

1448-S

Sponsor(s): House Committee on Agriculture & Ecology (originally sponsored by Representatives Linville, G. Chandler, Cooper, Ericksen, Anderson and Morris)

Brief Title: Allowing the department of ecology to assume primary responsibility for the cleanup of state aquatic lands.

**HB 1448-S - DIGEST**

(DIGEST AS PASSED LEGISLATURE)

Provides that, in order to encourage the cleanup of contaminated areas of aquatic lands, the legislature declares its intent to centralize and streamline the state's decision-making processes. The department of ecology shall assume primary responsibility, on behalf of the state, for working cooperatively with local communities to seek expeditious and innovative cleanup solutions for state-owned aquatic lands. The department of ecology's decisions for remediation of state-owned aquatic lands shall be binding on all other state agencies.

Recognizes that local governments, through the shoreline management act, chapter 90.58 RCW, and the growth management act, chapter 36.70A RCW, have planned comprehensively in conjunction with the state and with port districts for the land uses that will occur on and around aquatic lands.

Declares that, in all land management matters involving state-owned aquatic land other than the cleanup of state-owned aquatic land, the department of natural resources shall retain all of its powers and responsibilities for implementing chapters 79.90 through 79.96 RCW and shall continue to exercise all of these existing land management powers and responsibilities.

VETO MESSAGE ON HB 1448-S

May 18, 1999

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington  
Ladies and Gentlemen:

I am returning herewith, without my approval, Substitute House Bill No. 1448 entitled:

"AN ACT Relating to clarifying state agency responsibility for cleaning up contaminated sediments;"

The legislature's intent in Substitute House Bill No. 1448 was valid, as it is necessary to encourage effective decision-making on the cleanup of contaminated aquatic lands. Yet despite its title, the bill does not *clarify* agency responsibility; instead it shifts responsibility from an agency experienced in and knowledgeable about proprietary management and transfers it to a regulatory agency.

There are valid concerns about protracted delays in reaching resolution on the appropriate way to clean up contaminated aquatic lands at several sites in Puget Sound. However if it can possibly be avoided, permanently substituting the decision-making authority

of one agency for another is not a desirable remedy for these problems " in either the short-term or the long-term. Both agencies cited in the bill, the Department of Natural Resources (DNR) and the Department of Ecology (DOE), have legitimate perspectives, expertise and missions. Both must work together, along with other state, local, tribal and federal agencies and affected interests to successfully resolve cleanup issues.

I am respectfully requesting the Commissioner of Public Lands to commit herself and her agency to working with other state agencies to find mutually acceptable solutions for these long-standing disputes. DNR must adopt practical and reasonable policies in consultation with other resource agencies that will allow regulatory, proprietary and permitting decisions to be timely made. Such policies must recognize that the use of state-owned aquatic lands may be the most appropriate sites for certain activities, including wastewater discharge and sediment disposal.

In particular, I request all state agencies working on the Bellingham Bay pilot project " DOE, DNR, the Department of Transportation, the Department of Fish and Wildlife, and the Puget Sound Water Quality Action Team " to reach agreement on a single state preferred alternative to solving contamination problems before the 2000 regular legislative session. If the parties cannot agree by that time, I will be prepared to sign legislation that accomplishes the objectives of SHB 1448.

I also note that Section 3 of this bill asserts that "aquatic habitat mitigation" is a water-dependent use as that term is defined in RCW 79.90.465. While I agree with that assertion, this provision is flawed because the bill does not define the term. It is possible that the term could be confused with "aquatic disposal," which should not be given a blanket preference in leasing decisions.

For these reasons I have vetoed Substitute House Bill No. 1448 in its entirety.

Respectfully submitted,  
Gary Locke  
Governor