
Ecology & Parks Committee

HB 1750

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

Sponsors: Representatives Warnick and Hinkle.

Brief Summary of 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 or similar device primarily used to provide safe moorage for a boat that is intended to operate in conjunction with the dock.

Hearing Date: 2/6/09

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 [RCW 79.105.010]. The DNR manages over two million acres of tidelands, shorelands, and bedlands, which include the beds of all navigable rivers and lakes, along with the beds below the Puget Sound. The management of aquatic lands must support a balance of goals, including the encouragement of public access, the fostering of water-dependent uses, the utilization of renewable resources, and the generation of revenue [RCW 79.105.030]. 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 [RCW 79.105.400].

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 [RCW 79.105.430(1)]. In addition, the dock cannot be sold or leased separately from the upland residence or used to moor boats for commercial or residential

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

use [RCW 79.105.430(1)]. 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 [RCW 79.105.430(1)]. Similar permission exists for an abutting residential owner to install and maintain a mooring buoy without charge, subject to certain conditions [RCW 79.105.430(2)].

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 [RCW 79.105.430(3)]. Circumstances that may prompt a finding of public necessity include the dock, buoy, anchoring system or boat:

- posing a hazard or obstruction to navigation or fishing;
- contributing to degradation of aquatic habitat; or
- contributing to decertification of shellfish beds otherwise suitable for commercial or recreational harvest [RCW 79.105.430(3)].

Summary of 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 lift or other construction primarily used to:

- provide safe moorage for a boat; or
- to safely remove and store a boat above the water level.

The boat lift or other construction must be intended to operate in conjunction or association with the dock.

Appropriation: None.

Fiscal Note: Available.

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