

# SENATE BILL REPORT

## HB 1491

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As Reported by Senate Committee On:  
Agriculture, Water, Natural Resources & Parks, March 11, 2021

**Title:** An act relating to rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials.

**Brief Description:** Concerning the rights-of-way for the transport of timber, minerals, stone, sand, gravel, or other valuable materials.

**Sponsors:** Representatives Orcutt, Fitzgibbon and Lekanoff; by request of Department of Natural Resources.

**Brief History:** Passed House: 2/25/21, 96-1.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 3/11/21.

### Brief Summary of Bill

- Provides that the Department of Natural Resources is not required to issue a right-of-way certificate for right-of-way applications over lands in which the federal government claims the exclusive right to grant an easement or right-of-way.

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## SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Staff:** Karen Epps (786-7424)

**Background:** The Department of Natural Resources (DNR) manages a number of different categories of land, each for a specific purpose and under different management requirements. These include approximately 3 million acres of federally-granted lands and state forest lands, which DNR manages to support common schools, counties, and other public institutions.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

If someone engaged in the business of logging, quarrying, mining or removing sand, gravel, or other valuable materials from land needs a right-of-way to transport or move timber, minerals, stone, sand, gravel, or other valuable materials across lands managed by DNR, the person must file a written application with DNR. Upon receipt of the application, DNR must first appraise any damages or diminution to the value of land caused by the use of such right-of-way, including the value of any timber affected by the right-of-way, and must then notify the applicant of that appraisal. Once the applicant has paid the appraised value identified by DNR, DNR then issues a right-of-way certificate to the applicant that describes the terms and conditions upon which the right-of-way is granted.

**Summary of Bill:** The obligation of DNR to issue a right-of-way certificate does not apply to an application for a right-of-way over land in which the federal government claims the exclusive right to grant an easement or right-of-way to third parties over such land. This exception does not apply where DNR disputes the claim by the federal government. This exception may not be deemed an acknowledgement that the federal government holds any such exclusive granting rights.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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