

HOUSE BILL REPORT

HB 1750

As Reported by House Committee On:
Ecology & Parks

Title: An act relating to the installation of boat lifts on state-owned aquatic lands.

Brief Description: Regarding the installation and maintenance of boat lifts on state-owned aquatic lands.

Sponsors: Representatives Warnick and Hinkle.

Brief History:

Committee Activity:

Ecology & Parks: 2/6/09, 2/20/09 [DPS].

Brief Summary of Substitute Bill

- Extends the current permission granted to owners of residential property abutting state-owned shorelands or tidelands to install and maintain a dock to include installing and maintaining a boat lift.

HOUSE COMMITTEE ON ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase, Eddy, Finn, Morris, Orcutt and Shea.

Minority Report: Do not pass. Signed by 3 members: Representatives Dickerson, Dunshee and Hudgins.

Staff: Anna Jackson (786-7190)

Background:

The Department of Natural Resources (DNR) is responsible for managing the state's aquatic lands for the benefit of the public. The DNR manages over two million acres of tidelands, shorelands, and bedlands, which include the beds of all navigable rivers and lakes, as well as the beds below the Puget Sound. The management of aquatic lands must support a balance

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of goals, including the encouragement of public access, the fostering of water-dependent uses, the utilization of renewable resources, and the generation of revenue. Among other powers, the DNR is authorized to exchange state-owned aquatic lands with private and other public landowners if the exchange is in the public interest.

Currently, an owner of residential property abutting state-owned shorelands, tidelands, or related beds of navigable waters, other than harbor areas, may install and maintain a dock on the area without charge if the dock is used exclusively for private recreational purposes and if the area is not subject to any prior rights. In addition, the dock cannot be sold or leased separately from the upland residence or used to moor boats for commercial or residential use. The permission to install and maintain such a dock is subject to applicable local, state, and federal rules and regulations governing the location, design, construction, size, and length of the dock. Similar permission exists for an abutting residential owner to install and maintain a mooring buoy without charge, subject to certain conditions.

The DNR may revoke the permission to install and maintain a recreational dock or mooring buoy if it makes a finding of public necessity to protect waterward access, ingress rights of other landowners, public health or safety, or public resources.

A finding of public necessity may be prompted if the dock, buoy, anchoring system or boat:

- poses a hazard or obstruction to navigation or fishing;
- contributes to degradation of aquatic habitat; or
- contributes to decertification of shellfish beds otherwise suitable for commercial or recreational harvest.

Summary of Substitute Bill:

The existing permission granted to an owner of residential property abutting state-owned shorelands, tidelands, or related beds of navigable waters to install and maintain a dock on the area without charge is extended to the installation and maintenance of a boat.

Substitute Bill Compared to Original Bill:

The substitute bill limits the permission granted in the bill to owners of residential property abutting state-owned shorelands or tidelands to install and maintain a boat lift and not other constructions primarily used to provide safe moorage for a boat or to safely remove and store a boat above the water level.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This bill addresses an omission in current law with respect to boat lifts attached to residential docks. Extending the permission currently granted to owners of property abutting state-owned shorelands and tidelands to install and maintain a dock to include the installation and maintenance of boat lifts is a natural and logical extension of the current exemption, especially since boat lifts are used in conjunction with a dock. The DNR currently fines owners of boat lifts \$175 for installing and maintaining a boatlift to their private dock, but installing and maintaining a private dock is free.

Boat lifts are necessary to protect boats against winter storms, ice, and other natural conditions or to conduct maintenance on the boat by lifting the boat out of the water, and are commonly used by boat owners throughout the state. This bill will only affect docks owned by private citizens abutting state-owned shorelands and tidelands, and not public harbors and marinas.

(Opposed) The installation of boat lifts is a public safety issue because they may impair navigability of the state waters. Boat lifts also constitute a health issue because boat lifts may impair the health of the state's natural resources and water quality. This bill would allow the use of boat lifts for free and thereby shift the cost of management of the resource by the DNR onto the general public instead of requiring those who use the public lands for their personal, exclusive use to bear the cost. The DNR would not have the resources necessary to manage this new use. Therefore, this new use of state aquatic lands would lack the appropriate stewardship. The Commissioner of Public Lands is dedicated to continuing to discuss this issue, and requests one more year to attempt to arrive at a solution with landowners outside of the legislative process through a state-wide public outreach process.

Persons Testifying: (In support) Representative Warnick, prime sponsor; Marina Hench, Northwest Marine Trade Association; and Jim King, Recreational Boating Association of Washington.

(Opposed) Heath Packard and Rich Doenges, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.