

FINAL BILL REPORT

SHB 2423

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Synopsis as Enacted

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).

House Committee on Natural Resources
Senate Committee on Natural Resources, Parks & Recreation

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 elsewhere in Cowlitz County. In 1999, the Legislature required that the conveyance agreement be amended to allow the use of funds for recreational purposes throughout Cowlitz County.

Washington also conveyed one parcel under the Mount St. Helens Recovery Program to the city of Castle Rock in 1993. This conveyance agreement similarly 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 the removal is in the best interest of the state. The 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.

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.

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.

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 Castle Rock to dedicate the revenue generated from the sale of dredge spoils to recreational purposes. On properties owned by Castle Rock adjacent to the Cowlitz River.

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

Votes on Final Passage:

House 95 0
Senate 47 0

Effective: June 8, 2000