

# HOUSE BILL REPORT

## HB 1938

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**As Reported by House Committee On:**  
State Government & Tribal Affairs

**Title:** An act relating to the management of Capitol lake.

**Brief Description:** Regarding the management of Capitol lake.

**Sponsors:** Representatives Reykdal, DeBolt, Hunt, Alexander, Finn and Haigh.

**Brief History:**

**Committee Activity:**

State Government & Tribal Affairs: 2/16/11, 2/17/11 [DPS].

**Brief Summary of Substitute Bill**

- Establishes that Capitol Lake and its associated grounds are part of the "historic facilities" of the Washington state capitol.
- Requires that the State Capitol Committee provide for the management, protection, preservation, and coordination of Capitol Lake as a lake environment.
- Establishes that the grounds of the Washington state capitol, including Capitol Lake, are subject to the stewardship, preservation, operation, and maintenance responsibilities of the Department of General Administration.
- Requires that qualifying Indian tribes co-manage Capitol Lake and fully participate in all decisions regarding the administration, maintenance, preservation, and uses of the lake.

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### HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Hunt, Chair; Alexander, Darneille, Hurst, McCoy and Miloscia.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Taylor, Ranking Minority Member; Overstreet, Assistant Ranking Minority Member; Condotta and Dunshee.

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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.*

**Staff:** Thamas Osborn (786-7129).

**Background:**

State Capitol Committee.

The State Capitol Committee (SCC), with the assistance of the Capitol Campus Design Advisory Committee (Committee), is responsible for fully or partially erecting permanent and temporary buildings, excavating such buildings, or making other temporary or permanent improvements to the capitol grounds and Sylvester Park in Olympia. The SCC also provides for the construction, remodeling, and furnishing of capitol office buildings, parking facilities, and the Governor's Mansion, and is authorized to issue state bonds to pay for those activities. The SCC is comprised of the Governor or the Governor's designee, the Lieutenant Governor, the Secretary of State (Secretary), and the Commissioner of Public Lands.

Capitol Campus Design Advisory Committee.

The Committee advises the SCC by reviewing design and landscaping plans of capitol facilities and grounds, and making recommendations concerning architectural, aesthetic, functional, and environmental issues. The Committee is comprised of four legislators, two architects, a landscape architect, an urban planner, and the Secretary.

Department of General Administration.

The Department of General Administration (GA) owns and manages a number of public and historic facilities in Thurston County, including the state capitol grounds, the Visitor Center, the Governor's Mansion, and the public spaces in the Legislative, O'Brien, Cherberg, Pritchard, and Temple of Justice buildings. The state capitol grounds include the main capitol campus, Sylvester Park, Heritage Park, Marathon Park, Centennial Park, Capitol Lake, the Interpretive Center, Deschutes Parkway, and the landscape, memorials, artworks, fountains, streets, sidewalks, and lighting in each of these areas.

The GA is also responsible for the stewardship, preservation, operation, and maintenance of the public and historic facilities of the state capitol, subject to the policy direction of the SCC and the guidance of the Committee.

Capitol Lake.

Capitol Lake is a man-made lake located on the grounds of the state capitol in Olympia, Washington, and is adjacent to the capitol campus, Puget Sound, and Olympia's downtown. The lake is part of the watershed of the Deschutes River and drains into Puget Sound.

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**Summary of Substitute Bill:**

Capitol Lake and its associated grounds are declared to be part of the "historic facilities" of the Washington state capitol and as such must be managed and maintained to the highest

standards of excellence. The lake should be managed and maintained as a lake environment to ensure that overall aesthetic, recreational, and environmental benefits are achieved.

The SCC is required to provide for the management, protection, and preservation of Capitol Lake as a lake environment.

The grounds of the state capitol, including Capitol Lake, are subject to the stewardship, preservation, operation, and maintenance responsibilities of the GA. In administering this responsibility, the GA must coordinate with the jurisdictions with interests within the Deschutes watershed and Budd Inlet.

Qualifying Indian tribes will co-manage Capitol Lake and fully participate in all decisions regarding the administration, maintenance, preservation, and uses of the lake.

**Substitute Bill Compared to Original Bill:**

The substitute bill requires that qualifying Indian tribes co-manage Capitol Lake and fully participate in all decisions regarding the administration, maintenance, preservation, and uses of the lake.

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**Appropriation:** None.

**Fiscal Note:** Requested on February 16, 2011.

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

**Staff Summary of Public Testimony:**

(In support) Capitol Lake is clearly a part of the state capitol grounds and is an integral part of the capitol campus. It is an important part of our state and local heritage and the majority of people in our community support its maintenance. For historic, aesthetic, and recreational reasons the lake should be maintained and preserved as a lake and not be turned into an estuary. However, the state has done a poor job of managing the lake and as a result it is filling up with sediment, become quite shallow, and is generally in a degraded condition. These problems must be addressed and the lake is in need of protection and restoration. These issues are the responsibility of the state and passage of this bill would be the first step toward ensuring that the lake is restored and properly maintained. The GA has the resources necessary to properly manage the lake. Turning the lake into an estuary is not a logical option and would generally be a setback, both environmentally and aesthetically. Studies have shown that the full restoration of the estuary ecosystem could take as long as 80 years. On the other hand, with proper management the lake can become well-maintained and ecologically healthy in a short time. It is good habitat for freshwater species and acts as a sediment trap that helps keep Budd Inlet navigable. Without the lake, lower Budd Inlet would quickly begin to fill with sediment. Furthermore, maintaining the lake is a much cheaper option than is the restoration of an estuary, which could cost as much as \$96 million.

(Opposed) The continued preservation of Capitol Lake is a folly based on a bad decision made almost a century ago. It is a man-made lake and a man-made problem that was created at a time when ecological principles were not well understood. It is truly a health hazard, with terrible water quality, sediment build up, and destructive invasive species inhabiting it. Given the water quality, it has almost no recreational uses. The lake has never been a healthy ecosystem and all studies have shown that the restoration of the original estuary is a much better option. No scientific studies support the continued existence of the lake. Using the lake for sediment management represents a subsidy to the Olympia Yacht Club and the port. The environmental benefits of preserving and restoring estuaries is beyond dispute and is being done all over the country. Many sources of funding are available for estuary restoration. Restoration would be of great benefit to native fish insofar as it would result in much cleaner water and better access to the Deschutes River. Furthermore, the estuary itself is of historical value because it has a history of use by local Indian tribes. The Squaxin tribe is committed to the restoration of the estuary and has a plan for getting it done. The Deschutes River should again be allowed to flow to Puget Sound.

**Persons Testifying:** (In support) Representative Reykdal, prime sponsor; Bob Utter and Mark Horton, Capitol Lake Improvement and Protection Association; Bill McGregor, Port of Olympia; and Dennis Curry, Capitol Lake Policy and Science Committee.

(Opposed) Sue Patnude, Deschutes Estuary Restoration Team; Dave Peeler and Doug Myers, People for Puget Sound; Dan Grosboll; Carole Blodgett, Nurture the Children; and Pat Rasmussen, World Temperate Rainforest Network.

**Persons Signed In To Testify But Not Testifying:** (In support) Samantha Eagle.

(Opposed) Stew Henderson.