

HOUSE BILL REPORT

SSB 6508

As Reported by House Committee On:

Local Government

Appropriations Subcommittee on General Government & Audit Review

Title: An act relating to beach management districts.

Brief Description: Authorizing the creation of beach management districts.

Sponsors: Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Eide, Fraser, Murray, McDermott and Morton).

Brief History:

Committee Activity:

Local Government: 2/14/08, 2/28/08 [DPA];

Appropriations Subcommittee on General Government & Audit Review: 2/29/08, 3/3/08 [DPA(LG)].

Brief Summary of Substitute Bill (As Amended by House Committee)

- Creates a statutory scheme for beach management districts by emulating requirements for lake management districts.
- Restricts the control and removal of native aquatic plants or vegetation to beaches or near shore areas meeting specified requirements.
- Authorizes the Department of Ecology (DOE) to provide technical assistance to community groups, and county and city legislative authorities requesting assistance with the development of beach management programs.
- Requires the DOE, in consultation with Puget Sound Partnership, to monitor the removal of native vegetation on beaches and near shore areas, and to provide recommendations for future area designations.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

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.

Majority Report: Do pass as amended. Signed by 5 members: Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Eddy and Nelson.

Minority Report: Without recommendation. Signed by 2 members: Representatives Schindler, Assistant Ranking Minority Member; Schmick.

Staff: Lyset Cadena (786-7291) and Ethan Moreno (786-7386).

Background:

Lake Management Districts

Counties, cities, or towns are authorized to create lake management districts to finance the improvement and maintenance of lakes within or partially within the county, city, or town boundaries. The district may include all or a portion of a lake and the adjacent land areas, and a lake may be in more than one district. More than one lake, or portions of lakes, including adjacent land areas, may be included in a single district.

Lake management districts are created by the adoption of a resolution of intention by a county, city, or town governing body or by filing a petition signed by landowners or the owners meeting specified requirements. The county, city, or town governing body must hold a public hearing on the proposed lake management district at the date, time, and place designated in the resolution of intention.

The county, city, or town governing body must adopt a resolution submitting the question of creating the lake management district to the owners of land within the proposed lake management district, including publicly owned land. A ballot must be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district.

The lake management proposal must receive a simple majority vote in favor of creating the lake management district. The county, city, or town governing body must adopt an ordinance creating the lake management district and must proceed with establishing the special assessments or rates and charges, collecting the special assessments or rates and charges, and performing the lake improvement or maintenance activities.

Special assessments or rates and charges may be imposed on property to finance lake improvement and maintenance activities, including:

- water quality;
- studying lake water quality problems and solutions;
- cleaning and maintaining ditches and streams entering or leaving the lake; and
- related administrative, engineering, legal, and operational costs, including the costs of creating the district.

These rates may be imposed annually on all lands within the district for the duration of the district without a related issuance of lake management district bonds or revenue bonds.

Special assessments may be imposed in the same manner as local improvement districts, with

each land owner having the choice of paying everything at once, or through installments when districts bonds are issued.

Sewerage, Water, and Drainage systems

Counties, as part of a system of sewerage, may provide for, finance, and operate the facilities and services and may exercise any of the powers authorized for aquifer protection areas; for lake management districts; for diking districts, and diking, drainage, and sewerage improvement districts; and for shellfish protection districts.

Watershed Management

The legislative authority of a city or county and the governing body of any special purpose district enumerated may authorize up to 10 percent of its water-related revenues to be expended in the implementation of watershed management plan projects or activities that are in addition to the county's, city's, or district's existing water-related services or activities.

Flood control districts are allowed to engage in activities authorized for lake management districts.

Summary of Amended Bill:

A statutory scheme for beach management districts that is analogous to lake management districts is created.

Beach management districts addressing the control and removal of aquatic plants or vegetation must develop a plan for this activity and meet the following requirements:

- avoid or minimize the excess removal of nontarget native vegetation and organisms, alive or dead;
- avoid or minimize management activities that will result in the compaction of beach, sand, gravel, and substrate;
- dispose of excessive accumulations of vegetation in a manner that minimizes adverse impacts to the project site and other areas of the beach or deep water environment; and
- retain all natural habitat features on the beach, including trees, stumps, logs, and large rocks in their natural location.

The control or removal of native aquatic plants or vegetation is authorized in the following areas:

- beaches or near shore areas located within at least one mile of a ferry terminal that are in a county with a population of one million or more residents; and
- beaches or near shore areas in a city that: is adjacent to Puget Sound; has at least 85,000 residents; shares a common boundary with a neighborhood county; and is in a county with a population of one million or more residents.

Special assessments or rates and charges may be imposed on property to finance lake or beach improvements and maintenance activities, including:

- controlling or removing aquatic plants and vegetation;
- improving water quality;
- controlling water levels;
- treating and diverting storm water;
- controlling agricultural waste;
- studying lake or marine water quality problems and solutions;
- cleaning and maintaining ditches and streams entering or leaving the lake or marine waters;
- monitoring air quality; and
- related administrative, engineering, legal, and operational costs, including the costs of creating the lake or beach management district.

The Department of Ecology (DOE) must provide technical assistance to community groups and county and city legislative authorities requesting assistance with the development of beach management programs. The DOE must coordinate with relevant state agencies to provide technical assistance to beach management districts. The DOE, in consultation with the Puget Sound Partnership, must monitor and assess the results of the removal of native aquatic plants and vegetation in beaches or near shore areas, and provide recommendations regarding areas for future designations.

Amended Bill Compared to Substitute Bill:

The Senate bill as amended modifies provisions authorizing the creation of beach management districts for the control and removal of aquatic plants and vegetation. The amended bill also modifies provisions requiring the DOE to provide technical assistance to community groups, and county and city legislative authorities requesting assistance with the development of beach management programs. A proposed provision that would have required the DOE to develop a study and work plan to address the problem of sea lettuce growth is deleted.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) Sea lettuce growth has become a problem in the Puget Sound, especially in the areas of Federal Way and West Seattle. In the summer, sea lettuce has a tendency to overgrow, smother marine life, and create health problems for residents living near affected areas. The creation of beach management districts will provide residents with the proper tools and mechanisms to help clean up the beach in an environmentally conscious manner. This bill

allows state agencies to work together to assist beach management districts. The coordination efforts among agencies will increase efficiency and minimize impacts on marine life.

(With concerns) There are no best management practices or standards on beach clean-up and there is concern about how a beach clean-up will impact the ecosystem. Until best management practices or standards are developed, the establishment of beach management districts should be limited to creating only two districts.

(Neutral) The study and work plan under this bill are not included in the Governor's budget. Removing the provisions requiring the DOE to develop a study and work plan would reduce the fiscal impact.

(Opposed) None.

Persons Testifying: (In support) Senator Fraser; Mike McKasey; and Fran McNaire, Department of Natural Resources.

(With concerns) Bruce Wishart, People for Puget Sound.

(Neutral) Melodie Selby, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT & AUDIT REVIEW

Majority Report: Do pass as amended by Committee on Local Government. Signed by 8 members: Representatives Linville, Chair; Ericks, Vice Chair; Blake, Lantz, Miloscia, Morris, Nelson and Van De Wege.

Minority Report: Do not pass. Signed by 5 members: Representatives Armstrong, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Alexander, Chandler and Kretz.

Staff: Alicia Dunkin (786-7178).

Summary of Recommendation of Committee On Appropriations Subcommittee on General Government & Audit Review Compared to Recommendation of Committee On Local Government:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) This bill is the same as the House companion bill. We prefer the Senate's level of funding. We appreciate all the work that has gone into the bill, but we could not get a fiscal note through the system fast enough with all the changes. Now we estimate the cost to be \$80,000 to the State General Fund.

(Opposed) None.

Persons Testifying: Doug Levy, City of Federal Way; and Melodie Selby, Washington State Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.