

CHAPTER 1

[Engrossed Senate Bill No. 3519]

MT. ST. HELENS—DAMAGE REPAIR AND PREVENTION—EMERGENCY
AUTHORITY ENLARGED

AN ACT Relating to the effects of the eruption of Mount St. Helens; amending section 1, chapter 7, Laws of 1982 and RCW 43.01.200; amending section 2, chapter 7, Laws of 1982 and RCW 43.01.210; amending section 4, chapter 7, Laws of 1982 and RCW 90.58.500; amending section 5, chapter 7, Laws of 1982 and RCW 43.21C.500; amending section 6, chapter 7, Laws of 1982 and RCW 89.16.500; amending section 7, chapter 7, Laws of 1982 and RCW 43.21A.500; amending section 8, chapter 7, Laws of 1982 and RCW 75.20.300; adding a new section to chapter 43.01 RCW; making an appropriation; making a reapportionment; and declaring an emergency.

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

Sec. 1. Section 1, chapter 7, Laws of 1982 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, and bank protection and funds for dredging, dredge sites, dredge spoils sites, flood control works, 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 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 section 8 of this act 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 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(~~(, by means other than eminent domain,))~~ secure any lands or interest in lands by purchase (~~((or)),~~ exchange, lease, eminent domain, or donation for dredge sites, dredge spoils sites, flood control 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;

(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 4, chapter 7, Laws of 1982 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 supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, (~~(+1984)~~) 1988.

Sec. 4. Section 5, chapter 7, Laws of 1982 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 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 supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, (~~(+1984)~~) 1988.

Sec. 5. Section 6, chapter 7, Laws of 1982 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 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 supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, (~~1984~~) 1988.

Sec. 6. Section 7, chapter 7, Laws of 1982 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 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 supervisor of the southwest region of the department of ecology.

This section shall expire on June 30, (~~1984~~) 1988.

Sec. 7. Section 8, chapter 7, Laws of 1982 and RCW 75.20.300 are each amended to read as follows:

(1) The legislature intends to expedite flood-control 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 (~~five~~) fifteen working days of receipt of the application. This requirement is only applicable to flood control and dredging projects located in the Toutle river, at the Cowlitz river from River Mile 22 to the confluence with the Columbia and the volcano and affected tributaries to the Cowlitz and Toutle river and volcano affected areas of the Columbia river.

(3) The mandatory emergency provisions of RCW 75.20.100 for the purposes of this (~~act~~) section may be initiated by the county legislative authority (~~PROVIDED, That~~) if the project is necessary to provide protection from flood hazards to human life and/or to reduce or prevent flood damages or destruction of property, 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.

This section expires on June 30, (~~1984~~) 1988.

NEW SECTION. Sec. 8. There is added to chapter 43.01 RCW a new section to read as follows:

(1) Court proceedings necessary to acquire property or property rights for purposes of RCW 43.01.210 take precedence over all other causes, including those expedited under the provisions of RCW 47.52.060, in all courts to the end that the provision of lands for dredge sites, dredge spoils sites, flood control works, or bank protection may be expedited.

(2) An order entered under RCW 8.04.070 relating to the acquisition of land under RCW 43.01.210 is final unless review of the order is taken to the supreme court within five days after entry of the order. Such an appeal shall be certified by the trial court to the supreme court. Upon certification, the supreme court shall assign the appeal for hearing at the earliest possible date, and it shall expedite its review and decision in every way possible.

NEW SECTION. Sec. 9. There is appropriated from the state building construction account of the general fund to the department of transportation for the biennium ending June 30, 1983, the sum of five million twenty thousand dollars, or so much thereof as may be necessary, for the required acquisition and related expenses necessary to carry out the purposes of this act, or that portion of the required acquisition that can be accomplished with the funds appropriated herein. There is reappropriated from the state building construction account of the general fund to the department of transportation for the biennium ending June 30, 1985, any sum remaining from the foregoing appropriation that was not spent in the biennium ending June 30, 1983.

NEW SECTION. Sec. 10. 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. 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 25, 1983.

Passed the House April 25, 1983.

Approved by the Governor May 2, 1983.

Filed in Office of Secretary of State May 2, 1983.