



**Legislative Department
Seattle City Council
Memorandum**

Date: July 22, 2013

To: Richard Conlin, Chair
Tim Burgess, Vice Chair
Mike O'Brien, Member
Planning, Land Use and Sustainability (PLUS) Committee

From: Rebecca Herzfeld, Council Central Staff

Subject: On-water Resident Stakeholder Group

Background

On January 22, 2013, the City Council adopted Council Bill 117585, which updated the Seattle Shoreline Master Program (SMP). Seattle last updated its SMP in 1987. The State Department of Ecology (DOE) is now reviewing Seattle's SMP for compliance with State Shoreline Master Program Guidelines. DOE staff anticipates that this process will take six to 12 months. The SMP will not go into effect until it is approved by DOE.

The issue of residential use over the water was a challenging aspect of the SMP update. One of the purposes of the State Shoreline Management Act (SMA) is to preserve areas for water-dependent uses, ecological function, and public access. The SMA specifies that residential uses over water are not water dependent, and do not promote ecological function or provide public access. The SMA prohibits new residential uses over water unless there are compelling reasons that promote SMA policies. In the past, the State has granted exceptions that allow approximately 480 existing floating homes and 34 house barges to remain in Seattle waters.

To comply with the state regulations for implementing the SMA, and to preserve areas for water-dependent uses, the adopted SMP prohibits residential use over water, except as a use of a conventional recreational vessel or certain commercial vessels. To define "conventional recreational vessel", the SMP refers to types of recreational vessels, such as cabin cruisers, sailboats, and sport fishing boats, and provides the names of common manufacturers of such vessels as examples. In addition to the examples, the SMP provides authority to the Director of the Department of Planning and Development (DPD) to consider following features when determining vessel type: 1) hull shape; 2) deck gear; 3) the propulsion and steering system; and 4) helm station design.

After the adoption of the updated SMP, the Council formed the "Seattle On-Water Resident Stakeholder Group" ("Stakeholder Group") to address the issue of *existing* residential uses over water that may or may not be located in a vessel. A facilitator for the Stakeholder Group (Triangle Associates) was hired with funding from both DOE and the City. The Stakeholder Group's charge was to "develop and consider alternatives for an orderly process to establish the

status of residences on the water that are not identified as legal floating homes or legal house barges and are not clearly identified as vessels.” The Department of Ecology’s required definition of a vessel is as follows:

“Vessel” means ships, boats, barges, or any other floating craft that are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships that do not have means of self-propulsion and steering equipment.

The Stakeholder Group included representatives from liveaboard groups, environmental organizations, and marina owners, as well as a naval architect. The Stakeholder Group reached consensus on several issues, and moved the discussion forward on several others. The facilitators and Stakeholder Group representatives briefed the PLUS Committee on their recommendations on July 10, 2013.

This memo summarizes the six issues that were addressed by the Stakeholder Group, provides Central Staff recommendations, and requests guidance from the PLUS Committee on next steps. The staff recommendations are informed by DOE and DPD responses to the Stakeholder Group Report. DOE’s written response is provided as Attachment 1 to this memo.

On-water Residence Issues

1. Vessel Evaluation Checklist:

The Stakeholder Group recommended that a Vessel Evaluation Checklist be created to serve as a tool for assessing whether an existing overwater structure is a vessel. The checklist would be used both for enforcement and licensing purposes, if a licensing program is established (see Issue #2). The Stakeholder Group did not reach consensus on the specific contents of the checklist.

DPD and DOE staff agree that a checklist would be helpful, and that it could be established administratively by DPD Director’s Rule. It would not require an amendment to the SMP because it implements the SMP’s definition of vessel. The checklist would apply to all vessels in Seattle, not just those considered by the Stakeholder’s Group used as dwelling units, because DOE expects the City to apply the definition consistently. DPD’s proposed draft checklist is provided as Attachment 2 to this memo. DPD has committed to a public review process for the draft Rule that includes a public hearing.

DPD, with DOE’s concurrence, believes that the Stakeholder Group’s draft checklist omitted key elements necessary to meet the “designed and used for navigation” criteria required in the vessel definition, and would add those requirements to the checklist. In particular, the draft checklist proposed by the Stakeholder Group discussed hull shape, but did not address the design of the entire floating structure. Considering the entire structure is critical to determining whether a floating structure is designed for navigation.

In addition, DPD believes that a naval architect licensed as a professional engineer should certify compliance with the design standards, rather than the owner of the overwater structure or an accredited or certified marine surveyor. Most owners are not qualified to certify whether a structure is actually designed for navigation, and the job of a marine surveyor is to examine and

certify the condition and value of a vessel, usually for purposes of financing or insurance. A naval architect is trained to design vessels. Attachment 2 summarizes the difference in qualifications and expertise between the two professions. A naval architect is required to have an undergraduate engineering degree, four to eight years of professional experience under the direct supervision of a licensed engineer, and pass two state exams to earn an engineering license. No degree, training, or state or national license is required to become a marine surveyor, and all accreditation is done by private organizations.

Central Staff recommendation:

Request that after a public review process, DPD establish a vessel evaluation checklist by Director's Rule that incorporates the changes recommended by DPD and DOE to the Stakeholder Group's drafts. These changes include addressing the design of the whole vessel and requiring an evaluation by a naval architect. The checklist would help clarify the definition of vessel for both the public and City staff. DPD believes that this could be accomplished by October 2013.

PLUS Committee Direction:

2. "Houseboat Vessel Liveaboard" License Program

The Stakeholder Group recommended that a "Houseboat Vessel Liveaboard License" program be created to provide "greater certainty, clarity, and procedural safeguards" for current on-water residents. The program would provide a license to existing liveaboards on vessels that are compliant with current SMP regulations, including consistency with the definition of a vessel, and that are not conventional recreational vessels or commercial vessels. It would also permit the City to focus enforcement actions on unlicensed on-water residences. Creation of a licensing program would require an amendment to the enforcement chapter of the Land Use Code, but would not require an SMP amendment.

As proposed by the Stakeholder Group, the license would require an agreement from current and future owners of the vessel to comply with Best Management Practices (BMPs) to both reduce the amount of gray water discharged from licensed vessels, and improve gray water quality. The Stakeholder Group proposed that the license be voluntary, so that liveaboards on conventional recreational vessels such as sailboats would not be required to get a license.

DPD believes that a voluntary program can work, provided that the Department is given the resources to check for overwater structures with dwelling units whose owners do not apply for a license. The Stakeholder Group has estimated that there are about 115 eligible vessels used as dwelling units that are not conventional recreational vessels or commercial vessels. If after the application period for the license DPD does not receive approximately this number of license applications, they would need to do a survey and require those who did not apply voluntarily to apply. This process would allow the City to establish a baseline for the number of licensed structures, so that in the future it is clear which existing structures qualify as vessels designed and used for navigation and may legally be used as a dwelling unit.

DPD recommends that the licensing program rely on the checklist described in Issue #1, which would be certified by a naval architect. In order to establish the license, DPD needs to address the details of the program and prepare legislation that would amend the enforcement chapter of the Land Use Code. DPD would also estimate the staff needed to administer the license program, recommend a license fee, and request General Fund for program support. DPD anticipates that City funds would be required on a one-time basis during the first two years of the licensing program, as the program is intended only for currently existing overwater residences that can qualify as vessels.

Central Staff recommendation:

Request that DPD prepare legislation and a budget proposal for establishing a licensing program for existing on-water residences that qualify as vessels under the revised checklist. DPD is committed to providing draft legislation and an accompanying budget by October 2013.

PLUS Committee Direction:

3. DPD Enforcement Process

The Stakeholder Group recommended that DPD make administrative changes to the enforcement process for floating structures used as residences to give owners notice of a potential investigation prior to issuing a Notice of Violation (NOV), as well as an opportunity to bring a floating structure into compliance if required.

In addition, the Stakeholder Group recommended that appeals of a NOV be heard by the City's Hearing Examiner rather than going to Municipal Court, which is the usual path for an NOV appeal. Because the Hearing Examiner hears land use appeals for the Council, she may be better equipped to address this particular type of NOV than the Municipal Court. Also, because Hearing Examiner appeals are administrative proceedings, they are less formal than a trial in court and generally easier for members of the general public to navigate. Any appeal of the Hearing Examiner's decision would go to Superior Court under the State Land Use and Planning Act (LUPA), in the same way as appeals of Municipal Court decisions.

DPD supports making the administrative and legislative changes needed to implement this recommendation. Because this change would not require an amendment to the SMP, DOE did not comment on it. Sue Tanner, the City's Hearing Examiner, says that her office would be able to handle the work that might result from changing the NOV appeal process for these cases.

Central Staff recommendation:

Request that as part of the legislation that establishes a licensing program, DPD amend the Seattle Municipal Code to change the appeal process for NOVs for illegal use of an over-water structure as a dwelling unit. Request also that DPD make administrative changes in the enforcement process as recommended by the Stakeholder Group to improve the enforcement process for floating structures used as residences.

PLUS Committee Direction:

4. Amendments to the SMP standards for using vessels as dwelling units

One of the charges for the Stakeholder Group was to recommend possible legislative amendments to the SMP that DOE “agrees are sufficiently promising to merit formal review by Ecology if adopted by the Council.” Any such amendments were to serve the overall purpose of developing an orderly process for establishing the status of existing over-water residences.

The Stakeholder Group has recommended major changes to Section 23.60A.214 of the SMP, the section that addresses the standards for using vessels as dwelling units. The proposed changes would delete the approach of describing “conventional recreational vessels” by name with examples of manufacturers, and substitute a more general standard based on a Coast Guard Builder’s certification form or Washington Department of Licensing category. The proposed changes would also allow new houseboats to be used as dwelling units if: 1) the “total enclosed heated floor area is less than 1,125 square feet or 9,000 cubic feet whichever is less;” 2) there is no sewage discharge; and 3) gray water is either treated to a Washington State standard or fully contained.

The Stakeholder Group proposal changes would also eliminate the authority of the DPD Director to consider hull shape, deck gear, the propulsion and steering system, and helm station design when determining whether a vessel may be used as a dwelling unit. The Stakeholder Group Report states that reason for proposing these changes to the SMP is that “in its current form it [the SMP] may not prevent problems in the future and will be prone to interpretation.”

The Stakeholder Group also recommended that vessels with a license as described in Issue #2 be considered conforming uses. The SMP currently classifies as nonconforming existing vessels used as dwelling units if they are not conventional recreational vessels or commercial vessels. This concern is addressed in Issue #5 below.

In DOE’s response to the amendments (see Attachment 1, page 6) they state that the proposal does not appear feasible in its current form because it may still allow for new houseboats and floating structures to be used as dwelling units. DOE does “not see how new over-water residences can be allowed” given State shoreline regulations. DPD is in agreement with DOE, and opposes this recommendation.

DOE does point out that individual members of the Stakeholder Group may submit the recommended amendments and supporting analysis to DOE to be considered during the review of Seattle’s updated SMP.

Central Staff recommendation:

Do not change the standards for using vessels as dwelling units that were adopted by the Council in January 2013. The Stakeholder Group amendments would provide an exception that could permit the proliferation of floating structures and nonconventional recreational vessels used as dwelling units, as long as they were less than 1,125 square feet in size. This is larger than many small houses in Seattle. Even if the size limit is reduced, the point of the SMP regulations is to

strictly limit residential uses over water, not only to limit gray water discharge, but to prevent shading of habitat, promote ecological function, avoid conversion of public waters to private use, and reduce view blockage. The recommended amendments would not accomplish this goal.

PLUS Committee Direction:

5. Amendments to the SMP to address nonconformity

The Stakeholder Group recommended changing the updated SMP provisions that classify dwelling units on existing vessels that do not meet the criteria in subsection 23.60A.214.C as nonconforming uses. Subsection 23.60A.214.C addresses such features as hull shape, helm station design, and propulsion and steering. The Stakeholder Report states that being classified as nonconforming “is an unnecessary constraint on personal property and is not a reasonable accommodation of the existing houseboat community.”

To address this concern, the Stakeholder Group proposes that subsection 23.60A.214.D of the SMP be amended to say that vessels that have a liveaboard license not be considered nonconforming. They point out that this would eliminate potential problems with lenders and insurers.

DPD and DOE agree that vessels licensed under the proposed licensing and vessel checklist program should not be considered nonconforming, and that this issue needs to be addressed in the SMP. To accomplish this, DPD proposes to amend subsection 23.60A.214.D. The proposed amendment would state that vessels licensed under the proposed licensing program are “not regulated as nonconforming uses,” and then would set out how they are regulated. DPD proposes to allow modifications of the vessel, except that the dwelling unit could not be expanded to increase its dimensions at the waterline, unless it is to provide the capacity for gray water disposal. Additionally, future modifications of these vessels would require the submittal of an updated vessel evaluation checklist to demonstrate that the proposed modifications do not change the fundamental character of the structure so that it is no longer a vessel under the SMP definition.

Central Staff recommendation:

Request that DPD work with DOE to amend the SMP as part of the State review and adoption process to recognize that dwelling units on vessels licensed through the program proposed in Issue #2 are not nonconforming.

PLUS Committee Direction:

6. Amendments to the SMP to address house barge compliance

The Stakeholder Group also recommended that the language in the City’s updated SMP in subsection 23.60A.204.B.1.3.c be deleted. This subsection addresses house barges, which in 1992 were defined in the SMP as “a vessel that is designed or used as a place of residence

without a means of self-propulsion and steering equipment or capability.” The Council permitted the house barges that had been located in Seattle as of June 1990 to be legalized, provided that no sewage or wastewater was discharged. House barge owners were required to apply for an initial permit that was effective for three years. At the expiration of three years, the permit could be renewed, provided that the owner demonstrated that all overboard discharges were sealed and that satisfactory means of conveying wastewater to an approved disposal facility was provided. The owner could also request an exception to this requirement, if the owner showed that best management practices (BMPs) were used to limit overboard discharge of wastewater to the maximum extent practicable.

During the Council’s review of the updated SMP, DPD records showed that only two of the 34 house barges had completed the renewal of the required permit. As a result, the Council adopted an amendment adding a new subsection 23.60A.204.B.1.3.c that required the 32 owners to either to demonstrate that they had renewed the original permit, or to apply for a renewal.

Members of the Stakeholder Group have since found the DPD records that show that all 34 house barge permits had been renewed as required. Because the new subsection is no longer needed, the Stakeholder Group recommended that it be deleted.

Central Staff recommendation:

Request that work with DOE to amend the SMP as part of the State SMP review and adoption process to remove subsection 23.60A.204.B.1.3.c, since it is no longer needed now that the permit records have been found.

PLUS Committee Direction:

6. Gray water discharge

Vessel sewage is regulated by both federal and state laws. Direct discharge of untreated sewage ("black water") is not allowed within 3-miles of the outer coast. Recreational boaters within Puget Sound (including fresh water lakes throughout the region) are required to have a U.S. Coast Guard certified Marine Sanitation Device, preferably a type three holding tank. For gray water, which is the waste water resulting from cleaning, bathing, and cooking, vessel operators must follow the requirements of the Federal Clean Water Act, which in Washington State is regulated through RCW 90.48 and Washington Administrative Code (WAC) 173-201 A. Currently, these regulations generally require compliance with BMPs intended to minimize discharge of waste water. The recently adopted Seattle SMP for the first time requires use of BMPs by all recreational boaters, not just liveaboards.

The Stakeholder Group made three recommendations about the discharge of gray water by liveaboards, which are summarized below. Note that there was unanimous consensus only on the first of these proposals. The Group reached a high level of consensus on the proposed pilot program, and did not agree on the proposed gray water regulations. The Report contains detailed comments and suggestions on all three proposals.

- Develop an educational program for BMPs. The educational program would reach all boat owners and operators and marina associations with the immediate goal of reducing gray water discharge and a long term goal of total containment. The program would also include exploring the cost and feasibility of on-board gray water treatment systems, as well as slipside sewage systems and connections for vessels.
- Establish a gray water pilot program. The first step in the program would be a study that would “explore the feasibility and community support for improved gray water management through collection and disposal through municipal wastewater treatment systems.” The second step would a pilot that would demonstrate and evaluate the effectiveness of various systems. The Stakeholder Group estimated that the cost of this proposal would be \$3,000 to \$6,000 for the initial study, \$10,000 to \$20,000 for a small-scale pilot project, and \$30,000 to \$50,000 for a representative pilot project. These estimates do not include the cost of City staffing and coordination.
- Establish gray water regulations. This proposal calls for a rulemaking process for liveaboard vessels to define the requirements for gray water management. The regulations would be based on the results of the gray water pilot program. The regulations would require liveaboards on vessels over a certain size to either fully treat their gray water, or retain it and have it pumped out.

DOE has stated that its current programs and grant funding (including the federal programs that it administers) are focused on controlling sewage, and that most liveaboards in Seattle follow appropriate procedures to deal with sewage. Gray water controls, while important, are not as high a priority. DOE supports that continued use of BMPs, and is willing to work with the City on long-term approaches, but does not have the capacity to lead or fund any of the Stakeholder Group proposals.

Central Staff recommendation: Work with City Departments and DOE to establish a pilot program to test gray water systems. The program would also include an educational component. Consider funding for the program as part of the review process for the 2014 budget.

PLUS Committee Direction:

Attachment 1: Department of Ecology response to the Stakeholder Group Report dated July 16, 2013, with two previous DOE letters attached

Attachment 2: Comparison of Naval Architect and Marine Surveyor Qualifications and Expertise

Attachment 3: DPD DRAFT Proposed Vessel Evaluation Checklist



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

July 16, 2013

City of Seattle City Council
Planning, Land Use, and Sustainability Committee
Attn: Councilmember Richard Conlin, Chair
P.O. Box 34025
Seattle, WA 98124-4025

RE: Review of the On Water Resident Stakeholder Group - Final Report

Dear Council Member Conlin:

This letter is intended to provide feedback to the Council's **Planning Land Use and Sustainability Committee (PLUS)** related to the recently completed *On Water Resident Stakeholder Group (SG)* process and final report dated May 29th, 2013. We greatly appreciate the dedicated work of all the parties involved in this process and offer the following comments for the PLUS Committee's consideration.

Background

One of the main issues identified during the City's final deliberations on the updated SMP centered on questions and confusion related to the legal status of existing residential floating structures that do not qualify as either a floating home or a grandfathered house-barge. In response to this issue, we recommended that the City separate the questions related to the status of existing residential floating structures (i.e., compliance with existing SMP) from moving forward with the SMP update process, which is intended to manage future shoreline uses. (See attached letter dated January 10, 2013).

Consistent with this recommendation, the Council locally approved the updated SMP and under a separate action, established the On Water Resident Stakeholder Group (SG) to develop recommendations to the City to further clarify the status of existing floating structures that are not clearly identified as a vessel by the City's current SMP (SMC 23.60.942). Specifically, the SG was established to support the following objectives:



1. *Possible regulatory or procedural actions that can be taken by the City to provide greater certainty, clarity, or procedural safeguards for on water residences;*
2. *Possible legislative amendment to the Shoreline Master Program (SMP) that the Department of Ecology (DOE) agrees are sufficiently promising to merit formal review by DOE if adopted by the Council.*

The SG Process and Final Report

We would first like to recognize the sincere commitment of SG members who dedicated a significant amount of time and energy toward achieving the objectives established by the City Council. Through this effort and the diligent facilitation of Bob Wheeler and Sarah Saviskas from Triangle Associates, Inc., the SG covered a lot of ground within a relatively short period of time. We provided support to this effort through grant funding (to help with meeting facilitation), attendance at all five of the SG meetings, individual consultation with SG members, and coordination with Department of Planning and Development (DPD) staff and the SG facilitator throughout the process.

As part of their final report, the SG developed seven recommendations (summarized in Table 1 of the report), for which consensus was not reached on all the proposals. However, the SG did reach consensus on the following proposals:

- Establishment of a *Houseboat Vessel Liveaboard License (HVLL)* program (Recommendation #1).
- Amendments to the City's existing *Compliance Process* (Recommendation #3).
- Establishment of a *Gray Water - Education, Outreach, and Technology* program (Recommendation #4).
- Amendments to sections of the City's proposed SMP (SMC 23.60A) for *Rules Going Forward* (Recommendation #7).

In addition the SG reached high-level consensus ¹ on criteria for *Vessel Evaluation* (Recommendation #2) and development of a *Gray Water Pilot Program* (Recommendation #5). The last proposal, *Gray Water – Proposed Regulations* (Recommendation #6), were supported by two stakeholder members, but did not receive either consensus or high-level consensus from the rest of the SG members.

We provided interim feedback to the SG in a memo dated May 7th, 2013 (attached). This memo reiterates previous messages provided to SG members confirming that we do not support any changes to the current vessel definition in the City's existing SMP. The memo

¹ High-level consensus means that consensus was reached on the concept of a proposal, but not the details. The term was not defined in the final stakeholder report.

also confirms support of DPD’s position that the SG’s vessel evaluation criteria must include requirements for the following:

- Steering.
- Propulsion.
- Verification that the vessel hull is *designed for navigation*.

Ecology Feedback on Final Report

Consistent with our previous comments to the SG (i.e., May 7th, 2013 memo) and the Council (i.e., January 10, 2013 letter) on this topic, we would like to reiterate support for the City to proceed with separate actions for managing existing over-water residential uses from the development of new SMP regulations that will apply to future shoreline uses in the City. In response to the seven proposals developed by the SG, we focus on SMA policy aspects and will defer to the City of Seattle to decide how to proceed with administrative components (i.e., compliance process, license fees, review procedures, etc.) of the SG’s recommended proposals.

Summary of Ecology Recommendations

PROPOSAL	Consensus	HL-Consensus	Ecology Recommendation
#1: HOUSEBOAT VESSEL LIVEABOARD LICENSE (HVLL)	Yes		<i>Feasible: Should only apply to <u>existing</u> houseboats, needs to be consistent with Policies and Regulations within the City’s SMP (SMC 23.60).</i>
#2: VESSEL EVALUATION	No	Yes	<i>Feasible: Same as above, a necessary component of the HVLL, to demonstrate compliance with SMC 23.60.</i>
#3: COMPLIANCE PROCESS	Yes		<i>No Comment: Outside of Ecology’s role, defer to DPD</i>
#4: GRAY WATER: EDUCATION, OUTREACH, AND TECHNOLOGY	Yes		<i>Long-Term Feasible: Will work with City in coordination with Ecology’s Water-Quality Program and Washington Sea Grant’s Clean Vessel Program.</i>
#5: GRAY WATER: PILOT PROGRAM	No	Yes	<i>Same as above.</i>
#6: GRAY WATER: REGULATIONS	No	No	<i>Same as above.</i>

<p>#7: RULES GOING FORWARD</p>	<p>Yes</p>	<p><i>Partially Feasible: will work with City through Ecology's review of proposed SMP to ensure that existing liveboards with a HVLL considered conforming under the existing SMP maintain "conforming" status.</i></p> <p><i>The suggested changes to the proposed SMP (23.60A.214) are not consistent with the SMP Guidelines. However, individual SG members will have the opportunity to submit their comments on this issue to Ecology during the agency's formal review of the City's updated SMP.</i></p>
--------------------------------	------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Proposal 1: Houseboat Vessel Liveboard License (HVLL) - We maintain the position that the concept of a license program is a feasible proposal for the City to enact, as long as the program can be implemented without a formal amendment to the existing SMP. Further, the HVLL program will need to include appropriate vessel evaluation criteria to allow the City to determine which existing floating structures would qualify as a vessel consistent with applicable provisions within the existing SMP.

Proposal 2: Vessel Evaluation - We support DPD's recommended amendments to the SG's vessel evaluation checklist. The SG did not have full consensus on this proposal, but did reach a high-level consensus to utilize a vessel evaluation checklist. DPD's amendments will provide greater clarity in determining characteristics of a vessel (designed and use for navigation) from other floating structures. Further, the City and Ecology's action in 1990 to define and prohibit house barges is important and relevant to criteria that should be included in the vessel evaluation checklist. The existing SMP defines both a vessel and a house barge in a similar way as a floating craft or a vessel, but provides an important distinction in the intent of the design and use of the craft. Notably, a **vessel** is "designed and used for navigation" (SMC 23.60.942), whereas a **house barge** is "designed and used as a place of residence" (SMC 23.60.916), as follows:

- SMC 23.60.942 (emphasis added) "**Vessel**" means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships which do not have a means of self-propulsion and steering equipment.
- SMC 23.60.916 (emphasis added) "**House Barge**" means a vessel that is designed and used as a place of residence without a means of self-propulsion and steering equipment or capability. Historic ships which do not have a means of self propulsion and steering equipment are regulated as vessels.

Therefore, the HVLL and the Vessel Evaluation checklist supporting the license must recognize these important distinctions between a vessel and a house barge.

Proposal 3: Compliance Process – As stated above, Ecology will defer to the City as this proposal would not involve any changes to the existing (SMC 23.60) or proposed (SMC 23.60A) SMP.

Proposal 4: Gray Water Education, Outreach, and Technology - In response to all three of the Gray Water proposals, we appreciate the SG's discussion on this important issue, but also recognize the constraints to implementing these proposals. Within the Department of Ecology, the Clean Water Act is administered by our Water Quality Program, whereas shoreline management is the responsibility of the Shorelands and Environmental Assistance (SEA) Program. Through recent coordination with Ecology's Water Quality Program and a representative of Washington Sea Grant's Clean Vessel program, we have learned that most of the (recreational) vessel oriented water-quality regulatory and grant funding opportunities are currently dedicated to controlling marine sewage. We recognize that most liveaboards within the City of Seattle follow appropriate procedures to deal with sewage. Management of gray water is a separate issue. Currently, liveaboards are encouraged to manage gray water by following a variety of Marina Best Management Practices (BMP's). BMP's are intended to minimize impacts associated with discharge of gray water to surrounding water bodies. We support the continued implementation of Marina BMP's. However, since BMP's are only intended to minimize impacts, we also suggest that the City consider a long-term approach to gray water education/outreach and potential regulations in consultation with interested stakeholders, Ecology's Water Quality Program and Washington Sea Grant. Please find the following links to additional information or potential funding sources related to this issue:

- Washington Sea Grant list of funding sources:
<http://pumpoutwashington.org/grants-for-pumpouts.html>
- The Clean Boating Act of 2008 – Intended to address discharges to normal operation of recreational vessels (other than sewage). Long-term implementation through 3-phases lead by either the Environmental Protection Agency or US Coast Guard:
<http://water.epa.gov/lawsregs/lawsguidance/cwa/vessel/CBA/about.cfm>
- Washington State Department of Ecology – Water Quality Program's "Clean Boating" web page:
<http://www.ecy.wa.gov/programs/wq/nonpoint/CleanBoating/index.html>

Proposal 5: Gray Water Pilot Program – See comments provided under Proposal 4.

Proposal 6: Gray Water Regulations – See comments provided under Proposal 4.

Proposal 7: Rules Going Forward - In regard to the SG's recommendation to amend section 23.60A.214 of the City's proposed SMP, we voiced caution on the significance of this change at the final SG meeting. Discussion of this topic came up at the end of the last SG meeting for which there was insufficient time left in the meeting for the group to engage in a detailed discussion of this proposal. In their final report, the SG prioritized components of this proposal emphasizing the importance to ensure that vessels that receive a HVLL are considered "conforming" under the existing SMP (SMC 23.60), and are not retroactively considered "non-conforming" under the updated SMP (SMC 23.60A). We support this goal and will work with the City through our review and approval of the updated SMP to make sure this recommendation is achieved.

The SG's proposal intended to identify a "conventional recreational vessel" appropriate for living on does not appear feasible to Ecology in its current form. Although we appreciate the SG's attempt to control gray water, minimize environmental impacts and control the overall size of these structures, the revised provision may still allow for new houseboats that may not be consistent with the SMP Guideline provision to prohibit "new over-water residences" at WAC 173-26-241 (3) (j). This provision states that local jurisdictions "should" prohibit new over-water residences, for which "should" is defined in WAC 173-26-020 (35) as:

"Should" means that the particular action is required unless there is a demonstrated, compelling reason, based on policy of the Shoreline Management Act and this chapter, against taking the action.

Further, as addressed in our January 10, 2013 letter to the Council, liveboards or living on a vessel can be allowed within Boating Facilities, but is not considered a preferred use and cannot be allowed to displace those uses that are characterized as preferred by the SMA. Therefore, without a "*demonstrated, compelling*" justification based on the policies of the SMA, we do not see how allowing new over-water residences can be allowed. However, individual SG-members who are committed to this aspect of the updated SMP can submit their recommendation (along with supporting analysis) to Ecology during our upcoming review of the City's updated SMP.

Thank you for the opportunity to work with the City and the SG on these important issues. We appreciate the dedicated work of your staff in responding to both the On Water Residents Stakeholder Groups recommendations and development of the City's

July 16, 2013

comprehensive update of the SMP. Please do not hesitate to contact our Senior Shoreline Planner Joe Burcar (joe.burcar@ecy.wa.gov 425-649-7145) or me if we can further assist in supporting both of these important efforts.

Sincerely



Erik Stockdale
Acting Section Manager
Shorelands & Environmental Assistance Program (NWRO)
erik.stockdale@ecy.wa.gov or (425) 649-7096

Attachments:

- January 10, 2013 letter from Ecology to the City Council
- May 7, 2013 memo from Ecology to the On Water Stakeholder Group

cc: Mauri Schuler and John Chaney, LULA
Diane Sugimura, Faith Lumsden, and Maggie Glowacki, City of Seattle
Rebecca Herzfeld, and Sara Nelson, City of Seattle Council Staff
Joe Burcar and Brian Lynn, Department of Ecology



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office 3190 160th SE Bellevue, Washington 98008-5452 (425) 649-7000

To: Bob Wheeler, Facilitator, On Water Residents Stakeholder Group

From: Erik Stockdale, NWRO Regional Section Manager – SEA Program
Joe Burcar, Senior Shoreline Planner – SEA Program

Date: May 7th, 2013

Subject: Response to preliminary work of On Water Residents Stakeholder Group

Introduction: First of all we would like to applaud the On Water Residents Stakeholder Group (SG) for their dedicated work on this challenging issue. We recognize how important this issue is to the live aboard community, for which we support the concept of a license program that includes appropriate vessel evaluation criteria to help clarify which existing floating structures qualify as a “vessel” consistent with the City’s existing Shoreline Master Program (SMP).

As described to the SG during the first and second meetings, Shoreline Management in Washington State is characterized by a unique state (Ecology) and local (City of Seattle) partnership. Ecology works with local jurisdictions in the development and approval of SMP policies and regulations, while local jurisdictions are primarily responsible for administration of the SMP. Therefore, Ecology will defer to the City of Seattle for administration aspects (i.e., enforcement, fee’s, review procedures, etc.) of the SG’s proposed license program and will focus our feedback on policy level elements of the SG proposal.

Ecology Feedback: This memo is intended to validate the City of Seattle Department of Planning and Development’s (DPD) reference¹ to coordination with Ecology as part of their preliminary review of the SG’s *draft* recommendations. As stated by the City, Ecology does not support changes to the City’s existing SMP definition of “vessel” or other changes that would allow overwater residential use, on anything other than: a floating home, a pre-1990 house barge, or a vessel, as a feasible amendment to the existing SMP. However, it does appear

¹ Faith Lumsden (DPD) email to Bob Wheeler dated May 7th, 2013 providing comments on the Shoreline Stakeholder Group Preliminary Recommendations.

possible for the City to administer a license program, which implements existing SMP provisions, and for which a formal amendment to the SMP would not be required.

Required Change: Based on review of the *draft* license proposal, Ecology agrees with the City's feedback to the SG identifying necessary changes to the *draft* vessel evaluation checklist that require "steering", "propulsion", and verification that the hull is designed for navigation. These elements will need to be mandatory requirements of the license Program and/or vessel evaluation checklist in order to ensure consistency with applicable provisions of the City's existing SMP.

Conclusion: Again, we sincerely appreciate the focused work of the stakeholder group. We also very much want to see this effort result in a solution that serves multiple stakeholder interests, can be implemented by DPD, satisfies the Council's "goals" and "objectives" for the effort, and is consistent with the policies of the Shoreline Management Act and local SMP.

Ecology remains committed to this effort. We look forward to continuing to work with the SG and the City through the final stages of this process. We are planning to attend the final SG meeting on May 21st, 2013 and are happy to answer questions from stakeholder members prior to the meeting.

Contact Information: Department of Ecology, Northwest Regional Office. 3190 – 160th Ave SE Bellevue, WA 98008-5452

Erik Stockdale - SEA-Program (NWRO) Section Manager
erik.stockdale@ecy.wa.gov or (425) 649-7096

Joe Burcar – Senior Shoreline Planner
joe.burcar@ecy.wa.gov or (425) 649-7145



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

January 10, 2013

City of Seattle City Council
Planning, Land Use, and Sustainability Committee
Attn: Richard Conlin, Chair
P.O. Box 34025
Seattle, WA 98124-4025

RE: City of Seattle Shoreline Master Program Update

Dear Council Member Conlin:

The purpose of this letter is to follow up on comments Ecology provided at the Council's *Planning, Land Use and Sustainability Committee* (PLUS) meeting on December 12, 2012, regarding a preliminary "amnesty" framework developed to deal with existing residential floating structures. These structures may or may not qualify as a "vessel" under the City's Shoreline Master Program (SMP) and are not considered an existing "floating home" or "house barge." Thank you for the opportunity to expand on our previous comments on this important issue.

In brief, Ecology supports the City's effort to better define the limited circumstances under which it is appropriate to live on a vessel. We do not think the comprehensive SMP update is the appropriate way to deal with the question of already-existing floating residential structures. We encourage the City to pursue other options to address the concerns regarding floating residential structures established since 1990. Finally, we are available to support a separate effort to explore such options. Below, we elaborate on these points.

Background

Any new provisions included as part of the updated SMP need to be consistent with both the Shoreline Management Act (RCW 90.58) and the substantive requirements within the Shoreline Master Program Guidelines at WAC 173-26 (Part III). The SMA is intended to look forward by developing policies and regulations to "plan for...foster...and coordinate" shoreline uses through both protection and utilization of shorelines of the State. To implement this policy, both the SMA and the SMP Guidelines define a number of "preferred uses," which must be recognized through both development and implementation of a local Shoreline Master Program. The SMA and SMP Guidelines require that water-dependent uses, which are intrinsically dependent on a water-front location, be prioritized over other non-water-dependent uses. Homes/residential uses are not water-dependent, as they do not require a waterfront location. The guidelines further state: "New over-water residences, including floating homes, are not a preferred use and should be prohibited" [WAC 173-26-241(3) (j)].



In addition to the policy preference in the SMA to protect water-dependent uses, the prohibition of overwater residential uses is also based on environmental concerns. Common impacts associated with overwater structures (i.e., piers, floats, vessels and floating residences) include artificial shading of nearshore habitats and water quality impacts from any discharge to surrounding waters. SMP regulations require that overwater structures such as docks be reduced in size to the minimum necessary to support the water-dependent use (i.e., access from upland areas to a vessel). These standards are intended to minimize the shading effect of overwater structures. Artificial shading is known to impact aquatic vegetation/microalgae growth and can also affect migration of nearshore-oriented aquatic species such as salmon. Water quality concerns with overwater residential uses are directly related to materials used to construct the structure and any discharge from the structure into surrounding waters. Most overwater residential uses appropriately capture and treat sewage, but “gray water” such as from dish-washing, laundry, or bathing may be directly discharged into the water. Soaps, detergents and food particles commonly found in gray water deplete the water’s dissolved oxygen content. Fish and other aquatic animals depend on dissolved oxygen in the water to “breathe.” Other pollutants that may be present in gray water include oil and grease, bacteria, high pH, and turbidity. These impacts cause us to be concerned with potential cumulative effects of an increasing number of people living on the water.

There are a couple of notable exceptions to the intent of the SMA to prohibit overwater residences. First, the SMA acknowledges the historic floating home community of Seattle by protecting its continued presence over water. Second, “Liveaboards” or living on a vessel is not characterized as a “*preferred use*” but can be allowed as part of “*Boating Facilities*” as long as other water-dependent uses are not displaced and the jurisdiction can demonstrate that allowing the use will not result in a net loss of shoreline ecological functions.

We, together with Seattle, have struggled for a number of years to prohibit new overwater residential structures while also maintaining the historic floating home community and liveaboard vessels within the intended limits of the SMA. Ecology worked with the City as part of the last comprehensive SMP update in 1987 to allow overwater residential use only on vessels and prohibit new overwater residential uses on other floating structures that do not satisfy the “*vessel*” definition from WAC 173-27-030 (18). In 1990, after several overwater residential structures were built, Ecology again worked with the City to more clearly prohibit future floating residential structures and to allow liveaboards only on vessels “*designed and used for navigation.*”

However, it appears that the intention of this amendment has not been fully achieved, as the City estimates approximately 150 additional residential floating structures, which may or may not qualify as a vessel, have come into Seattle since 1990. It is important to emphasize that some or many of these structures may be legal vessels under the definition in the current SMP. Still, there may be some of these structures that do not meet the vessel definition and as such, are not allowed under the current SMP.

Current Challenge

Today we are faced with two issues which Ecology believes should be addressed separately.

First, the updated SMP must more clearly define the limited circumstances when living on a vessel is appropriate. Ecology applauds the City's efforts on this. We believe that the City's new proposed standards will better achieve the intent of the SMA and SMP Guidelines under WAC 173-26-241 (3) (j) to prohibit new overwater residences and protect water-dependent uses "preferred" by the SMA. We hope that these clarifications will provide a firm foundation for the City to prevent future development that is inconsistent with the intent of the SMA.

It is important to emphasize that these new standards will apply to new structures in the future. **Existing residential floating structures continue to be subject to the rules that were in place when they were established.** If a residential floating structure was legally established as a vessel per the definition in the current Seattle SMP, it will continue to be a legal structure in the future.

Second, there is a question of how to deal with the existing floating residential structures established since 1990, and more specifically, the subset of those structures that may not meet the definition of vessel in the current SMP.

With respect to the Council proposal for amnesty, Ecology cautions the City against proceeding with this concept as part of the SMP update. Such a provision would retroactively authorize existing residential floating structures. This idea raises two concerns for residential floating structures that were not legally established: (1) it is not clear if either the City or the State have the authority to retroactively pardon or excuse a past action, and (2) an affirmative allowance of these overwater residential structures may be inconsistent with the SMA requirements prohibiting overwater residences.

Ecology urges the City to continue to work to resolve questions and concerns related to existing floating residential structures through a separate process that is independent of the comprehensive SMP update. As noted above, this has been a challenging issue for a number of years, for which there are no easy answers, and any path forward may not fully satisfy all interests. Regardless, we support a focused effort that provides the time necessary to explore the legal and policy questions and develop a better understanding of the number and nature of the existing floating residential structures. Other important components of such an effort include addressing the management of gray water discharge and an administrative system to prevent future prohibited overwater residential structures before they are established (rather than through after-the-fact enforcement). We believe that at least part of resolving this issue lies in the administration and interpretation of the current SMP. However, if after further exploring the issue, it is concluded that the path forward will require a subsequent amendment to the Seattle SMP (following the current update) and the amendment can be prepared consistent with the SMA and SMP Guidelines, then Ecology will give prompt attention to the amendment. Finally, to the extent our workload allows, Ecology staff will continue to work with the City and stakeholders on this issue.

City of Seattle -- Shoreline Master Program Update
January 10, 2013
Page 4 of 4

Thank you again for the opportunity to work with the City and interested parties on these important issues. We applaud the excellent work of your staff in developing the comprehensive update of the SMP and the thoughtful deliberation of the Council. We look forward to the completion of this effort.

Sincerely,



Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program

GT:cja

Attachment 2 to PLUS Committee memo: Comparison of Naval Architect and Marine Surveyor Qualifications and Expertise

SUMMARY

	Naval Architect	Marine Surveyor
Primary purpose of work	Design vessels, study proposals and specifications to establish basic characteristics of a ship, evaluate the performance of a ship during sea and dock trials	Determine the condition and value of vessels
Education/Training	<u>Federal Requirement</u> Bachelor's Degree <u>State Requirement</u> Professional Engineers License* (see requirements below.)	No formal training required – Anyone can be a marine surveyor. Private certification organizations exist and require members to meet standards including professional, technical and ethical standards.
License/Certification	State License	Private Certification

BACKGROUND

Washington State requirements regarding engineering - Washington State law (RCW 18.43.010) states:

"In order to safeguard life, health, and property, and to promote the public welfare, any person in either public or private capacity practicing or offering to practice engineering or land surveying, shall hereafter be required to submit evidence that he or she is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice in this state, engineering or land surveying, as defined in the provisions of this chapter, or to use in connection with his or her name or otherwise assume, use, or advertise any title or description tending to convey the impression that he or she is a professional engineer or a land surveyor, unless such a person has been duly registered under the provisions of this chapter."

Further (RCW 18.43.020):

(4) "Engineering" means the "practice of engineering" as defined in this section.

(5)(a) "Practice of engineering" means any professional service or creative work requiring engineering education, training, and experience and the application of special knowledge of the mathematical, physical, and engineering sciences to such professional services or creative work as consultation, investigation, evaluation, planning, design, and supervision of construction for the purpose of assuring compliance with specifications and design, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, works, or projects.

(b) A person shall be construed to practice or offer to practice engineering, within the meaning and intent of this chapter, who practices any branch of the profession of engineering; or who, by verbal claim, sign, advertisement, letterhead, card, or in any other way represents himself or herself to be a professional engineer, or through the use of some other title implies that he or she is a professional engineer; or who holds himself or herself out as able to perform, or who does perform, any engineering service or work or any other professional service designated by the practitioner or recognized by educational authorities as engineering.

(c) The practice of engineering does not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

Note: Washington State specifically recognizes Naval Architecture as an engineering discipline.

***Professional Engineering licensing in Washington State**

(<http://www.dol.wa.gov/business/engineerslandsurveyors/englicense.html>)

How to get your professional engineer license by exam

Licensing requirements

To get your license, you must meet all of the following requirements:

- Pass the EIT (Engineer-in-Training exam).
- Pass the PE (Principles and Practices of Engineering exam).
- Have 8 years of professional-level experience under the direct supervision of a licensed engineer. (Education in an ABET-accredited program may count for up to 4 years of this experience.)
- If you have a non-ABET accredited engineering degree from a foreign country, you must also have your degree evaluated by NCEES Credentials Evaluations. This evaluation will be performed at your expense, and you're responsible for submitting the all necessary information to the evaluation service.

Engineer-in-Training Licensing Requirements

Before you apply for an Engineer-in-training certificate, you must have one of the following:

- A bachelor's degree in an approved engineering curriculum.
- Senior standing in an approved engineering curriculum.
- 4 years of experience (education, work experience, or both).

From the Bureau of Labor Statistics *Occupational Outlook Handbook* (emphasis added)

(<http://www.bls.gov/ooh/architecture-and-engineering/marine-engineers-and-naval-architects.htm>) entry on Marine Engineers and Naval Architects:

Marine engineers and naval architects design, build, and maintain ships from aircraft carriers to submarines, from sailboats to tankers. Marine engineers work on the mechanical systems, such as propulsion and steering. Naval architects work on the basic design, including the form and stability of hulls.... Marine engineers and naval architects must have a bachelor's degree in marine engineering, naval architecture, or marine systems engineering.

Marine Surveyor (emphasis added)

From the Society of Accredited Marine Surveyors (SAMS)
(<http://www.marinesurvey.org/index.html>) website:

“Anyone can title him or herself as a Marine Surveyor and start a business. Certain marine surveyors are permitted to use a designation denoting membership in accrediting organizations that require members to meet strict professional, technical and ethical standards.

Surveyors should provide you with a professionally prepared report that can be accepted by your bank and/or insurance company. ...

A thorough inspection will not be rushed and will depend on the type of survey required based on vessel size, equipment and on-board systems. There may be additional services available such as engine surveys, oil analysis, galvanic and stray current corrosion testing, ultrasonic testing, moisture testing and other non-destructive tests. There may be additional charges for these and other services.

Well conducted surveys can provide good information on the vessels' condition, but they are not guarantees. The surveyor reports the condition in accessible areas only as it exists at the time of inspection.”

From the National Association of Marine Surveyors (NAMSGlobal) (<http://namsglobal.org/>) website:

...”From pleasure boats & yachts to commercial ships, **NAMSGlobal marine surveyor members survey new and used vessels to determine their condition and value.** NAMSGlobal surveyor members also survey cargo, machinery, docks, wharfs, marinas, and handling equipment related to the marine industry.” ...

Additionally, an excerpt from the Wikipedia entry on Marine Surveyors

(https://en.wikipedia.org/wiki/Marine_surveyor) (there is no such position in the Bureau of Labor Statistics manual):

Marine surveyors use many credentials, letters, and terms such as "accredited", "certified", "qualified", "AMS", "CMS", etc. There are many ways to train to become a marine surveyor including **taking correspondence courses, apprenticing, or simply opening a business.**

However, marine surveyors pursue their profession independently of required organizations, and there is currently no national or international licensing requirement for marine surveyors. The U.S. Coast Guard does not approve or certify marine surveyors. **All association terms and initials represent training and certification by private organizations.**

Attachment 3: DPD DRAFT Proposed Vessel Evaluation Checklist

This form is designed to evaluate an on-water floating structure to ascertain compliance with the Shoreline Management Program definition of “Vessel” in SMC 23.60.942:

"Vessel" means ships, boats, barges, or any other floating craft which are designed and used for navigation and do not interfere with the normal public use of the water, including historic ships which do not have a means of self-propulsion and steering equipment.

- Items 1 - 8 will be used to determine if a floating structure is a vessel “designed for navigation,” and the answers to these items must be yes and certified by a naval architect licensed as a Professional Engineer in the state of Washington;
- Items 9 and 10 indicate compliance with the vessel definition component “used for navigation”;
- Items 11 - 18 may be used to support a determination of whether a floating structure is a vessel or not, if the answers to 1-10 are inconclusive; and
- Items 19 - 32 are not used in the vessel determination process but may be required for compliance with water quality standards and for state and federal regulations.

Item	PROPULSION	Yes/No	Comments:
1	<p>A. Means of self-propulsion with an engine power equal to or greater than ½ HP per foot of length. Length of Structure _____ft Type of engine: <input type="checkbox"/> Inboard engine(s) # _____Hp (total) <input type="checkbox"/> I/O or Stern Drive engine(s) # _____ Hp (total) <input type="checkbox"/> Outboard engine(s) # _____ Hp (total) Engine Hp rating may be rounded to the next full number. Is the engine permanently attached or is it removable?</p> <hr/> <p>Engine must be attached at all times if hull length more than 30 ft or unless powered by sail.</p> <p>B. 1. Means of self-propulsion by sail of reasonable size and design for the length and bulk of the entire structure and 2. Auxiliary engine power inboard or outboard sufficient to safely maneuver the structure without sails and without tow lines or other assistance?</p>		

STEERING		<i>Yes/No</i>	<i>Comments:</i>
2	Is there a method for steering suitable for the structure's configuration that allows for safe navigation? (e.g.: Tiller, Wheel, Engine Controls, Joy Stick)		
3	Is there good visibility from the steering station to safely maneuver the structure with a minimum of 90 degrees on each side when looking forward?		
4	Is there a method for controlling speed and direction (reverse/forward) from the steering location?		
HULL & STRUCTURE		<i>Yes/No</i>	<i>Comments:</i>
5	Does the bow (front) have some rake (slant)?		
6	Proportions – Is the hull length at least twice as long (LOA) as it is wide?		
7	Freeboard –Is the distance above water to your deck at least ½” for each foot of length of the structure? OR Does the structure have adequate freeboard for its size to permit safe navigation for the type of waters in which it is moored?		
8	Is the floating structure designed to safely navigate in the type of waters in which it is moored considering the shape, material, size and stability of the structure and accepted naval architect industry standards?		

I _____ (print names) certify that the statements in items 1 - 8 above is/are true based on my training as a Naval Architect.

Naval Architect signature: _____

__Date:_____

Professional Engineer License #: _____

Employer and Title: _____

	OPERATIONS	<i>Yes/No</i>	<i>Comments:</i>
9	Do you navigate the structure in the waters where it is moored, other than bringing it to its moorage location?		
10	If you have insurance, does your policy allow navigating your structure in the waters it is moored and does it allow you to have an engine?		
11	Is your floating structure moored only using lines? Moorage connections must be temporary and not require the use of tools to disconnect.		
12	If you use shore power, can you disconnect your shore power by hand without the use of tools?		
13	If you are connected to city pressurized water, can you disconnect your shore water supply by hand without the use of tools?		
14	Does your floating structure have an onboard water supply that operates away from water supplied on-shore?		
15	Does your floating structure have a power source that can operate away from power supplied on-shore sufficient to provide safety equipment such as running lights and a radio?		
16	Does your floating structure have an anchor and rode, of adequate size and strength, for use when anchoring?		
17	If your floating structure has a bilge, does it have a dewatering system either manual or automatic?		
18	Does your floating structure have mooring cleats or strong points (e.g.: Bollards, Sampan Posts, welded rings) fore and aft and on both sides?		

I _____ (print names) declare under penalty of perjury under the laws of the state of Washington that I am the owner of the floating structure and that the statements in items 9 - 18 above are true.

Owner signature: _____

__Date: _____

City: _____, State: _____.

REGISTRATION			
19	Does your structure have WA state vessel registration (RCW 88.02.550) and are the WA state registration characters with current annual decal displayed as required (on the right and left front of the structure)?		
20	Is your structure USCG documented and registered with WA state (46 CFR 67) with the official number marked (46 CFR 67.121) and current WA annual decal displayed as required (on the right and left front of the structure)?		
	Note 2 WA state law requires vessels to be registered.		
EQUIPMENT The following equipment standards are Coast Guard requirements -and are expected for lawful navigation.			
21	Personal Flotation Devices as required by federal and applicable WA state law (33 CFR 175).		
22	Visual Distress Signals as required by law (33 CFR 175.101). Note: not required to operate between the Montlake Cut and the Locks.		
23	Mounted fire extinguishers of appropriate type, size, and number, as required by law (46 CFR 25).		
24	Sound-producing device of appropriate type and power, as required by law (33 CFR 183).		
25	Navigation lights of appropriate size and type and service, as required by law (33 CFR 83).		
26	Engine Ventilation System, as required by law, if gasoline powered for electrical generation, mechanical power or propulsion with a permanently installed gasoline engine (33 CFR 175/183).		
27	Backfire Flame Arrestor on engine(s), as required by law if gasoline engine powered except for outboard motors (46 CFR 25/58).		
28	Copy of Navigation Rules (Inland Waters: required for vessels 39.4 feet (12m) or greater).		
29	Marine Sanitation Device (33 CFR 159). If it has an installed toilet and if there is an overboard discharge valve it must be closed and locked or secured in the closed position. Note: Composting or incineration without discharge to the water is conforming. NO DISCHARGE OF SEWAGE IS PERMITTED IN SEATTLE WATERS.		

	<p>NOTE 3 Recommended: <i>A Boaters Guide to the Federal Requirements for Recreational Boats and Safety Tips</i> and Sound Information: A Boater's Guide by Puget Soundkeeper Alliance WA. Remember to also get your Washington State Boaters Education Card, if required (RCW 79A.60.640).</p>		
	<p>PLACARD REQUIRMENTS Does your structure have the following placards correctly displayed, if required?</p>		
30	Oil Pollution Placard, as required by law (33 CFR 151/155) generally 26' (LOA) or longer with machinery space.		
31	Garbage Placard, as required by law (33 CFR 151/155) generally 26' (LOA) or longer.		
32	CO Warning sticker, as required by law (RCW 88.02.390).		