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**SENATE BILL 5171**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senator Ericksen

AN ACT Relating to certain uses of state-owned aquatic lands; amending RCW 79.105.210 and 79.110.240; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

**Sec.**  RCW 79.105.210 and 2005 c 155 s 143 are each amended to read as follows:

(1) The management of state-owned aquatic lands shall preserve and enhance water-dependent uses. Water-dependent uses shall be favored over other uses in state-owned aquatic land planning and in resolving conflicts between competing lease applications. In cases of conflict between water-dependent uses, priority shall be given to uses which enhance renewable resources, waterborne commerce, and the navigational and biological capacity of the waters, and to statewide interests as distinguished from local interests.

(2) Nonwater-dependent use of state-owned aquatic lands is a low-priority use providing minimal public benefits and shall not be permitted to expand or be established in new areas except in exceptional circumstances where it is compatible with water-dependent uses occurring in or planned for the area.

(3) The department shall consider the natural values of state-owned aquatic lands as wildlife habitat, natural area preserve, representative ecosystem, or spawning area prior to issuing any initial lease or authorizing any change in use. The department may withhold from leasing lands which it finds to have significant natural values, or may provide within any lease for the protection of such values. However, the department may not designate, establish, or enlarge any aquatic reserve unless expressly authorized by the legislature in a bill enacted pursuant to the state Constitution.

(4) The power to lease state-owned aquatic lands is vested in the department, which has the authority to make leases upon terms, conditions, and length of time in conformance with the state Constitution and chapters 79.105 through 79.140 RCW.

(5) State-owned aquatic lands shall not be leased to persons or organizations which discriminate on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

**Sec.**  RCW 79.110.240 and 2008 c 55 s 2 are each amended to read as follows:

(1) ((~~Until July 1, 2017,~~)) The charge for the term of an easement granted under RCW 79.110.230(2) will be determined as follows and will be paid in advance upon grant of the easement:

(a) ((~~Five~~)) One thousand dollars for individual easement crossings that are no longer than one mile in length;

(b) ((~~Twelve~~)) Two thousand five hundred dollars for individual easement crossings that are more than one mile but less than five miles in length; or

(c) ((~~Twenty~~)) Four thousand dollars for individual easement crossings that are five miles or more in length.

(2) ((~~The charge for easements under subsection (1) of this section must be adjusted annually by the rate of yearly increase in the most recently published consumer price index, all urban consumers, for the Seattle-Everett SMSA, over the consumer price index for the preceding year, as compiled by the bureau of labor statistics, United States department of labor for the state of Washington rounded up to the nearest fifty dollars.~~

~~(3)~~)) The term of the easement is thirty years ((~~or~~)) unless a period of less than thirty years ((~~if~~)) is requested by the person or entity seeking the easement.

((~~(4)~~)) (3) In addition to the charge for the easement under subsection (1) of this section, the department may recover its administrative costs incurred in receiving an application for the easement, approving the easement, and reviewing plans for and construction of the public utility lines. For the purposes of this subsection, "administrative costs" is equivalent to twenty percent of the fee for the easement as determined under subsection (1) of this section ((~~and adjusted under subsection (2) of this section~~)). For public utility lines owned by a governmental entity, the administrative costs will be calculated based on the length of the easement and the fee that it would be charged if it were subject to the easement charges in this section. When multiple public utility lines are owned by the same entity and are authorized under the same easement, the administrative ((~~fee~~)) cost for the easement shall be equal to twenty percent of the easement fee for the single longest public utility line. Administrative costs recovered by the department must be deposited into the resource management cost account.

((~~(5)~~)) (4) Applicants under RCW 79.110.230(2) providing a residence with an individual service connection for electrical, natural gas, cable television, or telecommunications service are not required to pay the charge for the easement under subsection (1) of this section but shall pay administrative costs under subsection ((~~(4)~~)) (3) of this section.

((~~(6)~~)) (5) A final decision on applications for an easement must be made within ((~~one hundred twenty~~)) sixty days after the department receives the completed application and after all applicable regulatory permits for the aquatic easement have been acquired. ((~~This subsection applies to applications submitted before June 13, 2002, as well as to applications submitted on or after June 13, 2002.~~)) Upon request of the applicant, the department may reach a decision on an application within ((~~sixty~~)) thirty days and charge an additional fee for an expedited processing. The fee for an expedited processing is ten percent of the combined total of the easement charge and administrative costs.

((~~(7) By December 31, 2016, the legislature shall review the granting of easements on state-owned aquatic lands under this chapter and determine whether all applications for easements are processed within one hundred twenty days for normal processing of applications and sixty days for expedited processing of applications, and whether the granting of easements on state-owned aquatic lands generates reasonable income for the aquatic lands enhancement account.~~))

NEW SECTION. **Sec.**  The commissioner of public lands shall rescind the January 3, 2017, commissioner's order: Amended withdrawal and designation order for the Cherry Point aquatic reserve.

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