

# HOUSE BILL REPORT

## E2SHB 3186

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### As Passed Legislature

**Title:** An act relating to beach management districts.

**Brief Description:** Authorizing the creation of beach management districts.

**Sponsors:** By House Committee on Apps Subcom GG (originally sponsored by Representative Nelson).

**Brief History:**

**Committee Activity:**

Local Government: 1/31/08, 2/5/08 [DPS];

Appropriations Subcommittee on General Government & Audit Review: 2/7/08[DP2S(w/o sub LG)].

**Floor Activity:**

Passed House: 2/18/08, 85-10.

Senate Amended.

Passed Senate: 3/4/08, 34-13.

House Concurred.

Passed House: 3/8/08, 64-29.

Passed Legislature.

### Brief Summary of Engrossed Second Substitute Bill

- Creates a statutory scheme for beach management districts by emulating requirements for lake management districts.
- Restricts the control and removal of native aquatic plants or vegetation to beaches or near shore areas meeting specified requirements.
- Authorizes the Department of Ecology (DOE) to provide technical assistance to community groups and county and city legislative authorities requesting assistance with the development of beach management programs.
- Requires the DOE and Puget Sound Partnership to monitor the removal of aquatic plants and vegetation on beaches or near shore areas, and provide recommendations for future area designations.

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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.*

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## HOUSE COMMITTEE ON LOCAL GOVERNMENT

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Simpson, Chair; Takko, Vice Chair; Warnick, Ranking Minority Member; Schindler, Assistant Ranking Minority Member; Eddy, Nelson and Schmick.

**Staff:** Lyset Cadena (786-7291) and Ethan Moreno.

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## HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON GENERAL GOVERNMENT & AUDIT REVIEW

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Local Government. Signed by 14 members: Representatives Linville, Chair; Ericks, Vice Chair; Armstrong, Ranking Minority Member; Skinner, Assistant Ranking Minority Member; Alexander, Blake, Chandler, Kretz, Lantz, Liias, Miloscia, Morris, Nelson and Van De Wege.

**Staff:** Alicia Dunkin (786-7178).

### **Background:**

#### ***Lake Management Districts***

Counties, cities, or towns are authorized to create lake management districts to finance the improvement and maintenance of lakes within or partially within the county, city, or town boundaries. The district may include all or a portion of a lake and the adjacent land areas, and a lake may be in more than one district. More than one lake, or portions of lakes, including adjacent land areas, may be included in a single district.

Lake management districts are created by the adoption of a resolution of intention by a county, city, or town governing body or by filing a petition signed by landowners or the owners meeting specified requirements. The county, city, or town governing body must hold a public hearing on the proposed lake management district at the date, time, and place designated in the resolution of intention.

The county, city, or town governing body must adopt a resolution submitting the question of creating the lake management district to the owners of land within the proposed lake management district, including publicly owned land. A ballot must be mailed to each owner or reputed owner of any lot, tract, parcel of land, or other property within the proposed lake management district.

The lake management proposal must receive a simple majority vote in favor of creating the lake management district. The county, city, or town governing body must adopt an ordinance creating the lake management district and must proceed with establishing the special assessments or rates and charges, collecting the special assessments or rates and charges, and performing the lake improvement or maintenance activities.

Special assessments or rates or charges may be imposed on property to finance lake improvement and maintenance activities, including:

- studying lake water quality problems and solutions;
- cleaning and maintaining ditches and streams entering or leaving the lake; and
- related administrative, engineering, legal, and operational costs, including the costs of creating the district.

These rates may be imposed annually on all lands within the district for the duration of the district without a related issuance of lake management district bonds or revenue bonds. Special assessments may be imposed in the same manner as local improvement districts, with each land owner having the choice of paying everything at once, or installments with districts bonds being issued.

### ***Sewerage, Water, and Drainage Systems***

Counties, as part of a system of sewerage, may provide for, finance, and operate the facilities and services and may exercise any of the powers authorized for aquifer protection areas; for lake management districts; for diking districts, and diking, drainage, and sewerage improvement districts; and for shellfish protection districts.

### ***Watershed Management***

The legislative authority of a city or county and the governing body of any special purpose district enumerated may authorize up to 10 percent of its water-related revenues to be expended in the implementation of watershed management plan projects or activities that are in addition to the county's, city's, or district's existing water-related services or activities.

Flood control districts are allowed to engage in activities authorized for lake management districts.

### **Summary of Engrossed Second Substitute Bill:**

A statutory scheme for beach management districts that is analogous to lake management districts is created.

Beach management districts addressing the control and removal of aquatic plants or vegetation must develop a plan for this activity and meet the following requirements:

- avoid or minimize the excess removal living and nonliving nontarget native vegetation and organisms;
- avoid or minimize management activities that will result in compacting beach sand, gravel, and substrate;
- minimize adverse impacts to: the project site when disposing of excessive accumulations of vegetation; and other areas of the beach or deep water environment; and
- retain all natural habitat features on the beach, including retaining trees, stumps, logs, and large rocks in their natural location.

The control and removal of native aquatic plants or vegetation is authorized in the following areas:

- beaches or near shore areas located within at least one mile of a ferry terminal that are in a county with a population of one million or more residents; and
- beaches or near shore areas in a city that meets the following: is adjacent to Puget Sound; has at least 85,000 residents; shares a common boundary with a neighboring county; and is in a county with a population of one million or more residents.

Special assessments or rates or charges may be imposed on property to finance lake or beach improvements and maintenance activities, including:

- controlling or removing aquatic plants and vegetation;
- improving water quality;
- controlling water levels;
- treating and diverting storm water;
- controlling agricultural waste;
- studying lake or marine water quality problems and solutions;
- cleaning and maintaining ditches and streams entering or leaving the lake or marine waters;
- monitoring air quality; and
- related administrative, engineering, legal, and operational costs, including the costs of creating the lake or beach management district.

The DOE must, within available funds, provide technical assistance to community groups and county and city legislative authorities requesting assistance with the development of beach management programs. The DOE must work with the Departments of Fish and Wildlife and Natural Resources, and the Puget Sound Partnership to coordinate agency assistance to community groups and county and city legislative authorities.

The DOE must coordinate with relevant state agencies and marine resources committees to provide technical assistance to beach management districts. The DOE must, within available funds, coordinate with relevant state agencies to provide technical assistance to beach management districts to ensure that proposed beach improvement, maintenance plans, and activities are consistent with applicable federal, state, and local laws. The DOE and the Puget Sound Partnership must monitor the removal of native aquatic plants and vegetation on beaches or near shore areas. The DOE and Puget Sound Partnership must provide recommendations for future area designations.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony:** (Local Government)

(In support) Sea lettuce growth has become a problem in the Puget Sound, especially in the areas of Federal Way and West Seattle. In the summer, sea lettuce has a tendency to

overgrow, smother marine life, and create health problems for residents living near the affected area. The creation of beach management districts will provide residents with the proper tools and mechanisms to help clean up the beach in an environmentally conscious manner. This act allows state agencies to work together to assist beach management districts. The coordination efforts among agencies will increase efficiency and minimize impact on marine life.

(Other) The study and work plan under this bill are not included in the Governor's budget. Removing the provisions requiring the DOE to develop a study and work plan would reduce the fiscal impact.

(With concerns) There are no best management practices or standards on beach clean-up and there is concern about how a beach clean-up will impact the ecosystem. Until best management practices or standards are developed, the creation of beach management districts should be limited to creating two districts.

(Opposed) None.

**Staff Summary of Public Testimony:** (Appropriations Subcommittee on General Government & Audit Review)

(In support) This bill addresses two areas that have marine plant growth problems that affect not only marine life but also public health. There is a stench from the plant growth that this bill would address. The substitute bill scales back the fiscal note. The picture I have provided the committee shows the impact of sea lettuce can have and how it can pollute public beaches and emit horrific odors. We have currently in state statute a lake management district and this bill mirrors that model but is for the creation of marine districts. City and federal agencies would have to work with private landowners to create these districts.

(Opposed) None.

**Persons Testifying:** (Local Government) (In support) Representative Nelson, prime sponsor; Jeanne Burbidge and Paul Bucich, City of Federal Way; Rich Doenges, Department of Natural Resources; and Eric Johnson, Washington State Association of Counties.

(Other) Melodie Scully, Department of Ecology.

(With concerns) Bruce Wishart, People for Puget Sound.

**Persons Testifying:** (Appropriations Subcommittee on General Government & Audit Review) Doug Levy, Department of Ecology.

**Persons Signed In To Testify But Not Testifying:** (Local Government) None.

**Persons Signed In To Testify But Not Testifying:** (Appropriations Subcommittee on General Government & Audit Review) None.