
Ecology & Parks Committee

ESSB 6532

Brief Description: Authorizing certain cities to enter into lease agreements to use state-owned aquatic lands to operate a publicly owned marina.

Sponsors: Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Haugen and Keiser).

Brief Summary of Engrossed Substitute Bill

- Allows cities with a population between 20,000 and 25,000 residents to enter into a reduced fee lease with the Department of Natural Resources for the use of state-owned aquatic lands if the city is currently operating a publicly-owned marina.

Hearing Date: 2/20/08

Staff: Jason Callahan (786-7117).

Background:

The Legislature has assigned the Department of Natural Resources (DNR) with the responsibility of managing the state's aquatic lands for the benefit of the public. The DNR manages over 2 million acres of tidelands, shorelands, and bedlands. This includes the beds of navigable rivers and lakes, along with the beds below the Puget Sound.

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, environmental protection, 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.

The DNR has general leasing authority for aquatic lands. The Legislature has directed the DNR, however, to favor water dependent uses. State-owned aquatic land lease rates for water-dependent uses are determined using a statutory formula, based largely on the value of an associated upland parcel. The term "water-dependent use" refers to a use that cannot logically

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exist in any location but on water. The DNR must lease parcels used for non-water dependent uses at fair market value.

Summary of Bill:

Cities with a population between 20,000 and 25,000 residents that are in good standing with the DNR may enter into a reduced fee lease with the DNR for the use of state-owned aquatic lands if the city is currently operating a publicly-owned marina. The reduced fee lease must provide for the use of state-owned aquatic lands at no charge for the first 10 years of the lease. In subsequent years, rent must be limited to the lands included in the lease that was in effect prior to the effective date of the bill.

The lease must be limited to the operation of a publicly-owned marina and be entered into within one year after the enactment of the bill. The lease must be limited to 20 years, after which the city may enter into a new lease or vacate the lands.

Cities that enter into a no-fee lease with the DNR are ineligible to apply for grants from the Aquatic Lands Enhancement Account.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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