

SENATE BILL REPORT

SB 5742

As Reported By Senate Committee On:
Environmental Quality & Water Resources, February 25, 1999

Title: An act relating to the eradication of Eurasian water milfoil.

Brief Description: Combating the spread of Eurasian water milfoil.

Sponsors: Senators Morton, T. Sheldon, Swecker, Oke, Honeyford, Winsley, Stevens, Finkbeiner, Hochstatter, Horn, Benton, Long, Rossi, Deccio, Sellar, Sheahan and Eide.

Brief History:

Committee Activity: Environmental Quality & Water Resources: 2/18/99, 2/25/99 [DPS-WM].

SENATE COMMITTEE ON ENVIRONMENTAL QUALITY & WATER RESOURCES

Majority Report: That Substitute Senate Bill No. 5742 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Eide, Vice Chair; Honeyford, Jacobsen, McAuliffe, Morton and Swecker.

Staff: Richard Ramsey (786-7412)

Background: Aquatic plant removal or control may be regulated by the Department of Ecology, Department of Fish and Wildlife, or Department of Agriculture, depending on the control method.

Chemical control of aquatic plants and weeds is authorized by the Department of Ecology through a "short-term modification of water quality standards." Short-term modifications are issued for activities that will cause a temporary reduction of water quality conditions below the state water quality standards. Issuance of a short-term modification for aquatic pesticides is guided by the 1992 Aquatic Plant Management Program Environmental Impact Statement (EIS). The EIS reviewed the aquatic plant control methods available at the time, and recommended conditions or prohibitions to be placed on pesticide use. The short-term modification incorporates these conditions.

Mechanical aquatic plant control methods such as bottom barriers, cutting, or harvesting require a Hydraulic Project Approval from the Department of Fish and Wildlife. Biological control methods may require a special permit from the Department of Agriculture or the Department of Fish and Wildlife.

Summary of Substitute Bill: Government entities are authorized to use the pesticide 2,4-D to treat an initial infestation of Eurasian water milfoil. If the entity complies with the pesticide label requirements and notifies lake residents of the intended pesticide use, the entity is exempt from the requirement of obtaining short-term water quality modification

from the Department of Ecology. A 21-day notice is required to the Departments of Ecology, Health, Agriculture and Fish and Wildlife prior to applying 2,4-D. The Department of Fish and Wildlife may impose timing restrictions on the use of 2,4-D to protect salmon and other fish and wildlife. The Department of Ecology is to prioritize grant awards as follows: lakes with public access, first infestation or spot treatment of milfoil, and the grant applicants' readiness to proceed. The use of funds from the freshwater aquatic weeds account for 2,4-D application is authorized.

Substitute Bill Compared to the Original Bill: The bill clarifies that the purpose of 2,4-D use and the grant funds is to address initial, limited infestations of milfoil. Entities eligible to apply 2,4-D and to receive grants are expanded beyond county weed boards to include cities, counties, state agencies, tribes and special purpose districts. A 21-day notice is required to the Departments of Ecology, Health, Agriculture and Fish and Wildlife, prior to applying 2,4-D. The Department of Fish and Wildlife may impose timing restrictions on the use of 2,4-D to protect salmon and other fish and wildlife. The Department of Ecology is to prioritize grants as follows: lakes with public access, first infestation or spot treatment of milfoil, and the grant applicants' readiness to proceed. The use of funds from the freshwater aquatic weeds account for 2,4-D application is authorized. The general fund appropriation is reduced from \$500,000 to \$350,000.

Appropriation: \$350,000.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Loon Lake 2,4-D pilot project was highly effective in controlling milfoil. 29 states have approved its use. If early infestations of milfoil are not dealt with aggressively, lakes will be lost.

Testimony Against: The Department of Ecology should be notified when beginning application of 2,3-D. The Department of Fish and Wildlife should have opportunity to review application plans in order to protect salmon.

Testified: Senator Bob Morton, prime sponsor (pro); Maryanne Grichard, Department of Health (concern); Jim Richardson, Bill Shawl, Loon Lake (pro); Ruth Rasmussen, Eastern WA Resort Owners (pro); Ray Hawk, Little Pend Oreille Lake (pro); Jenene Ratassepp, Department of Fish and Wildlife (con).