WASHINGTON DEPARTMENT OF NATURAL RESOURCES

Clark County

December 12, 2019

SMA- Local Governments & DNR

Planning and

Coordinating Under Local

Shoreline Master

Programs

Washington State and Aquatic Lands

- November 11, 1889, Washington Territory becomes the 42nd State joining the Union
- Equal Footing Doctrine: the State of Washington receives aquatic lands
- Constitution of the State of Washington:

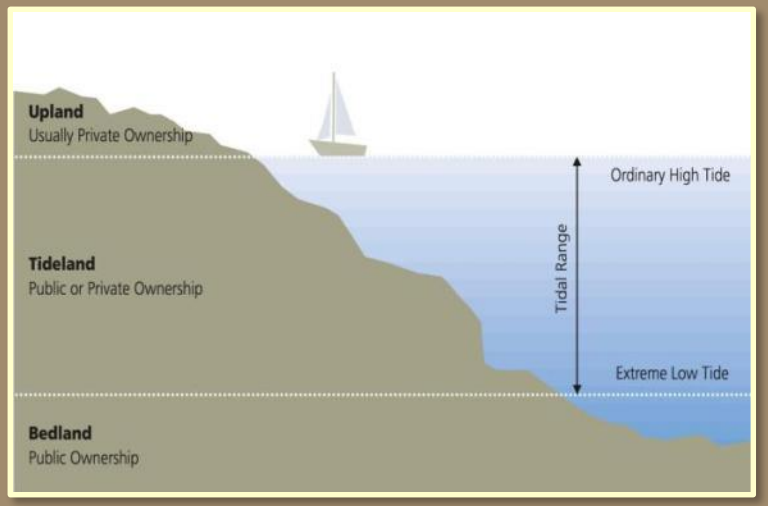
*Article XVII, Section 1: Assertion of ownership

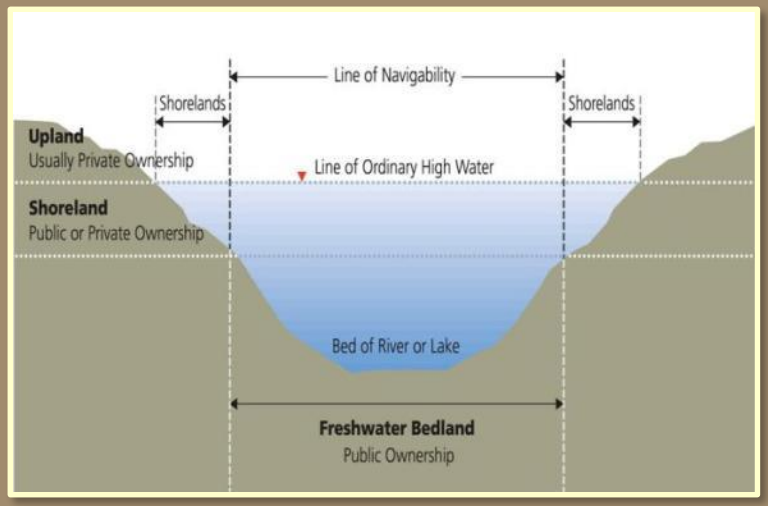
* Article XV: Commission to establish harbor areas.

Article XVII, Section 1: Assertion of ownership

The state of Washington asserts its ownership to the beds and shores of all **navigable waters** in the state up to and including the line of ordinary high tide, in waters where the tide ebbs and flows, and up to and including the line of ordinary high water within the banks of all **navigable rivers and lakes**: *Provided*, that this section shall not be construed so as to debar any person from asserting his claim to vested rights in the courts of the state

Navigable Waters





"…a body of water is capable or susceptible of having been or being used for the transport of useful commerce."

WAC 332-30-106(41)

Article XV

The legislature shall provide for the appointment of a commission whose duty it shall be to locate and establish harbor lines in the navigable waters of all harbors, estuaries, bays and inlets of this state… Any harbor line so located or established may thereafter be changed, relocated or reestablished by the commission pursuant to such provision as may be made therefore by the legislature. The state shall never give, sell or lease to any private person, corporation, or association any rights whatever in the waters beyond such harbor lines,…

State-Owned Aquatic Lands

"State-owned aquatic lands" means all tidelands, shorelands, harbor areas, the beds of navigable waters, and waterways owned by the state and administered by the department or managed under RCW 79.105.42 by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department.

1890 to 1950

The Washington Legislature promoted the sale of aquatic lands to encourage economic development and to help fund state government

1950s

Activity shifted to leasing rather than selling

1971

The Washington Legislature eliminated the sale of tidelands and shorelands

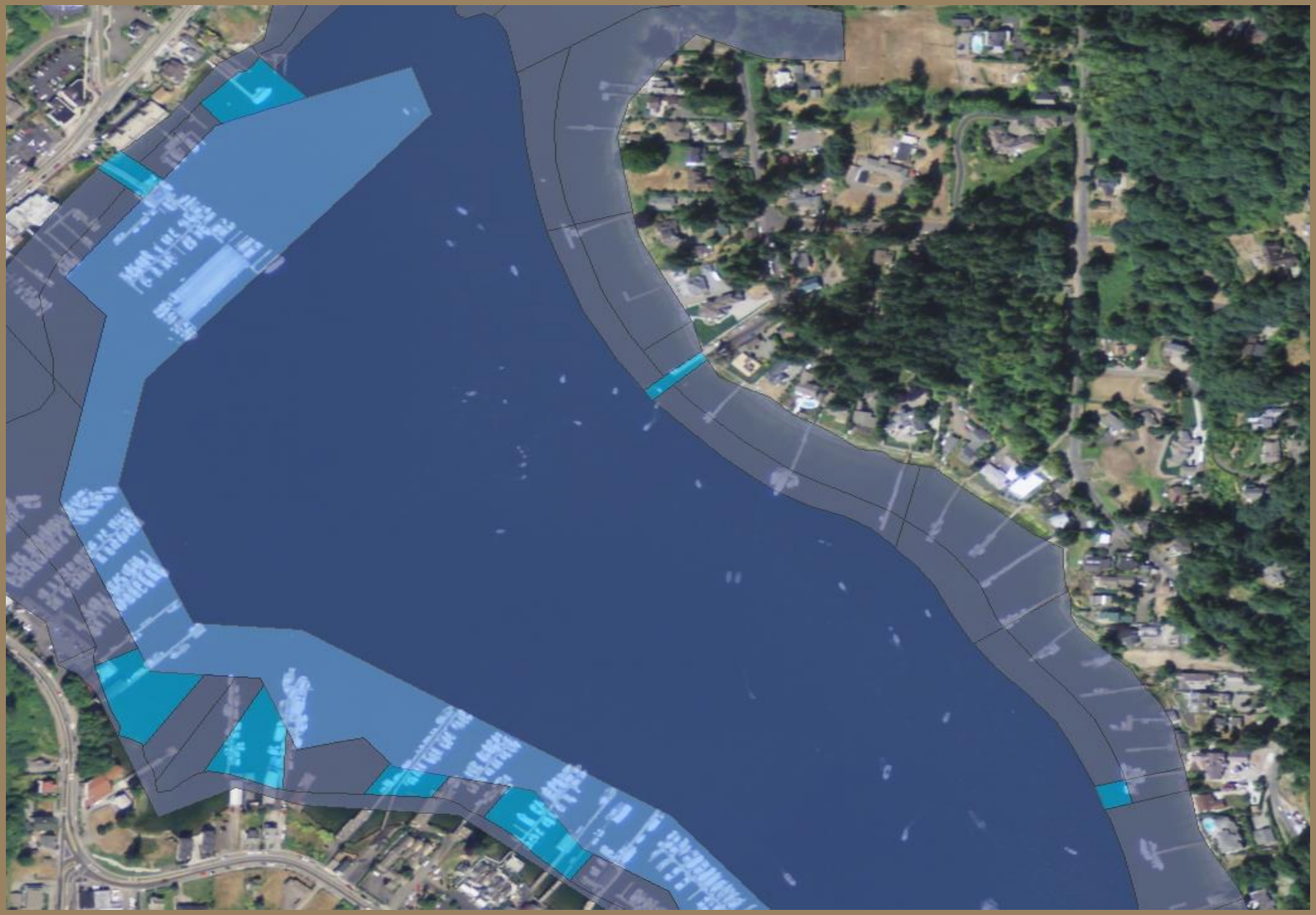
Acreage of Washington State-Owned Aquatic Lands

- Bedlands of navigable rivers and lakes
- 1,250 sq miles
- 800,000 acres

- Shorelands of navigable rivers and lakes
- 140 sq miles
- 89,600 acres

- Tidelands
- 205 sq miles
- 131,200 acres

- Beds of marine lands
- 1,800 sq miles
- 1,152,00 acres



WDNR Authorities

- Common law
- Equal Footing Doctrine
- Public Trust Doctrine

- Constitutional Guidance
- Articles XV, XVII and XXVII of the Washington State Constitution

- Legislative Guidance
- RCW 79.105
- Administrative Rules
- Chapter 332-30 WAC

WDNR Management Goals

- The WDNR provides a balance of public benefits for all citizens of the state.

- The Public Benefits include:
- Encouraging direct public use as access;
- Fostering water dependent uses;
- Ensuring environmental protection;
- Utilizing renewable resources
- Generating income consistent with the public benefits

RCW 79.105.210(4) The power to lease state-owned aquatic lands is vested in the department, which has the authority to make leases upon terms, conditions, and length of time in conformance with the state Constitution and chapters **79.105** through **79.140** RCW.

BI 17-19

Sum of TOTAL	FUND				
TRUST	02R - AQUATIC LANDS ENHANCEMENT ACCOUNT	041 - RESOURCE MANAGEMENT COST ACCOUNT	04B - NAT RES REAL PROPERTY REPLACEMENT	158 - AQUATIC LAND DREDGED MAT DISP SITE	Grand Total
015 - BEDS OF NAVIGABLE WATERS	17,677,296	17,809,084		20,281	35,506,660
020 - FIRST CLASS TIDELANDS & SHORELANDS	1,526,464	519,034			2,045,498
021 - SECOND CLASS TIDELANDS & SHORELANDS	474,441	483,639	74,000		1,032,080
025 - HARBOR AREAS	4,703,103	1,571,503			6,274,606
Grand Total	24,381,303	20,383,260	74,000	20,281	44,858,844

RCW 90.58.280

Application to all state agencies, counties, public and municipal corporations.

The provisions of this chapter shall be **applicable to all agencies of state government**, counties, and public and municipal corporations and to all shorelines of the state owned or administered by them

Working and Planning with Local Governments

Goals:

- Prevent management conflicts and adverse effects on SOALs
- Cultivate better cooperation and understanding of WDNR's Aquatic Resources Program among the different agencies with jurisdiction on SOALs

RCW 90.58.080(b)(4)(ii)

Timetable for local governments to develop or amend master programs—Review of master programs—Grants.

(ii) On or before June 30, 2020, and every eight years thereafter, for Clallam, Clark, Island, Jefferson, Kitsap, Mason, San Juan, Skagit, Thurston, and Whatcom counties and the cities within those counties;

WAC 173-26-090(2)(d)(iii)

Locally initiated review—Periodic review—Public involvement and approval procedures.

(iii) Additional review and analysis. Local governments should **consider** during their periodic review whether to incorporate any amendments needed to reflect changed circumstances, new information or improved data as described under subsection (1) of this section. Local governments should **consider** whether the significance of the changed circumstances, new information or improved data warrants amendments.

Wildstock geoduck
Buoy management
Residential uses of SOALs
Shared docks
Aquaculture
Creosote prohibition
Log storage/rafting
Exemption for cleanup/restoration
Public access
Stromwater
Critical Areas/habitat/ Eelgrass and Kelp
Shoreline protection bulkheads/green shorelines
Sea Level Rise/Climate Change

DNR Aquatics Land Manager Coverage

Orca - Straits District

Assistant Division Manager

Dennis Clark	(360) 854-2805
Josh Peters - Straits District Manager	(360) 732-0013
Straits Land Managers:	
Bridget Kaminski-Richardson	(360) 732-0934
Solenne Walker-Westcott	(360) 732-0034
Vacant - Orca District Manager	(360) 854-2832
Orca Land Managers:	
Benjamin Cooksey	(360) 854-2834
Gabe Harder	(360) 854-2858
Ross Zimmerman	(360) 854-2846
Habitat Stewardship Specialist	
Bill House	(360) 854-2863

Shoreline District

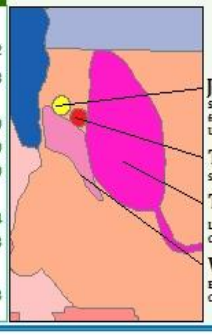
Assistant Division Manager

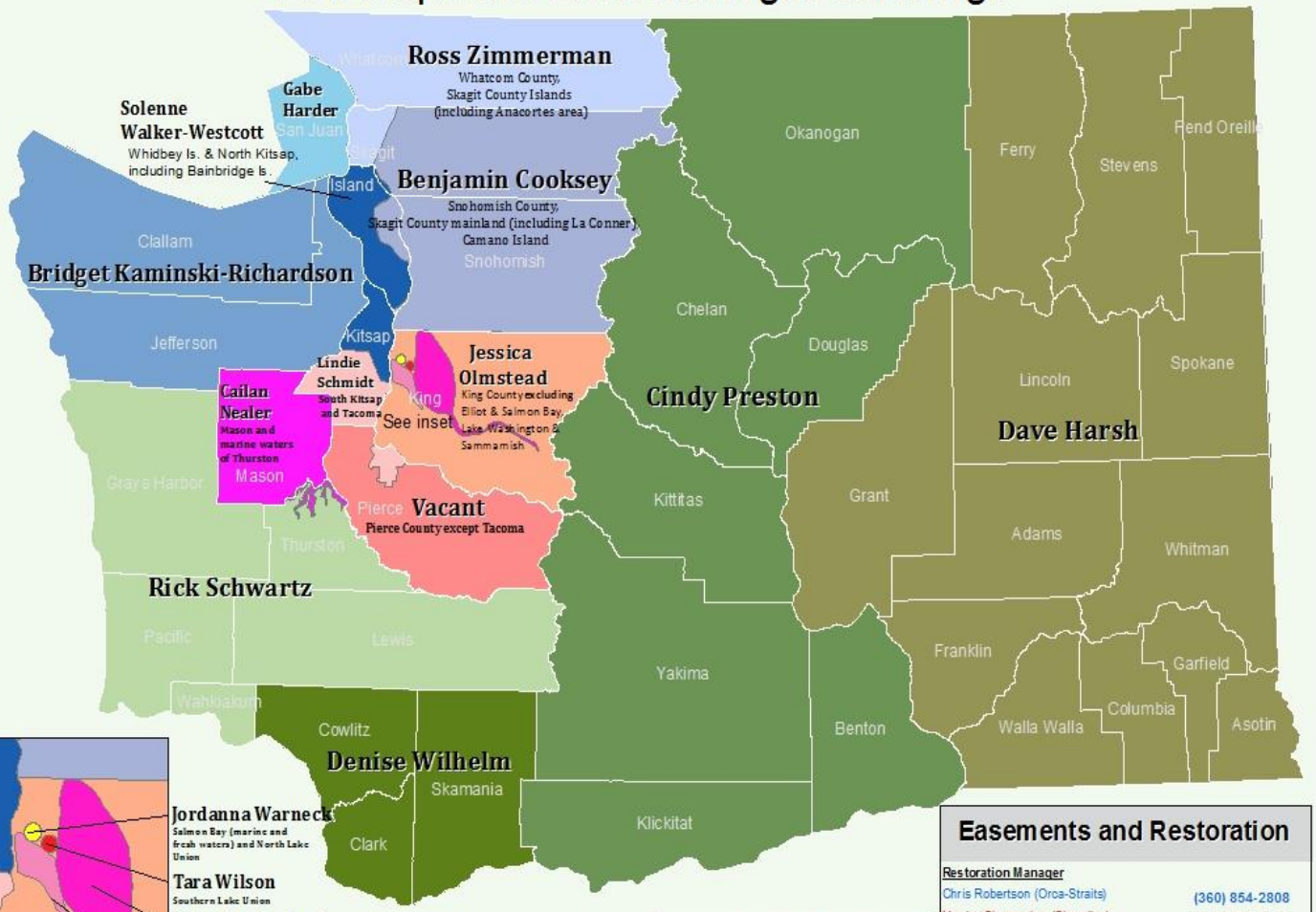
Derrick Toba	(206) 450-5423
Joe Miles - King County District Manager	(253) 740-0602
King County Land Managers:	
Tara Wilson	(253) 797-5146
Vivian Roach	(253) 341-7564
Jordanna Warneck	(253) 880-6612
Trina Sunderland	(206) 949-1720
Jessica Olmstead	(253) 441-0904
Neal Cox - S. Puget Sound District Manager	(360) 490-5355
S. Puget Sound Land Managers:	
Vacant	(206) 909-1304
Cailan Nealer	(360) 584-8103
Lindie Schmidt	(206) 949-1740
Habitat Stewardship Specialist	
Naomi Gebo	(360) 791-4282

Rivers District

Assistant Division Manager

Tom Gorman	(360) 740-6812
Carol Piening-District Manager East	(360) 740-6808
East Side Land Managers:	
Cindy Preston	(509) 925-0969
Dave Harsh	(509) 220-3009
Renelle Smith-District Manager West	(360) 740-6819
West Side Land Managers:	
Denise Wilhelm	(360) 740-6824
Rick Schwartz	(360) 740-6813
Habitat Stewardship Specialist	
Jim Huinker	(360) 767-7003





Aquaculture

Sean Carlson Puget Sound, Strait of Juan de Fuca, San Juans	(360) 732-7411
Brian Hill Grays Harbor, Willapa Bay	(360) 740-6806

Easements and Restoration

Restoration Manager

Chris Robertson (Orca-Straits)	(360) 854-2808
Monica Shoemaker (Shoreline)	(206) 799-2949
Allen Lebovitz (Rivers)	(360) 480-2891

Easement Manager

Brenda Werden (Orca only)	(360) 854-2836
Sherri Gallant (Shoreline)	(206) 455-1014
Hannah Trageser (Rivers)	(360) 740-6807

Updated 04/04/19

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