

# SENATE BILL REPORT

## SB 6035

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As Reported By Senate Committee On:  
Water, Energy & Telecommunications, February 27, 2007

**Title:** An act relating to beach management districts.

**Brief Description:** Authorizing the creation of beach management districts.

**Sponsors:** Senators Poulsen and Rockefeller.

**Brief History:**

**Committee Activity:** Water, Energy & Telecommunications: 2/16/07, 2/27/07 [DPS-WM, DNP, w/oRec]

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### SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

**Majority Report:** That Substitute Senate Bill No. 6035 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Marr, Oemig, Pridemore and Regala.

**Minority Report:** Do not pass.

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

**Minority Report:** That it be referred without recommendation.

Signed by Senator 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.

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*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.*

**Summary of Bill:** A county 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 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.

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

The Department of Ecology must provide technical assistance until June 2009 to community groups and counties requesting assistance with developing their beach management programs.

An appropriation of \$175,000 is made to the Department of Ecology for technical assistance and removal of seaweed from beaches as identified and prioritized in beach management programs.

**EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Water, Energy & Telecommunications):** Beach management districts must have the appropriate federal, state, and local approvals for plans to control and remove aquatic plants or vegetation.

The Department of Ecology must work with the Departments of Fish and Wildlife, Natural Resources, and the Puget Sound Action Team to ensure that proposed beach improvement and maintenance plans and activities are consistent with federal, state, and local laws, including the shoreline master program, critical areas ordinances, and state and federally identified habitat conservation plans.

A definition is added for "beach" for the purposes of seaweed removal.

The appropriation is provided to the Department of Ecology to assist with the development of beach management plans and the removal of seaweed that has been documented and identified as creating public health or water quality issues from beaches located within at least one mile of a ferry terminal, in the most populated county of the state.

**Appropriation:** \$175,000.

**Fiscal Note:** Requested on February 14, 2007.

**Committee/Commission/Task Force Created:** No.

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

**Staff Summary of Public Testimony:** PRO: Seaweed accumulation on the beach is not a single community problem. We need immediate and long term coordination. This bill will enable communities to establish a beach management district; it is an onerous process but useful for those who degrade the Puget Sound. The \$25,000 for the first fiscal year should be broadened to include hauling out of seaweed. The \$150,000 should be expanded to include those without a beach management plan. There needs to be more money available to help other communities as well. We need Sound-wide coordination as soon as an agency is designated.

CON: The marine environment is different than lake environments. There are mixes of ownership from the beaches to tidelands. There needs to be a definition of "beach." There needs to be parameters for the removal of vegetation. The beach management plans need to be consistent with other plans such as shoreline management plans, growth management plans, and salmon recovery plans, etc.

OTHER: We support the concept, but there will be fiscal impacts that are not addressed in the Governor's budget.

**Persons Testifying:** PRO: Judy Pickens, Fauntleroy Community Association: Fran McNair, Department of Natural Resources.

CON: Ron Shultz, Puget Sound Action Team.

OTHER: Melodie Selby, Department of Ecology.