

HOUSE BILL REPORT

SB 5944

As Passed House:

April 1, 2009

Title: An act relating to Lake Whatcom phosphorus loading.

Brief Description: Implementing a demonstration project to reduce phosphorus loading in Lake Whatcom.

Sponsors: Senators Ranker, Brandland, Hargrove, Morton, Haugen, Shin, Fraser, Pridemore, Kastama, Kilmer, Jacobsen, Rockefeller, Sheldon, Kauffman, Berkey, Kline, Hobbs and Marr.

Brief History:

Committee Activity:

Ecology & Parks: 3/13/09, 3/20/09 [DP].

Floor Activity

Passed House: 4/1/09, 96-1.

Brief Summary of Bill

- Directs the Puget Sound Partnership to assist the City of Bellingham and Whatcom County in implementing a demonstration program regarding phosphorous loading into Lake Whatcom.

HOUSE COMMITTEE ON ECOLOGY & PARKS

Majority Report: Do pass. Signed by 13 members: Representatives Upthegrove, Chair; Rolfes, Vice Chair; Short, Ranking Minority Member; Chase, Dickerson, Dunshee, Eddy, Finn, Hudgins, Kristiansen, Morris, Orcutt and Shea.

Staff: Anna Jackson (786-7190)

Background:

The Puget Sound Partnership and Action Agenda.

The Legislature created the Puget Sound Partnership (Partnership) as a state government agency in 2007 to oversee the restoration of the environmental health of Puget Sound by

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.

2020. The Partnership consists of a leadership council, an executive director, an ecosystem coordination board, and a Puget Sound science panel. Among other duties, the Partnership was charged with developing a strategic action agenda for the cleanup of Puget Sound. The Legislature specified that the action agenda must: (1) be based on science; (2) prioritize necessary actions and include clear, measureable goals for the recovery of Puget Sound by 2020; and (3) create an approach that addresses the complex connections among the land, water, web of species, and human needs. The Partnership published the Puget Sound Action Agenda (Action Agenda) on December 1, 2008.

Whatcom County Profile.

The legislation that created the Partnership establishes seven geographic action areas around Puget Sound that the Partnership must profile in the Action Agenda to address problems specific to those areas. These "area profiles" focus on the differences across the Puget Sound region and describe necessary recovery actions that are tailored to local conditions and goals.

One area profile is for the Whatcom County portion of the San Juan/Whatcom Action Area, which is located in the northeast corner of Puget Sound and encompasses 1,400 square miles that are bounded on three sides by Canada, the Cascade Mountains, and Puget Sound. The Whatcom County portion of this Action Area contains more than 3,000 miles of freshwater courses and 155 miles of marine shoreline.

The Action Agenda highlights that animal waste disposal is a considerable challenge in Whatcom County, explaining that nutrient loads to freshwater bodies impact aquatic life and water quality. In particular, low dissolved oxygen, mercury, and phosphorus in Lake Whatcom are listed as local threats to ecosystem benefits. In addition, the Action Agenda notes that the Lake Whatcom watershed supplies freshwater to half of the county's population.

The Action Agenda identifies the implementation of dairy nutrient management plans, watercourse buffers, and best management practices for large and small farm operations as one of the key strategies for restoring water quality and retaining working resource lands for forestry and agriculture in Whatcom County. Managing on-site sewage systems around Lake Whatcom is also highlighted as a method for reducing sources of water pollution in the area.

Summary of Bill:

The Partnership is directed to assist the City of Bellingham (City) and Whatcom County (County) in implementing a phosphorus loading demonstration program for Lake Whatcom (Program). The Program must include elements for prevention, education, compliance, and monitoring to reduce to a minimum the introduction of phosphorus-bearing materials into Lake Whatcom.

The Partnership must: (1) assist the City and County in securing funding for the Program from federal and non-governmental sources; and (2) work to secure funding from the City and County. Any grant made for the Program must be matched by at least an equal amount from non-state sources. In addition, the Partnership must share the results of the Program with other jurisdictions in Puget Sound seeking to reduce phosphorus loading.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Phosphorus loading is an important environmental and public health issue, both for Lake Whatcom and the Puget Sound region in general. Lake Whatcom is a key source of drinking water for the City and County, as well as a valuable natural resource, and the Action Agenda identifies phosphorus loading in Lake Whatcom as a top priority for restoring water quality in the Whatcom County portion of the San Juan/Whatcom Action Area.

The Program outlined in this bill will create a strong partnership between the City, the County, the Department of Ecology, and the Partnership to reduce the amount of phosphorus in Lake Whatcom and will serve as a pilot project that other action areas throughout the Puget Sound region can use for guidance in implementing programs to improve water quality. Although the City, the County, and the Lake Whatcom Water and Sewer District have already begun a project to reduce phosphorus loading into the lake, the Program will enable this existing program to be implemented at a faster rate.

Finally, this bill is not dependent upon state funding and the Partnership is confident that it will be able to secure federal and private funding for the Program.

(Opposed) None.

Persons Testifying: Senator Ranker, prime sponsor; Melodie Selby, Department of Ecology; and Michael Grayum, Puget Sound Partnership.

Persons Signed In To Testify But Not Testifying: None.