

HOUSE BILL REPORT

SB 5651

As Passed Legislature

Title: An act relating to the scenic river system.

Brief Description: Adding the Little Spokane river to the scenic river system.

Sponsor(s): Senators Saling, Stratton, West and McCaslin.

Brief History:

Reported by House Committee on:

Natural Resources & Parks, March 28, 1991, DP;

Passed House, April 16, 1991, 80-17;

Passed Legislature, 80-17.

**HOUSE COMMITTEE ON
NATURAL RESOURCES & PARKS**

Majority Report: *Do pass.* Signed by 10 members: Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Riley; Sheldon; and Wynne.

Minority Report: *Without recommendation.* Signed by 1 member: Representative Morton.

Staff: Marilee Scarbrough (786-7196).

Background: In 1977, the Legislature enacted the state Scenic River System Program, administered by the State Parks and Recreation Commission. At the time the program was enacted, segments of the Skykomish River System were designated as the first, and only, river system within the Scenic River program. The Skykomish Scenic River System is comprised of the junction of the north and south forks downstream 14 miles to the Sultan river, upstream 20 miles on the south fork of the Skykomish to the junction of the Tye and Foss rivers; upstream 11 miles on the north fork of the Skykomish to its junction with Bear creek; the Beckler river from its junction with the south fork of the Skykomish upstream eight miles to the Rapid river; and the Tye river from its junction with the south fork of the Skykomish river upstream 14 miles to Tye lake. Since 1977, no other rivers have been added to the state Scenic River System.

The Legislature established criteria for considering a river, or river segment for state scenic river designation. A candidate river, or river segment, should be free flowing, without diversions hindering recreation; have a relatively unmodified streambank; have a relatively natural setting and adequate open space; have some land along its length already in public ownership or possibly available for public access and/or scenic easement; and benefit from a coordinated management plan along its length.

The commission may not use the power of eminent domain to make any purchase for state scenic river purposes. The law does not permit the commission or any other government agency to restrict the use of private land without written consent of the landowner or the voluntary purchase of property rights. The law also does not prohibit the Department of Natural Resources from exercising its responsibilities to manage state trust lands.

The management of the state Scenic Rivers System Program is overseen by a committee of participating agencies. The committee is composed of the executive head, or the executive's designee from the departments of Ecology, Fisheries, Wildlife, Natural Resources, and Transportation, the Parks and Recreation Commission, the Interagency Association of Counties, the Association of Washington Cities, and two public members appointed by the governor.

The regulatory elements of the state Scenic Rivers System Program apply only to land already in public ownership. The Parks and Recreation Commission adopts management plans for a river which are consistent with the local shoreline master plan. The committee of participating agencies reviews and approves management plans. Management plans may only affect public lands within a maximum of one-quarter mile of the river. The management plans exclude any publicly owned land which has been developed in a manner unsuitable for Scenic River System management. Before adopting a management plan, the committee must hold local public hearings.

In 1988, the Parks and Recreation Commission authorized an assessment of Washington rivers with outstanding characteristics and that have potential for Scenic River designation. The Little Spokane river was included in the 18 Scenic Rivers System, and was noted as a "undisturbed meandering river valley with a rich diversity of wildlife, waterfowl, Indian pictographs and passive recreation opportunities."

The area of the Little Spokane river proposed for Scenic River designation is primarily publicly owned park land. The seven river miles proposed for scenic designation

includes the Little Spokane State Park Nature Area managed by the county, but jointly owned by both State Parks and the county; and four other private landowners. Private property within the proposed scenic river area would not be subject to Scenic River management policies.

Summary of Bill: The Little Spokane river from the upstream boundary of the state park boat put-in site near Rutter Parkway and downstream to its confluence with the Spokane river is included within the State Scenic River System.

The sum of \$30,000 is appropriated from the general fund to the State Parks and Recreation Commission to offset costs for a management assessment plan, an inventory of river resources, the preparation of maps, public hearings, and production of river management reports.

Fiscal Note: Requested March 28, 1991.

Appropriation: Yes.

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

Testimony For: The Little Spokane is a beautiful river. The area has a heron rookery and other wildlife. The area should be preserved for those who want to enjoy the river. The river is 90 percent publicly owned.

Testimony Against: None.

Witnesses: Senator Jerry Saling; and John Douglas, Northwest Rivers Council.