

HOUSE BILL REPORT

HB 1246

As Passed House:

February 10, 2003

Title: An act relating to authorization to accept gifts of aquatic land.

Brief Description: Authorizing the department of natural resources to accept gifts of aquatic land.

Sponsors: By Representatives Linville, Schoesler, Rockefeller, Sump, Orcutt, Quall, Upthegrove and Mielke; by request of Commissioner of Public Lands.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/31/03 [DP].

Floor Activity:

Passed House: 2/10/03, 94-0.

Brief Summary of Bill

- Authorizes the Department of Natural Resources to accept gifts of aquatic lands.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 13 members: Representatives Linville, Chair; Rockefeller, Vice Chair; Schoesler, Ranking Minority Member; Holmquist, Assistant Ranking Minority Member; Kristiansen, Assistant Ranking Minority Member; Chandler, Eickmeyer, Grant, Hunt, McDermott, Orcutt, Quall and Sump.

Staff: Jason Callahan (786-7117).

Background:

The Legislature has delegated to the Department of Natural Resources (DNR) the responsibility for managing the state's aquatic lands for the benefit of the public. The management of aquatic lands must support a balance of goals, including the encouragement of public access, the fostering of water-dependent uses, the utilization of renewable resources, and the generation of revenue. Revenues generated from the state's

aquatic lands are generally directed to be used for public benefits, such as shoreline access, environmental protection, and recreational opportunities. Under current law, the DNR may lease aquatic lands, and exchange state-owned aquatic lands for privately owned lands.

The DNR is expressly authorized to accept several types of lands as gifts or bequests. These include gifts of land used for mining, and gifts of land that promote reforestation. The DNR also has a general authority to accept land on behalf of the state. Land accepted under this provision is subject to approval by the Attorney General, and any revenue generated from these lands is added to the DNR's trust holdings.

Summary of Bill:

The DNR is authorized to accept gifts of aquatic lands. All gifts received will become part of the state's aquatic land base.

The DNR is required to develop procedures and criteria that state the manner in which aquatic land gifts may occur. No individual aquatic parcel may be accepted by the DNR until four events occur:

1. An appraisal of the land's value has been prepared.
2. An environmental site assessment has been prepared.
3. The Attorney General has examined and approved the property's title report.
4. The appraisal, site assessment, and title report are submitted to the Board of Natural Resources.

The authority to accept aquatic lands retroactively applies to lands accepted prior to the effective date of this act.

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: In the state's past it has sold off state-owned aquatic lands to private individuals, but the Legislature stopped the practice in 1971. Since that time, some private individuals have offered to give that land back to the state. Currently, accepted lands must be added to the upland trust holdings of the state, unless there is clear intent with the gift that the land is to become part of the state's aquatic land holdings. The state must now use a quick-claim method to obtain title, and that process has complications.

The bill would allow for gifted aquatic lands to be part of the state's aquatic land holdings, clearing up confusion and inconsistent land ownerships. The bill will also allow the state to use any revenue that can be generated from the gifted land to add to the DNR's aquatic land management program, and gives companies an avenue for the fulfillment of mitigation requirements.

Testimony Against: None.

Testified: Fran McNair, Washington State Department of Natural Resources.