

SB 5412 - H AMD TO APPG COMM AMD (H-3006.1/09) 585  
By Representative Kretz

NOT CONSIDERED 04/26/2009

1 On page 4, after line 9 of the amendment, insert the following:

2 "NEW SECTION. **Sec. 3.** A new section is added to chapter 43.21A  
3 RCW to read as follows:

4 (1) Recipients for a grant under section 2 of this act for algae  
5 management in marine areas shall, upon sending the application to the  
6 department, ensure that public notice of the application is given by,  
7 at a minimum, the following methods:

8 (a) Publishing notice of the application at least once per week for  
9 two consecutive weeks, at least seven days apart, in a local newspaper  
10 of general circulation in the county where the proposed treatment site  
11 is located; and

12 (b) Mailing notice of the application by certified mail to:

13 (i) Each residence and business owner located on a shoreline  
14 property within one-quarter mile of the proposed treatment site; and

15 (ii) Each residence and business owner in areas where drift may  
16 occur.

17 (2) Notices sent under this section must include a statement that  
18 any person desiring to submit written comments concerning an  
19 application for an aquatic algae management must submit the comments to  
20 the department within forty-five days of completion of the notice  
21 requirements in this section.

22 (3) The department shall forward a copy of the decision concerning  
23 an application for an aquatic algae management to each person who  
24 submitted a written request for the decision at the same time it  
25 notifies the applicant.

26 (4) The department shall post all applications it receives under  
27 this section in a timely manner and in an easily accessible location on  
28 its internet web site. At the same internet location, the department  
29 shall post an e-mail contact link and physical address that the public  
30 may use to submit comments on applications.

1 (5) The department shall respond in writing to all public comments  
2 it receives concerning an application for aquatic algae management  
3 prior to issuing a final decision on the application, provided that the  
4 comment was submitted in accordance with subsection (2) of this  
5 section.

6 (6) Once the department approves an application for an aquatic  
7 algae management, the applicator shall:

8 (a) Complete copies of the residential and business notice form  
9 provided by the department;

10 (b) Mail copies of the residential and business notice form by  
11 certified mail to each residence and business owner specified in  
12 subsection (1)(b) of this section at least ten to twenty-one days prior  
13 to the initial treatment;

14 (c) Mail, e-mail, or fax a copy of the residential and business  
15 notice form, including the date of distribution, to the appropriate  
16 department regional office contact no later than one business day  
17 following distribution to the residence and business owners specified  
18 in subsection (1)(b) of this section; and

19 (d) Maintain a copy of both the initial public notice submitted in  
20 accordance with subsection (1) of this section and the residential and  
21 business notice form and a list of addresses to which the form was sent  
22 for seven years. The applicator shall hand deliver or mail a copy of  
23 the residential and business notice form and list of recipients to the  
24 department within five business days upon request.

25 (7) The department may adopt rules as necessary to implement this  
26 section and shall develop posting requirements for treatment sites."

27 Renumber the remaining sections consecutively and correct any  
28 internal references accordingly.

EFFECT: Provides notice requirements for algae control actions  
funded through the saltwater algae control account.

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