

SENATE BILL REPORT

E2SHB 3186

As Reported By Senate Committee On:
Water, Energy & Telecommunications, February 26, 2008

Title: An act relating to beach management districts.

Brief Description: Authorizing the creation of beach management districts.

Sponsors: House Committee on Apps Subcom GG (originally sponsored by Representative Nelson).

Brief History: Passed House: 2/18/08, 85-10.

Committee Activity: Water, Energy & Telecommunications: 2/26/08 [DPA, DNP].

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: Do pass as amended.

Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Delvin, Hatfield, Oemig and Regala.

Minority Report: Do not pass.

Signed by Senators Honeyford, Ranking Minority Member; Holmquist and Morton.

Staff: Jan Odano (786-7486)

Background: Harmful algae blooms occur world-wide, including in many regions of the United States. Harmful algae blooms are most often associated with phytoplankton, which poisons fish and shellfish. Macroalgae or seaweed blooms can also create deleterious conditions when large concentrations of seaweed in the water or accumulations on the beach occur. Harmful algae blooms occur naturally and can intensify from human activities.

In the Puget Sound, one of the most common forms of seaweed is "sea lettuce." It is found in almost every nearshore habitat. Overabundance of sea lettuce and its subsequent die off creates environmental and human health concerns. The decomposing plants in the water create low oxygen conditions, negatively affecting aquatic ecosystems, and contribute to "dead zones" in which fish, other aquatic organisms, and plants cannot survive. On the beach, decomposing mats of seaweed accumulated along the shorelines suffocate clams, alter bird habitat, and can emit hydrogen sulfide gas, an odorous by-product of decomposition.

Summary of Bill (Recommended Amendments): A county or city may create a Beach Management District to finance the improvement and maintenance of beaches within its boundaries. Special assessment or rates may be imposed on property within a beach

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management district to finance beach improvement and maintenance activities such as controlling or removing aquatic plants, improving water quality, treating stormwater, controlling agricultural waste, studying marine water quality problems, and related operational and legal costs.

Beach management districts undertaking control and removal of aquatic plants or vegetation must develop plans in consultation with the appropriate federal, state, and local agencies. State agencies must also provide technical assistance to beach management districts to ensure proposed beach management plans and activities are consistent with applicable federal, state and local laws, management plans, and with the Puget Sound Partnership's action agenda.

A beach management plan for the removal or control of aquatic plants or vegetation must ensure that the excess removal of non-target native vegetation and organisms, and the compaction of beach sand, gravel, or substrate is avoided or minimized; disposal of excessive accumulations of vegetation is done in such a way as to minimize adverse impacts to the project site, other beach areas, or deep water environment; and all natural habitat features on the beach such as logs, trees, stumps and large rocks are retained on the beach in their natural location.

The control and 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 meets the following:
 - is adjacent to Puget Sound; has at least 85,000 residents;
 - shares a common boundary with a neighboring county;
 - and is in a county with a population of one million or more residents.

The Department of Ecology (Ecology) and the Puget Sound Partnership must monitor the removal of native aquatic plants and provide recommendations of areas for future designations.

Ecology, within available funding, must provide technical assistance and coordinate agency assistance to community groups, and county and city legislative authorities requesting assistance with developing their beach management programs.

The provisions for creating a beach management district, special assessments, voting, public hearings and notifications are provided for within the statute.

EFFECT OF CHANGES MADE BY WATER, ENERGY & TELECOMMUNICATIONS COMMITTEE (Recommended Amendments): Ecology, in consultation with the Puget Sound Partnership, must monitor and assess the removal of native aquatic plants from certain areas within Puget Sound and provide recommendations for areas for future designations.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 20, 2008.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Second Substitute Bill: PRO: This bill provides an important tool to address sea lettuce. Sea lettuce can grow uncontrollably and as it dies it kills sea life, makes the beaches unusable, and causes human health problems. This provides the city and county with a permissive tool to address the clean-up of the beaches. It is critical that the removal of aquatic plants and vegetation is removed carefully; the bill provides for this.

Persons Testifying: PRO: Representative Nelson, prime sponsor; Melodie Selby, Ecology, Kirstin Swenddal, Department of Natural Resources, Bruce Wishart, People for Puget Sound, Doug Levy, City of Federal Way, Jeanne Burbidge, Federal Way City Council Member.