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**SUBSTITUTE HOUSE BILL 1864**

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**State of Washington**

**52nd Legislature**

**1991 Regular Session**

**By** House Committee on Natural Resources & Parks (originally sponsored by Representatives Kremen, Haugen, Wilson, Roland, Braddock, Spanel, Rayburn, Rasmussen, Leonard, Bowman, R. Johnson, P. Johnson and Sheldon).

Read first time March 6, 1991.

1 AN ACT Relating to removal of sand and gravel; amending RCW  
2 79.90.150; creating a new section; making appropriations; and repealing  
3 RCW 79.90.140.

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

5 **Sec. 1.** RCW 79.90.150 and 1982 1st ex.s. c 21 s 21 are each  
6 amended to read as follows:

7 When gravel, rock, sand, silt or other material from any aquatic  
8 lands is removed by any public agency or under public contract for  
9 channel or harbor improvement, or flood control, use of such material  
10 may be authorized by the department of natural resources for a public  
11 purpose on land owned or leased by the state or any municipality,  
12 county, or public corporation: PROVIDED, That when no public land site  
13 is available for deposit of such material, its deposit on private land  
14 with the landowner's permission is authorized and may be designated by  
15 the department of natural resources to be for a public purpose. Prior

1 to removal and use, the state agency, municipality, county, or public  
2 corporation contemplating or arranging such use shall first obtain  
3 written permission from the department of natural resources. No  
4 payment of royalty shall be required for such gravel, rock, sand, silt,  
5 or other material used for such public purpose, but a charge will be  
6 made if such material is subsequently sold or used for some other  
7 purpose: PROVIDED, That the department may authorize such public  
8 agency or private landowner to dispose of such material without charge  
9 when necessary to implement disposal of material. No charge shall be  
10 required for any use of the material obtained under the provisions of  
11 this chapter when used solely on an authorized site. No charge shall  
12 be required for any use of the material obtained under the provisions  
13 of this chapter if the material is used for public purposes by local  
14 governments. Public purposes include, but are not limited to,  
15 construction and maintenance of roads, dikes, and levies. Nothing in  
16 this section shall repeal or modify the provisions of RCW 75.20.100 or  
17 eliminate the necessity of obtaining a permit for such removal from  
18 other state or federal agencies as otherwise required by law.

19 NEW SECTION. Sec. 2. (1) The department of ecology shall  
20 conduct a sediment transport study of the Nooksack river in order to  
21 determine the amount of material that would have to be removed from the  
22 river to minimize the potential for flooding.

23 (2) The department of ecology shall conduct an environmental  
24 assessment of the Nooksack river, and based on this assessment develop  
25 a sand and gravel management plan for the river. In preparing the  
26 management plan the department shall seek input from appropriate state  
27 and local agencies, Indian tribes, and other interested parties. To  
28 the maximum extent feasible, the department shall prepare the

1 management plan in such a way that it can be used as a model for future  
2 plans that may be developed for other state rivers.

3 NEW SECTION. **Sec. 3.** (1) The sum of twenty-five thousand  
4 dollars, or as much thereof as may be necessary, is appropriated for  
5 the biennium ending June 30, 1993, from the aquatic lands enhancement  
6 account to the department of ecology for the study in section 2(1) of  
7 this act.

8 (2) The sum of twenty-five thousand dollars, or as much thereof as  
9 may be necessary, is appropriated for the biennium ending June 30,  
10 1993, from the aquatic lands enhancement account to the department of  
11 ecology for the purpose of conducting the environmental assessment and  
12 management plan in section 2(2) of this act.

13 NEW SECTION. **Sec. 4.** RCW 79.90.140 and 1982 1st ex.s. c 21 s  
14 20 are each repealed.