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ENGROSSED SUBSTITUTE HOUSE BILL 1849

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State of Washington

66th Legislature

2019 Regular Session

By House Environment & Energy (originally sponsored by Representatives Lekanoff, Chapman, Fitzgibbon, and Doglio; by request of Department of Natural Resources)

READ FIRST TIME 02/22/19.

1 AN ACT Relating to revising the lease terms for managing first-  
2 class unplatted tidelands and shorelands; and amending RCW 79.125.410  
3 and 79.130.020.

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

5 **Sec. 1.** RCW 79.125.410 and 2005 c 155 s 527 are each amended to  
6 read as follows:

7 (1) The department is authorized to lease to the abutting upland  
8 owner any unplatted first-class tidelands or shorelands.

9 (2) The department shall, prior to the issuance of any lease  
10 under the provisions of this section, fix the annual (~~rental~~) rent  
11 for the tidelands or shorelands and prescribe the terms and  
12 conditions of the lease. No lease issued under the provisions of this  
13 section shall be for a longer term than (~~ten~~) fifty-five years, and  
14 every lease shall be subject to termination upon ninety days' notice  
15 to the lessee in the event that the department shall decide that it  
16 is in the best interest of the state that the tidelands or shorelands  
17 be surveyed and platted. At the expiration of any lease issued under  
18 the provisions of this section, the lessee or the lessee's successors  
19 or assigns shall have a preference right to re-lease the lands  
20 covered by the original lease or any portion of the lease, if the  
21 department deems it to be in the best interests of the state to re-

1 lease the lands, for succeeding periods not exceeding fifty-five  
2 years each at the (~~rental~~) rent and upon the terms and conditions  
3 as may be prescribed by the department. The department may not lease  
4 or re-lease any first-class tidelands or shorelands where the sole  
5 basis of the state's title is adverse possession of the tidelands or  
6 shorelands to be leased.

7 (3) In case the abutting uplands are not improved and occupied  
8 for residential purposes and the abutting upland owner has not filed  
9 an application for the lease of the lands, the department may lease  
10 the lands to any person for booming purposes under the terms and  
11 conditions of this section. However, failure to use for booming  
12 purposes any lands leased under this section for such purposes for a  
13 period of (~~one year~~) three years shall work a forfeiture of the  
14 lease and the land shall revert to the state without any notice to  
15 the lessee upon the entry of a declaration of forfeiture in the  
16 records of the department.

17 **Sec. 2.** RCW 79.130.020 and 2005 c 155 s 602 are each amended to  
18 read as follows:

19 (1) The department shall, prior to the issuance of any lease  
20 under the provisions of this chapter, fix the annual (~~rental~~) rent  
21 and prescribe the terms and conditions of the lease. However, in  
22 fixing the (~~rental~~) rent, the department shall not take into  
23 account the value of any improvements placed upon the lands by the  
24 lessee.

25 (2) No lease issued under the provisions of this chapter shall be  
26 for a term longer than thirty years (~~from the date thereof if in~~  
27 ~~front of second-class tidelands or shorelands; or a term longer than~~  
28 ~~ten years if in front of unplatted first-class tidelands or~~  
29 ~~shorelands leased under the provisions of RCW 79.125.410, in which~~  
30 ~~case the lease shall be subject to the same terms and conditions as~~  
31 ~~provided for in the lease of the unplatted first-class tidelands or~~  
32 ~~shorelands)). Failure to use those beds leased under the provisions  
33 of this chapter for booming purposes, for a period of (~~two~~) three  
34 years shall work a forfeiture of the lease and the land shall revert  
35 to the state without notice to the lessee upon the entry of a  
36 declaration of forfeiture in the records of the department.~~

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