

---

**Technology, Telecommunications  
& Energy Committee**

---

**HB 1005**

**Brief Description:** Allowing the granting of easements on state-owned aquatic lands for local public utility lines.

**Sponsors:** Representatives Morris and Lantz.

**Brief Summary of Bill**

- Allows access by easement to state-owned aquatic lands for public utility lines owned by nongovernmental entities for a charge.
- Establishes a task force to evaluate charges for the easements and report recommended changes in practice for July 1, 2002.

**Hearing Date:** 1/23/02

**Staff:** Pam Madson (786-7166).

**Background:**

State-owned aquatic lands are state-owned tidelands, shorelands, harbor areas, beds of navigable waters, and waterways administered by the Department of Natural Resources (DNR) or managed by a port district. This does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the DNR.

Governmental entities may use state-owned aquatic lands for public utility lines at no charge as long as the use is consistent with statutory purposes for these lands and does not obstruct navigation or other uses. The term "public utility lines" includes pipes or similar structures for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers.

As the manager of state-owned aquatic lands, the DNR must strive to balance the public benefits for all citizens. Public benefits of aquatic lands include encouraging direct public use and access, fostering water-dependent uses, ensuring environmental protection, and utilizing renewable resources.

DNR is vested with the authority to lease state-owned aquatic lands upon terms and conditions and length of time that are consistent with the state constitution and state laws.

**Summary of Bill:**

Non-governmental entities may obtain easements with the Department of Natural Resources (DNR) over state-owned aquatic lands for local public utility lines as long as the use is consistent with statutory purposes for these lands and does not obstruct navigation and other uses.

In granting an easement, the DNR is to charge the applicant the amount of loss in property value caused by locating the utility lines on the aquatic lands or \$5,000, whichever is larger. The DNR may also charge a fee to recover administrative costs in reviewing the application for the easement. The term of an easement is 30 years.

For existing easement applications, the DNR must make a final decision within 120 days. An applicant may request a decision in 60 days and the DNR may charge an additional fee of 10 percent of the total rent for such expedited processing.

The Utilities and Aquatic Lands Task Force is created to study current DNR charges for aquatic land leases or easements to local public utilities. The task force is comprised of eight members: Four legislators (two members from the House of Representatives and two members from the Senate); two members representing the DNR; one member representing non-profit electric utilities; and one member representing investor-owned utilities. The task force must report to the Legislature by July 1, 2002.

**Appropriation:** None.

**Fiscal Note:** Not Requested.

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