
HOUSE BILL 1750

State of Washington 61st Legislature 2009 Regular Session

By Representatives Warnick and Hinkle

Read first time 01/28/09. Referred to Committee on Ecology & Parks.

1 AN ACT Relating to the installation of boat lifts on state-owned
2 aquatic lands; and amending RCW 79.105.430.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 79.105.430 and 2005 c 155 s 106 are each amended to
5 read as follows:

6 (1)(a) The abutting residential owner to state-owned shorelands,
7 tidelands, or related beds of navigable waters, other than harbor
8 areas, may install and maintain without charge a dock on the areas if
9 used exclusively for private recreational purposes and the area is not
10 subject to prior rights, including any rights of upland, tideland, or
11 shoreland owners as provided in RCW 79.125.400, 79.125.460, 79.125.410,
12 and 79.130.010.

13 (b) The dock cannot be sold or leased separately from the upland
14 residence. The dock cannot be used to moor boats for commercial or
15 residential use. ((This))

16 (c) The permission granted in this section to install and maintain
17 a dock is subject to applicable local, state, and federal rules and
18 regulations governing location, design, construction, size, and length
19 of the dock.

1 (d) The permission granted in this section to install and maintain
2 a dock extends to permission to install and maintain a boat lift, or
3 other construction primarily used to provide safe moorage for a boat or
4 to safely remove and store a boat above the water level, that is
5 intended to operate in conjunction or association with the dock.

6 (e) Nothing in this subsection (1) prevents the abutting owner from
7 obtaining a lease if otherwise provided by law.

8 (2) The abutting residential owner to state-owned shorelands,
9 tidelands, or related beds of navigable waters, other than harbor
10 areas, may install and maintain a mooring buoy without charge if the
11 boat that is moored to the buoy is used for private recreational
12 purposes, the area is not subject to prior rights, including any rights
13 of upland, tideland, or shoreland owners as provided in RCW 79.125.400,
14 79.125.460, 79.125.410, and 79.130.010, and the buoy will not obstruct
15 the use of mooring buoys previously authorized by the department.

16 (a) The buoy must be located as near to the upland residence as
17 practical, consistent with applicable rules and regulations and the
18 provisions of this section. The buoy must be located, or relocated if
19 necessary, to accommodate the use of lawfully installed and maintained
20 buoys.

21 (b) If two or more residential owners, who otherwise qualify for
22 free use under the provisions of this section, are in dispute over
23 assertion of rights to install and maintain a mooring buoy in the same
24 location, they may seek formal settlement through adjudication in
25 superior court for the county in which the buoy site is located. In
26 the adjudication, preference must be given to the residential owner
27 that first installed and continually maintained and used a buoy on that
28 site, if it meets all applicable rules, regulations, and provisions of
29 this section, and then to the owner of the residential property nearest
30 the site. Nothing in this section requires the department to mediate
31 or otherwise resolve disputes between residential owners over the use
32 of the same site for a mooring buoy.

33 (c) The buoy cannot be sold or leased separately from the abutting
34 residential property. The buoy cannot be used to moor boats for
35 commercial or residential use, nor to moor boats over sixty feet in
36 length.

37 (d) If the department determines that it is necessary for secure
38 moorage, the abutting residential owner may install and maintain a

1 second mooring buoy, under the same provisions as the first, the use of
2 which is limited to a second mooring line to the boat moored at the
3 first buoy.

4 (e) The permission granted in this subsection (2) is subject to
5 applicable local, state, and federal rules and regulations governing
6 location, design, installation, maintenance, and operation of the
7 mooring buoy, anchoring system, and moored boat. Nothing in this
8 subsection (2) prevents a boat owner from obtaining a lease if
9 otherwise provided by law. This subsection (2) also applies to areas
10 that have been designated by the commissioner or the fish and wildlife
11 commission as aquatic reserves.

12 (3) This permission to install and maintain a recreational dock or
13 mooring buoy may be revoked by the department, or the department may
14 direct the owner of a recreational dock or mooring buoy to relocate
15 their dock or buoy, if the department makes a finding of public
16 necessity to protect waterward access, ingress rights of other
17 landowners, public health or safety, or public resources.
18 Circumstances prompting a finding of public necessity may include, but
19 are not limited to, the dock, buoy, anchoring system, or boat posing a
20 hazard or obstruction to navigation or fishing, contributing to
21 degradation of aquatic habitat, or contributing to decertification of
22 shellfish beds otherwise suitable for commercial or recreational
23 harvest. The revocation may be appealed as provided for under RCW
24 79.105.160.

25 (4) Nothing in this section authorizes a boat owner to abandon a
26 vessel at a recreational dock, mooring buoy, or elsewhere.

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