

SENATE BILL REPORT

SB 6508

As Reported By Senate Committee On:
Water, Energy & Telecommunications, January 25, 2008

Title: An act relating to beach management districts.

Brief Description: Authorizing the creation of beach management districts.

Sponsors: Senators Eide, Fraser, Murray, McDermott and Morton.

Brief History:

Committee Activity: Water, Energy & Telecommunications: 1/22/08, 1/25/08 [DPS, DNP].

SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS

Majority Report: That Substitute Senate Bill No. 6508 be substituted therefor, and the substitute bill do pass.

Signed by Senators Rockefeller, Chair; Murray, Vice Chair; Fraser, Hatfield, Pridemore and Regala.

Minority Report: Do not pass.

Signed by Senators Delvin, 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 Substitute): 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

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.

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 such as the shoreline master programs, critical areas ordinances, state and federally identified habitat conservation areas, and species recovery plans. Beach management plans must be consistent with the Puget Sound Partnership's action agenda.

A beach management plan for the removal or control of aquatic plants or vegetation must, to the greatest extent possible, ensure that the excess removal of non-target native vegetation and organisms, alive or dead, is avoided or minimized; 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.

Subject to the availability of funding appropriated, the Department of Ecology (Ecology) 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. Ecology must develop study and work plans to address sea lettuce growth and proliferation in Puget Sound, which must include the underlying causes of intense sea lettuce growth, human health, and quality of life impacts from sea lettuce accumulations. By January 1, 2010 and 2011, Ecology must provide progress reports to the appropriate legislative committees on the study tasks and findings.

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 Substitute): Technical changes were made. Ecology must provide reports to the appropriate committees of the Legislature by January 1, 2010 and 2011.

Appropriation: None.

Fiscal Note: Available.

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 Original Bill: PRO: The huge accumulations of seaweed on the beaches cause human and environmental health concerns. This bill is an important tool for residents to address environmental and cleanup efforts in beach and bay

areas. This bill provides a permissive tool, not a mandate, allowing outreach to communities and partnerships with local and state governments.

CON: The bill treats the symptoms not the problems before we have an understanding of the problems. The nearshore health of Puget Sound is vitally important to Puget Sound. Encouraging citizens to remove aquatic plants is not the way to go considering the current state of Puget Sound. The bill should be amended to limit the scope to addressing excess nutrients and invasive species. Support the creation of local improvement districts to address the real issues that impact the health of Puget Sound, excess nutrients and invasive species. There needs to be a comprehensive review of the statutes to protect aquatic vegetation.

Persons Testifying: PRO: Senator Eide, prime sponsor; Tom Clingman, Ecology; Jeanne Burbidge, Federal Way City Council; Kathy Filbert, City of Federal Way.

CON: Naki Stevens, People for Puget Sound.