

CERTIFICATION OF ENROLLMENT

SENATE BILL 6070

Chapter 426, Laws of 2009

61st Legislature
2009 Regular Session

DISPOSAL OF DREDGED MATERIALS--MT. ST. HELENS ERUPTION

EFFECTIVE DATE: 07/26/09

Passed by the Senate April 21, 2009
YEAS 48 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House April 14, 2009
YEAS 90 NAYS 7

FRANK CHOPP

Speaker of the House of Representatives

Approved May 8, 2009, 11:14 a.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6070** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

May 11, 2009

**Secretary of State
State of Washington**

SENATE BILL 6070

AS AMENDED BY THE HOUSE

Passed Legislature - 2009 Regular Session

State of Washington 61st Legislature 2009 Regular Session

By Senator Hatfield

Read first time 02/20/09. Referred to Committee on Natural Resources, Ocean & Recreation.

1 AN ACT Relating to disposal of dredged riverbed materials from the
2 Mt. St. Helen's eruption; adding a new section to chapter 79.140 RCW;
3 and decodifying RCW 79.140.120.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 79.140 RCW
6 under the subchapter heading "special provisions and leases" to read as
7 follows:

8 (1)(a) The legislature finds and declares that an extraordinary
9 volume of material washed down onto beds of navigable waters and
10 shorelands in the Toutle river, Coweeman river, and portions of the
11 Cowlitz river following the eruption of Mount St. Helens in 1980.

12 (b) The legislature further finds that the owners of private lands
13 located near the impacted rivers were authorized to sell, transfer, or
14 otherwise dispose of any dredge spoils removed from the river between
15 the years of 1980 and 1995 without the necessity of any charge by the
16 department.

17 (c) The legislature further finds that the dredging activities
18 following the eruption of Mount St. Helens are no longer adequate to
19 protect engineered structures on the affected rivers or the public

1 health and safety of the communities located in proximity to the
2 affected rivers. Future river dredging will be necessary as part of
3 managing the post-eruption state of the rivers, and with the
4 commencement of new dredging activities, the underlying conditions
5 leading to the previous authority for private landowners to dispose of
6 the dredged materials without the necessity of any charge by the
7 department are replicated.

8 (d) The legislature further finds that just as between the years of
9 1980 and 1995, the dredge spoils placed upon adjacent publicly and
10 privately owned property in the affected areas, if further disposed,
11 will be of nominal value to the state and that it is in the best
12 interests of the state to allow further disposal without charge.

13 (2)(a) All dredge spoil or materials removed from the state-owned
14 beds and shores of the Toutle river, Coweeman river, and that portion
15 of the Cowlitz river from two miles above the confluence of the Toutle
16 river to its mouth deposited on adjacent public and private lands prior
17 to January 1, 2009, as a result of dredging the affected rivers for
18 navigation and flood control purposes may be sold, transferred, or
19 otherwise disposed of by owners of the lands without the necessity of
20 any charge by the department and free and clear of any interest of the
21 department.

22 (b) All dredge spoil or materials removed from the state-owned beds
23 and shores of the Toutle river, Coweeman river, and that portion of the
24 Cowlitz river from two miles above the confluence of the Toutle river
25 to its mouth deposited on adjacent public and private lands after
26 January 1, 2009, but before December 31, 2017, as a result of dredging
27 the affected rivers for navigation and flood control purposes may be
28 sold, transferred, or otherwise disposed of by owners of the lands
29 without the necessity of any charge by the department and free and
30 clear of any interest of the department if the land in question was not
31 used as a source for commercially sold materials prior to January 1,
32 2009. If the land in question was used as a source for commercially
33 sold materials prior to January 1, 2009, the dredge spoils may be used
34 without the necessity of any charge by the department. However, any
35 sale of the materials would not be exempt from charges by the
36 department consistent with this title.

37 (3)(a) Prior to selling or otherwise using any materials under this

1 section for commercial purposes, written notification must be provided
2 by the owners of the lands to the department outlining the type and
3 amount of material that is planned to be sold or otherwise used.

4 (b) The department shall report to the appropriate committees of
5 the legislature each biennium through the end of the 2015-2017 biennium
6 a summary of any notifications received under (a) of this subsection.
7 The report must include a determination of whether any revenue that
8 would otherwise accrue to the state has been diverted by the provisions
9 of this section and a summation of the diverted amount for the previous
10 biennium. The initial report is due by January 2, 2012, with
11 subsequent reports due by January 2nd of each even-numbered year.

12 NEW SECTION. **Sec. 2.** RCW 79.140.120 is decodified.

Passed by the Senate April 21, 2009.

Passed by the House April 14, 2009.

Approved by the Governor May 8, 2009.

Filed in Office of Secretary of State May 11, 2009.