

AUG 01 2013

RESOLUTION NO. 149120

AT 9:18 AM/PM
BY: Att DEPUTY

A RESOLUTION adopting findings affirming the proposed formation of the Black Lake Special District and submitting the formation of the district to a vote of qualified voters pursuant to RCW 85.38.060.

WHEREAS, three years ago, Black Lake homeowners became concerned about the growing presence of non-native and native invasive species and their negative impact on the water quality, aquatic habitat and recreational uses of the lake; and

WHEREAS, the Black Lake homeowners created the Save Black Lake Coalition (SBLC) as a certified Washington Non-Profit Corporation.; and

WHEREAS, Thurston County applied for and received two grants from Department of Ecology (DOE), and SBLC provided the required 25% match for both grants; and

WHEREAS, the first DOE grant in the amount of \$40,000 was used to develop the Integrated Aquatic Vegetation Management Plan (IAVMP), and the second grant in the amount of \$50,000 was used for the initial efforts to eradicate invasive aquatic plants; and

WHEREAS, there is indication of support from Black Lake property owners for formation of a Special District pursuant to RCW 85.38 as evidenced by submittal of a valid Special District petition to the county on April 29, 2013 and through a number of community meetings sponsored by SBLC; and

WHEREAS, a public hearing was held on July 29, 2013, to consider formation of a Special District at which hearing the County Commissioners heard comments from persons affected by the formation of the Black Lake Special District and received written comments regarding the proposal; and

WHEREAS, the Board has reviewed the initiators' petition, has reviewed the staff reports and memoranda, and has considered the testimony and written comments from the public hearing.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners for Thurston County as follows:

Section 1. The following findings are hereby adopted:

A. The creation of the special district will be conducive to the public health, convenience and welfare. This is evidenced by the following:

- 1) The purpose of forming the special district is to engage in aquatic plant control and water quality enhancement activities thereby maintaining a healthy and ecological balance in the lake.

Black Lake Special District
Resolution to Call for an Election

- 2) Non-native, invasive fragrant waterlily (*Nymphaea odorata*) and yellow iris (*Iris pseudacorus*) are encroaching upon the shoreline and open water area of the lake. The fragrant water lily can grow to nuisance densities and accelerate nutrient pollution of a water body.
- 3) The submersed water nymph (*Najas flexilis*) dominates much of the open water despite being a native species. A common non-native, invasive Eurasian watermilfoil (*Myriophyllum spicatum*), has been aggressively managed since 2006 and but is still present in satellite populations around the lake that are capable of rapidly spreading.
- 4) Boating, swimming, fishing and aesthetic enjoyment have been severely impacted by growth of non-native and nuisance native aquatic plants in Black Lake.
- 5) The current distribution of milfoil, fragrant waterlily, and yellow iris at Black Lake is already at nuisance levels and will likely increase if a concentrated effort to control the infestation is not implemented.
- 6) The activities of the special district would be to implement the long term strategies identified in the IAVMP, incorporated by reference and attached as Exhibit A, to eradicate milfoil, fragrant water lily and yellow iris and to have a quick response protocol in place if milfoil is reintroduced into the lake.
- 7) The preferred management approach of the IAVMP incorporates existing manual methods to control satellite populations of milfoil in conjunction with aquatic herbicides to control non-native, invasive plants and reduce nuisance densities of native plants such as water nymph. This approach includes herbicide applications in two consecutive years, with manual controls as needed, followed by manual methods the following three years.

B. The creation of the special district will be of special benefit to a majority of the lands included within the special district. This is evidenced by the following:

- 1) The proposed boundaries for the Black Lake Special District, incorporated by reference in the vicinity map attached as Exhibit B, include all state owned aquatic lands, all shoreline properties on Black Lake and all upland properties with rights to access the lake by boat ramps and community lake front parcels or easements.
- 2) The powers of a Special District such as aquatic plant control, maintenance of healthy and ecological balance, and water quality enhancement provide special benefit to the property owners within the district boundaries because they have rights to access and use the lake.

C. The proposed improvements are feasible and economical, and the benefits of these improvements exceed the cost for the improvements. This is evidenced by the following:

- 1) The petition to form the Black Lake Special District proposed the improvements set forth above. These improvements are commonly performed and feasible.
- 2) The proposed improvements are commonly performed by lake groups such as Lake Management Districts and Special Districts. These organizations raise their funds through assessments or rates and charges paid for by the property owners. The proposed improvements are economical.
- 3) If the district is not formed and these activities cannot take place the lake will eventually be covered in plant material making it virtually useless for habitat and recreational uses. The cost of doing these projects depend on many variables but the total cost of the project may be spread out over several years thereby reducing the immediate economic impact. Significant improvements to water quality in lakes take time to achieve and require sufficient, dependable resources. The benefits are difficult to quantify but the condition of the lake is directly related to property values and these types of projects are feasible and economical. Therefore, the benefits from the improvements exceed their costs.

Section 2. Pursuant to RCW 85.38.060 the question of whether to form Black Lake Special District shall be submitted to the "qualified voters" within the proposed district for the special election date of November 5, 2013.

Section 3. County staff from the Department of Resource Stewardship shall prepare for Board approval and filing with the Boundary Review Board a Notice of Intention to form the Black Lake Special District, contingent upon voter approval at the special election.

Section 4. Should the Thurston County Auditor certify election results that affirm the formation of the Black Lake Special District, the Board of County Commissioners shall schedule at its earliest convenience the consideration and appointment of the initial three members of the Black Lake Special District governing board.

ADOPTED: July 30, 2013

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

ATTEST:

Roberta J. Boyman
Clerk of the Board

Andra Foxero
Chair

APPROVED AS TO FORM:
JON TUNHEIM
PROSECUTING ATTORNEY

Coxy Deje
Commissioner

By: Elizabeth Petrich
Elizabeth Petrich
Sr. Deputy Prosecuting Attorney

Karen Valenzuela
Commissioner