

the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the House February 23, 1953.

Passed the Senate March 4, 1953.

Approved by the Governor March 18, 1953.

CHAPTER 164.

[H. B. 216.]

PUBLIC LANDS—LEASE OF NAVIGABLE WATER BEDS.

AN ACT relating to public lands and providing for the leasing of certain beds of navigable waters.

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

SECTION 1. The commissioner of public lands 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, or in case the abutting tide or shore lands or the abutting uplands are not improved or occupied for residential or commercial purposes, may lease such beds to any person, firm or corporation for a period not exceeding ten years for booming purposes. Nothing in 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.

Commissioner authorized to lease beds of navigable waters.

Booming purposes.

SEC. 2. The commissioner of public lands shall, prior to the issuance of any lease under the provisions of this act, fix the annual rental and prescribe the terms and conditions of the lease: *Provided,*

Annual rental and terms.

Second class
tide or
shore lands.

Unplatted
first class
tide or
shore lands.

Forfeiture.

That in the fixing of such annual rental the commissioner 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 this act shall be for a longer term than thirty years from the date thereof if in front of second class tide or shore lands, or a longer term than ten years if in front of unplatted first class tide or shore lands leased under the provisions of RCW 79-16.090. Any lease of the bed of navigable waters in front of unplatted first class tide or shore lands, shall be subject to the same terms and conditions as provided in the lease of such unplatted first class tide or shore lands. Failure to use any lands leased under the provisions of this act for booming purposes for a period of two years shall work a forfeiture of the 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.

Federal
permit
required.

Forfeiture.

Plans and
specifications
of proposed
improvements.

SEC. 3. The applicant for a lease under the provisions of this act shall first obtain, from the United States army engineers or other federal regulatory agency, a permit to place structures or improvements in said navigable waters and file with the commissioner of public lands a copy of the said permit. No structures or improvements shall be constructed beyond a point authorized by the United States army engineers or the commissioner of public lands 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 this act. The applicant shall also file plans and specifications of any proposed improvements to be placed upon such areas with the commissioner of public lands, said plans and specifications to be the same as provided for in the case of the lease of harbor areas.

SEC. 4. At the expiration of any lease issued under the provisions of this act, the lessee, 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 commissioner of public lands deems it to 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 this act and at such rental and upon such conditions as may be prescribed by the commissioner of public lands. If such preference right is not exercised, the rights and obligations of the lessee, the commissioner of public lands, and any subsequent lessee shall be as provided in RCW 79.16.120 relating to failure to re-lease tide or shore lands. Any person who heretofore has occupied and improved an area subject to lease under this act and has secured a permit for such improvements from the United States army 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 commissioner of public lands.

Preference
right to
re-lease.

Failure to
re-lease.

Prior
occupant's
rights as a
lessee.

SEC. 5. Nothing in this act is intended to modify or repeal any existing statutes providing for the leasing of the beds of navigable waters of the state for oyster cultivation or extraction of minerals or petroleum and gas.

Oyster,
mineral, and
petroleum
and gas
leasing not
affected.

Passed the House February 19, 1953.

Passed the Senate March 4, 1953.

Approved by the Governor March 18, 1953.