
**Agriculture and Natural Resources
Committee**

HB 1378

Brief Description: Concerning the removal of derelict aquatic structures and restoration of aquatic lands.

Sponsors: Representatives Reeves, Dent, Berry, Ramel, Gregerson and Leavitt; by request of Department of Natural Resources.

Brief Summary of Bill

- Authorizes certain public entities to remove, salvage, or scrap derelict aquatic structures within their geographic jurisdiction.
- Creates guidelines for the actions public entities must take before they may take possession of a derelict structure.
- Requires the Department of Natural Resources (DNR) to submit all derelict aquatic structure removal projects to the Puget Sound Partnership nearshore credits program.
- Creates the Derelict Structure Removal Account.
- Establishes procedures for contesting actions related to the removal of derelict aquatic structures.
- Directs the DNR to establish a grant program for lessees of state-owned aquatic land who need financial assistance to comply with the DNR's habitat stewardship measures for the construction and maintenance of aquatic structures.

Hearing Date: 2/1/23

Staff: Matthew Williamson (786-7291) and Robert Hatfield (786-7117).

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.

Background:

The Department of Natural Resources.

The Washington Department of Natural Resources (DNR) is tasked with managing state trusts lands for the people of Washington. The DNR manages 5.6 million acres of forest, range, agricultural, aquatic, and commercial lands. The DNR manages more than 2.6 million acres of state-owned aquatic lands via its Aquatics Resources Division. The DNR also establishes stewardship measures, or guidelines outlining what the department believes are best practices for the construction and maintenance of aquatic structures.

Derelict Vessel Removal Program.

The Derelict Vessel Removal Program (DVRP) is administered by the DNR. Under the program, certain public entities, including the DNR and most public agencies that own or manage aquatic lands, may take custody and dispose of abandoned or derelict vessels on aquatic lands within their jurisdiction. The owner of an abandoned or derelict vessel is responsible for the cost of removal and disposal of the vessel.

Puget Sound Partnership Nearshore Credits Program.

The Puget Sound Partnership Nearshore Credits Program sells conservation credits to help federal permit applicants meet obligations to offset impacts to critical habitat and uses funds from those credit sales to implement equivalent conservation projects. It is administered by the Puget Sound Partnership in collaboration with the Washington State Recreation and Conservation Office, and receives technical assistance from the National Marine Fisheries Service and the United States Fish and Wildlife Service.

Summary of Bill:

Public entities, defined as the Department of Natural Resources (DNR), state agencies, and any city, town, or county with ownership, management, or jurisdiction over the aquatic lands where a derelict aquatic structure is located, are authorized to remove, salvage, or scrap derelict aquatic structures within their jurisdiction.

Public entities must comply with certain required procedures before they can take possession of any structure under the act. These procedures include requirements that authorized public entities must provide notice of a pending seizure via a physical notice placed on the structure, a printed notice published in a generally circulated newspaper, and electronic notice posted to the DNR's website. The bill also specifies what information must be contained in these notices.

The DNR is required to submit all derelict aquatic structure removal projects to the Puget Sound Partnership Nearshore Credits Program.

The Derelict Structure Removal Account, a fund within the State Treasury authorized to receive fund transfers and appropriations from the State General Fund, deposits from the derelict structure removal surcharge, as well as gifts, grants, and endowments from public or private

sources, is created.

Owners of derelict aquatic structures seized under the act are responsible for reimbursing the authorized public entity that performed the seizure for all reasonable and auditable costs associated with the removal or disposal of the structure.

Authorized public entities may enter into contracts with private companies and individuals to exercise the authority granted by the act.

The DNR is authorized to partner with authorized public entities, tribal nations or corporations, or nonprofit group to acquire aquatic structures for purposes of refurbishing or repurposing these structures in the interest of habitat benefits or the creation of amenities for the local community.

Procedures are established for contesting actions taken under the act. The Pollution Control Hearings Board is authorized to hold hearings to decide appeals of actions taken under the act.

The DNR is directed to establish a grant program for lessees of state-owned aquatic land who need financial assistance to comply with the department's habitat stewardship measures for the construction and maintenance of aquatic structures.

Appropriation: None.

Fiscal Note: Requested on January 19, 2023.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.