
ENGROSSED HOUSE BILL 1936

State of Washington

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2001 Regular Session

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

Read first time 02/08/2001. Referred to Committee on Natural Resources.

1 AN ACT Relating to mooring at buoys; and amending RCW 79.90.105.

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

3 **Sec. 1.** RCW 79.90.105 and 1989 c 175 s 170 are each amended to
4 read as follows:

5 (1) The abutting residential owner to state-owned shorelands,
6 tidelands, or related beds of navigable waters, other than harbor
7 areas, may install and maintain without charge a dock on such areas if
8 used exclusively for private recreational purposes and the area is not
9 subject to prior rights. This permission is subject to applicable
10 local regulation governing construction, size, and length of the dock.
11 This permission may be revoked by the department upon finding of public
12 necessity which is limited to the protection of waterward access or
13 ingress rights of other landowners or public health and safety. The
14 revocation may be appealed as an adjudicative proceeding under chapter
15 34.05 RCW, the administrative procedure act. Nothing in this section
16 prevents the abutting owner from obtaining a lease if otherwise
17 provided by law.

18 (2) The abutting residential owner to state-owned shorelands,
19 tidelands, or related beds of navigable waters, may anchor to buoys

1 without charge if the boat that is anchored is used for private
2 recreational purposes and the area is not subject to prior rights.
3 Buoys cannot be sold or leased separately from the upland residence.
4 The mooring buoy cannot be used for commercial, transient, or
5 residential use. One buoy may be installed without charge for the
6 first one hundred feet of shoreline property owned, and one additional
7 buoy may be installed without charge for every one hundred feet of
8 shoreline property owned above the initial one hundred feet. The
9 permission granted in this subsection is subject to the boat or mooring
10 system not posing a hazard or obstruction to navigation or fishing or
11 habitat degradation. This subsection also applies to areas that have
12 been designated by the commissioner of public lands or the fish and
13 wildlife commission as aquatic reserves. This permission may be
14 revoked by the department if the department makes a finding of public
15 necessity to protect waterward access or ingress rights of other
16 landowners or public health or safety. The revocation may be appealed
17 as an adjudicative proceeding under chapter 34.05 RCW, the
18 administrative procedure act. Nothing in this subsection authorizes a
19 boat owner to abandon a vessel at a buoy or elsewhere.

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