

HB 1001 - S COMM AMD

By Committee on Energy, Environment & Telecommunications

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

3 "Sec. 1. RCW 79.105.210 and 2005 c 155 s 143 are each amended to  
4 read as follows:

5 (1) The management of state-owned aquatic lands shall preserve  
6 and enhance water-dependent uses. Water-dependent uses shall be  
7 favored over other uses in state-owned aquatic land planning and in  
8 resolving conflicts between competing lease applications. In cases of  
9 conflict between water-dependent uses, priority shall be given to  
10 uses which enhance renewable resources, waterborne commerce, and the  
11 navigational and biological capacity of the waters, and to statewide  
12 interests as distinguished from local interests.

13 (2) Nonwater-dependent use of state-owned aquatic lands is a low-  
14 priority use providing minimal public benefits and shall not be  
15 permitted to expand or be established in new areas except in  
16 exceptional circumstances where it is compatible with water-dependent  
17 uses occurring in or planned for the area.

18 (3) The department shall consider the natural values of state-  
19 owned aquatic lands as wildlife habitat, natural area preserve,  
20 representative ecosystem, or spawning area prior to issuing any  
21 initial lease or authorizing any change in use. The department may  
22 withhold from leasing lands which it finds to have significant  
23 natural values, or may provide within any lease for the protection of  
24 such values. However, the department may not designate, establish, or  
25 enlarge any aquatic reserve unless expressly authorized by the  
26 legislature in a bill enacted pursuant to the state Constitution.

27 (4) The power to lease state-owned aquatic lands is vested in the  
28 department, which has the authority to make leases upon terms,  
29 conditions, and length of time in conformance with the state  
30 Constitution and chapters 79.105 through 79.140 RCW.

1 (5) State-owned aquatic lands shall not be leased to persons or  
2 organizations which discriminate on the basis of race, color, creed,  
3 religion, sex, age, or physical or mental handicap.

4 **Sec. 2.** RCW 79.110.240 and 2008 c 55 s 2 are each amended to  
5 read as follows:

6 (1) (~~Until July 1, 2017,~~) The charge for the term of an  
7 easement granted under RCW 79.110.230(2) will be determined as  
8 follows and will be paid in advance upon grant of the easement:

9 (a) (~~Five~~) One thousand dollars for individual easement  
10 crossings that are no longer than one mile in length;

11 (b) (~~Twelve~~) Two thousand five hundred dollars for individual  
12 easement crossings that are more than one mile but less than five  
13 miles in length; or

14 (c) (~~Twenty~~) Four thousand dollars for individual easement  
15 crossings that are five miles or more in length.

16 (2) (~~The charge for easements under subsection (1) of this~~  
17 ~~section must be adjusted annually by the rate of yearly increase in~~  
18 ~~the most recently published consumer price index, all urban~~  
19 ~~consumers, for the Seattle Everett SMSA, over the consumer price~~  
20 ~~index for the preceding year, as compiled by the bureau of labor~~  
21 ~~statistics, United States department of labor for the state of~~  
22 ~~Washington rounded up to the nearest fifty dollars.~~

23 (~~3~~) The term of the easement is thirty years (~~or~~) unless a  
24 period of less than thirty years (~~if~~) is requested by the person or  
25 entity seeking the easement.

26 (~~4~~) (3) In addition to the charge for the easement under  
27 subsection (1) of this section, the department may recover its  
28 administrative costs incurred in receiving an application for the  
29 easement, approving the easement, and reviewing plans for and  
30 construction of the public utility lines. For the purposes of this  
31 subsection, "administrative costs" is equivalent to twenty percent of  
32 the fee for the easement as determined under subsection (1) of this  
33 section (~~and adjusted under subsection (2) of this section~~). For  
34 public utility lines owned by a governmental entity, the  
35 administrative costs will be calculated based on the length of the  
36 easement and the fee that it would be charged if it were subject to  
37 the easement charges in this section. When multiple public utility  
38 lines are owned by the same entity and are authorized under the same  
39 easement, the administrative (~~fee~~) cost for the easement shall be

1 equal to twenty percent of the easement fee for the single longest  
2 public utility line. Administrative costs recovered by the department  
3 must be deposited into the resource management cost account.

4 ~~((+5))~~ (4) Applicants under RCW 79.110.230(2) providing a  
5 residence with an individual service connection for electrical,  
6 natural gas, cable television, or telecommunications service are not  
7 required to pay the charge for the easement under subsection (1) of  
8 this section but shall pay administrative costs under subsection  
9 ~~((+4))~~ (3) of this section.

10 ~~((+6))~~ (5) A final decision on applications for an easement must  
11 be made within ~~((one hundred twenty))~~ sixty days after the department  
12 receives the completed application and after all applicable  
13 regulatory permits for the aquatic easement have been acquired.  
14 ~~((This subsection applies to applications submitted before June 13,~~  
15 ~~2002, as well as to applications submitted on or after June 13,~~  
16 ~~2002.))~~ Upon request of the applicant, the department may reach a  
17 decision on an application within ~~((sixty))~~ thirty days and charge an  
18 additional fee for an expedited processing. The fee for an expedited  
19 processing is ten percent of the combined total of the easement  
20 charge and administrative costs.

21 ~~((+7) By December 31, 2016, the legislature shall review the~~  
22 ~~granting of easements on state-owned aquatic lands under this chapter~~  
23 ~~and determine whether all applications for easements are processed~~  
24 ~~within one hundred twenty days for normal processing of applications~~  
25 ~~and sixty days for expedited processing of applications, and whether~~  
26 ~~the granting of easements on state-owned aquatic lands generates~~  
27 ~~reasonable income for the aquatic lands enhancement account.))~~

28 NEW SECTION. **Sec. 3.** The commissioner of public lands shall  
29 rescind the January 3, 2017, commissioner's order: Amended withdrawal  
30 and designation order for the Cherry Point aquatic reserve."

HB 1001 - S COMM AMD

By Committee on Energy, Environment & Telecommunications

1        On page 1, line 2 of the title, after "lands;" strike the  
2 remainder of the title and insert "amending RCW 79.105.210 and  
3 79.110.240; and creating a new section."

--- END ---