
Natural Resources Committee

HB 2488

Brief Description: Prohibiting certain state-owned aquatic lands from being withdrawn from conflicting uses or leasing.

Sponsors: Representatives Fisher, Buck, Reardon and Mitchell.

Brief Summary of Bill

- The Department of Natural Resources may not withdraw state-owned aquatic lands from leasing or from conflicting uses if the lands abut mineral resource lands that are designated by a city or county.

Hearing Date: 2/8/02

Staff: Jason Callahan (786-7117).

Background:

Upon statehood, Washington had conferred to it all of the aquatic lands within the state's borders. Unlike the upland forested parcels, the aquatic lands transferred were given to the new state in fee, and not subject to trust restrictions for specific beneficiaries. Since that time, the state has sold off some of the aquatic lands in the state, and entered into leases for other parcels.

The Legislature has vested the Department of Natural Resources (DNR) with the responsibility of stewardship over the state-owned aquatic lands, including the management of any existing or future leases. Today, the DNR manages over 2.5 million acres of aquatic lands to provide a balance of public benefits. These benefits include public recreational access, supporting businesses that rely on water access, and ensuring environmental protection.

Prior to issuing a new lease or authorizing any changes in use, the DNR is required by statute to consider the natural values of the state-owned aquatic lands as wildlife habitat, natural area preserves, representative ecosystems, or spawning areas. The DNR may withhold from leasing, or provide for protection within a lease, any lands that it finds to have significant natural values. The DNR has also been given the authority to remove any state lands from any conflicting uses

that will decrease continuity in management or hamper the facilitation of long range planning by interested agencies.

Through the course of the year 2000, the Commissioner of Public Lands announced that six areas of aquatic lands were being removed from leasing indefinitely. These areas, referred to as "aquatic reserves," total over 14,000 acres. The six aquatic reserves are Cherry Point near Bellingham Bay, Fidalgo Bay near Anacortes, Middle Waterway and Olympic View in Tacoma's Commencement Bay, Cypress Island in the San Juan Archipelago, and Maury Island off of King County's Vashon Island.

Currently, the DNR is following the processes outlined in the State Environmental Policy Act (SEPA) for gathering public input on the continued development of the aquatic reserve program. The input received will be used to develop more detailed guidance on how to review areas for reserve status.

Cities and counties are authorized by the Growth Management Act to designate specific parcels as Mineral Resource Lands. Throughout Washington, some of the designated Mineral Resource Lands abut state-owned aquatic lands.

Summary of Bill:

The Department of Natural Resources is restricted from withdrawing any state-owned aquatic lands that abut mineral resource lands designated by a city or county from leasing or from conflicting uses.

Appropriation: None.

Fiscal Note: Not Requested.

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