
HOUSE BILL 1240

State of Washington

67th Legislature

2021 Regular Session

By Representative MacEwen

1 AN ACT Relating to adding seaplanes to the class of conveyances
2 that may be moored pursuant to RCW 79.105.430; and amending RCW
3 79.105.430.

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

5 **Sec. 1.** RCW 79.105.430 and 2005 c 155 s 106 are each amended to
6 read as follows:

7 (1) The abutting residential owner to state-owned shorelands,
8 tidelands, or related beds of navigable waters, other than harbor
9 areas, may install and maintain without charge a dock on the areas if
10 used exclusively for private recreational purposes and the area is
11 not subject to prior rights, including any rights of upland,
12 tideland, or shoreland owners as provided in RCW 79.125.400,
13 79.125.460, 79.125.410, and 79.130.010. The dock cannot be sold or
14 leased separately from the upland residence. The dock cannot be used
15 to moor boats or seaplanes for commercial or residential use. This
16 permission is subject to applicable local, state, and federal rules
17 and regulations governing location, design, construction, size, and
18 length of the dock. Nothing in this subsection (1) prevents the
19 abutting owner from obtaining a lease if otherwise provided by law.

20 (2) The abutting residential owner to state-owned shorelands,
21 tidelands, or related beds of navigable waters, other than harbor

1 areas, may install and maintain a mooring buoy without charge if the
2 boat or seaplane that is moored to the buoy is used for private
3 recreational purposes, the area is not subject to prior rights,
4 including any rights of upland, tideland, or shoreland owners as
5 provided in RCW 79.125.400, 79.125.460, 79.125.410, and 79.130.010,
6 and the buoy will not obstruct the use of mooring buoys previously
7 authorized by the department.

8 (a) The buoy must be located as near to the upland residence as
9 practical, consistent with applicable rules and regulations and the
10 provisions of this section. The buoy must be located, or relocated if
11 necessary, to accommodate the use of lawfully installed and
12 maintained buoys.

13 (b) If two or more residential owners, who otherwise qualify for
14 free use under the provisions of this section, are in dispute over
15 assertion of rights to install and maintain a mooring buoy in the
16 same location, they may seek formal settlement through adjudication
17 in superior court for the county in which the buoy site is located.
18 In the adjudication, preference must be given to the residential
19 owner that first installed and continually maintained and used a buoy
20 on that site, if it meets all applicable rules, regulations, and
21 provisions of this section, and then to the owner of the residential
22 property nearest the site. Nothing in this section requires the
23 department to mediate or otherwise resolve disputes between
24 residential owners over the use of the same site for a mooring buoy.

25 (c) The buoy cannot be sold or leased separately from the
26 abutting residential property. The buoy cannot be used to moor boats
27 or seaplanes for commercial or residential use, nor to moor boats or
28 seaplanes over sixty feet in length.

29 (d) If the department determines that it is necessary for secure
30 moorage, the abutting residential owner may install and maintain a
31 second mooring buoy, under the same provisions as the first, the use
32 of which is limited to a second mooring line to the boat or seaplane
33 moored at the first buoy.

34 (e) The permission granted in this subsection (2) is subject to
35 applicable local, state, and federal rules and regulations governing
36 location, design, installation, maintenance, and operation of the
37 mooring buoy, anchoring system, and moored boat or seaplane. Nothing
38 in this subsection (2) prevents a boat owner or seaplane owner from
39 obtaining a lease if otherwise provided by law. This subsection (2)

1 also applies to areas that have been designated by the commissioner
2 or the fish and wildlife commission as aquatic reserves.

3 (3) This permission to install and maintain a recreational dock
4 or mooring buoy may be revoked by the department, or the department
5 may direct the owner of a recreational dock or mooring buoy to
6 relocate their dock or buoy, if the department makes a finding of
7 public necessity to protect waterward access, ingress rights of other
8 landowners, public health or safety, or public resources.
9 Circumstances prompting a finding of public necessity may include,
10 but are not limited to, the dock, buoy, anchoring system, (~~or~~)
11 boat, or seaplane posing a hazard or obstruction to navigation or
12 fishing, contributing to degradation of aquatic habitat, or
13 contributing to decertification of shellfish beds otherwise suitable
14 for commercial or recreational harvest. The revocation may be
15 appealed as provided for under RCW 79.105.160.

16 (4) Nothing in this section authorizes a boat owner or seaplane
17 owner to abandon a vessel at a recreational dock, mooring buoy, or
18 elsewhere.

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