

SENATE BILL REPORT

HB 2598

As of February 19, 2010

Title: An act relating to disposal of dredged riverbed materials from the Mount St. Helen's eruption

Brief Description: Concerning the disposal of dredged riverbed materials from the Mount St. Helen's eruption.

Sponsors: Representatives Takko, Blake and Herrera.

Brief History: Passed House: 2/10/10, 96-0.

Committee Activity: Natural Resources, Ocean & Recreation: 2/18/10.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Sherry McNamara (786-7402)

Background: The Legislature has delegated to the Department of Natural Resources (DNR) proprietary authority over the state-owned aquatic lands. DNR has authority to sell valuable materials (e.g., sediment and geoducks) from those aquatic lands.

After the eruption of Mount St. Helens in 1980, dredge spoils could be removed from the Toutle River, the Coweeman River, and a section of the Cowlitz River. This authorization expired on December 31, 1995.

Last session, the Legislature passed legislation allowing a landowner that has accepted materials dredged from specified rivers onto his or her property prior to January 1, 2009, to sell, transfer, or otherwise dispose of the materials without having to pay compensation to the state.

The law also allows dredge spoils removed from specified rivers between January 1, 2009, and December 31, 2017, to be sold, transferred, or disposed without paying compensation to the state if the land where the materials are located was not used as a source for the commercial sale of similar materials prior to the beginning of the year 2009.

Prior to removing and selling the materials, the landowner must notify DNR as to how much and what type of material is being removed. DNR must provide a biennial report to the

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.

Legislature that provides a summation of funds that would have accrued to the state if landowners were required to compensate DNR for the materials.

Summary of Bill: All dredge spoils removed from the Toutle River, the Coweeman River, and a portion of the Cowlitz River deposited on adjacent public and private lands before December 31, 2035, as a result of dredging the affected rivers for navigation and flood control purposes that have not been sold, transferred, or otherwise disposed of by owners of the lands, may be sold, transferred, or otherwise disposed of by the owners without the necessity of any charge by DNR, as long as the materials have not already been sold or transferred prior to the effective date of the legislation.

The requirement that a landowner must provide written notification to DNR prior to selling or using the dredge materials is removed. Also removed is the requirement that DNR report each biennium to the Legislature a summary of the landowner notifications and a summation of the funds that would have accrued to DNR if landowners were required to compensate DNR for the materials.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: None.

Persons Testifying: No one.