

CERTIFICATION OF ENROLLMENT

SENATE BILL 5863

Chapter 150, Laws of 2001

57th Legislature
2001 Regular Session

COWLITZ RIVER

EFFECTIVE DATE: 7/22/01

Passed by the Senate March 9, 2001
YEAS 49 NAYS 0

ROSA FRANKLIN
President of the Senate

Passed by the House April 5, 2001
YEAS 97 NAYS 0

FRANK CHOPP
**Speaker of the
House of Representatives**

CLYDE BALLARD
**Speaker of the
House of Representatives**

Approved May 2, 2001

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5863** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK
Secretary

FILED

May 2, 2001 - 10:42 a.m.

**Secretary of State
State of Washington**

SENATE BILL 5863

Passed Legislature - 2001 Regular Session

State of Washington

57th Legislature

2001 Regular Session

By Senators Snyder and Zarelli; by request of Department of Natural Resources

Read first time 02/06/2001. Referred to Committee on Natural Resources, Parks & Shorelines.

1 AN ACT Relating to an exchange of bedlands and the resolution of
2 boundary disputes in and near the Cowlitz river near the confluence of
3 the Columbia river in Longview, Washington; adding a new section to
4 chapter 79.08 RCW; and creating a new section.

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

6 NEW SECTION. **Sec. 1.** (1) The legislature finds that in the 1920s
7 the Cowlitz river near the confluence of the Columbia river in
8 Longview, Washington was diverted from its original course by dredging
9 and construction of a dike. As a result, a portion of the original bed
10 of the Cowlitz river became a nonnavigable body of shallow water.
11 Another portion of the original bed of the Cowlitz river became part of
12 a dike and is indistinguishable from existing islands. The main
13 channel of the Cowlitz river was diverted over uplands to the south of
14 the original bed and has continued as a navigable channel.

15 (2) The legislature finds that continued ownership of the
16 nonnavigable portion of the original bed of the Cowlitz river near the
17 confluence of the Columbia river no longer serves the state's interest
18 in navigation. Ownership of the existing navigable bed of the Cowlitz
19 river would better serve the state's interest in navigation. It is

1 also in the state's interest to resolve any disputes that have arisen
2 because state-owned land is now indistinguishable from privately owned
3 land within the dike.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 79.08 RCW
5 to read as follows:

6 (1) The department of natural resources is authorized to exchange
7 bedlands abandoned through rechanneling of the Cowlitz river near the
8 confluence of the Columbia river so that the state obtains clear title
9 to the Cowlitz river as it now exists or where it may exist in the
10 future through the processes of erosion and accretion.

11 (2) The department of natural resources is also authorized to
12 exchange bedlands and enter into boundary line agreements to resolve
13 any disputes that may arise over the location of state-owned lands now
14 comprising the dike that was created in the 1920s.

15 (3) For purposes of this act, "Cowlitz river near the confluence of
16 the Columbia river" means those tidelands and bedlands of the Cowlitz
17 river fronting and abutting sections 10, 11, and 14, township 7 north,
18 range 2 west, Willamette Meridian and fronting and abutting the
19 Huntington Donation Land Claim No. 47 and the Blakeny Donation Land
20 Claim No. 43, township 7 north, range 2 west, Willamette Meridian.

21 (4) Nothing in this act shall be deemed to convey to the department
22 of natural resources the power of eminent domain.

23 NEW SECTION. **Sec. 3.** If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 remainder of the act or the application of the provision to other
26 persons or circumstances is not affected.

Passed the Senate March 9, 2001.

Passed the House April 5, 2001.

Approved by the Governor May 2, 2001.

Filed in Office of Secretary of State May 2, 2001.