

# FINAL BILL REPORT

## ESHB 1864

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C 337 L 91  
*Synopsis As Enacted*

**Brief Description:** Changing requirements for removal of sand and gravel from aquatic lands.

By House Committee on Natural Resources & Parks (originally sponsored by Representatives Kremen, Haugen, Wilson, Roland, Braddock, Spanel, Rayburn, Rasmussen, Leonard, Bowman, R. Johnson, P. Johnson and Sheldon).

House Committee on Natural Resources & Parks  
House Committee on Appropriations  
Senate Committee on Environment & Natural Resources

**Background:** The Department of Natural Resources is authorized to sell stone, rock, gravel, or sand situated on aquatic lands to local governments for use in the construction, maintenance, or repair of roads located within the jurisdiction of the local government. The department is required to sell such materials at no less than the fair market value.

The department may authorize the use of rock, gravel, sand, or other materials situated on aquatic lands free of charge when such materials are: (1) removed for purposes of channel or harbor improvement, or flood control; and (2) used for public purposes.

Due to an apparent ambiguity in current law, there is some question as to whether the department is required to charge for materials removed from aquatic lands for purposes of channel or harbor improvement, or flood control when such materials are used subsequently for construction, maintenance, or repair of roads.

**Summary:** The requirement that materials removed from aquatic lands be sold at fair market value when sold to local governments for use in the construction, maintenance, or repair of roads is deleted. Instead, the department is prohibited from charging for such materials used by local governments for public purposes, including construction and maintenance of roads, dikes, and levees.

***Votes on Final Passage:***

House 98 0

Senate 41 2

*Effective:* July 28, 1991