

FINAL BILL REPORT

ESSB 6666

C 316 L 96

Synopsis as Enacted

Brief Description: Providing for a long-term solution to nuisance aquatic weeds.

Sponsors: Senate Committee on Ecology & Parks (originally sponsored by Senators Winsley, Haugen, Fairley, Swecker, McDonald, Fraser, McAuliffe and Rasmussen).

Senate Committee on Ecology & Parks

House Committee on Agriculture & Ecology

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. 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.

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. Under the statute regulating the outflow of lakes, lakeside property owners can petition the superior court for a special assessment to be levied to pay for weed control measures. There are about seven lakes so managed, including Steilacoom, Louise, Gravelly, Ohop, American, Spanaway and Clear Lakes.

Summary: A legislative 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 must consult with state agencies, local government, pesticide applicators, academic experts and interested citizens including lakeside homeowners and lake users.

On lakes managed under the statute regulating the outflow of lakes, the Department of Ecology must expedite applications for the use of registered pesticides, particularly the herbicides copper sulfate and diquat. The application approval may be conditioned on 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. This requirement of expediting application approvals expires April 1, 1998, which is after the Legislature considers the recommendations in the lake health plan.

Votes on Final Passage:

Senate	46	0	
House	65	27	(House amended)
Senate			(Senate refused to concur)

Conference Committee

House	98	0
Senate	48	0

Effective: March 30, 1996