

HOUSE BILL REPORT

HB 1844

As Passed House:

March 9, 2001

Title: An act relating to an exchange of bedlands and the resolution of boundary disputes in and near the Cowlitz River near the confluence of the Columbia River in Longview, Washington.

Brief Description: Allowing the Department of Natural Resources to exchange certain bedlands to obtain clear title to certain property on the Cowlitz River.

By Representatives Doumit, Pennington, Hatfield, Mielke and Dunn; by request of Department of Natural Resources.

Brief History:

Committee Activity:

Natural Resources: 2/16/01, 2/19/01 [DP];

Capital Budget: 2/26/01, 2/28/01 [DP].

Floor Activity:

Passed House: 3/9/01, 94-0.

Brief Summary of Bill

- Authorizes the Department of Natural Resources to exchange bedlands abandoned through the rechanneling of the Cowlitz River.
- Authorizes the Department of Natural Resources to enter into boundary line agreements to resolve any disputes over the location of state-owned lands beneath the Cowlitz River.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; G. Chandler, Edwards, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Staff: Jason Callahan (786-7117).

HOUSE COMMITTEE ON CAPITAL BUDGET

Majority Report: Do pass. Signed by 17 members: Representatives Alexander, Republican Co-Chair; Murray, Democratic Co-Chair; Armstrong, Republican Vice Chair; Esser, Republican Vice Chair; McIntire, Democratic Vice Chair; Barlean, Bush, Casada, Hankins, Hunt, Lantz, O'Brien, Poulsen, Reardon, Schoesler, Veloria and Woods.

Staff: Jeff Olsen (786-7157).

Background:

The Washington State Constitution declares that the beds and shores of all navigable waters in Washington are owned by the state. The Legislature subsequently designated the Department of Natural Resources (DNR) as the steward of these lands. The DNR acts as a proprietor, subject to legislative direction, of all state-owned aquatic lands and holds these lands in trust for all current and future residents of the state. Privately-owned uplands that currently exist beneath a navigable waterway remains the private property of the original upland owner or his successors in interest. The DNR is authorized to exchange state-owned aquatic lands if the exchange is in the public interest. However, that authority does not extend to aquatic lands beneath a state-owned harbor or waterway or to state-owned bedlands.

The Cowlitz River is located in the southwestern portion in Washington. The Cowlitz serves as one of the major tributaries to the Columbia River, and reaches its confluence with the Columbia near the town of Longview, Washington. In the 1920s a dike was constructed on the Cowlitz near its confluence, diverting the river from its original path. According to DNR, the divergence resulted in the original bed of the river becoming a nonnavigable body of shallow water, and the river's navigable course being diverted across an adjacent upland area. Currently, the state retains ownership of the original riverbed now lying below nonnavigable water. The navigable portion of the Cowlitz River is privately owned.

Summary:

The DNR is authorized to exchange bedlands abandoned through the rechanneling of the Cowlitz River near the confluence of the Columbia River. Such an exchange will give the state clear title to the Cowlitz River as it now exists or where it may exist in the future. The DNR may also exchange bedlands and enter into boundary line agreements to resolve any disputes over the location of state-owned lands under the dike in the Cowlitz River that was built in 1920.

Appropriation: None.

Fiscal Note: Requested on February 7, 2001.

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

Testimony For: (Natural Resources) This bill will allow the Department of Natural Resources to resolve a long-standing boundary dispute without the necessity of going to court. Ownership of the navigable portion of the Cowlitz River at its confluence with the Columbia is unclear, and records on the matter are poor.

Testimony For: (Capital Budget) In the 1920s a dike was constructed that altered the flow of the Cowlitz River. The navigable portion of the river was diverted to private ownership. This bill would allow the department to exchange bedlands and settle boundary disputes.

Testimony Against: (Natural Resources) None

Testimony Against: (Capital Budget) None.

Testified: (Natural Resources) (In support) Representative Doumit, prime sponsor; Jim Hurst, Department of Natural Resources; and Fran McNair, Department of Natural Resources.

Testified: (Capital Budget) (In support) Fran McNair, Department of Natural Resources; and Robert Schaefer.