

of the class I license at the particular time and place specified in the request.

(4) If attendance at the function, for which class I license utilization approval is requested, will be open to the general public, board approval may only be given where the society or organization sponsoring the function is within the definition of "society or organization" in RCW 66.24.375. If attendance at the function will be limited to members and invited guests of the sponsoring society or organization, board approval may be given even though the sponsoring society or organization is not within the definition of "society or organization" in RCW 66.24.375.

(5) Where the applicant for either a daily or annual class I license is a class H club licensee, the board shall not issue the class I license, or approve the use of a previously issued class I license, unless the following requirements are met:

(a) The gross food sales of the class H club exceed its gross liquor sales; and

(b) The event for which the class I license will be used is hosted by a member of the class H licensed club.

Passed the Senate February 15, 1985.

Passed the House April 17, 1985.

Approved by the Governor May 16, 1985.

Filed in Office of Secretary of State May 16, 1985.

---

## CHAPTER 307

[Engrossed Senate Bill No. 4146]

### MT. ST. HELENS—SEDIMENT RETENTION SITES—DREDGING—PERMIT EXEMPTIONS

AN ACT Relating to the effects of the eruption of Mount St. Helens; amending RCW 43.01.200, 43.01.210, 43.21A.500, 43.21C.500, 75.20.110, 75.20.300, 79.90.160, 89.16.500, and 90.58.500; repealing RCW 44.04.500; and declaring an emergency.

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

Sec. 1. Section 1, chapter 7, Laws of 1982 as amended by section 1, chapter 1, Laws of 1983 1st ex. sess. and RCW 43.01.200 are each amended to read as follows:

(1) The legislature finds that:

(a) The May 1980 eruption of Mount St. Helens has caused serious economic and physical damage to the land surrounding the mountain;

(b) There are continuing siltation problems which could severely affect the Toutle, Cowlitz, Coweeman, and Columbia rivers areas;

(c) There is an immediate need for sites for dredging, dredge spoils, flood control works, sediment retention, and bank protection and funds for

dredging, dredge sites, dredge spoils sites, flood control works, sediment retention sites, and bank protection and to continue the rehabilitation of the areas affected by the natural disaster; and

(d) Failure to dredge and dike along the rivers and failure to cooperate with the federal government in sediment retention would directly affect the lives and property of the forty-five thousand residents in the Cowlitz and Toutle River valleys with severe negative impacts on local, state, and national transportation systems, public utilities, public and private property, and the Columbia river which is one of the major navigation channels for world-wide commerce.

(2) The intent of RCW 36.01.150, 43.01.210, 43.21A.500, 43.21C.500, ((44.04.500;)) 75.20.300, 89.16.500, and 90.58.500, their 1983 amendments, and RCW 43.01.215 is to authorize and direct maximum cooperative effort to meet the problems noted in subsection (1) of this section.

Sec. 2. Section 2, chapter 7, Laws of 1982 as amended by section 2, chapter 1, Laws of 1983 1st ex. sess. and RCW 43.01.210 are each amended to read as follows:

State agencies shall take action as follows to facilitate recovery from the devastation of the eruption of Mt. St. Helens:

(1) The department of transportation may secure any lands or interest in lands by purchase, exchange, lease, eminent domain, or donation for dredge sites, dredge spoils sites, flood control works, sediment retention works, or bank protection;

(2) The commissioner of public lands may by rule declare any public lands found to be damaged by the eruption of Mt. St. Helens, directly or indirectly, as surplus to the needs of the state and may dispose of such lands pursuant to Title 79 RCW to public or private entities for development, park and recreation uses, ((or for)) open space, or fish and wildlife habitat;

(3) All state agencies shall cooperate with local governments, the United States army corps of engineers, and other agencies of the federal government in planning for dredge site selection and dredge spoils removal, and in all other phases of recovery operations;

(4) The department of transportation shall work with the counties concerned on site selection and site disposition in cooperation with the Army Corps of Engineers; and

(5) State agencies may assist the army corps of engineers in the dredging and dredge spoils deposit operations.

Sec. 3. Section 7, chapter 7, Laws of 1982 as amended by section 6, chapter 1, Laws of 1983 1st ex. sess. and RCW 43.21A.500 are each amended to read as follows:

Emergency recovery operations from the Mt. St. Helens eruption authorized by RCW 36.01.150, 43.01.200, and 43.01.210, other than the sediment retention structure to be built on the North Fork Toutle river by

the United States army corps of engineers, may be exempted by the applicable county legislative authority from the requirements related to water and flood control under the department of ecology, for operations within such county: PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology within five days of the emergency action taken and the emergent nature of the problem. The notification shall be made to the water resources ((~~regional~~)) district supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, ((1988)) 1990.

Sec. 4. Section 5, chapter 7, Laws of 1982 as amended by section 4, chapter 1, Laws of 1983 1st ex. sess. and RCW 43.21C.500 are each amended to read as follows:

Emergency recovery operations from the Mt. St. Helens eruption authorized by RCW 36.01.150, 43.01.200, and 43.01.210, other than the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers, may be exempted by the applicable county legislative authority from the requirements of the State Environmental Policy Act of 1971, chapter 43.21C RCW, for operations within such county: PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology within five days of the emergency action taken and the emergent nature of the problem. The notification shall be made to the water resources ((~~regional~~)) district supervisor of the southwest region of the department of ecology. The county shall comply with all substantive objectives of this chapter and shall consult with the department of ecology in the planning process.

This section shall expire on June 30, ((1988)) 1990.

Sec. 5. Section 1, chapter 4, Laws of 1961 as amended by section 76, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.20.110 are each amended to read as follows:

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) It is unlawful to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as jointly determined by the director of fisheries and the director of game.

(b) Except by concurrent order of the director of fisheries and director of game, it is unlawful to divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The director of fisheries and the director of game may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

(4) Subsection (2) (a) of this section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

Sec. 6. Section 8, chapter 7, Laws of 1982 as last amended by section 3, chapter 80, Laws of 1984 and RCW 75.20.300 are each amended to read as follows:

(1) The legislature intends to expedite flood-control, acquisition of sites for sediment retention, and dredging operations in those rivers affected by the May 1980 eruption of Mt. St. Helens, while continuing to protect the fish resources of these rivers.

(2) The director of fisheries and director of game shall process hydraulic project applications submitted under RCW 75.20.100 within fifteen working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located ~~((in the Toutle river;))~~ in the Cowlitz river from ~~((River))~~ mile 22 to the confluence with the Columbia, ((and the volcano-affected tributaries of the Cowlitz)) and in the Toutle river from the mouth to the North Fork Toutle sediment dam site at North Fork mile 12, and volcano-affected areas of the Columbia river.

(3) For the purposes of this section, the emergency provisions of RCW 75.20.100 may be initiated by the county legislative authority if the project is necessary to protect human life or property from flood hazards, including:

(a) Flood fight measures necessary to provide protection during a flood event; or

(b) Measures necessary to reduce or eliminate a potential flood threat when other alternative measures are not available or cannot be completed prior to the expected flood threat season; or

(c) Measures which must be initiated and completed within an immediate period of time and for which processing of the request through normal methods would cause a delay to the project and such delay would significantly increase the potential for damages from a flood event.

(4) This section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

(5) This section expires on June 30, ((+1988)) 1990.

Sec. 7. Section 22, chapter 21, Laws of 1982 1st ex. sess. and RCW 79.90.160 are each amended to read as follows:

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, Cowceman 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, Cowlitz 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)) 1990, 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.

Sec. 8. Section 6, chapter 7, Laws of 1982 as amended by section 5, chapter 1, Laws of 1983 1st ex. sess. and RCW 89.16.500 are each amended to read as follows:

Emergency recovery operations from the Mt. St. Helens eruption authorized by RCW 36.01.150, 43.01.200, and 43.01.210, other than the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers, may be exempted by the applicable county legislative authority from the requirements related to diking and drainage under the department of ecology, for operations within such county: PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology within five days of the emergency action taken and the emergent nature of the problem. The notification shall be made to the water resources ((regional)) district supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, ((+1988)) 1990.

Sec. 9. Section 4, chapter 7, Laws of 1982 as amended by section 3, chapter 1, Laws of 1983 1st ex. sess. and RCW 90.58.500 are each amended to read as follows:

Emergency recovery operations from the Mt. St. Helens eruption authorized by RCW 36.01.150, 43.01.200, and 43.01.210 may be exempted by the applicable county legislative authority from the requirements of the Shoreline Management Act of 1971, chapter 90.58 RCW, for operations within such county: PROVIDED, That the applicable legislative authority shall promptly notify the department of ecology within five days of the emergency action taken and the emergent nature of the problem. The notification shall be made to the water resources ((regional)) district supervisor of the southwest region of the department of ecology. The county shall comply with all substantive objectives of this chapter and shall consult with the department of ecology in the planning process.

The sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers is exempt from the substantial development permit requirement under RCW 90.58.030(3)(c).

This section shall expire on June 30, (~~1988~~) 1990.

NEW SECTION. Sec. 10. Section 9, chapter 7, Laws of 1982 and RCW 44.04.500 are each repealed.

NEW SECTION. Sec. 11. 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 immediately.

Passed the Senate April 20, 1985.

Passed the House April 28, 1985.

Approved by the Governor May 16, 1985.

Filed in Office of Secretary of State May 16, 1985.

## CHAPTER 308

[Substitute Senate Bill No. 3438]

### ENERGY EMERGENCIES—GOVERNOR'S POWER TO DECLARE

AN ACT Relating to energy supply emergencies; amending RCW 43.21G.040; providing an effective date; and declaring an emergency.

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

Sec. 1. Section 18, chapter 108, Laws of 1975-'76 2nd ex. sess. as last amended by section 1, chapter 281, Laws of 1981 and RCW 43.21G.040 are each amended to read as follows:

(f) The governor may subject to the definitions and limitations provided in this chapter:

(a) Upon finding that an energy supply alert exists within this state or any part thereof, declare a condition of energy supply alert; or

(b) Upon finding that an energy emergency exists within this state or any part thereof, declare a condition of energy emergency. A condition of energy emergency shall terminate thirty consecutive days after the declaration of such condition if the legislature is not in session at the time of such declaration and if the governor fails to convene the legislature pursuant to Article III, section 7 of the Constitution of the state of Washington within thirty consecutive days of such declaration. If the legislature is in session or convened, in accordance with this subsection, the duration of the condition of energy emergency shall be limited in accordance with subsection (3) of this section.

Upon the declaration of a condition of energy supply alert or energy emergency, the governor shall present to the committee any proposed plans for programs, controls, standards, and priorities for the production, allocation, and consumption of energy during any current or anticipated condition of energy emergency, any proposed plans for the suspension or modification of existing rules of the Washington Administrative Code, and any other