

# FINAL BILL REPORT

## SHB 2400

---

---

C 304 L 02

Synopsis as Enacted

**Brief Description:** Allowing for the installation of recreational docks and mooring buoys by residential owners abutting state-owned aquatic lands.

**Sponsors:** By House Committee on Natural Resources (originally sponsored by Representatives Eickmeyer, Buck, Doumit, Sump, Jackley, Rockefeller, Dunn, McDermott and Haigh; by request of Department of Natural Resources).

**House Committee on Natural Resources**  
**Senate Committee on Natural Resources, Parks & Shorelines**

### **Background:**

The Washington State 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. The 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 allowed only for docks used exclusively for private recreational purposes and on areas not subject to prior rights. Permission to build a dock is subject to applicable local regulations. The 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 the DNR, the affected landowner may appeal the decision under the Administrative Procedures Act.

In the 2001 session, the Legislature added the right to maintain a mooring buoy at no cost. No-cost buoys may not be used for commercial, transient, or residential purposes and cannot be sold or leased separately from the upland residence. One buoy may be installed at no cost for each 100 feet of shoreline property owned. Permission to maintain a buoy is contingent on the boat or buoy not posing a hazard or obstruction to navigation or fishing and not causing habitat degradation. Revocation of buoy permission is accomplished the same way as it is for docks.

### **Summary:**

Permission for upland owners to construct a dock on state-owned aquatic land does not

extend to docks used to moor commercial or residential boats. Docks cannot be sold or leased separately from the upland residence. Docks and buoys may not be placed in areas that interfere with shorelands and tidelands leased by the Department of Natural Resources (DNR) to upland owners. Buoys may not be constructed in harbor areas. Buoys must be located as close as practical to the abutting upland residence, and must be relocated if necessary to accommodate lawfully installed buoys.

If more than one upland owner has a legitimate claim to a buoy site, the parties are authorized to seek a formal settlement through adjudication in a superior court. In this process, preference is given to the residential owner that first lawfully installed and maintained a buoy on that site, and then to the owners of the property nearest to that site. The DNR is not responsible for mediating or resolving disputes between upland owners.

If the DNR determines that a second buoy is necessary for secure moorage, it may authorize a second mooring buoy to be installed under the same conditions as the first, as long as it is used exclusively for a second mooring line for the boat attached to the first buoy.

Reasons that the DNR may seek removal of a buoy or dock are expanded to include avoidance of the decertification of shellfish beds.

**Votes on Final Passage:**

House 96 0

Senate 47 1

**Effective:** June 13, 2002