

HOUSE BILL REPORT

HB 1632

As Reported By House Committee On:

Natural Resources

Title: An act relating to exchanging tidelands, shorelands, and beds of navigable waters.

Brief Description: Exchanging certain public lands.

Sponsors: Representatives Horn, Basich and Fuhrman.

Brief History:

Committee Activity:

Natural Resources: 2/14/95, 2/17/95 [DPS].

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Fuhrman, Chairman; Buck, Vice Chairman; Pennington, Vice Chairman; Basich, Ranking Minority Member; Regala, Assistant Ranking Minority Member; Beeksma; Cairnes; Elliot; G. Fisher; Jacobsen; Romero; Sheldon; Stevens; B. Thomas and Thompson.

Staff: Linda Byers (786-7129).

Background: The Department of Natural Resources manages over 2 million acres of state-owned aquatic lands. These aquatic lands were granted to the state at statehood and include tidelands, shorelands, and bedlands. Approximately 39 percent of the state's original endowment of tidelands, 70 percent of the original shorelands, and all of the state's bedlands remain in public ownership. Current law prevents any further sale of shorelands and tidelands except to public entities.

The department has specific authority to exchange uplands for certain purposes. The department has specific authority to exchange state-owned tidelands and shorelands under certain conditions for municipal park and playground purposes. Beyond this, there is no other express authority in statute allowing the department to exchange tidelands and shorelands.

Summary of Substitute Bill: The Department of Natural Resources may exchange state-owned tidelands and shorelands with private and other public landowners if the exchange is in the public interest and will actively contribute to the public benefits

identified in the statutory guidelines for management of aquatic lands. The department may not exchange state-owned harbor areas, waterways, or other bedlands.

Substitute Bill Compared to Original Bill: The original bill amends a section in current law prohibiting the sale of tidelands and shorelands, and addresses the exchange of state-owned tidelands, shorelands, and the beds of navigable waters if the exchange is in the public interest. The substitute bill creates a new section which expressly authorizes the exchange of state-owned tidelands and shorelands under certain conditions. The substitute also prevents the department from exchanging any beds of navigable waters.

Appropriation: None.

Fiscal Note: Requested on February 9, 1995.

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

Testimony For: This is enabling legislation to give the department the ability to exchange tidelands, shorelands, and bedlands with private parties. The ability to exchange lands is a management tool. This will facilitate the exchange of property if it is in the public interest. Support the bill for the good of the marine trade industry and for the public good. We support the department's amendments. The Attorney General's Office has come up with different interpretations over the years over what authority the department has in this area; it would be good to clarify it.

Testimony Against: There is concern about the definition of "public interest." The department would prefer to add more specificity to the decision-making authority by having the Board of Natural Resources rather than the department define the public interest and actually have it in the Washington Administrative Code. There are conflicts with the state Constitution if harbor areas aren't excluded. Bedlands should be excluded.

Testified: Representative Jim Horn, prime sponsor; John Woodring and Jack Swanberg, Northwest Marine Trade Association; (all in favor); Ed Owens, Coalition of Washington Fishermen (in favor, with minor concerns); and Stan Biles, Department of Natural Resources (in favor, with amendments).