

FINAL BILL REPORT

ESSB 6532

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Synopsis as Enacted

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).

Senate Committee on Natural Resources, Ocean & Recreation
House Committee on Ecology & Parks
House Committee on Capital Budget

Background: The Legislature has assigned to the Department of Natural Resources (DNR) the responsibility for managing the state's aquatic lands for the benefit of the public. DNR manages over two 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.

DNR has general leasing authority for aquatic lands. The Legislature has directed 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 exist in any location but on water. DNR must lease parcels used for non-water dependent uses at fair market value.

Port districts and DNR may enter into agreements authorizing port districts to manage certain state-owned aquatic lands for port purposes. Ports must manage such lands consistent with the aquatic lands management statutes that apply to DNR. Ports need not pay rent for lands managed under a port management agreement that are used for water-dependent or oriented uses. If a port leases such lands for a non-water dependent use, 85 percent of that revenue must go to the state.

Summary: A city with a current population between 20,000 and 25,000 and that currently operates a publicly owned marina may enter into a reduced fee lease, not to exceed 20 years, with DNR authorizing the city to use state-owned aquatic lands for the purpose of operating a publicly owned marina. The Office of Financial Management's population estimate serves as the basis to determine a city's population.

State-owned aquatic lands included in the lease are those included in a city's most recent marina lease with DNR, along with aquatic lands immediately adjacent to those lands.

No rent is due for the use of state-owned aquatic lands for the first ten years under the lease. During subsequent years, rent is only due for those lands included in a previous aquatic land marina lease.

A city choosing to enter into such a lease has one year from June 12, 2008, to do so. A city must have paid any amounts owed DNR before entering into such a lease. The lease may not be renewed or extended.

During the first ten years of the lease, a city may not apply for grants from the aquatic lands enhancement account.

Votes on Final Passage:

Senate	49	0
House	93	0

Effective: June 12, 2008