

SENATE BILL REPORT

EHB 1936

As Reported By Senate Committee On:
Natural Resources, Parks & Shorelines, March 28, 2001

Title: An act relating to mooring at buoys.

Brief Description: Allowing the residential owner of land that abuts state-owned shoreland to anchor their boats to adjacent buoys.

Sponsors: By Representatives Quall, Morris, Linville, Grant, Sehlin, Doumit, Esser and Anderson.

Brief History:

Committee Activity: Natural Resources, Parks & Shorelines: 3/28/01 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES, PARKS & SHORELINES

Majority Report: Do pass.

Signed by Senators Jacobsen, Chair; Spanel, Vice Chair; Constantine, Hargrove, Morton, Oke, Snyder and Stevens.

Staff: Vic Moon (786-7469)

Background: The Washington Constitution declares that the beds and shores of all navigable waters in Washington are owned by the state. The Legislature subsequently designated the Department of Natural Resources (DNR) as the steward of these lands. DNR acts as a proprietor, subject to legislative direction, of all state-owned aquatic lands and holds these lands in trust for all current and future residents of the state.

If a person owns a residence abutting state-owned navigable aquatic land, he or she may install and maintain a dock at no charge on the state-owned aquatic land. This privilege is only allowed for docks used exclusively for private recreational purposes and on areas not subject to public rights. Permission to build a dock is subject to applicable local regulations. DNR may revoke permission to maintain a dock if it is necessary to protect the waterward access or ingress of other landowners, or the public health and safety. If permission is revoked by DNR, the affected landowner may appeal the decision through the Administrative Procedure Act.

Summary of Bill: The owner of residential property abutting state-owned shorelines, tidelands, or related beds of navigable waters is allowed to anchor a boat used for private, nonresidential, and recreational purposes at buoys without charge, provided the boat or mooring system does not pose a hazard or obstruction to navigation, fishing, or aquatic habitat. One buoy may be installed for each 100 feet of shoreline property owned. Permission is extended to areas designated by the Commissioner of Public Lands or the Fish and Wildlife Commission as an aquatic reserve. The buoys cannot be sold or leased separately from the upland property.

The permission may be revoked by DNR if it is necessary to protect the waterward access or ingress of other landowners, or the public health and safety. If permission is revoked by DNR, the affected landowner may appeal the decision through the Administrative Procedure Act.

Nothing in the bill authorizes a boat owner to abandon a vessel at a buoy or elsewhere.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Buoys are less environmentally damaging than docks and it is not realistic to collect a fee on every buoy. The Department of Natural Resources does not have the staff to collect the assessments. There are continuing problems with conflicting uses of the public aquatic lands which future legislatures will have to address.

Testimony Against: None.

Testified: PRO: Representative Dave Quall, prime sponsor; Loren Stern, Department of Natural Resources.