

# HOUSE BILL REPORT

## SHB 2423

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### As Passed Legislature

**Title:** An act relating to dredge spoils.

**Brief Description:** Allowing for the disposal of Mt. St. Helen's dredge spoils from public or private lands.

**Sponsors:** By House Committee on Natural Resources (originally sponsored by Representatives Pennington, Hatfield, Boldt and Haigh).

**Brief History:**

**Committee Activity:**

Natural Resources: 1/21/00, 1/28/00 [DPS].

**Floor Activity:**

Passed House: 2/3/00, 95-0.

Passed Senate: 2/29/00, 47-0.

Passed Legislature.

**Brief Summary of Substitute Bill**

- Requires the Department of Transportation to amend its previous conveyance of land to the city of Castle Rock to require that the revenue received from dredge spoils be dedicated for recreational purposes.
- Public landowners who sell specified dredge spoils are exempted from the Department of Natural Resources' royalty on valuable materials.

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### HOUSE COMMITTEE ON NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Buck, Republican Co-Chair; Regala, Democratic Co-Chair; Anderson, Democratic Vice Chair; Sump, Republican Vice Chair; G. Chandler; Clements; Doumit; Eickmeyer; Ericksen; Pennington; Rockefeller and Stensen.

**Staff:** Josh Weiss (786-7129).

## **Background:**

### Mount St. Helens Recovery Program.

Following the eruption of Mount St. Helens in 1980, emergency dredging of the Cowlitz and Toutle Rivers was undertaken. Initially, the U.S. Army Corps of Engineers obtained sites from property owners who were willing to donate their land in order to get the sediment removed from the rivers. In 1982, the Legislature directed the Department of Transportation to obtain additional lands for the disposal of dredge spoils.

In 1991, Washington conveyed two of these parcels to Cowlitz County under the Mount St. Helens Recovery Program. The conveyance required that funds derived from the sale of dredge spoils be reinvested into the two sites for recreational purposes. These funds could not be used for recreational activities throughout the county. In 1999, the Legislature required that the conveyance agreement be amended to allow the use of funds throughout the county, for recreational purposes.

Washington also conveyed one parcel under the Mount St. Helens Recovery Program to the city of Castle Rock in 1993. Similarly, the conveyance agreement restricted the use of funds derived from the sale of dredge spoils to activities on the subject site.

### Dredge Spoil Royalties.

Generally, any person may apply to remove valuable materials such as sand, rock, and gravel from state-owned beds of navigable waters. The Department of Natural Resources may approve such applications if it determines that such removal is in the best interest of the state. Such removal is subject to a royalty, which is paid to the department. The department may determine the royalty by negotiation, sealed bid, or through public auction. However, the department must consider the flood protection value to the public when establishing a royalty.

Dredge spoils that were removed from the beds of navigable waters following the eruption of Mt. St. Helens in 1981 and placed onto private lands are not subject to a royalty if sold by the private landowner. Dredge spoils placed onto public lands are subject to a royalty if the public landowner sells the dredge spoils.

When valuable materials are removed from aquatic lands by a public agency or under public contract for channel or harbor improvements, the department may authorize use of the materials for public purpose on public land. A royalty may not be required for the removal of these materials, unless they are subsequently sold. If it is necessary to dispose of such materials, the department may allow disposal without charge.

**Summary of Bill:**

The Department of Transportation must amend its agreement conveying a Mt. St. Helens' Recovery Program site to the city of Castle Rock to require the city to use the revenue generated from the sale of dredge spoils for recreational purposes.

Public landowners who sell dredge spoils removed from the beds and shores of the Toutle River, Coweeman River, and a portion of the Cowlitz River that were deposited between 1980 and 1995 are exempted from the Department of Natural Resources' royalty on valuable materials.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** (Original bill) Cowlitz County became the owner of specific lands and dredge materials during the cleanup following the Mt. St. Helens' explosion. HB 1491 required money from the sale of these dredge spoils to be spent on recreation. Without this legislation the county would have had to purchase additional lands for this purpose. Something similar needs to be done for the city of Castle Rock. These dredge spoils are a nuisance and a liability. We can turn this liability into an asset. The funds need to go back into the region, not to the Department of Natural Resources.

**Testimony Against:** None.

**Testified:** (Original bill) Jeff Rasmussen, Cowlitz County Commissioner; and David Vorse and Gene Frymire, city of Castle Rock.