



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**

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**Peter Goldmark** - Commissioner of Public Lands

# Collaborating With DNR Aquatic Resources

Shoreline Planners  
Coordination  
July 25, 2013



# Presentation Overview

- What are state-owned aquatic lands
- DNR Authority & Ownership
- Aquatic Programs
- Leasing Activities
- Aquatic Lands HCP
- Coordination



Riverboat at Clarkston



# DNR Aquatic Resources Today



- Manages 2.6 million acres of aquatic lands in navigable waters
- Exercises proprietary authority - a unique, distinct role among governments.



# DNR Management Goals

1. Foster water-dependent uses
2. Ensure environmental protection
3. Encourage direct public use and access
4. Utilize renewable resources

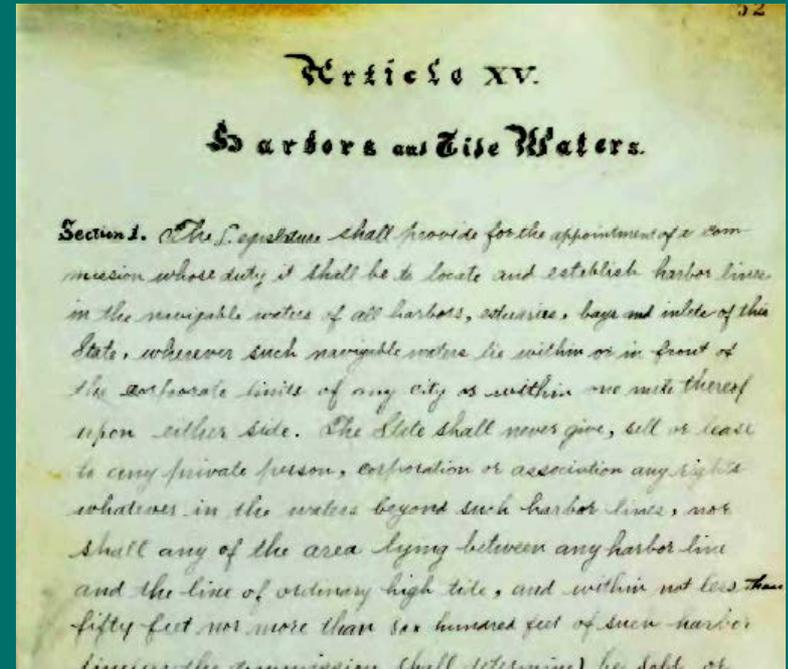
→ And where consistent with the above, generate revenue



Columbia River Boat Launch; Benton County

# Constitutional Basis

- *Article 15:* Commission to establish harbor areas
- *Article 17:* Assertion of ownership over aquatic lands
- *Article 27:* Invalidation of early grants of aquatic lands



# State-owned Aquatic Lands

"...all tidelands, shorelands, harbor areas, the beds of navigable waters, & waterways owned by the state & administered by the department or managed under RCW 79.105.420 by a port district."

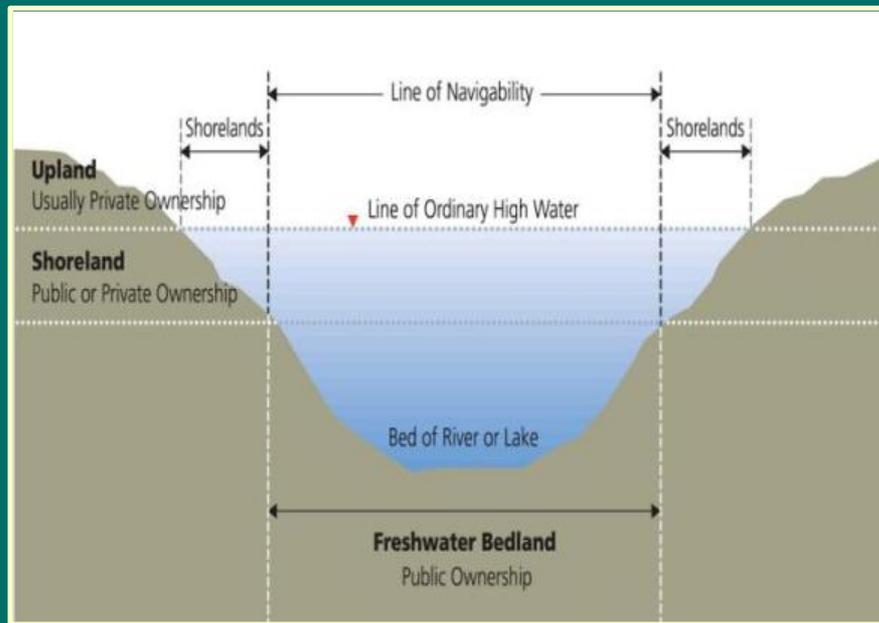
"...does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department." *RCW 79.105.060(20)*



# 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)*



# State-Owned Aquatic Land Types

- Aquatic Lands are divided into the following classes: Marine Bedlands, Marine Tidelands (1<sup>st</sup> and 2<sup>nd</sup> class), Freshwater Bedlands, Freshwater Shorelands (1<sup>st</sup> and 2<sup>nd</sup> class)
- Other Land Classes include Harbor Areas, Waterways and Streets
- Port Management Agreements



# DNR Delegation: Port Management Agreements

- Port manages some or all state-owned aquatic lands within a port district
- Port follows same statutes as DNR
- Port retains portion of lease revenue



Port of Kennewick

# Evolution of Aquatic Land Management

- **1890 to 1950**

the sale of aquatic lands promoted for economic development and to fund state government

- **1950s**

Shift from selling land to leasing it

- **1971**

Laws passed to prevent sale of tidelands and shorelands



# DNR Aquatic Programs

- Aquatic Land Management
- Geoduck Wildstock Fishery
- Aquatic Reserves
- Derelict Vessel Removal
- Sediment Quality Section
- Restoration/Creosote Removal
- Nearshore Habitat/Eelgrass Monitoring
- ESA Compliance



# Aquatic Land Management

- Authorizations: >5,000 authorizations
- Types: Leases, Easements, Licenses, Rights of Entry
- Uses: Marinas, docks (public and private), outfalls, aquaculture, utility easements, bridges, buoys, etc.
- Districts: Orca Strait, Shoreline, and Rivers





# DNR Aquatic Revenue and Distribution

*FY 2011*

- Revenue
  - Aquatic Leases/Geoduck: \$37.1M
  - Minerals: \$279K
  - Rights of Way: \$355K
  - Others: \$190K
- Distribution of revenue
  - DNR Aquatics Management (RMCA): \$17.7M
  - Aquatic Land Enhancement Account: \$20.2M (ALEA Grant Program and other agencies - WDFW, WSDA, PSP, WDOH, WSPRC)



# Stewardship of State-owned Aquatic Lands



# Section 10 of the Endangered Species Act

## Goal

“To reduce ESA liability associated with authorizing the use of state-owned aquatic lands, while enhancing efforts to conserve and recover endangered, threatened, and imperiled species.”



# What is an HCP?

- Negotiated agreement with Federal Services
- Addresses harm to listed and sensitive species
- Describes commitment to avoid, minimize & compensate
- Basis for an Incidental Take Permit



# DNR's Goals

- Reduce impacts to HCP- covered species and habitats
- Improve and restore habitat quality
- Identify and protect important habitats
  - Conservation
  - Restoration
  - Landscape planning



# The Science Behind the HCP



- **Species** - Distribution; Habitat requirements; Life history; Threats; Benefit from inclusion



- **Activities** - Potential effects on species/habitats; Habitat taken; Ability to affect change



- **Habitat managed** - Distribution; Characteristics



- **Conservation measures** - Regulatory gaps; Proprietary authority



# HCP Planning Area Composition

*~2.6 million acres*

25% Nearshore



56% Offshore



Rivers 4%



Lakes 15%



# Covered Species



**Herptofauna** (5) - Columbia spotted frog, Northern leopard frog, Oregon spotted frog, Western toad, Pacific pond turtle



**Fish** (18) - Bull trout, Chinook, Chum, Coastal cutthroat trout, Coho, Pink, Sockeye/Kokanee, Steelhead, Green & White sturgeon, Bocaccio, Canary & Yelloweye rockfish, Eulachon, Pacific herring, Pacific sand lance, Surf smelt, Pacific lamprey



**Birds** (5) - Black tern, Common loon, Harlequin duck, Marbled murrelet, Western snowy plover



**Marine Mammal** – Southern resident orca



# HCP Covered Activities

- Log booming and storage
- Shellfish aquaculture
- Overwater structures
  - Docks & wharves, Boat ramps/launches, Rafts, Mooring buoys, Nearshore buildings, Floating homes, Marinas, Shipyards & terminals

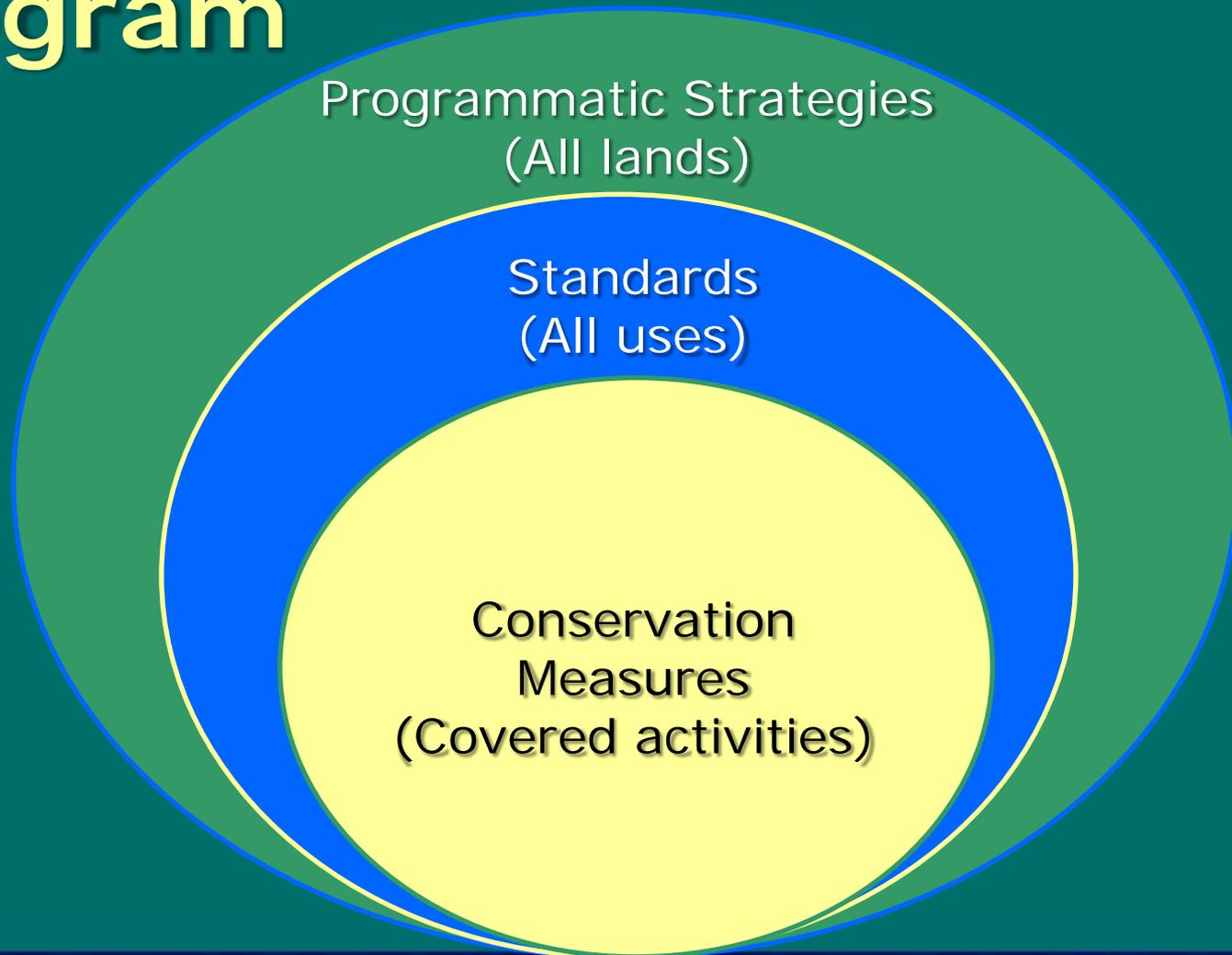


# Focusing on these Threats...

- Alteration of wave & current energy, sediment transport, depth/slope profile
- Artificial shading
- Release or accumulation of waste, contaminants, nutrients
- Substrate disturbance and modification

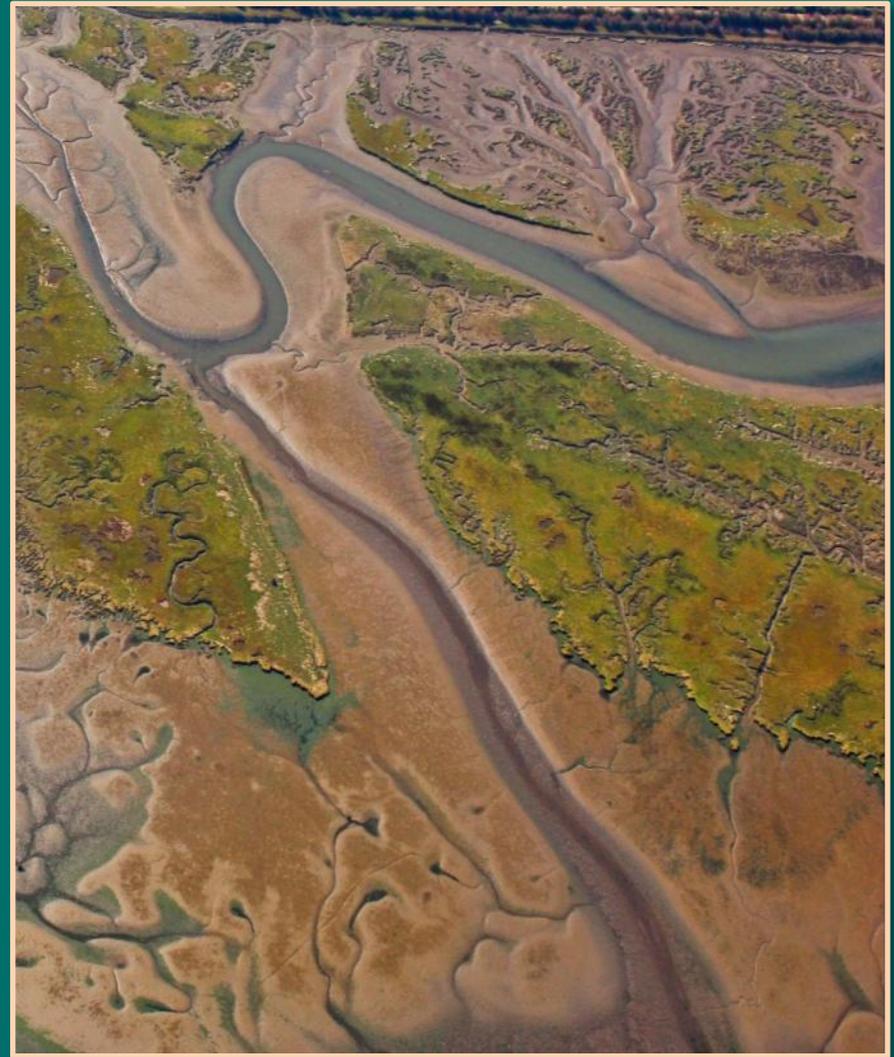


# Operating Conservation Program



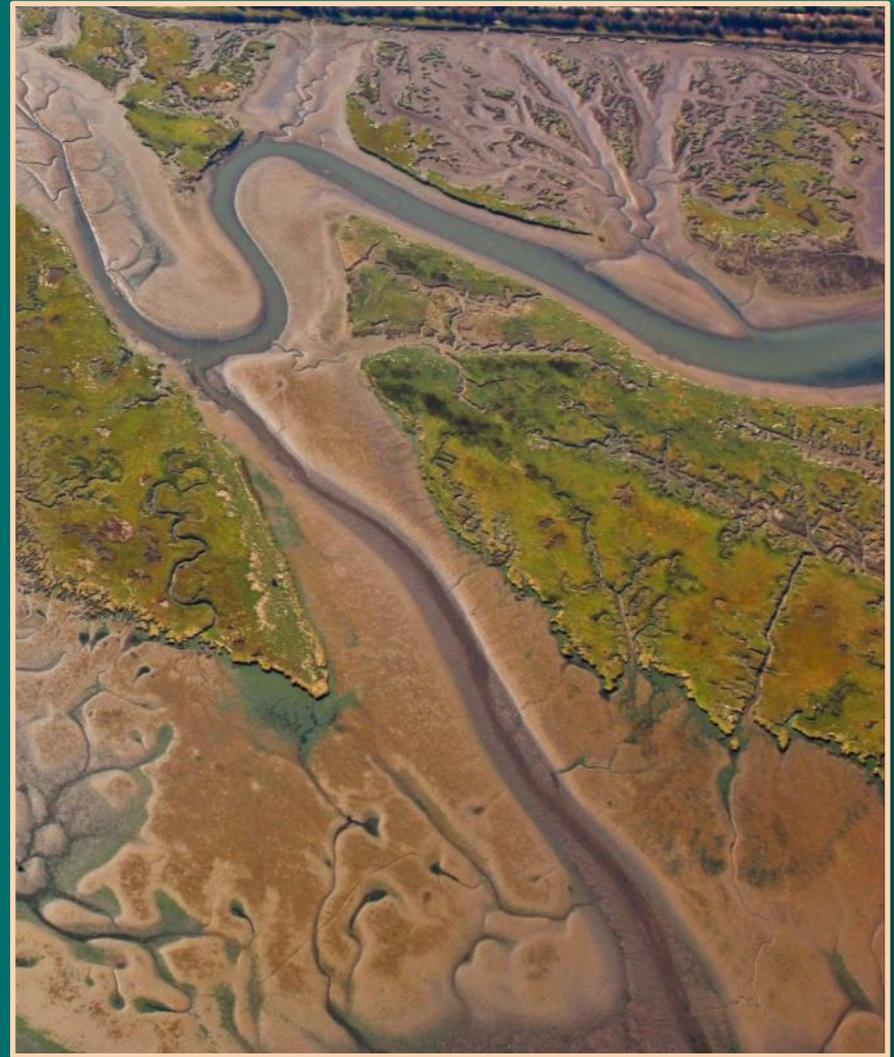
# HCP Programmatic Strategies

- ✓ Protection of Aquatic Vegetation
- ✓ Forage Fish Protections
- ✓ Aquatic Reserves Program
- ✓ Derelict Vessel Program



# HCP Programmatic Strategies

- ✓ Aquatic Landscape Planning
- ✓ Conservation Leasing
- ✓ Commissioner Withdrawal Orders



# HCP - Anticipated Timeline

- *Fall 2013* - NEPA 90 day public comment; Draft EIS & HCP Released
- *Nov.-Dec.2013* - Revisions/Response Documents based on tribal and public comment
- *May 2014* - Final documents released
- *Fall 2014* - Final NEPA 30 day public comment period
- *Fall 2014* - Programmatic Implementation



# DNR Nexus with Shoreline Management Act

- RCW 90.58.280
- RCW 79.105.040
- WAC 332-30-107  
Aquatic Lands Planning



# SMP Updates

- SMP is “primary means for identifying and providing appropriate uses of statewide value”
- DNR provides comments during development of SMP so final version can guide DNR

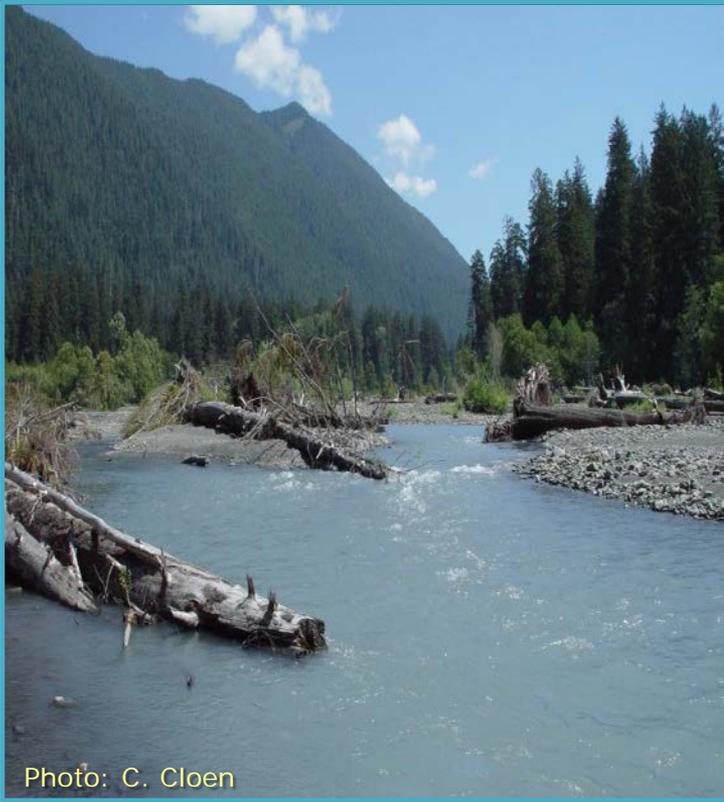


Photo: C. Cloen



# Coordinating with Local Partners

Early, routine collaboration to...

- Gain consistency among goals
- Create a smoother process for applicants
- Prevent wasted effort



# How Can Local Jurisdictions Coordinate with DNR?

- Notify applicants of possible need to work with DNR
- Include DNR staff in pre-application meetings
- Consult with us when appropriate



# Questions

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