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**SUBSTITUTE SENATE BILL 5486**

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**State of Washington**

**61st Legislature**

**2009 Regular Session**

**By** Senate Ways & Means (originally sponsored by Senators Fraser, Carrell, Jacobsen, Swecker, Kilmer, and Shin)

READ FIRST TIME 03/02/09.

1       AN ACT Relating to freshwater lakes management; amending RCW  
2 43.21A.662; adding a new section to chapter 43.21A RCW; and creating  
3 new sections.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.** (1) The legislature finds that freshwater  
6 lakes are vital to the state's economy and environment, and serve as a  
7 source of recreational and scenic enjoyment. Lakes serve multiple  
8 purposes such as habitat for fish and wildlife, mitigation of flood  
9 damage, water storage for hydropower generation, and a source of water  
10 supply for aquifer recharge, drinking water, and water for  
11 agricultural, recreational, and industrial purposes.

12       (2) The legislature further finds that currently more than two  
13 hundred lakes, or twenty-five percent of the publicly accessible lakes  
14 within Washington state, have impaired water quality conditions or are  
15 at risk for impairment. Since not all lakes are monitored for water  
16 quality, the full extent of lake water quality problems is not known  
17 but is likely much greater than that identified by current limited  
18 monitoring.

1 (3) The legislature further finds that legislative studies a decade  
2 ago identified several programmatic recommendations to strengthen state  
3 and local responses to degradation in lakes health. While gains have  
4 been made in addressing nutrient sources of algal and aquatic  
5 vegetation growth in freshwater lakes, current programs are not  
6 adequately addressing other lakes, challenges such as invasive species,  
7 toxic algae, storm water management, discharge to lakes of toxic and  
8 endocrine-disrupting compounds, biodiversity conservation, and impacts  
9 from climate change.

10 (4) Therefore it is the purpose of this act to direct that a  
11 comprehensive strategy for lakes protection and restoration be  
12 developed, portions of which may be implemented within current  
13 authority and funding, and that the strategy further include  
14 recommendations for further legislative authorization and funding to  
15 achieve a comprehensive statewide lakes protection and restoration  
16 program.

17 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A RCW  
18 to read as follows:

19 (1) The department shall prepare a comprehensive lakes management  
20 strategic plan. The plan shall serve primarily to guide state programs  
21 that provide technical and financial assistance to other state  
22 agencies, local governments, special purpose districts, and  
23 nongovernmental entities for the protection and restoration of the  
24 state's freshwater lakes.

25 (2) The plan must be developed in partnership with a lakes  
26 management advisory committee, which shall be appointed by the director  
27 and must include at least the following:

28 (a) The commissioner of public lands, or the commissioner's  
29 designee;

30 (b) The director of the department of fish and wildlife, or the  
31 director's designee;

32 (c) The executive director of the Puget Sound partnership or the  
33 executive director's designee;

34 (d) Representatives of counties, cities, and special purpose  
35 districts having lakes management interests;

36 (e) Representatives of tribal governments and federal agencies  
37 having lakes management interests;

1 (f) A statewide association of lakes management interests;

2 (g) Representatives of lake users and residents, recreational  
3 users, and residents of lake shore properties; and

4 (h) At least one scientist with lakes health expertise.

5 (3) The plan may be developed in segments consistent with the  
6 direction and timelines in this section.

7 (4) Not later than December 1, 2009, a plan element must be  
8 completed that provides guidance to the department's financial and  
9 technical assistance programs serving lake management needs.

10 (5) Not later than September 1, 2010, the department shall complete  
11 elements of the strategy to improve lakes protection and restoration in  
12 the following activities:

13 (a) Lakes monitoring;

14 (b) Scientific research on lakes health;

15 (c) Education and technical assistance;

16 (d) Financial assistance;

17 (e) Intergovernmental coordination in regulatory programs,  
18 financial and technical assistance, and lakes management; and

19 (f) Administration and budgeting for lakes management programs, and  
20 recommendations for additional or modified monitoring.

21 (6) In developing the strategic plan, the department and the  
22 committee must be informed by existing plans and recommendations that  
23 address or relate to the protection and restoration of lakes. The plan  
24 must include a summary of recommendations relating to lakes protection  
25 from existing water body cleanup plans developed under chapter 90.48  
26 RCW, and watershed plans developed under chapter 90.82 RCW. The  
27 department shall also inform the committee on expenditures from RCW  
28 70.105D.070 related to lakes.

29 (7) The department, the department of fish and wildlife, and the  
30 department of natural resources shall incorporate the guidance and  
31 recommendations in the plan to the extent allowable under existing  
32 authority and available funding in the administration of lakes-related  
33 programs. The executive director of the Puget Sound partnership must  
34 also provide the guidance and recommendations to the Puget Sound  
35 partnership leadership council for consideration for inclusion in the  
36 action agenda required under chapter 90.71 RCW.

1        NEW SECTION.    **Sec. 3.**    Not later than December 31, 2010, the  
2 department of ecology with the assistance of the lakes management  
3 advisory committee shall provide recommendations for creating dedicated  
4 state funding assistance for lakes restoration and protection to the  
5 appropriate committees of the senate and house of representatives. The  
6 recommendations must address the mechanism for making funding awards,  
7 including creating a funding entity specific for lakes restoration and  
8 protection. The recommendations must be based upon a goal of providing  
9 for lakes not less than ten percent of total state financial assistance  
10 provided directly to address point and nonpoint sources of water  
11 pollution of state waters.

12        **Sec. 4.**    RCW 43.21A.662 and 1999 c 251 s 2 are each amended to read  
13 as follows:

14        ~~((1))~~ The department shall ~~((appoint an advisory committee))~~ use  
15 the lakes management advisory committee created in section 2 of this  
16 act to oversee the freshwater aquatic weeds management program. For  
17 oversight activities related to this program, the advisory committee  
18 shall include representatives of recreational boaters, the aquatic  
19 nuisance species committee created in RCW 77.60.130, pesticide  
20 registrants, as defined in RCW 15.58.030(36), and certified pesticide  
21 applicators, as defined in RCW 17.21.020(6), who specialize in the use  
22 of aquatic pesticides.

23        ~~((2) The advisory committee shall include representatives from the~~  
24 ~~following groups:~~

25        ~~(a) Recreational boaters interested in freshwater aquatic weed~~  
26 ~~management;~~

27        ~~(b) Residents adjacent to lakes, rivers, or streams with public~~  
28 ~~boat launch facilities;~~

29        ~~(c) Local governments;~~

30        ~~(d) Scientific specialists;~~

31        ~~(e) Pesticide registrants, as defined in RCW 15.58.030(34);~~

32        ~~(f) Certified pesticide applicators, as defined in RCW~~  
33 ~~17.21.020(5), who specialize in the use of aquatic pesticides; and~~

34        ~~(g) If chapter . . ., Laws of 1999 (Senate Bill No. 5315) is~~  
35 ~~enacted by June 30, 1999, the aquatic nuisance species coordinating~~  
36 ~~committee.~~

1       ~~(3) The advisory committee shall review and provide recommendations~~  
2 ~~to the department on freshwater aquatic weeds management program~~  
3 ~~activities and budget and establish criteria for grants funded from the~~  
4 ~~freshwater aquatic weeds account.))~~

5       NEW SECTION.   **Sec. 5.** If specific funding for the purposes of this  
6 act, referencing this act by bill or chapter number, is not provided by  
7 June 30, 2009, in the omnibus appropriations act, this act is null and  
8 void.

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