

**WAC 332-22-100 Existing lease negotiation.** (1) Leases which will be used for the same or similar purposes may be offered for negotiation.

(2) A notice of intention to negotiate a lease must be published once in two newspapers of general circulation in the locality of the land, one of which shall be in the county where the land is located, within ninety days of the date of commencement of negotiations. Such notice shall give the legal description, the date of expiration, the intended land use, the office to which application can be made, the final date to file a written request to lease, and such other information as deemed necessary.

(3) The existing lessee will be mailed the criteria for leasing on the same date as mailing to the newspaper the notice of intention to negotiate.

(4) A written request to lease from a new applicant must be received in the designated office on the specified date to be considered. It must describe the proposed terms and conditions and the contemplated use of the land and contain a certified check or money order payable to the department of natural resources for the amount of any bonus bid plus a \$100.00 deposit. The envelope must be marked "Sealed bid for lease . . . .; expiration date . . . .", and give the applicant's name."

(5) The department shall review all written requests to lease before negotiation with the existing lessee is commenced. If negotiation is satisfactorily completed, award of the lease will be made to the existing lessee. If negotiation with the existing lessee is not successful, the highest qualified offer will be treated as a minimum bid at public auction and all lower offers will be returned. The lease will then be offered at public auction. If there are no bidders at the auction, the lease will be awarded to the applicant who has made the highest qualified offer.

(6) Negotiated leases may not exceed the maximum term authorized by RCW 79.01.096 or 79.12.570 and must have a term commencing within one hundred twenty days of date of starting negotiations.

[Statutory Authority: RCW 79.01.242. WSR 84-19-007 (Resolution No. 464), § 332-22-100, filed 9/10/84; WSR 81-03-059 (Order 350, Resolution No. 321), § 332-22-100, filed 1/20/81.]