

HOUSE BILL REPORT

ESHB 1017

As Passed Legislature

Title: An act relating to exchanges of state-owned aquatic lands with privately owned lands under the public interest standard.

Brief Description: Exchanging state-owned aquatic lands with privately owned lands.

Sponsors: By House Committee on Natural Resources (originally sponsored by Representatives Sehlin, Anderson, Koster, Quall, Huff, L. Thomas and Dunn).

Brief History:

Committee Activity:

Natural Resources: 1/24/97, 2/11/97 [DPS].

Floor Activity:

Passed House: 2/28/97, 92-4.

Passed Legislature.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Buck, Chairman; Sump, Vice Chairman; Thompson, Vice Chairman; Alexander; Anderson; Chandler; Hatfield; Pennington and Sheldon.

Minority Report: Without recommendation. Signed by 2 members: Representatives Regala, Ranking Minority Member; and Butler, Assistant Ranking Minority Member.

Staff: Rick Anderson (786-7114).

Background: The Department of Natural Resources manages over two million acres of state-owned aquatic lands. These aquatic lands were granted to the state at statehood and include tidelands, shorelands, and bedlands. Approximately 40 percent of the state's original endowment of tidelands, 70 percent of the original shorelands, and all of the state's bedlands remain in public ownership.

The department has specific authority to lease and exchange state-owned tidelands and shorelands. State law provides specific guidelines as to how the department may exercise this authority. State-owned aquatic lands— is defined as aquatic lands

managed by the Department of Natural Resources (DNR) or the ports. Aquatic lands managed by other state agencies are specifically excluded from this definition.

The Washington Department of Fish and Wildlife (WDFW) and the Parks and Recreation Commission also manage state lands. Some of the lands managed by these agencies are aquatic lands (tidelands and shorelands).

Summary of Bill: The management of a 4,166 square foot area of aquatic lands along the Stillaguamish River is transferred from the DNR to the WDFW. The WDFW is authorized to exchange its aquatic land holdings if the exchange would provide significantly better fish and wildlife habitat or public water access.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: Twin City Foods suffered a catastrophic fire in 1996 and decided to rebuild on the site it had occupied for over 50 years. The permitting process revealed that a portion of the land it had occupied was on aquatic land managed by the DNR. The company proposed to exchange the 3,000 to 4,000 square foot area of state-owned aquatic land with an acre of land that is adjacent to a Department of Fish and Wildlife boat launch. The DNR refused. The proposed exchange of land will provide a net benefit to the public.

Testimony Against: Only 25 percent of the aquatic lands in Puget Sound are owned by the public. Aquatic lands should not be exchanged for non-aquatic lands. The department does support exchanging aquatic lands for aquatic lands. The department also supports leasing the land to Twin City Foods.

Testified: Representative Barry Sehlin, prime sponsor; Representative Dave Anderson, secondary sponsor; Donald E. Heitmann, Twin City Foods, Inc. (pro); and Craig Partridge, Department of Natural Resources (con).