

CHAPTER 75

[Substitute House Bill No. 1862]

SEASHORE CONSERVATION AREA—RECREATION MANAGEMENT PLANS FOR THE OCEAN BEACHES

AN ACT Relating to the Seashore Conservation Area; amending RCW 43.51.675 and 43.51.685; adding new sections to chapter 43.51 RCW; repealing RCW 43.51.680, 79.94.340, 79.94.350, 79.94.360, 79.94.370, and 79.94.380; and providing an effective date.

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

NEW SECTION. Sec. 1. A cooperative program to provide recreation management plans for the ocean beaches that comprise the Seashore Conservation Area established by RCW 43.51.655 is created.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply to RCW 43.51.650 through 43.51.685 and sections 1 through 15 of this act.

(1) "Local government" means a county, city, or town.

(2) "Ocean beaches" include the three ocean beaches described in RCW 43.51.655.

(3) "Pedestrian use" means any use that does not involve a motorized vehicle.

NEW SECTION. Sec. 3. Local governments having a portion of the Seashore Conservation Area within their boundaries may, individually or through an agreement with other local governments located on the same ocean beach, adopt a recreation management plan which meets the requirements of RCW 43.51.650 through 43.51.685 and sections 1 through 15 of this act for that portion of the ocean beach. The legislature hereby encourages adoption of a single plan for each beach.

NEW SECTION. Sec. 4. (1) Except as provided in sections 5 and 6 of this act, a total of forty percent of the length of the beach subject to the recreation management plan shall be reserved for pedestrian use under this section and section 7 of this act. Restrictions on motorized traffic under this section shall be from April 15 to the day following Labor day of each year. Local jurisdictions may adopt provisions within recreation management plans that exceed the requirements of this section. The commission shall not require that a plan designate for pedestrian use more than forty percent of the land subject to the plan.

(2) In designating areas to be reserved for pedestrian use, the plan shall consider the following:

(a) Public safety;

(b) State-wide interest in recreational use of the ocean beaches;

(c) Protection of shorebird and marine mammal habitats;

(d) Preservation of native beach vegetation;

- (e) Protection of sand dune topography;
- (f) Prudent management of clam beds;
- (g) Economic impacts to the local community; and
- (h) Public access and parking availability.

NEW SECTION. Sec. 5. Notwithstanding section 4 (1) of this act, recreation management plans may make provision for vehicular traffic on areas otherwise reserved for pedestrian use in order to:

- (1) Facilitate clam digging;
- (2) Accommodate organized recreational events of not more than seven consecutive days duration;
- (3) Provide for removal of wood debris under RCW 4.24.210 and 43.51.045(5); and
- (4) Accommodate removal of sand located upland from the Seashore Conservation Area or removal of sand within the Seashore Conservation Area under the terms of a covenant, easement, or deed.

NEW SECTION. Sec. 6. Recreation management plans shall not prohibit or restrict public vehicles operated in the performance of official duties or vehicles responding to an emergency.

NEW SECTION. Sec. 7. Recreation management plans shall, upon request of the commission, reserve on a permanent, seasonal, or temporary basis, land adjoining national wildlife refuges and state parks for pedestrian use. After a plan is approved, the commission may require local jurisdictions to adopt amendments to the plan governing driving on land adjoining wildlife refuges and state parks. Land reserved for pedestrian use under this section for at least the period from April 15th through the day following Labor Day of each year shall be included when determining compliance with the requirements of section 4 of this act.

NEW SECTION. Sec. 8. In preparing, adopting, or approving a recreation management plan, local jurisdictions and the commission shall consult with the department of fisheries, the department of wildlife and the United States fish and wildlife service.

NEW SECTION. Sec. 9. Recreation management plans shall comply with all applicable federal and state laws.

NEW SECTION. Sec. 10. Before adopting a recreation management plan, or amendments to an existing plan, local jurisdictions shall conduct a public hearing. Notice of the hearing shall be published in a newspaper of general circulation in each jurisdiction adopting the plan as well as in a newspaper of general state-wide circulation on at least two occasions not less than fourteen days before the first day of the hearing. When a proposed recreation management plan has been prepared by more than one jurisdiction, joint hearings may be conducted.

NEW SECTION. Sec. 11. Recreation management plans shall be adopted by each participating jurisdiction and submitted to the commission by September 1, 1989. The commission shall approve the proposed plan if, in the commission's judgment, the plan adequately fulfills the requirements of RCW 43.51.650 through 43.51.685 and sections 1 through 15 of this act.

If the proposed plan is not approved, the commission shall suggest modifications to the participating local governments. Local governments shall have ninety days after receiving the suggested modifications to resubmit a recreation management plan. Thereafter, if the commission finds that a plan does not adequately fulfill the requirements of RCW 43.51.650 through 43.51.685 and sections 1 through 15 of this act, the commission may amend the proposal or adopt an alternative plan.

If a plan for all or any portion of the Seashore Conservation Area is not submitted in accordance with sections 1 through 15 of this act, the commission shall adopt a recreation management plan for that site.

Administrative rules adopted by the commission under RCW 43.51-.680 shall remain in effect for all or any portion of each ocean beach until a recreation management plan for that site is adopted or approved by the commission.

The commission shall not adopt a recreation management plan for all or any portion of an ocean beach while appeal of a commission decision regarding that site is pending.

NEW SECTION. Sec. 12. Any individual, partnership, corporation, association, organization, cooperative, local government, or state agency aggrieved by a decision of the commission under sections 1 through 15 of this act may appeal under chapter 34.04 RCW.

NEW SECTION. Sec. 13. The commission shall cooperate with state and local law enforcement agencies in meeting the need for law enforcement within the Seashore Conservation Area.

NEW SECTION. Sec. 14. The ocean beaches within the Seashore Conservation Area are hereby declared a public highway and shall remain forever open to the use of the public as provided in sections 1 through 15 of this act.

NEW SECTION. Sec. 15. Amendments to the recreation management plan may be adopted jointly by each local government participating in the plan and submitted to the commission for approval. The commission shall approve a proposed amendment if, in the commission's judgment, the amendment adequately fulfills the requirements of RCW 43.51.650 through 43.51.685 and sections 1 through 15 of this act.

After a plan is approved, the commission may require local jurisdictions to adopt amendments to the plan if the commission finds that such amendments are necessary to protect public health and safety, or to protect

significant natural resources as determined by the agency having jurisdiction over the resource.

NEW SECTION. Sec. 16. Sections 1 through 15 of this act are added to chapter 43.51 RCW under the subchapter heading "Seashore Conservation Area."

Sec. 17. Section 6, chapter 120, Laws of 1967 as last amended by section 92, chapter 506, Laws of 1987 and RCW 43.51.675 are each amended to read as follows:

Nothing in RCW 43.51.650 through 43.51.685 and sections 1 through 15 of this 1988 act shall be construed to interfere with the powers, duties and authority of the department of fisheries to regulate the conservation or taking of food fish and shellfish. Nor shall anything in RCW 43.51.650 through 43.51.685 and sections 1 through 15 of this 1988 act be construed to interfere with the powers, duties and authority of the state department of wildlife to regulate, manage, conserve, and provide for the harvest of wildlife within such area: PROVIDED, HOWEVER, That no hunting shall be permitted in any state park.

Sec. 18. Section 8, chapter 120, Laws of 1967 as amended by section 6, chapter 55, Laws of 1969 ex. sess. and RCW 43.51.685 are each amended to read as follows:

~~((Jurisdiction over the accreted nontrust lands in which the state has an interest along the ocean is hereby transferred from the department of natural resources to the state parks and recreation commission. No such accreted))~~ Lands within the Seashore Conservation Area shall not be sold, leased, or otherwise disposed of, except as herein provided. The department 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 made to supply the needs of cranberry growers for cranberry bogs in the vicinity and shall not be prohibited if found by the ~~((state parks and recreation))~~ commission to be reasonable, and not generally harmful or destructive to the character of the land~~((: PROVIDED FURTHER, That the state parks and recreation commission may grant mining leases for the removal of "black sands" (minerals) from any state-owned nontrust accreted lands and tidelands between the north jetty at the mouth of the Columbia River and a line due west from the North Head Lighthouse))~~: PROVIDED ~~((FURTHER))~~, That the ~~((state parks and recreation))~~ commission may grant leases and permits for the removal of sands for construction purposes from any lands within the

((Washington State)) Seashore Conservation Area if found by the commission to be reasonable and not generally harmful or destructive to the character of the land: PROVIDED FURTHER, That net income from such leases shall be deposited in the general fund.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 46.08.180, chapter 12, Laws of 1961, section 7, chapter 120, Laws of 1967, section 110, chapter 3, Laws of 1983 and RCW 43.51-.680;

(2) Section 119, chapter 21, Laws of 1982 1st ex. sess. and RCW 79-94.340;

(3) Section 120, chapter 21, Laws of 1982 1st ex. sess. and RCW 79-94.350;

(4) Section 121, chapter 21, Laws of 1982 1st ex. sess. and RCW 79-94.360;

(5) Section 122, chapter 21, Laws of 1982 1st ex. sess. and RCW 79-94.370; and

(6) Section 123, chapter 21, Laws of 1982 1st ex. sess. and RCW 79-94.380.

NEW SECTION. Sec. 20. This act shall take effect January 1, 1989.

Passed the House February 12, 1988.

Passed the Senate March 1, 1988.

Approved by the Governor March 16, 1988.

Filed in Office of Secretary of State March 16, 1988.

CHAPTER 76

[Senate Bill No. 6101]

STATE BOARD FOR COMMUNITY COLLEGE EDUCATION—MEMBERSHIP CRITERIA

AN ACT Relating to state board for community college education members; amending RCW 28B.50.050; and declaring an emergency.

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

Sec. 1. Section 28B.50.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 64, chapter 287, Laws of 1984 and RCW 28B.50.050 are each amended to read as follows:

There is hereby created the "state board for community college education", to consist of eight members, one from each congressional district, as now or hereafter existing, who shall be appointed by the governor, with the consent of the senate. The successors of the members initially appointed shall be appointed for terms of four years except that any persons appointed to fill a vacancy occurring prior to the expiration of any term shall be appointed only for the remainder of such term. Each member shall serve until