

**WAC 332-30-117 Waterways.** (1) **Purpose and applicability.** This section describes the requirements for authorizing use and occupation of waterways under the department's authority as proprietor of state-owned aquatic lands. This section applies to waterways established in accordance with RCW 79.120.010 and 79.120.020. This section does not apply to uses of Salmon Bay Waterway, or to the East and West Duwamish Waterways in Seattle authorized under RCW 79.120.040.

(2) **Priority use.** Providing public navigation routes between water and land for conveniences of navigation and commerce is the priority waterway use.

(3) **Permit requirement.** In order to assure availability of waterways for present and future conveniences of navigation and commerce, moorage (other than transient moorage for fewer than 30 days), and other waterway uses shall require prior authorization from the department. Permits may be issued for terms not exceeding one year if there will be no significant interference with the priority waterway use or short-term moorage. Permits may be issued for terms not exceeding five years for uses listed in subsection (4) of this section in instances in which existing development, land use, ownership, or other factors are such that the current and projected demand for priority waterway uses is reduced or absent.

(4) **Permit priority.** In cases of competing demands for waterways, the following order of priority will apply:

(a) Facilities which provide public access to adjacent properties for loading and unloading of watercraft;

(b) Water-dependent commerce, as defined in WAC 332-30-115(1), related to use of the adjacent properties;

(c) Other water-dependent uses;

(d) Facilities for nonnavigational public access;

(e) Other activities consistent with the requirements in WAC 332-30-131(4) for public use facilities.

(5) **Waterway permits.** All necessary federal, state, and local permits shall be acquired by those proposing to use waterways. Copies of permits must be furnished to the department prior to authorizing the use of waterways.

(6) **Obstructions.** Permanent obstruction of waterways, including filling is prohibited. Structures associated with authorized uses in waterways shall be capable of ready removal. Where feasible, anchors and floats shall be preferred over pilings.

(7) **Permit process.** Applications for waterway permits will be processed as follows:

(a) Local government review of permit applications will be requested.

(b) Public comment will be gathered through the shoreline permit process, if applicable. If no shoreline permit is required, public comment will be gathered through the methods described in WAC 332-41-510(3).

(c) Applications will be reviewed for consistency with the policy contained in this chapter.

(d) Evaluation will consider existing, planned, and foreseeable needs and demands for higher priority uses in the waterway and in the associated water body.

(8) The department will require waterway permittees to provide security in accordance with WAC 332-30-122(5) to insure the provisions of waterway permits are fulfilled.

(9) **Cancellation.** Permission to use waterways is subject to cancellation in order to satisfy the needs of higher priority waterway

uses. Transient moorage may be required to move at any time. Waterway permits are cancellable upon ninety days' notice when the sites are needed for higher priority uses.

(10) **Monitoring.** Local governments will be encouraged to monitor waterway use and to report any uses not in compliance with this regulation.

(11) **Planning.** Planning for waterway use will be encouraged. The shoreline planning process should provide for the long range needs of preferred waterway uses and other statewide values. Planning should also consider the availability of other public property, such as plat-  
ted street ends, to serve anticipated needs.

(12) **Existing uses.** Existing waterway uses, structures, and ob-  
structions will be reviewed for compliance with this section. Uses not  
in compliance shall be removed within one year from the date notifica-  
tion of noncompliance is mailed unless the public interest requires  
earlier removal. Unless early removal is required, removal may be  
postponed if the department receives a request for vacation of the wa-  
terway from the city or port district in accordance with RCW  
79.120.060. If the request for waterway vacation is denied, the struc-  
ture must be removed within six months of mailing of notice of denial  
or within one year of the original date of notification of noncompli-  
ance, whichever is later.

(13) **Fees.** Waterway permit fees will be determined on the same  
basis as required for similar types of uses on other state-owned  
aquatic lands.

(14) **Filled areas.** Certain waterways contain unauthorized fill  
material. The filled areas have generally assumed the characteristics  
of the abutting upland. Nonwater-dependent uses may be allowed on ex-  
isting fills when there will be no interference with priority or other  
permitted waterway uses and when permitted under applicable local,  
state, and federal regulations.

[Statutory Authority: RCW 79.105.360. WSR 06-06-005 (Order 724), §  
332-30-117, filed 2/16/06, effective 3/19/06. Statutory Authority: RCW  
79.90.105, 79.90.300, 79.90.455, 79.90.460, 79.90.470, 79.90.475,  
79.90.520, 79.68.010, 79.68.68 [79.68.080], and chapter 79.93 RCW. WSR  
85-22-066 (Resolution No. 500), § 332-30-117, filed 11/5/85.]