

SENATE BILL REPORT

SB 6070

As of February 23, 2009

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

Brief Description: Regarding disposal of dredged riverbed materials.

Sponsors: Senator Hatfield.

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 2/23/09.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Staff: Sherry McNamara (786-7402)

Background: Generally, any person may apply to remove valuable materials such as sand, rock, and gravel from state-owned beds of navigable waters. The Department of Natural Resources (DNR) may approve such applications if it determines that such removal is in the best interest of the state. Such removal is subject to a royalty, which is paid to DNR.

DNR may determine the royalty by negotiation, sealed bid, or through public auction. However, DNR must consider the flood protection value to the public when establishing a royalty.

Landowners who sold dredge spoils removed from the state-owned beds and shores of the Toutle River, Coweeman River, and a portion of the Cowlitz River between 1980 and 1995 were exempted from DNR's royalty on valuable materials.

Summary of Bill: The exemption for paying a charge to DNR for selling, transferring, or disposing of dredge spoils is extended to 2035.

Appropriation: None.

Fiscal Note: Requested on February 20, 2009.

Committee/Commission/Task Force Created: No.

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.

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

Staff Summary of Public Testimony: PRO: Historically, the Department of Transportation was responsible for acquiring sites for depositing the dredge spoils along the Cowlitz River. This year, the county has been tasked with finding the disposal sites. One of the stumbling blocks for this process has been DNR's establishment of the royalties. There isn't a value to the dredge materials because the transportation costs for moving the sand to another location is too expensive. The Lower Cowlitz River needs the U.S. Army Corps of Engineers to continue the dredging for flood protection. It is critical to find property owners who are willing to accept the dredge materials in this area; removing the royalty fee to DNR is one way to get the property owners to agree to accepting dredge spoils.

OTHER: DNR is required to charge royalty fees on dredge spoils. The current rate is \$.75 per metric yard to dispose of the dredge spoils. The rate is negotiated between Oregon and Washington for the Columbia River. The negotiation of the royalty rate happens at the time of the sale. DNR needs the revenue for their aquatic lands accounts.

Persons Testifying: PRO: George Raiter, Cowlitz County Commissioner; Ken Stone, Cowlitz County.

OTHER: Heath Packard, DNR.