
HOUSE BILL 1074

State of Washington 61st Legislature 2009 Regular Session

By Representatives Rolfes, Williams, Nelson, Hudgins, and Upthegrove

Prefiled 01/07/09. Read first time 01/12/09. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to enhancing public notice requirements for
2 vegetation management in freshwater lakes; and adding a new section to
3 chapter 90.48 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 90.48 RCW
6 to read as follows:

7 (1) Applicants for a general permit under this chapter for aquatic
8 plant and algae management in freshwater lakes shall, upon sending the
9 application to the department, ensure that public notice of the
10 application is given by at a minimum the following methods:

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

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

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

18 (ii) Each residence and business owner in areas where drift may
19 occur.

1 (2) Notices sent under this section must include a statement that
2 any person desiring to submit written comments concerning an
3 application for an aquatic plant and algae management general permit
4 must submit the comments to the department within forty-five days of
5 completion of the notice requirements in this section. The applicant
6 shall use the public notice form provided by the department in the
7 aquatic plant and algae management general permit.

8 (3) The department shall forward a copy of the decision concerning
9 an application for an aquatic plant and algae management general permit
10 to each person who submitted a written request for the decision at the
11 same time it notifies the applicant.

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

17 (5) The department shall respond in writing to all public comments
18 it receives concerning an application for an aquatic plant and algae
19 management general permit prior to issuing a final decision on the
20 application, provided that the comment was submitted in accordance with
21 subsection (2) of this section.

22 (6) Once the department approves an application for an aquatic
23 plant and algae management general permit, the applicator shall:

24 (a) Complete copies of the residential and business notice form
25 provided by the department in the aquatic plant and algae management
26 general permit;

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

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

36 (d) Maintain a copy of both the initial public notice submitted in
37 accordance with subsection (1) of this section and the residential and
38 business notice form and a list of addresses to which the form was sent

1 for seven years. The applicator shall hand deliver or mail a copy of
2 the residential and business notice form and list of recipients to the
3 department within five business days upon request.

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

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