

SENATE BILL REPORT

SB 5034

AS REPORTED BY COMMITTEE ON NATURAL RESOURCES, MARCH 2, 1993

**Brief Description:** Authorizing rents from leased beds of navigable waters in a code city not within a port district to be paid to the municipal authority.

**SPONSORS:** Senators Haugen and A. Smith

**SENATE COMMITTEE ON NATURAL RESOURCES**

**Majority Report:** That Substitute Senate Bill No. 5034 be substituted therefor, and the substitute bill do pass.

Signed by Senators Owen, Chairman; Hargrove, Vice Chairman; Amondson, Erwin, Franklin, Haugen, Oke, Snyder, and Spanel.

**Staff:** Vic Moon (786-7469)

**Hearing Dates:** February 24, 1993; March 2, 1993

**BACKGROUND:**

The city of Oak Harbor is using state-owned aquatic land to operate a marina, a mini-storage area, a boat repair and retail sales facility, a boat storage yard, a park, parking lots and the Oak Harbor Yacht Club. Parts of the city's operations are on public aquatic land, but the city has not obtained a lease from the Department of Natural Resources (DNR) for these lands.

The Department of Natural Resources estimates that the rental fee will be approximately \$80,000 for the lands. Of this amount, \$20,000 will go to the Department of Natural Resources resource management cost account to fund DNR's land management duties. The remaining \$60,000 will go to the aquatic lands enhancement accounts. The enhancement account funds are distributed to local government, state agencies and tribes for public aquatic access and habitat projects.

The Department of Natural Resources is currently negotiating with the city of Oak Harbor to bring the city's uses of the aquatic lands into compliance with state law.

**SUMMARY:**

RCW 79.92 is redefined so that leased beds of navigable waters which are situated within the limits of a code city, but are not in a port district, will be paid by the State Treasurer to the code city. The money is to be expended for water related improvements.

**EFFECT OF PROPOSED SUBSTITUTE:**

The department will lease tidelands to the city and will return 75 percent of the water dependent lease fees and 25 percent of the non-water dependent lease fees to the city for water dependent uses. The remaining funds will go into the aquatic lands enhancement account.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested

**TESTIMONY FOR:**

Ports get a special rate for lands they use and code cities should also benefit so they can develop their waterfront for the public.

**TESTIMONY AGAINST:**

This should be negotiated between the city of Oak Harbor and the Department of Natural Resources. We don't need a bill.

**TESTIFIED:** David Williams, City of Oak Harbor (pro); Pat McElroy, Department of Natural Resources (con)