

HOUSE BILL REPORT

HB 1708

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to wells on lands adjacent to the Maury Island aquatic reserve.

Brief Description: Concerning wells on lands adjacent to the Maury Island aquatic reserve.

Sponsors: Representatives Nelson, Simpson, Chase, White, Cody, Upthegrove, Williams, McCoy, Appleton, Dickerson, Darneille and Goodman.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 2/20/09 [DPS].

Brief Summary of Substitute Bill

- Declares that the Legislature finds that the Maury Island Aquatic Reserve is an important native ecosystem in Washington that benefits both the aquatic habitat and species in the state.
- Declares that it is the intent of the Legislature to safeguard the sole source aquifer and springs from which many residents of Maury Island rely for their drinking water.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Blake, Chair; Jacks, Vice Chair; Liias, McCoy, Nelson, Ormsby and Van De Wege.

Minority Report: Do not pass. Signed by 5 members: Representatives Chandler, Ranking Minority Member; Smith, Assistant Ranking Minority Member; Kretz, Pearson and Warnick.

Staff: Jaclyn Ford (786-7339)

Background:

Aquatic Reserve Program.

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.

The Department of Natural Resources (DNR) administratively created the Aquatic Reserve Program to promote preservation, restoration, and enhancement of state-owned aquatic lands that provide direct and indirect benefits to the health of native aquatic habitat and species, as well as other resources in Washington.

The Maury Island Aquatic Reserve.

Maury Island is an island located within the Puget Sound in southwestern King County. The Maury Island Aquatic Reserve (Reserve) was created in 2004 by the Commissioner of Public Lands. It includes the bedlands and tidelands surrounding Maury Island and Quartermaster Harbor.

Mine Operations.

Mine operations, which consist of all mine-related activities except reclamation, are specifically regulated by local governments or state and federal agencies exclusive of the DNR. However, the DNR is responsible for ensuring that mine reclamation follows completion of surface and underground mining. The DNR has exclusive authority to regulate mine reclamation and approve reclamation plans.

Permit-Exempt Wells.

A permit is not required for any withdrawal of public ground waters for stock-watering purposes, for watering a lawn or a non-commercial garden not exceeding one-half acre in area, for single or group domestic uses not exceeding 5,000 gallons per day, or for an industrial purpose not exceeding 5,000 gallons per day.

Summary of Substitute Bill:

The Legislature finds that the Reserve is an important native ecosystem in Washington that benefits both the aquatic habitat and species in the state.

It is the intent of the Legislature to protect the lands adjacent to the Reserve to preserve its ecosystem. By protecting the lands adjacent to the Reserve, it is the intent of the Legislature to safeguard the sole source aquifer and springs from which many residents of Maury Island rely for their drinking water.

Substitute Bill Compared to Original Bill:

The substitute bill deletes:

- the requirement that any permit-exempt well located on an industrial or mining site adjacent to the Reserve meter withdrawals of groundwater daily;
- the authorization for the Department of Ecology to suspend all privileges associated with the withdrawal of groundwater from a permit-exempt well located on an industrial or mining site adjacent to the Reserve if specified water requirements are not met;
- the requirement that the DNR issue an order to stop all surface mining if specified water requirements are not met; and

- the requirement that any mine located on land adjacent to the Reserve that is in excess of 25 acres provide a corporate surety bond in an amount sufficient to replace any water system within hydrologic continuity of the mine whose water supply may be impacted by mining activity.
-

Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

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) Maury Island has a critical recharge area and sole source aquifer designated by the U.S. Environmental Protection Agency. Within a quarter-mile of the mining site is Dockton Springs, which provides water to many residents of Maury Island. If those residents lose Dockton Springs, they will lose their source of water. No other water purveyor is able to provide for those residents. The size of the excavation concerns Dockton Springs because of the groundwater divide. If the groundwater divide is affected by the mine, the water quality will deteriorate. Dockton Springs needs to be able to utilize all of its water rights. There should be: (1) long-term monitoring; and (2) a bond posted by the mine so Dockton Springs can be made whole.

(With concerns) This bill might lead to difficulty discerning causation for reduced groundwater levels. If this bill leads to litigation, the cost to the state would increase from the amount stated in the fiscal note.

(Opposed) The Legislature appropriated money to do a study on the aquifer on Maury Island; that study showed no impact. Glacier Northwest is not concerned about following rules regarding withdrawals of water but is concerned about being singled out for regulation. This bill is technically flawed in at least three ways. First, groundwater systems naturally fluctuate; the rise and fall of groundwater levels depend on precipitation as well as other factors. Second, groundwater levels respond to the total amount of water pulled out of the aquifer, not just one user. Third, a 5-percent change in groundwater level is imprecise. The DOE already has authority to regulate exempt wells. The DNR should not be the agency to regulate water.

Persons Testifying: (In support) Representative Nelson, prime sponsor; and Susie Kalhorn, Dockton Water Association.

(With concerns) Ken Slatterly, Department of Ecology.

(Opposed) Steve Gano and Pete Stoltz, Glacier Northwest; and Lori Herman, Aspect Consulting.

Persons Signed In To Testify But Not Testifying: None.