

**Chapter 79A.55 RCW
SCENIC RIVER SYSTEM**

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RCW 79A.55.005 Legislative finding—Purpose. The legislature hereby finds that many rivers of this state, with their immediate environs, possess outstanding natural, scenic, historic, ecological, and recreational values of present and future benefit to the public. The legislature further finds that the policy of permitting the construction of dams and other impoundment facilities at appropriate sections of the rivers of this state needs to be complemented by a policy that would protect and preserve the natural character of such rivers and fulfill other conservation purposes. It is hereby declared to be the policy of this state that certain selected rivers of the state which, with their immediate environs, possess the aforementioned characteristics, shall be preserved in as natural a condition as practical and that overuse of such rivers, which tends to downgrade their natural condition, shall be discouraged.

The purpose of this chapter is to establish a program for managing publicly owned land on rivers included in the state's scenic river system, to indicate the river segments to be initially included in that system, to prescribe a procedure for adding additional components to the system, and to protect the rights of private property owners. [1977 ex.s. c 161 s 1. Formerly RCW 79.72.010.]

RCW 79A.55.010 Definitions. The definitions set forth in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Commission" means the state parks and recreation commission.

(2) "Participating local government" means the legislative authority of any city or county, a portion of whose territorial jurisdiction is bounded by or includes a river or river segment of the state's scenic river system.

(3) "River" means a flowing body of water or a section, segment, or portion thereof.

(4) "River area" means a river and the land area in its immediate environs as established by the participating agencies not exceeding a width of one-quarter mile landward from the streamway on either side of the river.

(5) "Scenic easement" means the negotiated right to control the use of land, including the air space above the land, for the purpose of protecting the scenic view throughout the visual corridor.

(6) "Streamway" means that stream-dependent corridor of single or multiple, wet or dry, channel or channels within which the usual seasonal or stormwater runoff peaks are contained, and within which environment the flora, fauna, soil, and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(7) "System" means all the rivers and river areas in the state designated by the legislature for inclusion as scenic rivers but does not include tributaries of a designated river unless specifically included by the legislature. The inclusion of a river in the system does not mean that other rivers or tributaries in a drainage basin shall be required to be part of the management program developed for the system unless the rivers and tributaries within the drainage basin are specifically designated for inclusion by the legislature.

(8) "Visual corridor" means that area which can be seen in a normal summer month by a person of normal vision walking either bank of a river included in the system. The visual corridor shall not exceed the river area. [1999 c 249 s 801; 1999 c 151 s 1701; 1994 c 264 s 64; 1988 c 36 s 57; 1987 c 57 s 1; 1984 c 7 s 371; 1977 ex.s. c 161 s 2. Formerly RCW 79.72.020.]

Reviser's note: This section was amended by 1999 c 151 s 1701 and by 1999 c 249 s 801, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability—1999 c 249: See note following RCW 79A.05.010.

Part headings not law—Effective date—1999 c 151: See notes following RCW 18.28.010.

RCW 79A.55.020 Management policies—Development—Inclusion of management plans—Identification and exclusion of unsuitably developed lands—Boundaries of river areas—Hearings—Notice—Studies—Proposals for system additions. (1) The commission shall develop and adopt management policies for publicly owned or leased land on the rivers designated by the legislature as being a part of the state's scenic river system and within the associated river areas. The commission may adopt rules identifying river classifications which reflect the characteristics common to various segments of scenic rivers and may adopt management policies consistent with local government's shoreline management master plans appropriate for each such river classification. All such policies shall be adopted by the commission in accordance with the provisions of chapter 34.05 RCW, as now or hereafter amended. Any variance with such a policy by any public agency shall be authorized only by the approval of the commission and shall be made only to alleviate unusual hardships unique to a given segment of the system.

(2) Any policies developed pursuant to subsection (1) of this section shall include management plans for protecting ecological, economic, recreational, aesthetic, botanical, scenic, geological, hydrological, fish and wildlife, historical, cultural, archaeological, and scientific features of the rivers designated as being in the system. Such policies shall also include management plans to encourage any nonprofit group, organization, association, person, or corporation to develop and adopt programs for the purpose of increasing fish propagation.

(3) The commission shall identify on a river by river basis any publicly owned or leased lands which could be included in a river area of the system but which are developed in a manner unsuitable for land to be managed as part of the system. The commission shall exclude lands so identified from the provisions of any management policies implementing the provisions of this chapter.

(4) The commission shall determine the boundaries which shall define the river area associated with any included river. With respect to the rivers named in RCW 79A.55.070, the commission shall make such determination, and those determinations authorized by subsection (3) of this section, within one year of September 21, 1977.

(5) Before making a decision regarding the river area to be included in the system, a variance in policy, or the excluding of land from the provisions of the management policies, the commission shall hold hearings in accord with chapter 34.05 RCW, with at least one public hearing to be held in the general locale of the river under consideration. The commission shall cause to be published in a newspaper of general circulation in the area which includes the river or rivers to be considered, a description, including a map showing such river or rivers, of the material to be considered at the public hearing. Such notice shall appear at least twice in the time period between two and four weeks prior to the public hearing.

The commission shall seek and receive comments from the public regarding potential additions to the system, shall initiate studies, and may submit to any session of the legislature proposals for additions to the state scenic river system. These proposals shall be accompanied by a detailed report on the factors which, in the commission's judgment, make an area a worthy addition to the system. [2009 c 187 s 6. Prior: 1999 c 249 s 802; 1999 c 151 s 1702; 1977 ex.s. c 161 s 3. Formerly RCW 79.72.030.]

Severability—1999 c 249: See note following RCW 79A.05.010.

Part headings not law—Effective date—1999 c 151: See notes following RCW 18.28.010.

RCW 79A.55.030 Administration of management program—Powers, duties, and authority of commission. (1) The management program for the system shall be administered by the commission. The commission shall have the responsibility for coordinating the development of the program between affected state agencies and participating local governments, and shall develop and adopt rules, in accord with chapter 34.05 RCW, the Administrative Procedure Act, for each portion of the system, which shall implement the management policies. In developing rules for a specific river in the system, the commission shall hold at least one public hearing in the general locale of the river under

consideration. The hearing may constitute the hearing required by chapter 34.05 RCW. The commission shall cause a brief summary of the proposed rules to be published twice in a newspaper of general circulation in the area that includes the river to be considered in the period of time between two and four weeks prior to the public hearing. In addition to the foregoing required publication, the commission shall also provide notice of the hearings, rules, and decisions of the commission to radio and television stations and major local newspapers in the areas that include the river to be considered.

(2) In addition to any other powers granted to carry out the intent of this chapter, the commission is authorized to: (a) Purchase, within the river area, real property in fee or any lesser right or interest in real property including, but not limited to scenic easements and future development rights, visual corridors, wildlife habitats, unique ecological areas, historical sites, camping and picnic areas, boat launching sites, and/or easements abutting the river for the purpose of preserving or enhancing the river or facilitating the use of the river by the public for fishing, boating and other water related activities; and (b) purchase, outside of a river area, public access to the river area.

The right of eminent domain shall not be utilized in any purchase made pursuant to this section.

(3) The commission is further authorized to: (a) Acquire by gift, devise, grant, or dedication the fee, an option to purchase, a right of first refusal or any other lesser right or interest in real property and upon acquisition such real property shall be held and managed within the scenic river system; and (b) accept grants, contributions, or funds from any agency, public or private, or individual for the purposes of this chapter.

(4) The commission is hereby vested with the power to obtain injunctions and other appropriate relief against violations of any provisions of this chapter and any rules adopted under this section or agreements made under the provisions of this chapter. [1999 c 249 s 803; 1999 c 151 s 1703; 1989 c 175 s 169; 1977 ex.s. c 161 s 4. Formerly RCW 79.72.040.]

Reviser's note: This section was amended by 1999 c 151 s 1703 and by 1999 c 249 s 803, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability—1999 c 249: See note following RCW 79A.05.010.

Part headings not law—Effective date—1999 c 151: See notes following RCW 18.28.010.

Effective date—1989 c 175: See note following RCW 34.05.010.

RCW 79A.55.040 State agencies and local governments to pursue policies to conserve and enhance included river areas—Shoreline management act—Private lands—Trust lands. (1) All state government agencies and local governments are hereby directed to pursue policies with regard to their respective activities, functions, powers, and duties which are designed to conserve and enhance the conditions of rivers which have been included in the system, in accordance with the management policies and the rules adopted by the commission for such

rivers. Local agencies are directed to pursue such policies with respect to all lands in the river area owned or leased by such local agencies. Nothing in this chapter shall authorize the modification of a shoreline management plan adopted by a local government and approved by the state pursuant to chapter 90.58 RCW without the approval of the department of ecology and local government. The policies adopted pursuant to this chapter shall be integrated, as fully as possible, with those of the shoreline management act of 1971.

(2) Nothing in this chapter shall grant to the commission the power to restrict the use of private land without either the specific written consent of the owner thereof or the acquisition of rights in real property authorized by RCW 79A.55.030.

(3) Nothing in this chapter shall prohibit the department of natural resources from exercising its full responsibilities and obligations for the management of state trust lands. [1999 c 249 s 804; 1999 c 151 s 1704; 1977 ex.s. c 161 s 5. Formerly RCW 79.72.050.]

Reviser's note: This section was amended by 1999 c 151 s 1704 and by 1999 c 249 s 804, each without reference to the other. Both amendments are incorporated in the publication of this section under RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability—1999 c 249: See note following RCW 79A.05.010.

Part headings not law—Effective date—1999 c 151: See notes following RCW 18.28.010.

RCW 79A.55.050 Criteria for inclusion of rivers within system.

Rivers of a scenic nature are eligible for inclusion in the system. Ideally, a scenic river:

- (1) Is free-flowing without diversions that hinder recreational use;
- (2) Has a streamway that is relatively unmodified by riprapping and other stream bank protection;
- (3) Has water of sufficient quality and quantity to be deemed worthy of protection;
- (4) Has a relatively natural setting and adequate open space;
- (5) Requires some coordinated plan of management in order to enhance and preserve the river area; and
- (6) Has some lands along its length already in public ownership, or the possibility for purchase or dedication of public access and/or scenic easements. [1977 ex.s. c 161 s 6. Formerly RCW 79.72.060.]

RCW 79A.55.060 Authority of department of fish and wildlife unaffected. Nothing contained in this chapter shall affect the authority of the department of fish and wildlife to construct facilities or make improvements to facilitate the passage or propagation of fish nor shall anything in this chapter be construed to interfere with the powers, duties, and authority of the department of fish and wildlife to regulate, manage, conserve, and provide for the harvest of fish or wildlife within any area designated as being in the state's scenic river system. No hunting shall be permitted in any state park. [1999 c 249 s 805; 1988 c 36 s 58; 1977 ex.s. c 161 s 7. Formerly RCW 79.72.070.]

Severability—1999 c 249: See note following RCW 79A.05.010.

RCW 79A.55.070 Rivers designated as part of system. The following rivers of the state of Washington are hereby designated as being in the scenic river system of the state of Washington:

(1) The Skykomish river from the junction of the north and south forks of the Skykomish river:

(a) Downstream approximately fourteen miles to its junction with the Sultan river;

(b) Upstream approximately twenty miles on the south fork to the junction of the Tye and Foss rivers;

(c) Upstream approximately eleven miles on the north fork to its junction with Bear creek;

(2) The Beckler river from its junction with the south fork of the Skykomish river upstream approximately eight miles to its junction with Rapid river;

(3) The Tye river from its junction with the south fork of the Skykomish river upstream approximately fourteen miles to Tye Lake; and

(4) The Little Spokane river from the upstream boundary of the state park boat put-in site near Rutter parkway and downstream to its confluence with the Spokane river. [1991 c 206 s 1; 1977 ex.s. c 161 s 8. Formerly RCW 79.72.080.]

Green River Gorge conservation area: RCW 79A.05.700 through 79A.05.715.

Washington state Yakima river conservation area: RCW 79A.05.750 through 79A.05.795.

RCW 79A.55.080 Inclusion of state's scenic rivers in national wild and scenic river system not precluded. Nothing in this chapter shall preclude a section or segment of the state's scenic rivers included in the system from becoming a part of the national wild and scenic river system. [1977 ex.s. c 161 s 9. Formerly RCW 79.72.090.]

RCW 79A.55.090 Funds from certain accounts not to be used. No funds shall be expended from the limited fish and wildlife account created in RCW 77.12.170(1) or the fish, wildlife, and conservation account created in RCW 77.12.170(3) to carry out the provisions of this chapter. [2020 c 148 s 26; 1988 c 36 s 59; 1977 ex.s. c 161 s 10. Formerly RCW 79.72.100.]

Intent—Effective date—2020 c 148: See notes following RCW 77.12.170.