

HOUSE BILL REPORT

HB 2469

As Passed House:
February 13, 2008

Title: An act relating to authorizing structures in waterways.

Brief Description: Eliminating references to pierhead lines and regarding authorizing structures within waterways.

Sponsors: By Representatives Upthegrove, VanDeWege, Hinkle, Dickerson and Lantz; by request of Department of Natural Resources.

Brief History:

Committee Activity:

Ecology & Parks: 1/15/08, 1/18/08 [DP].

Floor Activity:

Passed House: 2/13/08, 96-0.

Brief Summary of Bill

- Eliminates reference to federal pierhead lines in describing the area of federal regulatory authority in waterways.

HOUSE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass. Signed by 8 members: Representatives Upthegrove, Chair; Sump, Ranking Minority Member; Dickerson, Dunshee, Eickmeyer, Kristiansen, O'Brien and Pearson.

Staff: Jaclyn Ford (786-7339).

Background:

Federal pierhead lines were established by the Secretary of the Army to protect harbors. A pierhead line is the authorized waterward limit of any in-water structure such as docks, piers, gangways, ramps, groins, jetties or any other structure projecting from the shoreline. The federal waterways are maintained by the Army Corps of Engineers under the Rivers and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Harbors Acts. Regardless of pierhead lines, any plans to build in or modify waterways must receive a permit by the Army Corps of Engineers [33 USC 403].

In addition to the permit given by the federal government, all plans must be permitted by the Department of Natural Resources (DNR). The permit given by the DNR determines all the terms and conditions of the project and can be for no longer than 30 years [RCW 79.120.040].

Summary of Bill:

In state waterways, the jurisdiction of the federal government over navigable waters is described without referring to pierhead lines. The DNR may cancel any permit after 60 days' notice if a waterway is required for public highway purposes.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) This bill will modernize language to create consistency with the current federal process. Pierhead lines are no longer established by the Army Corps of Engineers. This bill will not affect the DNR's leasing practices. All necessary federal permits from the Army Corps of Engineers must still be obtained before a person has the right to apply for a use permit from the DNR.

(Opposed) This bill is unconstitutional since the state can not assume jurisdiction over federal waterways. This bill also takes away long-held riparian rights of upland owners.

Persons Testifying: (In support) Representative Upthegrove, prime sponsor; and Joe Panesko and Fran McNair, Department of Natural Resources.

(Opposed) M. C. Halvorsen.

Persons Signed In To Testify But Not Testifying: None.