
**Agriculture & Natural Resources
Committee**

SB 5818

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 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 Area lands and an easement for a qualified infrastructure project.

Hearing Date: 2/16/24

Staff: Robert Hatfield (786-7117).

Background:

Washington State Seashore Conservation Area.

The Washington State Seashore Conservation Area (Seashore Conservation Area) was established in 1967, dedicating the public beaches on the Pacific Ocean to public recreation. The Seashore Conservation Area spans a total of 62 miles of coastline split into three sections: between Cape Disappointment and Leadbetter Point; between Toke Point and the South jetty on Point Chehalis; and between Damon Point and the Makah Indian Reservation.

The State Parks and Recreation Commission (Commission) is authorized to oversee the Seashore Conservation Area under principles established in statute. Except for specific authorized

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.

purposes, land within the Seashore Conservation Area may not be sold or leased. The Commission may exchange land within the Seashore Conservation Area to settle property disputes.

Aquatic Lands.

Aquatic lands are generally managed by the state, and are 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, the 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.

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

Distressed Areas.

Distressed areas, for the purposes of eligibility for grants and loans from the Rural Washington Loan Fund, mean:

- a rural county;
- a county which has an unemployment rate which is 20 percent above the state average for the immediately previous three years;
- a county that has a median household income that is less than 75 percent of the state median household income for the previous three years;
- a metropolitan statistical area, as defined by the Office of Federal Statistical Policy and Standards, United States Department of Commerce, in which the average level of unemployment for the calendar year immediately preceding the year in which an application to the Rural Washington Loan Fund is filed exceeds the average state unemployment for that calendar year by 20 percent; or
- an area within a county, which area:
 - is composed of contiguous census tracts;
 - has a minimum population of 5,000 persons;
 - has at least 70 percent of its families and unrelated individuals with incomes below 80 percent of the county's median income for families and unrelated individuals; and
 - has an unemployment rate which is at least 40 percent higher than the county's unemployment rate.

Summary of Bill:

The State Parks and Recreation Commission and the Department of Natural Resources, upon request from a qualified infrastructure project owner, must grant a permit for access to Seashore

Conservation Area lands and an easement for a qualified infrastructure project. The easement must be granted for an initial term of 50 years and is renewable upon a request from a qualified infrastructure owner.

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: Available.

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