

SENATE BILL REPORT

SB 5818

As of January 22, 2024

Title: An act relating to authorizing an exemption to the seashore conservation area for a qualified infrastructure project.

Brief Description: Authorizing an exemption to the seashore conservation area for a qualified infrastructure project.

Sponsors: Senators Van De Wege, Mullet, Nguyen, Salomon, Lias, Randall, Hasegawa, Kauffman, Dhingra, Stanford, Nobles and Saldaña.

Brief History:

Committee Activity: Agriculture, Water, Natural Resources & Parks: 1/22/24.

Brief Summary of Bill

- Directs the State Parks and Recreation Commission and the Department of Natural Resources to grant a permit for access to Seashore Conservation lands and an easement for a qualified infrastructure project.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Jeff Olsen (786-7428)

Background: The Seashore Conservation Area (Seashore) was established in 1967, dedicating the public beaches on the Pacific Ocean to public recreation. The Seashore spans 62 miles of coastline split into three sections and includes the land area between high tide and low tide. The State Parks and Recreation Commission (Commission) is authorized to oversee the Seashore under principles established in statute. Except for specific authorized purposes, land within the Seashore may not be sold or leased. The Commission may exchange land within the Seashore to settle property disputes.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Aquatic lands are generally managed by the state, and protected for the common good. The Legislature has designated the Department of Natural Resources (DNR) as the manager of the more than 2.6 million acres of state-owned aquatic lands. Aquatic lands includes all tidelands, shorelands, harbor areas, and the beds of navigable waters. In managing state-owned aquatic lands, DNR must support a balance of use demands and the statutory goals of:

- encouraging direct public use and access;
- fostering water-dependent uses;
- ensuring environmental protection;
- providing opportunities for utilization of renewable resources; and
- generating income from use of aquatic lands, when consistent with the previous goals.

DNR must also establish standards for determining equitable and predictable lease rates for users of state-owned aquatic lands.

Summary of Bill: The Commission and the Department of Natural Resources, upon request from a qualified infrastructure project owner, shall grant a permit for access to Seashore Conservation lands and an easement for a qualified infrastructure project. The easement must be granted for an initial term of 50 years and is renewable.

A qualified infrastructure project means the construction of utilities related to the deployment of a telecommunications infrastructure that occurs in part in a distressed area located on the coast of Washington. The infrastructure may include, but is not limited to, buried utility connections and extension and any related equipment that will add broadband capacity and infrastructure to the area. A qualified infrastructure project owner means a wholly owned subsidiary of a federally recognized tribe located in a county that borders the Pacific Ocean that is developing a qualified infrastructure project.

Appropriation: None.

Fiscal Note: Requested on January 17, 2024.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: The bill is limited to a Quinalt Indian Nation project. The Quinalt Indian Nation has been working on bringing internet access for several years, and is seeking to site a sea cable to provide internet access to address a large digital desert. To move the project forward, the project needs a long-term lease and predictability. The project will help the tribe diversify, reduce reliance on gaming, and bring digital equity and also serve the citizens of the state. Washington has not sited a subsea cable landing for 20 years. State Parks had previously approved a permit, but time expired before work was complete.

OTHER: State Parks agrees that there had been some confusion about whether State Parks has authority to approve the lease. The approach in the bill does circumvent the State Parks Commission process to review and negotiate the lease. State Parks does not anticipate significant impacts as a result of the project. If the bill does move forward, the language should be permissive. State Parks believes that it has authority to permit this project under the Seashore Conservation Act and are moving forward with permitting on a bore hole for the project.

Persons Testifying: PRO: Senator Kevin Van De Wege, Prime Sponsor; Tyson Johnston, Quinalt Indian Nation.

OTHER: Owen Rowe, Washington State Parks and Recreation Commission, Policy and Governmental Affairs Director.

Persons Signed In To Testify But Not Testifying: No one.