

FINAL BILL REPORT

ESHB 1849

C 131 L 19

Synopsis as Enacted

Brief Description: Revising the lease terms for managing first-class unplatted tidelands and shorelands.

Sponsors: House Committee on Environment & Energy (originally sponsored by Representatives Lekanoff, Chapman, Fitzgibbon and Doglio; by request of Department of Natural Resources).

House Committee on Environment & Energy
Senate Committee on Agriculture, Water, Natural Resources & Parks

Background:

State Management of Aquatic Lands.

Aquatic lands are generally managed by the state and protected for the common good. The Legislature has designated the Department of Natural Resources (DNR) as the manager of the more than 2.6 million acres of state-owned aquatic lands. In managing these lands, the DNR must support a balance of use demands and statutory goals such as public use, environmental protections, trade, transportation, and generating revenue consistent with those goals. The DNR must also establish standards for determining equitable and predictable lease rates for users of state-owned aquatic lands.

Types of Aquatic Land and Lease Terms.

Aquatic lands include the lands beneath navigable marine "salt" waters and fresh waters of the state. There are three categories of aquatic lands: tidelands, shorelands, and bedlands.

Tidelands are submerged lands and beaches that are exposed and submerged with the ebb and flow of the tides. Shorelands are the submerged lands lying along the edge of a river or lake, between the line of ordinary high water and the line of navigability. Tidelands and shorelands in front of or within 2 miles of a city are considered first-class tidelands and shorelands, and those lands more than 2 miles from a city are considered second-class tidelands and shorelands. Bedlands are those aquatic lands that are submerged at all times beneath navigable waters.

Platting is the process of making a plan or map showing the division of a piece of land into individual lots or subdivisions. The DNR is required to plat all previously unplatted first-

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class tidelands and shorelands simultaneously with the establishment of harbor lines and the determination of harbor areas. The DNR may, but is not required to, plat second-class tidelands and shorelands.

Unplatted first-class tidelands and shorelands may be leased for a maximum period of 10 years. The maximum term for a re-lease of unplatted first-class tidelands and shorelands is five years. The maximum lease term for platted tidelands and shorelands is generally 55 years. Bedlands in front of second-class tidelands or shorelands may be leased for a maximum period of 30 years. Bedlands in front of leased unplatted first-class tidelands or shorelands may be leased for a maximum period of 10 years.

Summary:

Leases of state-owned first-class unplatted tidelands and shorelands must be for a term no longer than 55 years. Successive re-leases may also be for a period no longer than 55 years.

Leases of state-owned bedlands must be for a term of no longer than 30 years, irrespective of the type of tidelands or shorelands fronted by the bedlands.

Failure to use aquatic lands leased for booming purposes for a period of three years will result in a forfeiture of the lease and the land reverts to the state.

The DNR may not lease or re-lease any unplatted first-class tidelands or shorelands where the sole basis of the state's title is adverse possession of the tidelands or shorelands to be leased.

Votes on Final Passage:

House	98	0
Senate	46	0

Effective: July 28, 2019