

SENATE BILL REPORT

SB 5863

As Passed Senate, 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.

Sponsors: Senators Snyder and Zarelli; by request of Department of Natural Resources.

Brief History:

Committee Activity: Natural Resources, Parks & Shorelines: 2/26/01, 3/5/01 [DP].
Passed Senate: 3/9/01, 49-0.

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

Majority Report: Do pass.

Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Staff: Victor Moon (786-7469)

Background: The Washington State Constitution establishes that the beds and shores of all navigatable waters in the state of Washington are owned by the state. The Legislature has designated the Department of Natural Resources as the manager of these aquatic lands. The department can exchange state-owned aquatic lands if that exchange is in the public interest. But the department's authority does not extend to aquatic lands beneath state-owned harbors, waterways, or bedlands. The Legislature must grant clear legislative authority if such an exchange or sale is to take place.

The Cowlitz River is a major tributary of the Columbia River. In the 1920's a dike was constructed on the Cowlitz River, diverting the river from its original path. This diversion resulted in the original bed of the river becoming a non-navigatable body of very shallow water, and the river's navigatable course being changed over to an adjacent area, which at the time was upland. The state retains ownership of the original bedland and the navigatable portion of the Cowlitz River is privately owned.

Summary of Bill: The Department of Natural Resources is authorized to exchange bedlands abandoned through the rechanneling of the Cowlitz River, in order to give the state clear title to the Cowlitz River and to give the private landowner clear title to lands which had been under the original river as part of the river bed. The department is authorized to exchange the bedlands and enter into boundary agreements to resolve disputes over the location of state-owned lands in the Cowlitz River.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The bill is required since DNR cannot make this kind of trade without legislative authority.

Testimony Against: None.

Testified: Fran McNair, DNR; Bob Schaefer, landowner.