

Sec. 10. The authority granted by this act shall be considered an alternative and additional method for converting existing overhead electric and communication facilities to underground facilities, and for paying all or part of the cost thereof, and shall not be construed as a restriction or limitation upon any other authority for or method of converting any such facilities or placing such facilities underground or paying all or part of the cost thereof, including, but not limited to, existing authority or methods under chapter 35.43 RCW and chapter 35.44 RCW.

Authority granted is additional and alternate.

Passed the Senate March 9, 1967.

Passed the House March 8, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 120.

[Substitute Senate Bill No. 414]

SEASHORE CONSERVATION.

AN ACT relating to seashore conservation; authorizing the establishment on certain state-owned coastal lands of the Washington State Seashore Conservation Area; providing for the administration thereof; prescribing certain powers and duties with respect thereto; defining the jurisdiction of certain state agencies; redesignating and amending section 46.08.180, chapter 12, Laws of 1961 and RCW 46.08.180; adding new sections to chapter 8, Laws of 1965 and to chapter 43.51 RCW; repealing chapter 78, Laws of 1929 (uncodified); and declaring an emergency.

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

Section 1. The beaches bounding the Pacific Ocean from the Straits of Juan de Fuca to Cape Disappointment at the mouth of the Columbia River constitute some of the last unspoiled seashore remaining in the United States. They provide the public with almost unlimited opportunities for rec-

Seashore conservation areas—Purpose.

Seashore
conservation
areas—Purpose.

reational activities, like swimming, surfing and hiking; for outdoor sports, like hunting, fishing, clamming, and boating; for the observation of nature as it existed for hundreds of years before the arrival of white men; and for relaxation away from the pressures and tensions of modern life. In past years, these recreational activities have been enjoyed by countless Washington citizens, as well as by tourists from other states and countries. The number of people wishing to participate in such recreational activities grows annually. This increasing public pressure makes it necessary that the state dedicate the use of the ocean beaches to public recreation and to provide certain recreational and sanitary facilities. Nonrecreational use of the beach must be strictly limited. Even recreational uses must be regulated in order that Washington's unrivaled seashore may be saved for our children in much the same form as we know it today.

Establishment.

Sec. 2. There is established for the recreational use and enjoyment of the public the Washington State Seashore Conservation Area. It shall include all lands now or hereafter under state ownership lying between Cape Disappointment and Leadbetter Point; between Toke Point and the South jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation and occupying the area between the present line of ordinary high tide and the line of extreme low tide, as this line now is or may hereafter be located: *Provided*, That no such Conservation Area shall include any lands within the established boundaries of any Indian Reservation.

Administration
—State parks
and recreation
commission.

Sec. 3. Except as otherwise provided in this 1967 amendatory act, the Washington State Seashore Conservation Area shall be under the jurisdiction of the Washington state parks and recreation commis-

sion, which shall administer the act in accordance with the powers granted it herein and under the appropriate provisions of chapter 43.51 RCW.

Sec. 4. The Washington state parks and recreation commission shall administer the Washington State Seashore Conservation Area in harmony with the broad principles set forth in section 1 of this 1967 amendatory act. Where feasible, the area shall be preserved in its present state; everywhere it shall be maintained in the best possible condition for public use. All forms of public outdoor recreation shall be permitted and encouraged in the area, unless specifically excluded or limited by the commission. While the primary purpose in the establishment of the area is to preserve the coastal beaches for public recreation, other uses shall be allowed as provided in this 1967 amendatory act, or when found not inconsistent with public recreational use by the Washington state parks and recreation commission.

Utilization.

Sec. 5. In administering the Washington State Seashore Conservation Area, the Washington state parks and recreation commission shall seek the cooperation and assistance of federal agencies, other state agencies, and local political subdivisions. All state agencies, and the governing officials of each local subdivision shall cooperate with the commission in carrying out its duties. Except as otherwise provided in this 1967 amendatory act, and notwithstanding any other provision of law, other state agencies and local subdivisions shall perform duties in the Washington State Seashore Conservation Area which are within their normal jurisdiction, except when such performance clearly conflicts with the purposes of this 1967 amendatory act.

Cooperation of other state and federal agencies.

Sec. 6. Nothing in this 1967 amendatory act shall be construed to interfere with the powers, duties

Seashore
conservation
areas—Powers,
duties of de-
partment of
fisheries and
game pre-
served.

and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in this act be construed to interfere with the powers, duties and authority of the state department of game or the state game commission to regulate, manage, conserve, and provide for the harvest of wildlife within such area, notwithstanding the provisions of RCW 9.61.040: *Provided, however,* That no hunting shall be permitted in any state park.

RCW 46.08.180
amended and
redesignated.

Sec. 7. Section 46.08.180, chapter 12, Laws of 1961 and RCW 46.08.180 are respectively redesignated as part of chapter 8, Laws of 1965 and of chapter 43.51 RCW and are each amended to read as follows:

Traffic control.

For the protection and conservation of natural resources, and for the safety and enjoyment of the public using the beaches, the Washington state parks and recreation commission, after agreement with the Washington state highway commission, shall establish reasonable regulations for the use and control of vehicular traffic on and along the ocean beach highways as designated and established under RCW 79.16.130, 79.16.160, and 79.16.170. The Washington state parks and recreation commission shall cooperate with county sheriffs and the state patrol in enforcing such traffic regulations: *Provided,* That automobile driving shall be permitted on the beaches subject to the authority of the department of fisheries to prohibit driving over clam beds.

Accreted lands
—Limitation.

Sec. 8. Subject to the qualification contained in section 9 of this 1967 amendatory act, any accreted lands now or hereafter under the jurisdiction of the department of natural resources shall remain under the jurisdiction of that department: *Provided,* That no accreted lands shall be sold, leased, or otherwise disposed of, except as herein provided. The depart-

ment of natural resources may lease the lands within the Washington State Seashore Conservation Area as well as the accreted lands along the ocean in state ownership for the exploration and production of oil and gas: *Provided*, That oil drilling rigs and equipment will not be placed on the seashore conservation area or state-owned accreted lands. Sale of sand from accretions shall be limited to the needs of cranberry growers in the vicinity and shall not be prohibited if found by the department of natural resources to be reasonable, and not generally harmful or destructive to the character of the land; and such sales may be made by the department of natural resources from sands on the Washington State Seashore Conservation Area if approved by the state parks and recreation commission: *Provided further*, That the department of natural resources may grant mining leases for the removal of "black sands" (minerals) from any state-owned nontrust accreted lands between the north jetty at the mouth of the Columbia River and a line due west from the North Head lighthouse: *Provided further*, That net income from such leases shall be transmitted by the department of natural resources to the state treasurer for deposit in the state parks and parkways account in the general fund for expenditure by the state parks and recreation commission for the development and protection of the Washington State Seashore Conservation Area and state park developments operated in conjunction therewith: *Provided*, The terms and conditions of such mining leases are agreeable to the state parks and recreation commission.

Sec. 9. The Washington state parks and recreation commission, after consultation with and agreement by the department of natural resources, shall have authority to establish sanitary facilities on, and spur roads through, accreted lands otherwise under

Establishment
of facilities,
spur roads.

the jurisdiction of the department of natural resources. The commission may decide where, when, and how such sanitary facilities and spur roads are to be built.

Repeal. Preservation of rights.

Sec. 10. Chapter 78, Laws of 1929 (uncodified) is hereby repealed: *Provided*, That the title of anyone who has purchased property under this act shall not be affected.

Seashore conservation areas—Accreted lands—Establishment of monuments—Notice.

Sec. 11. Where state-owned lands have been formed by natural or artificial causes between the inner or landside boundary of the Washington State Seashore Conservation Area and adjacent privately owned lands, the department of natural resources:

(1) Shall monument or otherwise visibly mark on the ground, as the boundary between such state-owned lands and adjacent lands, the line of ordinary high tide as it existed on the date of Washington statehood; and

(2) Shall thereafter publish notice once a week for not less than six weeks in a newspaper of general circulation in the county where such lands are situated in order that objections to the location of any monument or visible marker may be filed with the state commission for harbor lines at any time within thirty days after the date of the last publication.

Boundaries—Contested cases—Judicial review.

Sec. 12. Proceedings before the state commission for harbor lines as provided for in section 11 of this 1967 amendatory act shall be deemed contested cases and subject to all applicable provisions governing contested cases, including judicial review, as is or may be provided by chapter 34.04 RCW.

Boundary markers—Objections—Waiver.

Sec. 13. The state, its officers and agencies, persons filing objections with the state commission for harbor lines, and successors in interest to the state or persons filing objections shall be barred from

contesting the statehood line of ordinary high tide as monumented or marked in compliance with the order of the state commission for harbor lines, or if no objections are filed, as monumented by the department of natural resources.

Sec. 14. There is added to chapter 8, Laws of 1965 and to chapter 43.51 RCW a new subdivision to read as set forth in sections 1 through 9 and 11 through 13 of this 1967 amendatory act.

New subdivision to chapter 43.51 RCW.

Sec. 15. This act is necessary for the immediate preservation of the public peace, health, and safety, and the support of the state government and its existing public institutions, and shall take effect immediately.

Emergency.

Passed the Senate March 8, 1967.

Passed the House March 7, 1967.

Approved by the Governor March 21, 1967.

CHAPTER 121.

[Senate Bill No. 285.]

MOTOR VEHICLE EXCISE TAX.

AN ACT relating to the motor vehicle excise tax; amending section 82.44.110, chapter 15, Laws of 1961 and RCW 82.44.110; amending section 82.44.120, chapter 15, Laws of 1961 as amended by section 5, chapter 199, Laws of 1963 and RCW 82.44.120; and amending section 82.44.140, chapter 15, Laws of 1961 and RCW 82.44.140; amending section 82.44.010, chapter 15, Laws of 1961 as amended by section 1, chapter 199, Laws of 1963 and RCW 82.44.010.

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

Section 1. Section 82.44.110, chapter 15, Laws of 1961 and RCW 82.44.110 are each amended to read as follows:

RCW 82.44.110 amended.