

HOUSE BILL REPORT

HB 1864

*As Reported By House Committee on:
Natural Resources & Parks
Appropriations*

Title: An act relating to removal of sand and gravel.

Brief Description: Changing requirements for removal of sand and gravel from aquatic lands.

Sponsor(s): Representatives Kremen, Haugen, Wilson, Roland, Braddock, Spanel, Rayburn, Rasmussen, Leonard, Bowman, R. Johnson, P. Johnson and Sheldon.

Brief History:

Reported by House Committee on:
Natural Resources & Parks, March 4, 1991, DPS;
Appropriations, March 8, 1991, DPS(NRP)-A.

**HOUSE COMMITTEE ON
NATURAL RESOURCES & PARKS**

Majority Report: *That Substitute House Bill No. 1864 be substituted therefor, and the substitute bill do pass.*
Signed by 10 members: Representatives Belcher, Chair; Scott, Vice Chair; Beck, Ranking Minority Member; Brumsickle, Assistant Ranking Minority Member; Dellwo; Fraser; Hargrove; Morton; Sheldon; and Wynne.

Staff: Randy Acker (786-7129).

Background: Sale/Use of Materials Situated on Aquatic Lands: The Department of Natural Resources is authorized to sell stone, rock, gravel, or sand situated on aquatic lands to local governments for use in the construction, maintenance, or repair of roads located within the jurisdiction of the local government. The department is required to sell such materials at no less than the fair market value.

The department may authorize the use of rock, gravel, sand, or other materials situated on aquatic lands free of charge when such materials are: (1) removed for purposes of channel or harbor improvement, or flood control; and (2) used for public purposes.

Due to an apparent ambiguity in current law, there is some question as to whether the department is required to charge for materials removed from aquatic lands for purposes of channel or harbor improvement, or flood control when such materials are used subsequently for construction, maintenance, or repair of roads.

Sand and Gravel-Permit Process: Removal of sand and gravel from aquatic lands requires both a Shorelines Development Permit and a Hydraulic Project Approval (HPA). The HPA is designed to protect fish habitat, and in so doing, it can restrict the amount of sand and gravel removed. In many cases, the small quantity of material available under permit conditions does not justify the cost of gaining access and removing the materials. As a result, firms are not actively pursuing authority to remove sand and gravel from aquatic lands.

Removal of Gravel for Flood Control: Recent flooding in Washington has given rise to speculation relating to the effectiveness of gravel removal on minimizing flood risks. However, there is no reliable data which would indicate the volume of material which would need to be removed annually from any river in the State in order to have a noticeable impact on flood control.

Summary of Substitute Bill: The requirement that materials removed from aquatic lands be sold at fair market value when sold to local governments for use in the construction, maintenance, or repair of roads is deleted. Instead, the department is prohibited from charging for such materials used by local governments for public purposes, including construction and maintenance of roads, dikes, and levees.

The Department of Ecology is required to conduct a sediment transport study of the Nooksack river to determine the quantity of material that would have to be removed to minimize flooding. In addition, the department is required to conduct an environmental assessment of the Nooksack river and to develop a sand and gravel management plan for the river. To the extent possible, the plan is to be developed so that it can be used as a model for future plans that may be developed for other rivers.

Twenty-five thousand dollars is appropriated from the Aquatic Lands Enhancement Account for the sediment transport study and an additional \$25,000 is appropriated from the Aquatic Lands Enhancement Account for the environmental assessment and the sand and gravel management plan.

Substitute Bill Compared to Original Bill: The substitute bill requires the Department of Ecology to conduct the

sediment transport study and environmental assessment instead of the Department of Natural Resources. The appropriations are from the Aquatic Lands Enhancement Account instead of the General Fund.

Fiscal Note: Requested February 21, 1991.

Appropriation: Yes.

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

Testimony For: The legislation would make it easier to provide gravel to local jurisdictions. The study will allow the department to look at the whole river. A comprehensive planning approach for removal of sand and gravel will be helpful. The legislation will help to control flooding along the Nooksack river.

Testimony Against: None.

Witnesses: Stan Biles, Department of Natural Resources (in favor); John Connolly, landowner (in favor); and Judy Sandy, Save Our Property (in favor).

**HOUSE COMMITTEE ON
APPROPRIATIONS**

Majority Report: *The substitute bill by Committee on Natural Resources & Parks be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass.* Signed by 29 members: Representatives Locke, Chair; Inslee, Vice Chair; Spanel, Vice Chair; Silver, Ranking Minority Member; Morton, Assistant Ranking Minority Member; Appelwick; Belcher; Bowman; Braddock; Brekke; Dorn; Ebersole; Ferguson; Fuhrman; Hine; Lisk; May; McLean; Mielke; Nealey; Peery; Pruitt; Rust; H. Sommers; Sprengle; Valle; Vance; Wang; and Wineberry.

Staff: Nancy Stevenson (786-7137).

Summary of Recommendation of Committee on Appropriations Compared to Recommendation of Committee on Natural Resources & Parks: Deletes the requirement for the Department of Ecology to conduct the study, environmental assessment, and management plan for the Nooksack River. Removes the appropriation of \$50,000 from the Aquatic Lands Management Enhancement Account.

Fiscal Note: Available.

Appropriation: Removed.

Effective Date of the Substitute Bill as Amended: Ninety days after the adjournment of the session in which the bill is passed.

Testimony For: None.

Testimony Against: None.

Witnesses: None.