

HOUSE BILL ANALYSIS

HB 2423

Title: An act relating to dredge spoils.

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

Sponsors: Representatives Pennington, Hatfield, Boldt and Haigh.

HOUSE COMMITTEE ON NATURAL RESOURCES

Meeting Date: January 21, 2000.

Bill Analysis Prepared by: Josh Weiss, Counsel (786-7129).

Background:

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: 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.

Appropriation: None.

Fiscal Note: Requested January 17, 2000.

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

Rulemaking Authority: None.