

HOUSE BILL REPORT

EHB 1936

As Passed House:

March 13, 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: 2/23/01, 2/26/01 [DP].

Floor Activity:

Passed House: 3/13/01, 91-0.

Brief Summary of Engrossed Bill

- Allows the owner of residential property abutting state-owned shorelines, tidelands, or related beds of navigable waters to anchor at buoys, without charge, a boat used for private recreational purposes.

HOUSE COMMITTEE ON NATURAL RESOURCES

Majority Report: Do pass. Signed by 11 members: Representatives Doumit, Democratic Co-Chair; Sump, Republican Co-Chair; Pearson, Republican Vice Chair; Rockefeller, Democratic Vice Chair; Buck, G. Chandler, Eickmeyer, Ericksen, Jackley, Murray and Pennington.

Staff: Jason Callahan (786-7117).

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. 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 only allowed for docks used exclusively for private recreational purposes and on areas not subject to private 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 through the Administrative Procedures 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, non-residential, 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 to anchor boats above state-owned aquatic lands is similar to the permission to build a dock over aquatic lands. The permission may be revoked by the 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 the DNR, the affected landowner may appeal the decision through the Administrative Procedures Act.

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

Appropriation: None.

Fiscal Note: Not Requested.

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

Testimony For: The current system for individuals mooring boats at buoys is not working. Rent is not being collected on most moorings and the buoys are blocking ingress and access. Landowners are allowed to build docks at no charge on state-owned aquatic lands, and docks have more of an environmental impact and are more unsightly than buoys. It only makes sense to allow landowners to install buoys as an extension of their docks. Tying buoy installation to property ownership will allow the department to

prevent a proliferation of buoys, and provide a vehicle for ensuring that buoys are properly sited and the proper materials are used. Lost income due to not charging rent will be minimal. Current department estimations show that there are approximately 6,000 mooring buoys in Washington, but rent is only successfully collected on 70 of them.

Testimony Against: None

Testified: Representative Quall, prime sponsor; Bill Grant, citizen; and Fran McNair, Department of Natural Resources.