

# SENATE BILL REPORT

## HB 2834

---

As Reported By Senate Committee On:  
Ecology & Parks, February 23, 1996

**Title:** An act relating to nuisance weeds and algae.

**Brief Description:** Proposing a Washington state lake health plan.

**Sponsors:** Representatives Carrell, Chandler, Hatfield, Talcott, Smith, Campbell, Beeksma and Johnson.

**Brief History:**

**Committee Activity:** Ecology & Parks: 2/22/96, 2/23/96 [DPA].

---

### SENATE COMMITTEE ON ECOLOGY & PARKS

**Majority Report:** Do pass as amended.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; Hochstatter, McAuliffe, Spanel and Swecker.

**Staff:** Susan Ridgley (786-7444)

**Background:** Rapid urbanization, the introduction of non-native plants and excessive plant nutrients have created aquatic plant problems for many lakes in Washington. Long term or permanent solutions like source control can be costly and difficult; citizens often prefer quicker, less expensive responses such as the use of aquatic pesticides. There is scientific debate about the health and environmental impacts of long-term use of aquatic pesticides.

Several state and local government entities are involved in lake management issues. The Department of Fish and Wildlife may require hydraulic approval permits before the use of manual or biological methods of control. The Department of Agriculture regulates aquatic pesticide applicators and approves pesticide uses, requiring that a registered pesticide (a) contain label requirements that identify any special restrictions; (b) is applied in conformance to its label requirements; and (c) is applied by a licensed applicator or operator. County government may also get involved through their shoreline permitting program or sometimes their health departments, as well as their noxious weed eradication programs (the state designates some non-native, invasive nuisance weeds as "noxious weeds").

The Department of Ecology issues short term modifications of water quality permits for the application of aquatic pesticides under their state and federal water quality authorities. The department has run this permit program based on a programmatic Environmental Impact Statement (EIS) for noxious emergent plants that was adopted in early 1992. The department makes decisions on issuing short-term modifications based on whether or not the proposed use of an aquatic herbicide (a) meets all state and federal label requirements; (b) is applied by a licensed applicator or operator; (c) conforms to the department's programmatic EIS for

aquatic plant management; and (d) provides benefits that will offset the potential adverse affects of applying the herbicide.

Limited options now exist for funding long term solutions. There has been a decrease in the amount of money in the state's centennial clean water fund potentially available for lakes and rivers, and the federal clean lakes program has been phased out.

**Summary of Amended Bill:** A committee is established to develop a state lake health plan to address long-term solutions to lake problems. The plan must look at: the science of lake management; an analysis of the federal and state laws pertaining to lakes; jurisdictional overlaps; funding needs and mechanisms; and public education requirements. The committee consists of eight members from both houses of the Legislature.

On certain lakes managed under the statute regulating the outflow of lakes, the Department of Ecology must expedite applications for use of pesticides, in particular considering two herbicides, copper sulfate and diquat. The approval may be conditioned on taking actions to protect fish and to notify residents of the applications. Local health departments may be required to conduct sampling to determine the environmental effects of the applications. These permits expire April 1, 1998, which is after the Legislature has had a chance to consider the recommendations in the lake health plan.

**Amended Bill Compared to Original Bill:** In the original bill, a shoreline owner was allowed to use an aquatic herbicide in any lake if the aquatic herbicide or algicide was used in conformance with its federal label requirements and applied by a licensed applicator. The Department of Ecology was directed to develop a general, long-term plan to maintain lake health using existing agency personnel and resources. The legislative committee had a different composition, consisting of the chair and ranking minority member of six specified House and Senate committees. The report was due by December 1, 1997.

**Appropriation:** None.

**Fiscal Note:** Requested on January 26, 1996.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Lake Steilacoom is no longer usable for recreation, and this has caused a reduction in land values. No nexus has been shown between copper accumulation in sediments and any environmental problem.

**Testimony Against:** This bill completely cuts Ecology out of the approval process, which is a bad idea. Chemical applications are a short-term fix, and lakes need long-term solutions. SSB 6666 is better.

**Testified:** Representative Carrell, prime sponsor; Larry W. Else, WALPA (con); Cyreis Schmitt, WDFW.