

HOUSE BILL REPORT

HB 1657

As Reported by House Committee On:
Natural Resources, Ecology & Parks

Title: An act relating to construction of bridges and trestles.

Brief Description: Concerning the construction of bridges and trestles over tidelands, shorelands, and harbor areas of the state.

Sponsors: Representatives Takko, Buck, B. Sullivan, Orcutt, Blake, Wallace, Sells and Chase.

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 3/1/05 [DPS].

Brief Summary of Substitute Bill

- Waives the cost of a right-of-way for local governments that plan to build a bridge or trestle over aquatic lands, and requires the local government to pay the cost of natural resources damages that are not already covered by an approved mitigation plan.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, DeBolt, Dickerson, Eickmeyer, Hunt, Orcutt and Williams.

Staff: Jason Callahan (786-7117).

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. The DNR may charge for a lease for use of the state's aquatic lands.

Currently, the DNR is authorized by statute to grant right-of-ways over the aquatic lands of the state for limited purposes. These purposes include the construction of bridges and trestles by a municipality. Before the DNR may grant a right-of-way, it must first assure payment for

the use of the aquatic land and for any damages caused by the right-of-way to the affected aquatic land.

Summary of Substitute Bill:

The DNR is instructed to allow cities, towns, and other municipalities to construct bridges and trestles across aquatic lands without paying for the right-of-way. Natural resource damages must be paid by the local government if they are not already covered by an approved mitigation plan. The DNR is allowed to recover reasonable direct administrative costs incurred in processing the applications for bridge or trestle construction, and must prepare a report to the Legislature regarding the collection of administrative fees.

Substitute Bill Compared to Original Bill:

The original bill instructed the DNR to allow cities, towns, and other municipalities to construct bridges and trestles across aquatic lands without paying for the right-of-way or reimbursing the state for the natural resources damages done to the aquatic lands.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support of original bill) Counties have recently built bridges and were charged for the use of the air space above the aquatic lands. It seems as though you are just transferring public money from one pot to another by charging the counties to pay the state.

(With concerns on original bill) There were concerns about the original bill, but the substitute addressed those concerns.

Testimony Against: (Opposed to original bill) The substitute is better than the original, but it still sets a bad precedence. The substitute allows the DNR to charge for the lease paperwork, but not for the actual lease. The Legislature would never tell private landowners that they can not charge for the value of a lease.

Persons Testifying: (In support of original bill) Representative Takko, prime sponsor; Kent Cash, Cowlitz County; and Jeff Rasmussen, Cowlitz County Commissioner.

(With concerns to original bill) Loren Stern, Department of Natural Resources; and Tome Clingman, Department of Ecology.

(Opposed to original bill) Bruce Wishart, People for Puget Sound.

Persons Signed In To Testify But Not Testifying: None.