department of natural resources is authorized to lease any second class tide or shore lands, whether reserved from sale, or from lease for other purposes, by or under authority of law, or not, except any oyster reserve containing oysters in merchantable quantities, to any person, for booming purposes, for any term not exceeding ten years from the date of such lease, for such annual rental and upon such terms and conditions as the department may fix and determine, and may also provide for forfeiture and termination of any such lease at any time for failure to pay the fixed rental or for any violation of the terms or conditions thereof.

The lessee of any such lands for booming purposes shall receive, hold, and sort the logs and other timber products of all persons requesting such service and upon the same terms and without discrimination, and may charge and collect tolls for such service not to exceed seventy-five cents per thousand feet scale measure on all logs, spars, or other large timber and reasonable rates on all other timber products, and shall be subject to the same duties and liabilities, so far as the same are applicable, as are imposed upon boom companies organized under the laws of the state: PROVIDED, That failure to use any lands leased under the provisions of this section for booming purposes for a period of one year shall work a forfeiture of such lease, and such lands shall revert to the state without any notice to the lessee upon the entry of a declaration of forfeiture in the records of the department.

At the expiration of any lease issued under the provisions of this section, the lessee shall have the preference right to re-lease the lands covered by his original lease for a further term, not exceeding ten years, at such rental and upon such terms and conditions as may be prescribed by the department of natural resources.

NEW SECTION. Sec. 115. FIRST AND SECOND CLASS TIDE OR SHORE LANDS—PREFERENCE RIGHTS, TIME LIMIT ON EXERCISE. All preference rights to purchase tide or shore lands of the first or second class, when otherwise permitted by section 100 of this act to

be purchased, awarded by the department of natural resources, or by the superior court in case of appeal from the award of the department, shall be exercised by the parties to whom the award is made within thirty days from the date of the service of notice of the award by registered mail, by the payment to the department of the sums required by law to be paid for a contract, or deed, as in the case of the sale of state lands, other than capitol building lands, and upon failure to make such payment such preference rights shall expire.

**NEW SECTION. Sec. 116. FIRST AND SECOND CLASS TIDE OR SHORE LANDS—ACCRETIONS—LEASE.** Any accretions that may be added to any tract or tracts of tide or shore lands of the first or second class heretofore sold, or that may hereafter be sold, by the state, shall belong to the state and shall not be sold, or offered for sale, unless otherwise permitted by this chapter to be sold, and unless the accretions shall have been first surveyed under the direction of the department of natural resources: **PROVIDED,** That the owner of the adjacent tide or shore lands shall have the preference right to purchase said lands produced by accretion, when otherwise permitted by section 100 of this act to be sold, for thirty days after said owner of the adjacent tide or shore lands shall have been notified by registered mail of his preference right to purchase such accreted lands.

**NEW SECTION. Sec. 117. TIDE OR SHORE LANDS OF THE FIRST OR SECOND CLASS—FAILURE TO RE-LEASE TIDE OR SHORE LANDS—APPRAISAL OF IMPROVEMENTS.** In case any lessee of tide or shore lands, for any purpose except mining of valuable minerals or coal, or extraction of petroleum or gas, or his successor in interest, shall after the expiration of any lease, fail to purchase, when otherwise permitted under section 100 of this act to be purchased, or re-lease from the state the tide or shore lands formerly covered by his lease, when the same are offered for sale or re-lease, then and in that event the department of natural resources shall appraise and determine the value of all improvements existing upon such tide or shore lands at the expiration of the lease which are not capable of removal without damage to the land, including the cost of filling and raising said property above high tide, or high water, whether filled or raised by the lessee or his successors in interest, or by virtue of any contract made with the state, and also including the then value to the land of all existing local improvements paid for by such lessee or his successors in interest. In case the lessee or his successor in interest is dissatisfied with the appraised value of such improvements as determined by the department, he shall have the right of appeal to the superior court of the county wherein said tide or shore lands are situated, within the time and according to the method prescribed in section 46 of this act for taking appeals from decisions of the department.

In case such tide or shore lands are leased, or sold, to any person other than such lessee or his successor in interest, within three years from the expiration of the former lease, the bid of such subsequent lessee or purchaser shall not be accepted until payment is made by such subsequent lessee or purchaser of the appraised value of the improvements as determined by the department, or as may be determined on appeal, to such former lessee or his successor in interest.

In case such tide or shore lands are not leased, or sold, within three years after the expiration of such former lease, then in that event, such improvements existing on the lands at the time of any subsequent lease, shall belong to the state and be considered a part of the land, and shall be taken into consideration in appraising the value, or rental value, of the land and sold or leased with the land.

NEW SECTION. Sec. 118. LOCATION OF LINE DIVIDING TIDELANDS FROM SHORELANDS IN TIDAL RIVERS. The department of natural resources is hereby authorized to locate in all navigable rivers in this state which are subject to tidal flow, the line dividing the tidelands in such river from the shorelands in such river, and such classification or the location of such dividing line shall be final and not subject to review, and the department shall enter the location of said line upon the plat of the tide and shore lands affected.

NEW SECTION. Sec. 119. QUEETS TO FLATTERY TIDELANDS DECLARED PUBLIC HIGHWAY—RESERVATION FROM SALE OR LEASE—LEASES NOT TO BE EXTENDED. The tidelands along the shore and beach of the Pacific ocean from the mouth of the Queets river north to Cape Flattery in the state of Washington, excepting, however, such rights as may have been conveyed by the state through deeds covering the second class tidelands in front of section 24, township 31 north, range 16 west, W. M., be and the same are hereby declared a public highway forever and as such highway shall remain forever open to the use of the public.

No part of the tidelands along said shore and beach shall ever be sold, or otherwise disposed of, or leased for any purpose other than the extraction of petroleum, gas, or minerals.

No leases, except those issued for extraction of petroleum, gas, or minerals, now existing on or for any part or parts of said tidelands along said shore and beach shall be renewed or extended.

NEW SECTION. Sec. 120. DAMON'S POINT TO QUEETS TIDELANDS DECLARED PUBLIC HIGHWAY—RESERVATION FROM SALE, LEASE, ETC. The shore and beach of the Pacific ocean including the area or space lying between ordinary high tide and extreme low tide (as such shore and beach now are or hereafter may be) from the southerly point of Damon's Point on the north side of the entrance to Grays Harbor to the mouth of the Queets river, state of Washington, be and the

same are hereby declared a public highway forever, and such highway shall remain forever open to the use of the public.

No part of said shore or beach shall ever be sold, leased, or otherwise disposed of.

**NEW SECTION. Sec. 121. COLUMBIA RIVER TO PETERSON'S POINT TIDELANDS DECLARED PUBLIC HIGHWAY—RESERVATION FROM SALE, LEASE, ETC.** The shore and beach of the Pacific ocean, including the area or space lying, abutting, or fronting on said ocean and between ordinary high tide and extreme low tide (as such shore and beach are now or hereafter may be) from the Columbia river or Cape Disappointment on the south to a point three hundred feet southerly from the south line of the government jetty on Peterson's Point, state of Washington, on the north, be and the same are hereby declared a public highway forever, and as such highway shall remain forever open to the use of the public.

No part of said shore or beach shall ever be sold, conveyed, leased, or otherwise disposed of.

**NEW SECTION. Sec. 122. HIGHWAYS ESTABLISHED BY LAWS OF 1901 AND 1935—PORTION DECLARED PUBLIC RECREATION AREA—RESERVATION.** That portion of the public highway as established by chapter 54, Laws of 1935, chapter 105, Laws of 1901, and chapter 110, Laws of 1901, lying between the line of vegetation and the line of mean high tide, as such lines now are or may hereafter be, is hereby declared a public recreation area and is hereby set aside and forever reserved for the use of the public.

**NEW SECTION. Sec. 123. HIGHWAYS—ACQUISITION OF PROPERTY.** The department of natural resources may acquire by purchase, gift, exchange, or condemnation any lands, property, or interest therein from any political subdivision of the state, municipal corporation, the federal government, or any person for the purpose of expanding, improving, or facilitating the use of lands reserved under sections 119 through 122 of this act for such public highway and recreation purposes.

**NEW SECTION. Sec. 124. CERTAIN TIDELANDS RESERVED FOR RECREATIONAL USE AND TAKING OF FISH AND SHELLFISH.** The following described tidelands, being public lands of the state, are withdrawn from sale or lease and reserved as public areas for recreational use and for the taking of fish and shellfish for personal use as defined in RCW 75.04.070:

Parcel No. 1. (Point Whitney) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to or abutting upon lots 3, 4, and 5, section 7, township 26 north, range 1 west, W.M., with a frontage of 72.45 lineal chains, more or less.

Excepting, however, those portions of the above described tidelands of the second class conveyed to the state of Washington, department of fisheries and game through deed issued May 14, 1925, under application No. 8136, records of department of public lands.

Parcel No. 2. (Point Whitney) The tidelands of the second class lying below the line of mean low tide, owned by the state of Washington, situate in front of lot 1, section 6, township 26 north, range 1 west, W.M., with a frontage of 21.00 lineal chains, more or less; also

The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to or abutting upon lots 6 and 7, and that portion of lot 5, section 1, township 26 north, range 1 west, W.M., lying south of a line running due west from a point on the government meander line which is S 22° E 1.69 chains from an angle point in said meander line which is S 15° W 1.20 chains, more or less, from the point of intersection of the north line of said lot 5 and said meander line, with a frontage of 40.31 lineal chains, more or less.

Parcel No. 3. (Toandos Peninsula) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, and 3, section 5, lots 1, 2, and 3, section 4, and lot 1, section 3, all in township 25 north, range 1 west, W.M., with a frontage of 158.41 lineal chains, more or less.

Parcel No. 4. (Shine) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 2, 3 and that portion of lot 4 lying north of the south 8.35 chains thereof as measured along the government meander line, all in section 35, township 28 north, range 1 east, W.M., with a frontage of 76.70 lineal chains, more or less.

Subject to an easement for right of way for county road granted to Jefferson county December 8, 1941 under application No. 1731, records of department of public lands.

Parcel No. 5. (Lilliwaup) The tidelands of the second class, owned by the state of Washington, lying easterly of the east line of vacated state oyster reserve plat No. 133 produced southerly and situate in front of, adjacent to or abutting upon lot 9, section 30, lot 8, section 19 and lot 5 and the south 20 acres of lot 4, section 20, all in township 23 north, range 3 west, W.M., with a frontage of 62.46 lineal chains, more or less.

Subject to easements for rights of way for state road granted through the filing of state road plats No. 374 December 15, 1930, No. 661, March 29, 1949, and No. 666 August 25, 1949, records of department of public lands.

Parcel No. 6. (Nemah) Those portions of the tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 5, 6, and 7, section 3 and lots 1, 2, and 3, section 4, township 12 north, range 10 west, W.M., lots 1, 2, 3, and 4, section 34,

section 27 and lots 1, 2, 3 and 4, section 28, township 13 north, range 10 west, W.M., lying easterly of the easterly line of the Nemah Oyster reserve and easterly of the easterly line of a tract of tidelands of the second class conveyed through deed issued July 28, 1938, pursuant to the provisions of chapter 24, Laws of 1895, under application No. 9731, with a frontage of 326.22 lineal chains, more or less.

Parcels No. 7 and 8. (Penn Cove) The unplatted tidelands of the first class, and tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1 and 2, section 33, lots 1, 2, 3, and 4, section 32, lots 2 and 3 and the B.P. Barstow D.L.C. No. 49, sections 30 and 31 and that portion of the R.H. Lansdale D.L.C. No. 54 in section 30, lying west of the east 3.00 chains thereof as measured along the government meander line, all in township 32 north, range 1 east, W.M., with a frontage of 260.34 lineal chains, more or less.

Excepting, however, the tidelands above the line of mean low tide in front of said lot 1, section 32 which were conveyed as tidelands of the second class through deed issued December 29, 1908, application No. 4957, records of department of public lands.

Subject to an easement for right of way for transmission cable line granted to the United States of America Army Engineers June 7, 1943, under application No. 17511, records of department of public lands.

Parcel No. 9. (South of Penn Cove) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 2, 3 and 4, section 17 and lots 1, 2 and 3, section 20, township 31 north, range 2 east, W.M., with a frontage of 129.97 lineal chains, more or less.

Parcel No. 10. (Mud Bay—Lopez Island) The tidelands of the second class, owned by the state of Washington situate in front of, adjacent to, or abutting upon lots 5, 6 and 7, section 18, lot 5, section 7 and lots 3, 4, and 5, section 8, all in township 34 north, range 1 west, W.M., with a frontage of 172.11 lineal chains, more or less.

Excepting, however, any tideland of the second class in front of said lot 3, section 8 conveyed through deeds issued April 14, 1909, pursuant to the provisions of chapter 24, Laws of 1895, under application No. 4985, records of department of public lands.

Parcel No. 11. (Cattle Point) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lot 1, section 6, lots 1, 3, 4, 5, 6, 7, 8, 9, and 10, section 7, lots 1, 2, 3, 4, 5, 6 and 7, section 8 and lot 1, section 5, all in township 34 north, range 2 west, W.M., with a frontage of 463.88 lineal chains, more or less.

Excepting, however, any tidelands of the second class in front of said lot 10, section 7 conveyed through deed issued June 1, 1912, under application No. 6906, records of department of public lands.



Parcel No. 12. (Spencer Spit) The tidelands of the second class, owned by the state of Washington, situate in front of, adjacent to, or abutting upon lots 1, 3, and 4, section 7, and lot 5, section 18 all in township 35 north, range 1 west, W.M., with a frontage of 118.80 lineal chains, more or less.

**NEW SECTION.** Sec. 125. ACCESS TO AND FROM TIDELANDS RESERVED FOR RECREATIONAL USE AND TAKING OF FISH AND SHELLFISH. The director of fisheries may take appropriate action to provide public and private access, including roads and docks, to and from the tidelands described in section 124 of this act.

**NEW SECTION.** Sec. 126. TIDELANDS AND SHORELANDS—USE OF TIDE AND SHORE LANDS GRANTED TO UNITED STATES—PURPOSES—LIMITATIONS. The use of any tide and shore lands belonging to the state, and adjoining and bordering on any tract, piece or parcel of land, which may have been reserved or acquired, or which may hereafter be reserved or acquired, by the government of the United States, for the purposes of erecting and maintaining thereon forts, magazines, arsenals, dockyards, navy yards, prisons, penitentiaries, light-houses, fog signal stations, aviation fields, or other aids to navigation, be and the same is hereby granted to the United States, upon payment for such rights, so long as the upland adjoining such tide or shore lands shall continue to be held by the government of the United States for any of the public purposes above mentioned: PROVIDED, That this grant shall not extend to or include any aquatic lands covered by more than four fathoms of water at ordinary low tide; and shall not be construed to prevent any citizen of the state from using said lands for the taking of food fishes so long as such fishing does not interfere with the public use of them by the United States.

**NEW SECTION.** Sec. 127. TIDELANDS AND SHORELANDS—USE OF TIDE AND SHORE LANDS GRANTED TO UNITED STATES—APPLICATION—PROOF OF UPLAND USE—CONVEYANCE. Whenever application is made to the department of natural resources by any department of the United States government for the use of any tide or shore lands belonging to the state and adjoining and bordering on any upland held by the United States for any of the purposes mentioned in section 126 of this act, upon proof being made to said department of natural resources, that such uplands are so held by the United States for such purposes, and upon payment for such land, it shall cause such fact to be entered in the records of the office of the commissioner of public lands and the department shall certify such fact to the governor who will execute a deed in the name of the state, attested by the secretary of state, conveying the use of such lands, for such purposes, to the United States, so long as it shall continue to hold for said public purposes the uplands adjoining said tide and shore lands.

**NEW SECTION. Sec. 128. TIDELANDS AND SHORELANDS—USE OF TIDE AND SHORE LANDS GRANTED TO UNITED STATES—EASEMENTS OVER TIDE OR SHORELANDS TO UNITED STATES.** Whenever application is made to the department of natural resources, by any department of the United States government, for the use of any tide or shore lands belonging to the state, for any public purpose, and said department shall be satisfied that the United States requires or may require the use of such tide or shore lands for such public purposes, said department may reserve such tide or shore lands from public sale and grant the use of them to the United States, upon payment for such land, so long as it may require the use of them for such public purposes. In such a case, the department shall execute an easement to the United States, which grants the use of said tide or shore lands to the United States, so long as it shall require the use of them for said public purpose.

**NEW SECTION. Sec. 129. TIDELANDS AND SHORELANDS—USE OF TIDE AND SHORE LANDS GRANTED TO UNITED STATES—REVERSION ON CESSATION OF USE.** Whenever the United States shall cease to hold and use any uplands for the use and purposes mentioned in section 126 of this act, or shall cease to use any tide or shore lands for the purpose mentioned in section 128 of this act, the grant or easement of such tide or shore lands shall be terminated thereby, and said tide or shore lands shall revert to the state without resort to any court or tribunal.

#### BEDS OF NAVIGABLE WATERS

**NEW SECTION. Sec. 130. LEASE OF BEDS OF NAVIGABLE WATERS.** The department of natural resources may lease to the abutting tide or shore land owner or lessee, the beds of navigable waters lying below the line of extreme low tide in waters where the tide ebbs and flows, and below the line of navigability in lakes and rivers claimed by the state and defined in section 1, Article XVII, of the Constitution of the state.

In case the abutting tide or shore lands or the abutting uplands are not improved or occupied for residential or commercial purposes, the department may lease such beds to any person for a period not exceeding ten years for booming purposes.

Nothing in sections 130 through 133 of this act shall change or modify any of the provisions of the state Constitution or laws of the state which provide for the leasing of harbor areas and the reservation of lands lying in front thereof.

**NEW SECTION. Sec. 131. LEASE OF BEDS OF NAVIGABLE WATERS—TERMS AND CONDITIONS OF LEASE—FORFEITURE FOR NONUSER.** The department of natural resources shall, prior to the issuance of any lease under the provisions of sections 130 through 133 of this act, fix the annual rental and prescribe the terms and conditions of

the lease: PROVIDED, That in fixing such rental, the department shall not take into account the value of any improvements heretofore or hereafter placed upon the lands by the lessee.

No lease issued under the provisions of sections 130 through 133 of this act shall be for a term longer than thirty years from the date thereof if in front of second class tide or shore lands; or a term longer than ten years if in front of unplatted first class tide or shore lands leased under the provisions of section 113 of this act, in which case said lease shall be subject to the same terms and conditions as provided for in the lease of such unplatted first class tide or shore lands. Failure to use those beds leased under the provisions of sections 130 through 133 of this act for booming purposes, for a period of two years shall work a forfeiture of said lease and the land shall revert to the state without notice to the lessee upon the entry of a declaration of forfeiture in the records of the commissioner of public lands.

NEW SECTION. Sec. 132. LEASE OF BEDS OF NAVIGABLE WATERS—IMPROVEMENTS—FEDERAL PERMIT—FORFEITURE—PLANS AND SPECIFICATIONS. The applicant for a lease under the provisions of sections 130 through 133 of this act shall first obtain from the United States Army Corps of Engineers or other federal regulatory agency, a permit to place structures or improvements in said navigable waters and file with the department of natural resources a copy of said permit. No structures or improvements shall be constructed beyond a point authorized by the Corps of Engineers or the department of natural resources and any construction beyond authorized limits will work a forfeiture of all rights granted by the terms of any lease issued under the provisions of sections 130 through 133 of this act. The applicant shall also file plans and specifications of any proposed improvements to be placed upon such areas with the department of natural resources, said plans and specifications to be the same as provided for in the case of the lease of harbor areas.

NEW SECTION. Sec. 133. LEASE OF BEDS OF NAVIGABLE WATERS—PREFERENCE RIGHT TO RE-LEASE. At the expiration of any lease issued under the provisions of sections 130 through 133 of this act, the lessee or his successors or assigns, shall have a preference right to re-lease the area covered by the original lease or any portion thereof if the department of natural resources deems it to be in the best interest of the state to re-lease the same. Such re-lease shall be for such term as specified by the provisions of sections 130 through 133 of this act, and at such rental and upon such conditions as may be prescribed by the department: PROVIDED, That if such preference right is not exercised, the rights and obligations of the lessee, the department of natural resources, and any subsequent lessee shall be the same as provided in section 117 of this act relating to failure to re-lease tide or shore lands. Any person who prior to June 11, 1953, had occupied and improved an area subject to lease under

sections 130 through 133 of this act and has secured a permit for such improvements from the United States Army Corps of Engineers, or other federal regulatory agency, shall have the rights and obligations of a lessee under this section upon the filing of a copy of such permit together with plans and specifications of such improvements with the department of natural resources.

#### OYSTERS, GEODUCKS, SHELLFISH, AND OTHER AQUACULTURAL USES

NEW SECTION. Sec. 134. LEASING BEDS OF TIDAL WATERS FOR SHELLFISH CULTIVATION OR OTHER AQUACULTURE USE. The beds of all navigable tidal waters in the state lying below extreme low tide, except as prohibited by section 1, Article XV, of the Washington state Constitution shall be subject to lease for the purposes of planting and cultivating oyster beds, or for the purpose of cultivating clams or other edible shellfish, or for other aquaculture use, for periods not to exceed ten years.

Where the lands are used for the cultivation and harvesting of oysters, the parcels leased shall not exceed forty acres.

Where the lands are used for the cultivation and harvesting of clams or other aquaculture use, the department of natural resources may, in its discretion, grant leases for larger parcels.

Nothing in this section shall prevent any person from leasing more than one parcel, as offered by the department.

NEW SECTION. Sec. 135. LEASING LANDS FOR SHELLFISH CULTIVATION OR OTHER AQUACULTURE USE—WHO MAY LEASE—APPLICATION—DEPOSIT. Any person desiring to lease tidelands or beds of navigable waters for the purpose of planting and cultivating oyster beds, or for the purpose of cultivating clams and other edible shellfish, shall file with the department of natural resources, on a proper form, an application in writing signed by the applicant and accompanied by a map of the lands desired to be leased, describing the lands by metes and bounds tied to at least two United States government corners, and by such reference to local geography as shall suffice to convey a knowledge of the location of the lands with reasonable accuracy to persons acquainted with the vicinity, and accompanied by a deposit of ten dollars which deposit shall be returned to the applicant in case a lease is not granted.

NEW SECTION. Sec. 136. LEASING LANDS FOR SHELLFISH CULTIVATION OR OTHER AQUACULTURE USE—INSPECTION AND REPORT BY DIRECTOR OF FISHERIES—RENTAL AND TERM. The department of natural resources, upon the receipt of an application for a lease for the purpose of planting and cultivating oyster beds or for the purpose of cultivating clams or other edible shellfish, shall notify the director of fisheries of the filing of the application describing the

tidelands or beds of navigable waters applied for. The director of fisheries shall cause an inspection of the lands applied for to be made and shall make a full report to the department of natural resources of his findings as to whether it is necessary, in order to protect existing natural oyster beds, and to secure adequate seeding thereof, to retain the lands described in the application for lease or any part thereof, and in the event the director deems it advisable to retain the lands or any part thereof for the protection of existing natural oyster beds or to guarantee the continuance of an adequate seed stock for existing natural oyster beds, the same shall not be subject to lease. However, if the director determines that the lands applied for or any part thereof may be leased, he shall so notify the department of natural resources and the director shall cause an examination of the lands to be made to determine the presence, if any, of natural oysters, clams, or other edible shellfish on said lands, and to fix the rental value of the lands for use for oyster, clam, or other edible shellfish cultivation. In his report to the department, the director shall recommend a minimum rental for said lands and an estimation of the value of the oysters, clams, or other edible shellfish, if any, then present on the lands applied for. The lands approved by the director for lease may then be leased to the applicant for a period of not less than five years nor more than ten years at a rental not less than the minimum rental recommended by the director of fisheries. In addition, before entering upon possession of the land, the applicant shall pay the value of the oysters, clams, or other edible shellfish, if any, then present on the land as determined by the director, plus the expense incurred by the director in investigating the quantity of oysters, clams, or other edible shellfish, present on the land applied for.

**NEW SECTION.** Sec. 137. LEASING LANDS FOR SHELLFISH CULTIVATION OR OTHER AQUACULTURE USE—SURVEY AND BOUNDARY MARKERS. Before entering into possession of any leased tidelands or beds of navigable waters, the applicant shall cause the same to be surveyed by a registered land surveyor, and he shall furnish to the department of natural resources and to the director of fisheries, a map of the leased premises signed and certified by the registered land surveyor. The lessee shall also cause the boundaries of the leased premises to be marked by piling monuments or other markers of a permanent nature as the director of fisheries may direct.

**NEW SECTION.** Sec. 138. LEASING LANDS FOR SHELLFISH CULTIVATION OR OTHER AQUACULTURE USE—RENEWAL LEASE. The department of natural resources may, upon the filing of an application for a renewal lease, cause the tidelands or beds of navigable waters to be inspected, and if he deem it in the best interests of the state to re-lease said lands, he shall issue to the applicant a renewal lease for such further period not exceeding ten years and under such terms and conditions as may be determined by the department: PROVIDED, That in the case of

an application for a renewal lease it shall not be necessary for the lands to be inspected and reported upon by the director of fisheries.

**NEW SECTION.** Sec. 139. LEASING LANDS FOR SHELLFISH CULTIVATION OR OTHER AQUACULTURE USE—REVERSION FOR USE OTHER THAN CULTIVATION OF SHELLFISH. All leases of tidelands and beds of navigable waters for the purpose of planting and cultivating oysters, clams, or other edible shellfish shall expressly provide that if at any time after the granting of said lease, the lands described therein shall cease to be used for the purpose of oyster beds, clam beds, or other edible shellfish beds, they shall thereupon revert to and become the property of the state and that the same are leased only for the purpose of cultivating oysters, clams, or other edible shellfish thereon, and that the state reserves the right to enter upon and take possession of said lands if at any time the same are used for any other purpose than the cultivation of oysters, clams, or other edible shellfish.

**NEW SECTION.** Sec. 140. LEASING LANDS FOR SHELLFISH CULTIVATION OR OTHER AQUACULTURE USE—ABANDONMENT—APPLICATION FOR OTHER LANDS. If from any cause any lands leased for the purpose of planting and cultivating oysters, clams, or other edible shellfish shall become unfit and valueless for any such purposes, the lessee or his assigns, upon certifying such fact under oath to the department of natural resources, together with the fact that he has abandoned such land, shall be entitled to make application for other lands for such purposes.

**NEW SECTION.** Sec. 141. GEODUCK HARVESTING—LEASES, AGREEMENTS, REGULATION. (1) The department of natural resources may enter into leases or harvesting agreements for the harvesting of geoducks. The department of natural resources may place terms and conditions in the leases or harvesting agreements as the department deems necessary. The department of natural resources may enforce the provisions of any lease or harvesting agreement by suspending or canceling the lease or harvesting agreement or through any other means contained in the lease or harvesting agreement. The department of natural resources may cancel any lease or harvesting agreement upon receiving a report from the department of fisheries of the person's second violation of the geoduck licensing or harvesting provisions under Title 75 RCW. Any lessee may terminate a lease entered into pursuant to this subsection if actions of a governmental agency, beyond the control of the lessee, its agents, or its employees, prohibit harvesting, for a period exceeding thirty days, during the term of the harvesting agreement. Upon termination of the lease, the lessee shall be reimbursed by the lessor for the cost paid on the lease less the value of the harvest already accomplished by the lessee on the leasehold.

(2) After May 8, 1979, all leases or harvesting agreements under this title for the purpose of harvesting geoduck clams shall require the lessee and the lessee's agent or representatives to comply with all applicable commercial diving safety standards and regulations promulgated and implemented by the federal occupational safety and health administration established under the federal occupational safety and health act of 1970 as such law exists on the effective date of this act (84 stat. 1590 et seq.; 29 U.S.C. sec. 651 et seq.): PROVIDED, That for the purposes of this section and RCW 75.24.100 as now or hereafter amended, all persons who dive for geoducks are deemed to be employees as defined by the federal occupational safety and health act. All leases shall provide that failure to comply with these standards is cause for suspension or cancellation of the lease: PROVIDED FURTHER, That for the purposes of this subsection if the lessee is the holder of a tract license and contracts with another entity for the harvesting of geoducks, the lease shall not be suspended or canceled if the lessee terminates its business relationship with such entity until compliance with the subsection is secured.

**NEW SECTION. Sec. 142. LEASE OF TIDELANDS SET ASIDE AS OYSTER RESERVES.** The department of natural resources is hereby authorized to lease first or second class tidelands which have heretofore or which may hereafter be set aside as state oyster reserves in the same manner as provided elsewhere in this chapter for the lease of those lands.

**NEW SECTION. Sec. 143. INSPECTION AND REPORT BY DIRECTOR OF FISHERIES.** The department of natural resources, upon the receipt of an application for the lease of any first or second class tidelands owned by the state which have heretofore or which may hereafter be set aside as state oyster reserves, shall notify the director of fisheries of the filing of the application describing the lands applied for. It shall be the duty of the director of fisheries to cause an inspection of the reserve to be made for the purpose of determining whether said reserve or any part thereof should be retained as a state oyster reserve or vacated.

**NEW SECTION. Sec. 144. VACATION OF RESERVE—LEASE OF LANDS.** In case the director of fisheries approves the vacation of the whole or any part of said reserve, the department of natural resources may vacate and offer for lease such parts or all of said reserve as it deems to be for the best interest of the state, and all moneys received for the lease of such lands shall be paid to the department of natural resources in accordance with section 104 of this act: PROVIDED, That nothing in sections 142 through 144 of this act shall be construed as authorizing the lease of any tidelands which have heretofore, or which may hereafter, be set aside as state oyster reserves in Eld Inlet, Hammersley Inlet, or Totten Inlet, situated in Mason or Thurston counties: PROVIDED FURTHER, That any

portion of Plat 138, Clifton's Oyster Reserve, which has already been vacated, may be leased by the department.

**NEW SECTION.** Sec. 145. SALE OF RESERVED OR REVERSIONARY RIGHTS IN TIDELANDS. Upon an application to purchase the reserved and reversionary rights of the state in any tidelands sold under the provisions of chapter 24 of the Laws of 1895, or chapter 25 of the Laws of 1895, or chapter 165 of the Laws of 1919, or either such reserved or reversionary right if only one exists, being filed in the office of the commissioner of public lands by the owner of such tidelands, accompanied by an abstractor's certificate, or other evidence of the applicant's title to such lands, the department of natural resources, if it finds the applicant is the owner of the tidelands, is authorized to inspect, appraise, and sell, if otherwise permitted under section 100 of this act, for not less than the appraised value, such reserved or reversionary rights of the state to the applicant, and upon payment of the purchase price to cause a deed to be issued therefor as in the case of the sale of state lands, or upon the payment of one-fifth of the purchase price, to issue a contract of sale therefor, providing that the remainder of the purchase price may be paid in four equal annual installments, with interest on deferred payments at the rate of six percent per annum, or sooner at the election of the contract holder, which contract shall be subject to cancellation by the department of natural resources for failure to comply with its provisions, and upon the completion of the payments as provided in such contract to cause a deed to the lands described in the contract to be issued to the holder thereof as in the case of the sale of state lands.

**NEW SECTION.** Sec. 146. Each of the following series of sections of this act shall comprise a new, separate chapter in Title 79 RCW:

- (1) Sections 1 through 47;
- (2) Sections 48 through 68;
- (3) Sections 69 through 79;
- (4) Sections 80 through 85;
- (5) Sections 86 through 129;
- (6) Sections 130 through 133; and
- (7) Sections 134 through 145.

Sec. 147. Section 9, chapter 255, Laws of 1927 as amended by section 1, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.036 are each amended to read as follows:

Whenever used in this chapter the term "improvements" when referring to ~~((public))~~ state lands ~~((belonging to the state))~~ shall mean anything considered a fixture in law placed upon or attached to such lands that has changed the value of the lands or any changes in the previous condition of the fixtures that changes the value of the land.



Sec. 148. Section 1, chapter 257, Laws of 1959 and RCW 79.01.038 are each amended to read as follows:

"Valuable materials." Whenever used in this title the term "valuable materials" when referring to ~~((public))~~ state lands ~~((belonging to the state))~~ means any product or material on said lands, such as forest products, forage or agricultural crops, stone, gravel, sand, peat, and all other materials of value except mineral, coal, petroleum, and gas as provided for under chapter 79.01 RCW.

Sec. 149. Section 13, chapter 255, Laws of 1927 and RCW 79.01.052 are each amended to read as follows:

The board of state land commissioners shall have its office and keep its records in the office of the commissioner of public lands, and shall keep a full and complete record of its proceedings ~~((in separate records, one relating to the establishment of harbor lines and the determination of harbor areas, and one))~~ relating to the appraisal of lands granted for educational purposes, and the board shall have the power, from time to time, to make and enforce rules and regulations for the carrying out of the provisions of this chapter relating to its duties not inconsistent with law.

Sec. 150. Section 21, chapter 255, Laws of 1927 as amended by section 2, chapter 257, Laws of 1959 and RCW 79.01.084 are each amended to read as follows:

The commissioner of public lands shall cause to be prepared, and furnish to applicants, blank forms of applications for the ~~((appraisement;))~~ appraisal and purchase of any state lands ~~((; and the purchase of tide or shore lands;))~~ and the purchase of timber, fallen timber, stone, gravel, or other valuable materials situated thereon, and the lease of state lands, ~~((tidelands; shorelands and harbor areas;))~~ which forms shall contain such instructions as will inform and aid intending applicants in making applications.

Sec. 151. Section 22, chapter 255, Laws of 1927 as last amended by section 2, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.088 are each amended to read as follows:

Any person desiring to purchase any state lands ~~((; or to purchase any tide or shore lands;))~~, or to purchase any timber, fallen timber, stone, gravel, or other valuable materials situated on state ~~((; tide or shore))~~ lands, or to lease any state ~~((; tide or shore))~~ lands, ~~((or harbor areas;))~~ shall file in the office of the commissioner of public lands an application, on the proper form which shall be accompanied by reasonable fees to be prescribed by the board of natural resources in an amount sufficient to defray the cost of performing or otherwise providing for the processing, review, or inspection of the applications or activities permitted pursuant to the applications for each category of services performed. These fees shall be credited to the Resource Management Cost Account (RMCA) fund as established under RCW 79.64.010 in the general fund.

Sec. 152. Section 1, chapter 55, Laws of 1935 as amended by section 10, chapter 257, Laws of 1959 and RCW 79.01.116 are each amended to read as follows:

In no case shall any lands granted to the state be offered for sale unless the same shall have been appraised by the board of natural resources within ninety days prior to the date fixed for the sale, and in no case shall any other state lands, (~~or tide or shore lands belonging to the state;~~) or any materials on any state lands, (~~or on any tide or shore lands, or the beds of navigable waters belonging to the state;~~) be offered for sale unless the same shall have been appraised by the commissioner of public lands within ninety days prior to the date fixed for the sale.

Sec. 153. Section 30, chapter 255, Laws of 1927 as amended by section 11, chapter 257, Laws of 1959 and RCW 79.01.120 are each amended to read as follows:

The commissioner of public lands may cause any state lands(~~(, or any tide or shore lands;~~) to be surveyed for the purpose of ascertaining and determining the area subject to sale or lease.

Sec. 154. Section 31, chapter 255, Laws of 1927 as last amended by section 12, chapter 257, Laws of 1959 and RCW 79.01.124 are each amended to read as follows:

Timber, fallen timber, stone, gravel, or other valuable material situated upon state lands(~~(, or upon tide or shore lands, or the bed of navigable waters belonging to the state))~~) may be sold separate from the land, when in the judgment of the commissioner of public lands, it is for the best interest of the state so to sell the same, and in case the estimated amount of timber on any tract of state lands, shall exceed one million feet to the quarter section, the timber shall be sold separate from the land. When application is made for the purchase of any valuable material(~~(;) situated upon state lands, ((or upon tide or shore lands, or the bed of navigable waters belonging to the state;))~~) the same inspection and report shall be had as upon an application for the appraisal and sale of such lands, and the commissioner of public lands shall appraise the value of the material applied for. No timber, fallen timber, stone, gravel, or other valuable material, shall be sold for less than the appraised value thereof. (~~The commissioner of public lands is authorized and empowered to confer with and enter into any agreements with the public authorities of the state of Oregon, which, in the judgment of said commissioner of public lands will assist the state of Washington and the state of Oregon in securing the maximum revenues for sand, gravel or other materials taken from the bed of the Columbia river where said river forms the boundary line between said states;))~~

Sec. 155. Section 44, chapter 255, Laws of 1927 and RCW 79.01.176 are each amended to read as follows:

Any county, city, or town desiring to purchase any stone, rock, gravel, or sand upon any state lands (~~(, or upon any tide or shore lands or bed of navigable waters belonging to the state,)~~) to be used in the construction, maintenance, or repair of any public street, road, or highway within such county, city, or town, may file with the commissioner of public lands an application for the purchase thereof, which application shall set forth the quantity and kind of material desired to be purchased, the location thereof, and the name, or other designation, and location of the street, road, or highway upon which the material is to be used. The commissioner of public lands upon the receipt of such an application is authorized to sell said material in such manner and upon such terms as he deems advisable and for the best interest of the state for not less than the fair market value thereof to be appraised by the commissioner of public lands. The proceeds of any such sale shall be paid into the state treasury and credited to the fund to which the proceeds of the sale of the land upon which the material is situated would belong.

Sec. 156. Section 46, chapter 255, Laws of 1927 as last amended by section 2, chapter 123, Laws of 1971 ex. sess. and RCW 79.01.184 are each amended to read as follows:

When the department of natural resources shall have decided to sell any ((public)) state lands or valuable materials thereon, or with the consent of the board of regents of the University of Washington, or by legislative directive, shall have decided to sell any lot, block, tract, or tracts of university lands, or the timber, fallen timber, stone, gravel, or other valuable material thereon it shall be the duty of the department to forthwith fix the date, place, and time of sale, and no sale shall be had on any day which is a legal holiday.

The department shall give notice of the sale by advertisement published once a week for four weeks next before the time it shall name in said notice, in at least one newspaper published and of general circulation in the county in which the whole, or any part of any lot, block, or tract of land to be sold, or the material upon which is to be sold is situated, and by causing a copy of said notice to be posted in a conspicuous place in the department's Olympia office and the district headquarters administering such sale and in the office of the county auditor of such county, which notice shall specify the place and time of sale, the appraised value thereof, and describe with particularity each parcel of land to be sold, or from which valuable materials are to be sold, and in case of material sales the estimated volume thereof, and specify that the terms of sale will be posted in the district headquarters and the department's Olympia office: PROVIDED, That any sale of timber, fallen timber, stone, gravel, sand, fill material, or building stone of an appraised value of five hundred dollars or less may be sold directly to the applicant for cash at the full appraised value without notice or advertising.

Sec. 157. Section 47, chapter 255, Laws of 1927 as amended by section 19, chapter 257, Laws of 1959 and RCW 79.01.188 are each amended to read as follows:

The commissioner of public lands shall cause to be printed a list of all public lands(~~(, and of all tide or shore lands)~~), or materials thereon, and the appraised value thereof, that are to be sold in the several counties of the state, said lists to be issued at least four weeks prior to the date of any sale of the lands or materials enumerated thereon, such lands and materials to be listed under the name of the county wherein located, in alphabetical order giving the appraised values, the character of the same, and such other information as may be of interest to prospective buyers. Said commissioner of public lands shall cause to be distributed to the auditor of each county in the state a sufficient number of such lists to supply the demands made upon them respectively as reported by such auditors. And said county auditors shall keep the list so furnished in a conspicuous place or receptacle on the counter of the public office of their respective departments, and, when requested so to do, shall mail copies of such lists to residents of their counties. The commissioner of public lands shall retain for free distribution in his office and the district offices sufficient copies of said lists, to be kept in a conspicuous place or receptacle on the counter of the general office of the commissioner of public lands, and the districts, and, when requested so to do, shall mail copies of said lists as issued to any applicant therefor. Proof of publication of the notice of sale shall be made by affidavit of the publisher, or person in charge, of the newspaper publishing the same and proof of posting the notice of sale and the receipt of the lists shall be made by certificate of the county auditor which shall forthwith be sent to and filed with the commissioner of public lands.

Sec. 158. Section 53, chapter 255, Laws of 1927 as amended by section 23, chapter 257, Laws of 1959 and RCW 79.01.212 are each amended to read as follows:

If no affidavit showing that the interest of the state in such sale was injuriously affected by fraud or collusion, shall be filed with the (~~commissioner of public lands~~) department of natural resources within ten days from the receipt of the report of the auctioneer conducting the sale of any (~~public~~) state lands, or valuable material thereon, and it shall appear from such report that the sale was fairly conducted, that the purchaser was the highest bidder at such sale, and that his bid was not less than the appraised value of the property sold, and if the (~~commissioner~~) department shall be satisfied that the lands, or material, sold would not, upon being readvertised and offered for sale, sell for at least ten percent more than the price at which it shall have been sold, and that the payment, required by law to be made at the time of making the sale, has been made, and that the best interests of the state may be subserved thereby, the (~~commissioner of public lands~~) department shall enter upon (~~his~~) its records a confirmation of

sale and thereupon issue to the purchaser a contract of sale, deed or bill of sale, as the case may be, as in this chapter provided.

Sec. 159. Section 54, chapter 255, Laws of 1927 as last amended by section 1, chapter 267, Laws of 1969 ex. sess. and RCW 79.01.216 are each amended to read as follows:

All state lands(~~(, and all tide and shore lands,)~~) shall be sold on the following terms: One-tenth to be paid on the date of sale and one-tenth to be paid one year from the date of the issuance of the contract of sale, and one-tenth annually thereafter until the full purchase price has been paid, but any purchaser may make full payment at any time. All deferred payments shall draw interest at such rate as may be fixed, from time to time, by rule adopted by the board of natural resources, and the rate of interest, as so fixed at the date of each sale, shall be stated in all advertising for and notice of said sale and in the contract of sale. The first installment of interest shall become due and payable one year after the date of the contract of sale and thereafter all interest shall become due and payable annually on said date, and all remittances for payment of either principal or interest shall be forwarded to the commissioner of public lands.

Sec. 160. Section 55, chapter 255, Laws of 1927 as amended by section 25, chapter 257, Laws of 1959 and RCW 79.01.220 are each amended to read as follows:

When the entire purchase price of any state lands(~~(, or of any tide or shore lands,)~~) shall have been fully paid, the commissioner of public lands shall certify such fact to the governor, and shall cause a deed signed by the governor and attested by the secretary of state, with the seal of the state attached thereto, to be issued to the purchaser and to be recorded in the office of the commissioner of public lands, and no fee shall be required for any deed of land issued by the governor other than the fee provided for in this chapter.

Sec. 161. Section 56, chapter 255, Laws of 1927 and RCW 79.01.224 are each amended to read as follows:

Each and every contract for the sale of, and each deed to, state(~~(, tide or shore)~~) lands shall contain the following reservation: "The party of the first part hereby expressly saves, excepts, and reserves out of the grant hereby made, unto itself(~~(;)~~) and its successors(~~(;)~~) and assigns forever, all oils, gases, coal, ores, minerals, and fossils of every name, kind, or description, and which may be in or upon said lands above described, or any part thereof, and the right to explore the same for such oils, gases, coal, ores, minerals, and fossils; and it also hereby expressly saves and reserves out of the grant hereby made, unto itself(~~(;)~~) and its successors and assigns forever, the right to enter by itself(~~(;)~~) or its agents, attorneys, and servants upon said lands, or any part or parts thereof, at any and all times, for the purpose

of opening, developing, and working mines thereon, and taking out and removing therefrom all such oils, gases, coal, ores, minerals, and fossils, and to that end it further expressly reserves out of the grant hereby made, unto itself its successors and assigns, forever, the right by its or their agents, servants, and attorneys at any and all times to erect, construct, maintain, and use all such buildings, machinery, roads, and railroads, sink such shafts, remove such soil, and to remain on said lands or any part thereof for the business of mining and to occupy as much of said lands as may be necessary or convenient for the successful prosecution of such mining business, hereby expressly reserving to itself(;) and its successors and assigns, as aforesaid, generally, all rights and powers in, to, and over said land, whether herein expressed or not, reasonably necessary or convenient to render beneficial and efficient the complete enjoyment of the property and the rights hereby expressly reserved.

No rights shall be exercised under the foregoing reservation, by the state(;) or its successors or assigns, until provision has been made by the state(;) or its successors or assigns, to pay to the owner of the land upon which the rights (~~herein~~) reserved under this section to the state(;) or its successors or assigns, are sought to be exercised, full payment for all damages sustained by said owner, by reason of entering upon said land: PROVIDED, That if said owner from any cause whatever refuses or neglects to settle said damages, then the state(;) or its successors or assigns, or any applicant for a lease or contract from the state for the purpose of prospecting for or mining valuable minerals, or option contract, or lease, for mining coal, or lease for extracting petroleum or natural gas, shall have the right to institute such legal proceedings in the superior court of the county wherein the land is situate, as may be necessary to determine the damages which said owner of said land may suffer."

Sec. 162. Section 57, chapter 255, Laws of 1927 as amended by section 26, chapter 257, Laws of 1959 and RCW 79.01.228 are each amended to read as follows:

The purchaser of state lands(~~(, or of tide or shore lands,))~~ under the provisions of this chapter, except in cases where the full purchase price is paid at the time of the purchase, shall enter into and sign a contract with the state, to be signed by the commissioner of public lands on behalf of the state, with the seal of his office attached, and in a form to be prescribed by the attorney general, in which he shall covenant that he will make the payments of principal and interest, computed from the date the contract is issued, when due, and that he will pay all taxes and assessments that may be levied or assessed on such land, and that on failure to make the payments as prescribed in this chapter when due, and for six months thereafter, that he will, on demand of the commissioner of public lands, surrender said premises, and that upon such failure for six months all rights of the purchaser under said contract may, at the election of the commissioner of public lands,

acting for the state, and without notice to said purchaser, be declared to be forfeited, and that when so declared forfeited the state shall be released from all obligation to convey the land.

The contract provided for in this section shall be executed in duplicate, and one copy shall be retained by the purchaser and the other shall be filed in the office of the commissioner of public lands.

The commissioner of public lands may, as he deems advisable, extend the time for payment of principal and interest on contracts heretofore issued, and contracts to be issued under this chapter.

The commissioner of public lands shall notify the purchaser of any state lands(~~(; and of tide or shore lands;)~~) in each instance when payment on his contract is overdue, and that he is liable to forfeiture if payment is not made within six months from the time the same became due, unless the time be extended by the commissioner of public lands.

Sec. 163. Section 59, chapter 255, Laws of 1927 as last amended by section 8, chapter 109, Laws of 1979 ex. sess. and RCW 79.01.236 are each amended to read as follows:

Whenever the holder of a contract of purchase of any state lands(~~(; or of any tide or shore lands)~~), or the holder of any lease of any such lands, except for mining of valuable minerals(~~(;)~~) or coal, or extraction of petroleum or gas, shall surrender the same to the commissioner with the request to have it divided into two or more contracts, or leases, the commissioner may divide the same and issue new contracts, or leases, but no new contract, or lease, shall issue while there is due and unpaid any interest, rental, or taxes or assessments on the land held under such contract or lease, nor in any case where the commissioner is of the opinion that the state's security would be impaired or endangered by the proposed division. For all such new contracts, or leases, a fee as determined by the board of natural resources for each new contract or lease issued, shall be paid by the applicant and such fee shall be paid into the state treasury to the ((RMCA)) Resource Management Cost Account fund established in the general fund pursuant to RCW 79.64.010.

Sec. 164. Section 60, chapter 255, Laws of 1927 as amended by section 28, chapter 257, Laws of 1959 and RCW 79.01.240 are each amended to read as follows:

Any sale or lease of state lands(~~(; or of tide or shore lands;)~~) made by mistake, or not in accordance with law, or obtained by fraud or misrepresentation, shall be void, and the contract of purchase, or lease, issued thereon, shall be of no effect, and the holder of such contract, or lease, shall be required to surrender the same to the ((commissioner of public lands, who)) department of natural resources, which, except in the case of fraud on the part of the purchaser, or lessee, shall cause the money paid on account of such surrendered contract, or lease, to be refunded to the holder thereof, provided the same has not been paid into the state treasury.

Sec. 165. Section 73, chapter 255, Laws of 1927 and RCW 79.01.292 are each amended to read as follows:

All contracts of purchase, or leases, of state lands(~~(, tide or shore lands or beds of navigable waters belonging to the state,))~~) issued by the (~~(commissioner of public lands))~~ department of natural resources shall be assignable in writing by the contract holder or lessee and the assignee shall be subject to and governed by the provisions of law applicable to the purchaser, or lessee, of whom he is the assignee, and shall have the same rights in all respects as the original purchaser, or lessee, of the lands, provided the assignment is approved by the (~~(commissioner of public lands))~~ department of natural resources and entered of record in (~~(his))~~ its office.

Sec. 166. Section 76, chapter 255, Laws of 1927 and RCW 79.01.304 are each amended to read as follows:

The commissioner of public lands shall cause full and correct abstracts of all the state lands(~~(, tidelands, shorelands, harbor areas and beds of navigable waters owned by the state,))~~) to be made and kept in his office in suitable and well bound books, and other suitable records. Such abstracts shall show in proper columns and pages the section or part of section, lot or block, township and range in which each tract is situated, whether timber or prairie, improved or unimproved, the appraised value per acre, the value of improvements and the value of damages, and the total value, the several values of timber, stone, gravel, or other valuable materials thereon, the date of sale, the name of purchaser, sale price per acre, the date of lease, the name of lessee, the term of the lease, the annual rental, amount of cash paid, amount unpaid and when due, amount of annual interest, and in proper columns such other facts as may be necessary to show a full and complete abstract of the conditions and circumstances of each tract or parcel of land from the time the title was acquired by the state until the issuance of a deed or other disposition of the land by the state.

Sec. 167. Section 78, chapter 255, Laws of 1927 and RCW 79.01.312 are each amended to read as follows:

All state lands(~~(, or tide and shore lands belonging to the state,))~~) granted, sold or leased since the fifteenth day of June, 1911, or hereafter granted, sold or leased, containing timber, minerals, stone, sand, gravel, or other valuable materials, or when other state(~~(, tide or shore))~~) lands contiguous or in proximity thereto contain any such valuable materials, shall be subject to the right of the state, or any grantee or lessee thereof who has acquired such other lands, or any such valuable materials thereon, since the fifteenth day of June, 1911, or hereafter acquiring such other lands or valuable materials thereon, to acquire the right of way over such lands so granted, sold or leased, for private railroads, skid roads, flumes, canals, watercourses or other easements for the purpose of, and to be used in, transporting and moving such valuable materials from such other lands, over and across the lands so granted or leased, upon the state, or its grantee or lessee,



paying to the owner of lands so granted or sold, or the lessee of the lands so leased, reasonable compensation therefor. In case the parties interested cannot agree upon the damages incurred, the same shall be ascertained and assessed in the same manner as damages are ascertained and assessed against a railroad company seeking to condemn private property.

Sec. 168. Section 79, chapter 255, Laws of 1927 and RCW 79.01.316 are each amended to read as follows:

Every grant, deed, conveyance, contract to purchase or lease made since the fifteenth day of June, 1911, or hereafter made to any person, firm, or corporation, for a right of way for a private railroad, skid road, canal, flume, watercourse, or other easement, over or across any state lands(~~(, or tide or shore lands belonging to the state,))~~) for the purpose of, and to be used in, transporting and moving timber, minerals, stone, sand, gravel, or other valuable materials of the land, shall be subject to the right of the state, or any grantee or lessee thereof, or other person who has acquired since the fifteenth day of June, 1911, or shall hereafter acquire, any lands containing valuable materials contiguous to, or in proximity to, such right of way, or who has so acquired or shall hereafter acquire such valuable materials situated upon state lands(~~(, or tide or shore lands belonging to the state,))~~) or contiguous to, or in proximity to, such right of way, of having such valuable materials transported or moved over such private railroad, skid road, flume, canal, watercourse, or other easement, after the same is or has been put in operation, upon paying therefor just and reasonable rates for transportation, or for the use of such private railroad, skid road, flume, canal, watercourse, or other easement, and upon complying with just, reasonable and proper rules and regulations relating to such transportation or use, which rates, rules, and regulations, shall be under the supervision and control of the (~~(state department of public works))~~) utilities and transportation commission.

Sec. 169. Section 80, chapter 255, Laws of 1927 and RCW 79.01.320 are each amended to read as follows:

Any person, firm or corporation, having acquired such right of way or easement since the fifteenth day of June, 1911, or hereafter acquiring such right of way or easement over any state lands(~~(, or tide or shore lands belonging to the state or over or across any navigable water or stream,))~~) for the purpose of transporting or moving timber, mineral, stone, sand, gravel, or other valuable materials, and engaged in such business thereon, shall accord to the state, or any grantee or lessee hereof, having since the fifteenth day of June, 1911, acquired, or hereafter acquiring, from the state, any state lands(~~(, or tide or shore lands,))~~) containing timber, mineral, stone, sand, gravel, or other valuable materials, contiguous to or in proximity to such right of way or easement, or any person, firm, or corporation, having since the fifteenth day of June, 1911, acquired, or hereafter acquiring, the timber, mineral, stone, sand, gravel, or other valuable materials upon any

state lands(~~(, or tide or shore lands belonging to the state,))~~) contiguous to or in proximity to the lands over which such right of way or easement is operated, proper and reasonable facilities and service for transporting and moving such valuable materials, under reasonable rules and regulations and upon payment of just and reasonable charges therefor, or, if such right of way or other easement is not then in use, shall accord the use of such right of way or easement for transporting and moving such valuable materials, under reasonable rules and regulations and upon the payment of just and reasonable charges therefor.

Sec. 170. Section 82, chapter 255, Laws of 1927 and RCW 79.01.328 are each amended to read as follows:

In case any person, firm or corporation, owning or operating any private railroad, skid road, flume, canal, watercourse or other easement, over and across any state lands, or (~~(tide or shore lands belonging to the state or))~~) any lands acquired since the fifteenth day of June, 1911, or hereafter acquired, from the state, subject to the provisions of the preceding sections, shall violate or fail to comply with any rule, regulation or order made by the (~~(state department of public works))~~ utilities and transportation commission, after an inquiry and hearing as provided in the preceding section, such person, firm or corporation, shall be subject to a penalty of not to exceed one thousand dollars for each and every violation thereof, and in addition thereto such right of way, private road, skid road, flume, canal, watercourse or other easement and all improvements and structures on such right of way, and connected therewith, shall revert to the state or to the owner of the land over which such right of way is located, and may be recovered in an action instituted in any court of competent jurisdiction.

Sec. 171. Section 85, chapter 255, Laws of 1927 as last amended by section 5, chapter 73, Laws of 1961 and RCW 79.01.340 are each amended to read as follows:

Any county or city or the United States of America or state agency desiring to locate, establish, and construct a road or street over and across any (~~(public))~~ state lands of the state of Washington(~~(, or any county desiring to construct any wharf on tide or shore lands,))~~) shall by resolution of the board of county commissioners of such county, or city council or other governing body of such city, or proper agency of the United States of America, or state agency, cause to be filed in the office of the (~~(commissioner of public lands))~~ department of natural resources a petition for a right of way for such road or street, setting forth the reasons for the establishment thereof, accompanied by a duly attested copy of a plat made by the county or city engineer or proper agency of the United States of America, or state agency, showing the location of the proposed road or street with reference to the legal subdivisions, or lots and blocks of the official plat, or the lands, over and across which such right of way is desired, the amount of land to be taken

and the amount of land remaining in each portion of each legal subdivision or lot or block bisected by such proposed road or street.

Upon the filing of such petition and plat the ~~((commissioner of public lands))~~ department of natural resources, if ~~((he deem it))~~ deemed for the best interest of the state to grant the petition, shall cause the land proposed to be taken to be inspected and shall appraise the value of any timber thereon and notify the petitioner of such appraised value.

If there be no timber on the proposed right of way, or upon the payment of the appraised value of any timber thereon, to the ~~((commissioner of public lands))~~ department of natural resources in cash, or by certified check drawn upon any bank in this state, or postal money order, except for all rights of way granted to the department of natural resources on which the timber, if any, shall be sold at public auction or by sealed bid, the ~~((commissioner))~~ department may approve the plat filed with the petition and file and enter the same in the records of his office, and such approval and record shall constitute a grant of such right of way from the state.

Sec. 172. Section 96, chapter 255, Laws of 1927 as last amended by section 6, chapter 73, Laws of 1961 and RCW 79.01.384 are each amended to read as follows:

A right of way through, over, and across any state lands ~~((tidelands, shorelands, beds of navigable waters, oyster reserves belonging to the state, the reversionary interest of the state in oyster lands,))~~ or state forest lands, may be granted to any municipal or private corporation, company, association, individual, or the United States of America, constructing or proposing to construct, or which has heretofore constructed, any telephone line, ditch, flume, or pipe line for the domestic water supply of any municipal corporation or transmission line for the purpose of generating or transmitting electricity for light, heat, or power.

Sec. 173. Section 99, chapter 255, Laws of 1927 as amended by section 4, chapter 147, Laws of 1945 and RCW 79.01.396 are each amended to read as follows:

A right of way through, over and across any state lands ~~((or tide or shore lands belonging to the state))~~ is hereby granted to any irrigation district, or irrigation company duly organized under the laws of this state, and to any association, individual, or the United States of America, constructing or proposing to construct an irrigation ditch or pipe line for irrigation, or to any diking and drainage district or any diking and drainage improvement district proposing to construct a dike or drainage ditch.

Sec. 174. Section 102, chapter 255, Laws of 1927 and RCW 79.01.408 are each amended to read as follows:

The commissioner of public lands shall have the power to grant to any person or corporation the right, privilege, and authority to perpetually back and hold water upon or over any state ~~((tide, or shore))~~ lands, and overflow

such lands and inundate the same, whenever the commissioner shall deem it necessary for the purpose of erecting, constructing, maintaining, or operating any water power plant, reservoir, or works for impounding water for power purposes, irrigation, mining, or other public use, but no such rights shall be granted until the value of the lands to be overflowed and any damages to adjoining lands of the state, appraised as in the case of an application to purchase such lands, shall have been paid by the person or corporation seeking the grant, and if the construction or erection of any such water power plant, reservoir, or works for impounding water for the purposes heretofore specified, shall not be commenced and diligently prosecuted and completed within such time as the commissioner of public lands may prescribe at the time of the grant, the same may be forfeited by the commissioner of public lands by serving written notice of such forfeiture upon the person or corporation to whom the grant was made, but the commissioner, for good cause shown to his satisfaction, may extend the time within which such work shall be completed.

Sec. 175. Section 12, chapter 73, Laws of 1961 and RCW 79.01.414 are each amended to read as follows:

The department of natural resources may grant to any person such easements and rights in state lands(~~(, tidelands, shorelands, oyster reserves,))~~) or state forest lands as the applicant applying therefor may acquire in privately owned lands through proceedings in eminent domain. No grant shall be made under this section until such time as the full market value of the estate or interest granted together with damages to all remaining property of the state of Washington has been ascertained and safely secured to the state.

Sec. 176. Section 2, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.525 are each amended to read as follows:

~~((During the term of an existing lease and in issuing or renewing leases or re-leasing harbor areas pursuant to RCW 79.01.520, the annual rental fee for a harbor area lease shall not increase at a rate of more than six percent per year, regardless of the reappraised value of the harbor area unless the reappraisal is conducted by an independent fee appraiser who is a member of the Appraisal Institute and designated M.A.I. or a member of the Society of Real Estate Appraisers who is designated S.R.P.A. or S.R.E.A. and who uses local comparable land values.))~~ From the effective date of this 1982 amendatory act, until July 1, 1983, the annual rental fee for an existing lease, and renewal lease or re-lease of tidelands, shorelands, beds of navigable waters, waterways and harbor areas shall not increase at a rate of more than six percent per year beyond the rental fee in effect on January 1, 1981, for such existing lease, renewed lease or re-lease. Any new lease issued after the effective date of this 1982 amendatory act shall be at a rental rate of not more than six percent per year above the rental rates in effect on January 1, 1981, for comparable state-owned aquatic lands leased

for similar purposes. This rate shall be in effect from the effective date of the lease until July 1, 1983. This section does not apply to geoduck harvesting leases, clam harvesting leases or oyster bed leases which are established by a competitive bid process. When state aquatic lands and harbor areas are used or leased for a dock and are used only for personal recreational use by the upland owner, no rent or fee shall be charged in addition to any rent or fee now being paid by an upland owner. This section shall expire and have no further legal effect after July 1, ((1982)) 1983.

Sec. 177. Section 195, chapter 255, Laws of 1927 and RCW 79.01.740 are each amended to read as follows:

The (~~board of state land commissioners, or the commissioner of public lands,)~~ department of natural resources may review and reconsider any of its (~~(, or his,)~~) official acts relating to (~~(the public lands of the)~~) state lands until such time as a lease, contract, or deed shall have been made, executed, and finally issued, and the (~~commissioner of public lands~~) department may recall any lease, contract, or deed issued for the purpose of correcting mistakes or errors, or supplying omissions.

Sec. 178. Section 1, chapter 164, Laws of 1919 as amended by section 2, chapter 20, Laws of 1963 and RCW 79.44.010 are each amended to read as follows:

All lands, including school lands, granted lands, escheated lands, (~~tidelands, shorelands,)~~ or other lands, (~~(including harbor areas lying between tide or shore lands and outer harbor line)~~) held or owned by the state of Washington in fee simple (in trust or otherwise), situated within the limits of any assessing district in this state, may be assessed and charged for the cost of local or other improvements specially benefiting such lands which may be ordered by the proper authorities of any such assessing district and may be assessed by any irrigation district to the same extent as private lands within the district are assessed: PROVIDED, That the leasehold, contractual, or possessory interest of any person, firm, association, or private or municipal corporation in any such lands shall be charged and assessed in the proportional amount such leasehold, contractual, or possessory interest is benefited: PROVIDED, FURTHER, That no lands of the state shall be included within an irrigation district except as provided in RCW 87.03.025 and 89.12.090.

NEW SECTION. Sec. 179. A joint legislative committee on aquatic lands shall be convened to study the laws governing the management of state-owned marine lands, shorelands, and harbor areas and the manner in which the department of natural resources has interpreted and administered these laws in fulfillment of management responsibilities. The purpose of the study is to propose legislation which will (1) clearly define aquatic lands;

(2) articulate a management philosophy; (3) provide procedures for managing and appraising these lands; (4) establish an administrative fee for residential recreational docks; and (5) address such other issues to be determined by the committee. The committee membership shall include three members of the house of representatives appointed by the speaker; and three members of the senate appointed by the president. The committee shall elect a chairman from among its members. The chairman shall appoint an aquatic lands task force to be comprised of department of natural resources representatives and other public and private entities affected by the administration of aquatic lands to make recommendations to the committee. The committee shall report its findings, not later than January 1, 1983, to the natural resources and environmental affairs committee of the house of representatives and the natural resources committee of the senate.

NEW SECTION. Sec. 180. The following sections are each decodified: RCW 79.01.521.

NEW SECTION. Sec. 181. SAVINGS CLAUSE. The enactment of this act including all repeals, decodifications, and amendments shall not be construed as affecting any existing right acquired under the statutes repealed, decodified, or amended or under any rule, regulation, or order issued pursuant thereto; nor as affecting any proceeding instituted thereunder.

NEW SECTION. Sec. 182. Chapter and section headings as used in this act do not constitute any part of the law.

NEW SECTION. Sec. 183. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 255, Laws of 1927 and RCW 79.01.008;
- (2) Section 3, chapter 255, Laws of 1927 and RCW 79.01.012;
- (3) Section 4, chapter 255, Laws of 1927 and RCW 79.01.016;
- (4) Section 5, chapter 255, Laws of 1927 and RCW 79.01.020;
- (5) Section 6, chapter 255, Laws of 1927 and RCW 79.01.024;
- (6) Section 7, chapter 255, Laws of 1927 and RCW 79.01.028;
- (7) Section 8, chapter 255, Laws of 1927 and RCW 79.01.032;
- (8) Section 11, chapter 255, Laws of 1927 and RCW 79.01.044;
- (9) Section 1, chapter 47, Laws of 1965, section 1, chapter 54, Laws of 1970 ex. sess., section 1, chapter 87, Laws of 1977 ex. sess. and RCW 79.01.178;
- (10) Section 92, chapter 255, Laws of 1927 and RCW 79.01.368;
- (11) Section 93, chapter 255, Laws of 1927 and RCW 79.01.372;
- (12) Section 94, chapter 255, Laws of 1927 and RCW 79.01.376;
- (13) Section 95, chapter 255, Laws of 1927 and RCW 79.01.380;
- (14) Section 105, chapter 255, Laws of 1927 and RCW 79.01.420;
- (15) Section 106, chapter 255, Laws of 1927 and RCW 79.01.424;
- (16) Section 107, chapter 255, Laws of 1927 and RCW 79.01.428;
- (17) Section 108, chapter 255, Laws of 1927 and RCW 79.01.432;

- (18) Section 109, chapter 255, Laws of 1927 and RCW 79.01.436;
- (19) Section 110, chapter 255, Laws of 1927 and RCW 79.01.440;
- (20) Section 111, chapter 255, Laws of 1927 and RCW 79.01.444;
- (21) Section 112, chapter 255, Laws of 1927, section 1, chapter 217, Laws of 1971 ex. sess. and RCW 79.01.448;
- (22) Section 113, chapter 255, Laws of 1927, section 37, chapter 257, Laws of 1959 and RCW 79.01.452;
- (23) Section 114, chapter 255, Laws of 1927 and RCW 79.01.456;
- (24) Section 115, chapter 255, Laws of 1927 and RCW 79.01.460;
- (25) Section 116, chapter 255, Laws of 1927 and RCW 79.01.464;
- (26) Section 117, chapter 255, Laws of 1927 and RCW 79.01.468;
- (27) Section 2, chapter 217, Laws of 1971 ex. sess., section 1, chapter 186, Laws of 1974 ex. sess. and RCW 79.01.470;
- (28) Section 3, chapter 186, Laws of 1974 ex. sess. and RCW 79.01.471;
- (29) Section 118, chapter 255, Laws of 1927, section 1, chapter 105, Laws of 1967 ex. sess. and RCW 79.01.472;
- (30) Section 1, chapter 150, Laws of 1979 and RCW 79.01.474;
- (31) Section 119, chapter 255, Laws of 1927 and RCW 79.01.476;
- (32) Section 120, chapter 255, Laws of 1927 and RCW 79.01.480;
- (33) Section 121, chapter 255, Laws of 1927, section 1, chapter 54, Laws of 1969 ex. sess. and RCW 79.01.484;
- (34) Section 122, chapter 255, Laws of 1927 and RCW 79.01.488;
- (35) Section 123, chapter 255, Laws of 1927 and RCW 79.01.492;
- (36) Section 124, chapter 255, Laws of 1927 and RCW 79.01.496;
- (37) Section 126, chapter 255, Laws of 1927 and RCW 79.01.504;
- (38) Section 127, chapter 255, Laws of 1927 and RCW 79.01.508;
- (39) Section 128, chapter 255, Laws of 1927, section 1, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.512;
- (40) Section 129, chapter 255, Laws of 1927, section 2, chapter 97, Laws of 1969 ex. sess. and RCW 79.01.516;
- (41) Section 130, chapter 255, Laws of 1927, section 3, chapter 97, Laws of 1969 ex. sess., section 1, chapter 97, Laws of 1979 ex. sess. and RCW 79.01.520;
- (42) Section 131, chapter 255, Laws of 1927 and RCW 79.01.524;
- (43) Section 132, chapter 255, Laws of 1927 and RCW 79.01.528;
- (44) Section 133, chapter 255, Laws of 1927 and RCW 79.01.532;
- (45) Section 134, chapter 255, Laws of 1927 and RCW 79.01.536;
- (46) Section 135, chapter 255, Laws of 1927 and RCW 79.01.540;
- (47) Section 136, chapter 255, Laws of 1927 and RCW 79.01.544;
- (48) Section 137, chapter 255, Laws of 1927 and RCW 79.01.548;
- (49) Section 138, chapter 255, Laws of 1927 and RCW 79.01.552;
- (50) Section 139, chapter 255, Laws of 1927 and RCW 79.01.556;
- (51) Section 140, chapter 255, Laws of 1927 and RCW 79.01.560;

- (52) Section 141, chapter 255, Laws of 1927 and RCW 79.01.564;
- (53) Section 142, chapter 255, Laws of 1927, section 39, chapter 271, Laws of 1951, section 9, chapter 73, Laws of 1961, section 1, chapter 79, Laws of 1963, section 1, chapter 228, Laws of 1967, section 1, chapter 123, Laws of 1979 ex. sess. and RCW 79.01.568;
- (54) Section 8, chapter 141, Laws of 1979 ex. sess. and RCW 79.01.570;
- (55) Section 143, chapter 255, Laws of 1927, section 5, chapter 163, Laws of 1967 and RCW 79.01.572;
- (56) Section 144, chapter 255, Laws of 1927, section 40, chapter 271, Laws of 1951, section 3, chapter 228, Laws of 1967 and RCW 79.01.576;
- (57) Section 41, chapter 271, Laws of 1951 and RCW 79.01.580;
- (58) Section 146, chapter 255, Laws of 1927, section 4, chapter 228, Laws of 1967 and RCW 79.01.584;
- (59) Section 148, chapter 255, Laws of 1927, section 5, chapter 228, Laws of 1967 and RCW 79.01.588;
- (60) Section 149, chapter 255, Laws of 1927, section 6, chapter 228, Laws of 1967 and RCW 79.01.592;
- (61) Section 150, chapter 255, Laws of 1927 and RCW 79.01.596;
- (62) Section 151, chapter 255, Laws of 1927 and RCW 79.01.600;
- (63) Section 152, chapter 255, Laws of 1927 and RCW 79.01.604;
- (64) Section 153, chapter 255, Laws of 1927 and RCW 79.01.608;
- (65) Section 189, chapter 255, Laws of 1927 and RCW 79.01.716;
- (66) Section 1, chapter 275, Laws of 1981 and RCW 79.01.786;
- (67) Section 2, chapter 275, Laws of 1981 and RCW 79.01.788;
- (68) Section 1, chapter 54, Laws of 1935 and RCW 79.16.130;
- (69) Section 2, chapter 54, Laws of 1935, section 1, chapter 168, Laws of 1959 and RCW 79.16.140;
- (70) Section 3, chapter 54, Laws of 1935, section 2, chapter 168, Laws of 1959 and RCW 79.16.150;
- (71) Section 1, chapter 105, Laws of 1901 and RCW 79.16.160;
- (72) Section 2, chapter 105, Laws of 1901 and RCW 79.16.161;
- (73) Section 1, chapter 110, Laws of 1901 and RCW 79.16.170;
- (74) Section 2, chapter 110, Laws of 1901 and RCW 79.16.171;
- (75) Section 1, chapter 212, Laws of 1963 and RCW 79.16.172;
- (76) Section 2, chapter 212, Laws of 1963 and RCW 79.16.173;
- (77) Section 1, chapter 387, Laws of 1955 and RCW 79.16.175;
- (78) Section 2, chapter 387, Laws of 1955 and RCW 79.16.176;
- (79) Section 1, chapter 170, Laws of 1913, section 1, chapter 115, Laws of 1937, section 2, chapter 105, Laws of 1967 ex. sess. and RCW 79.16.180;
- (80) Section 1, chapter 168, Laws of 1913 and RCW 79.16.190;
- (81) Section 1, chapter 199, Laws of 1955 and RCW 79.16.325;
- (82) Section 2, chapter 199, Laws of 1955 and RCW 79.16.326;
- (83) Section 1, chapter 186, Laws of 1957 and RCW 79.16.375;



- (84) Section 2, chapter 186, Laws of 1957 and RCW 79.16.376;  
 (85) Section 1, chapter 183, Laws of 1913 and RCW 79.16.380;  
 (86) Section 2, chapter 183, Laws of 1913, section 17, chapter 30, Laws of 1979 ex. sess. and RCW 79.16.400;  
 (87) Section 1, chapter 150, Laws of 1917 and RCW 79.16.405;  
 (88) Section 2, chapter 150, Laws of 1917 and RCW 79.16.406;  
 (89) Section 1, chapter 70, Laws of 1931 and RCW 79.16.410;  
 (90) Section 1, chapter 99, Laws of 1893 and RCW 79.16.430;  
 (91) Section 2, chapter 99, Laws of 1893 and RCW 79.16.440;  
 (92) Section 3, chapter 99, Laws of 1893 and RCW 79.16.450;  
 (93) Section 4, chapter 99, Laws of 1893 and RCW 79.16.460;  
 (94) Section 5, chapter 99, Laws of 1893 and RCW 79.16.470;  
 (95) Section 6, chapter 99, Laws of 1893 and RCW 79.16.480;  
 (96) Section 7, chapter 99, Laws of 1893 and RCW 79.16.490;  
 (97) Section 8, chapter 99, Laws of 1893 and RCW 79.16.500;  
 (98) Section 9, chapter 99, Laws of 1893 and RCW 79.16.510;  
 (99) Section 10, chapter 99, Laws of 1893 and RCW 79.16.520;  
 (100) Section 1, chapter 164, Laws of 1953 and RCW 79.16.530;  
 (101) Section 2, chapter 164, Laws of 1953 and RCW 79.16.540;  
 (102) Section 3, chapter 164, Laws of 1953 and RCW 79.16.550;  
 (103) Section 4, chapter 164, Laws of 1953 and RCW 79.16.560;  
 (104) Section 1, chapter 386, Laws of 1955 and RCW 79.16.570;  
 (105) Section 2, chapter 386, Laws of 1955 and RCW 79.16.580;  
 (106) Section 3, chapter 386, Laws of 1955 and RCW 79.16.590;  
 (107) Section 1, chapter 224, Laws of 1929 and RCW 79.20.090;  
 (108) Section 2, chapter 224, Laws of 1929 and RCW 79.20.100;  
 (109) Section 3, chapter 224, Laws of 1929, section 1, chapter 76, Laws of 1933 and RCW 79.20.110;  
 (110) Section 1, chapter 208, Laws of 1907 and RCW 79.20.150;  
 (111) Section 2, chapter 208, Laws of 1907 and RCW 79.20.160;  
 (112) Section 3, chapter 208, Laws of 1907 and RCW 79.20.170; and  
 (113) Section 4, chapter 208, Laws of 1907 and RCW 79.20.180.

**NEW SECTION.** Sec. 184. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION.** Sec. 185. Sections 176 (amending RCW 79.01.525) and 179 (creating a new section providing for an aquatic lands joint legislative committee) of this act are necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

**NEW SECTION.** Sec. 186. Except as provided in section 185 of this act, this act shall take effect July 1, 1983.

Passed the Senate March 19, 1982.

Passed the House March 26, 1982.

Approved by the Governor April 3, 1982.

Filed in Office of Secretary of State April 3, 1982.

## CHAPTER 22

[Substitute House Bill No. 1156]

### CULTURAL ARTS, STADIUM, AND CONVENTION DISTRICTS—REVENUE BONDS—TAX LEVIES

AN ACT Relating to commerce and economic development; permitting the establishment of cultural arts, stadium and convention districts and setting out their powers, duties and responsibilities; authorizing certain powers, duties and responsibilities for the planning, design, construction, renovation, furnishing, landscaping, operation, and maintenance of cultural arts, stadium and convention facilities; providing for the financing of such facilities by issuance of bonds; authorizing certain taxing authority; authorizing the acquisition of certain real property; providing for the dissolution of cultural arts, stadium and convention districts; amending section 84.52.052, chapter 15, Laws of 1961 as last amended by section 20, chapter 210, Laws of 1981 and RCW 84.52.052; creating new sections; adding a new section to chapter 35.21 RCW; and adding new sections as a new chapter to Title 67 RCW.

Be it enacted by the Legislature of the State of Washington:

**NEW SECTION.** Section 1. **PURPOSE.** The legislature finds that expansion of a cultural tourism would attract new visitors to our state and aid the development of a nonpolluting industry. The creation or renovation, and operation of cultural arts, stadium and convention facilities benefiting all the citizens of this state would enhance the recreational industry's ability to attract such new visitors. The additional income and employment resulting therefrom would strengthen the economic base of the state.

It is declared that the construction, modification, renovation, and operation of facilities for cultural arts, stadium and convention uses will enhance the progress and economic growth of this state. The continued growth and development of this recreational industry provides for the general welfare and is an appropriate matter of concern to the people of the state of Washington.

**NEW SECTION.** Sec. 2. **DEFINITIONS.** Unless the context clearly indicates otherwise, for the purposes of this chapter the following definitions shall apply:

(1) "Cultural arts, stadium and convention district," or "district," means a quasi municipal corporation of the state of Washington created pursuant to this chapter.

(2) "Component city" means an incorporated city within a public cultural arts, stadium and convention benefit area.

(3) "City" means any city or town.