
HOUSE BILL 2509

State of Washington

60th Legislature

2008 Regular Session

By Representatives Rolfes and Upthegrove

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1 AN ACT Relating to the acquisition of aquatic lands by the
2 department of natural resources; and amending RCW 79.105.410.

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

4 **Sec. 1.** RCW 79.105.410 and 2005 c 155 s 163 are each amended to
5 read as follows:

6 (1)(a) The department is authorized to purchase or accept gifts of
7 aquatic land within the state, including tidelands, shorelands, harbor
8 areas, ~~((and))~~ the beds of navigable waters, and any adjacent uplands,
9 all which shall become part of the state-owned aquatic land base.

10 (b) Consistent with RCW 79.105.030, the department must develop
11 procedures and criteria that state the manner in which purchases or
12 gifts of aquatic land, ~~((received))~~ obtained after July 27, 2003, may
13 occur. No purchase or gift of aquatic land may be executed or accepted
14 until:

15 ~~((a))~~ (i) An ~~((appraisal))~~ estimate of the value of the land has
16 been prepared;

17 ~~((b) an environmental site))~~ (ii) A risk assessment screening has
18 been conducted; ~~((and (c)))~~

1 (iii) The chain of title ((~~property report~~)) has been examined and
2 approved by the attorney general of the state((~~-~~)); and

3 (iv) The results of the ((~~appraisal, the site assessment, and the~~
4 examination of the title property report must be)) processes set out in
5 this subsection (1)(b) have been submitted to the board ((~~before the~~
6 department may accept a gift of aquatic land)).

7 (2) The authorization to accept gifts of aquatic land within the
8 state extends to aquatic land accepted as gifts prior to July 27, 2003.

9 (3)(a) In addition to the other requirements of this section, no
10 aquatic lands may be purchased by the department unless the purchase
11 furtheres one or more of the following values:

12 (i) Enhancement of public use or access;

13 (ii) Habitat conservation; or

14 (iii) Habitat restoration.

15 (b)(i) Except as otherwise provided in (b)(ii) of this subsection,
16 aquatic lands purchased by the department under this section may not be
17 leased or subleased to an individual or private sector entity.

18 (ii) The department may lease aquatic lands purchased under this
19 section to an individual or private sector entity only if the purchased
20 land was, at the time of purchase, put to an active use and the lease
21 is limited to allowing only the same uses that are currently in
22 existence at the time of purchase.

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