

SENATE BILL REPORT

ESHB 2097

As Reported By Senate Committee On:
Natural Resources, Ocean & Recreation, March 30, 2005

Title: An act relating to establishing a management program for Hood Canal rehabilitation.

Brief Description: Establishing a management program for Hood Canal rehabilitation.

Sponsors: House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, Upthegrove, Hunt, B. Sullivan, Chase, Ericks, McCoy, Hunter, Pettigrew and Appleton).

Brief History: Passed House: 3/11/05, 58-36.

Committee Activity: Natural Resources, Ocean & Recreation: 3/24/05, 3/30/05 [DPA].

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Oke, Ranking Minority Member; Fraser, Morton, Spanel, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

Background: Hood Canal is a glacier-carved fjord approximately 60 miles in length with approximately 180 miles of shoreline. Portions of Hood Canal have had low dissolved oxygen concentrations for many years. The University of Washington recorded low dissolved oxygen concentrations in the 1950s. In recent years, low dissolved oxygen concentration conditions and significant fish death events have been recorded on Hood Canal.

The Puget Sound Action Team (PSAT) is a state agency that develops and coordinates water quality programs in Puget Sound. The Hood Canal Coordinating Council (HCCC) is a group of county and tribal governments established to address water quality problems and natural resource issues in the Hood Canal watershed. In May 2004, the PSAT and HCCC prepared a report titled Preliminary Assessment and Corrective Action Plan (PACA) which assessed human-influenced nitrogen sources for Hood Canal. The PACA identifies six major categories of sources and specifies recommendations for corrective actions for these categories.

Research and monitoring related to Hood Canal's low dissolved oxygen concentrations is being conducted. The Department of Ecology's marine waters monitoring program and the University of Washington's Puget Sound Regional Synthesis Model (PRISM) program involve testing at numerous Hood Canal stations. In addition, Hood Canal monitoring and research is being conducted by the United States Geological Survey and various local agencies and organizations. Further, a group of 20 federal, state, local, and tribal agencies and nonprofit organizations have established the Hood Canal Dissolved Oxygen Program (HCDOP), a three-year effort to coordinate Hood Canal monitoring, analysis, and modeling results.

Summary of Amended Bill: The development of a program for the rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and Mason counties within the aquatic rehabilitation zone created under SHB 2081. The Puget Sound Action Team (PSAT) is the state lead agency for this program. The Hood Canal Coordinating Council (HCCC) is the local management board for this program.

The local management board must coordinate local government efforts regarding the Hood Canal rehabilitation program. As the management board, the HCCC must serve as the lead entity and regional recovery organization for the purposes of the recovery of chum salmon and assist in coordinating watershed planning activities.

When developing the Hood Canal rehabilitation program, the HCCC and PSAT must solicit participation from federal, tribal, state, and local agencies and universities and nonprofit organizations with expertise in areas related to program activities. The HCCC may include state and federal agency representatives, or additional persons, as nonvoting management board members or may receive technical assistance and advice from them in other venues. The HCCC may also appoint technical advisory committees as needed.

The HCCC and its participating tribal and local governments must assess concepts for a regional governance structure and submit a report with findings and recommendations to the Legislature by December 1, 2007.

The HCCC and PSAT each may receive and disburse funding for activities relating to Hood Canal's low dissolved oxygen concentrations. These groups must coordinate a process to prioritize activities for which the PSAT receives state funding allocated for the rehabilitation program. The PSAT and HCCC must also establish criteria for funding these activities based upon their likely value in addressing the issue of low dissolved oxygen concentration. The PSAT retains final approval and management authority over rehabilitation program projects. The authority of any unit of local government, which may continue any rehabilitation activities regarding the Hood Canal, is not preempted.

The HCCC may hire and fire staff, enter into contracts, accept grants and other funds, disburse funds, make certain recommendations to local governments, pay necessary expenses, and choose a fiduciary agent.

The HCCC must report its progress to participating entities on a quarterly basis and submit an annual report, describing its efforts in implementing the rehabilitation program, to the Legislature.

This act does not apply to forest practices regulated under chapter 76.09 RCW. Additionally, this act provides no regulatory authority to the PSAT or the HCCC.

Amended Bill Compared to Original Bill: The amended bill: (1) specifies that the HCCC "may include state and federal agency representatives, or additional persons, as nonvoting management board members or may receive technical assistance and advice from them in other venues"; (2) allows the HCCC to form technical advisory committees as needed; (3) adds a due date for the HCCC's regional governance structure report; (4) provides management authority over rehabilitation program projects to the PSAT; (5) exempts activities regulated under the Forest Practices Act from the act; (6) clarifies that this act

provides no regulatory authority to the PSAT or the HCCC; and (7) limits the HCCC's role as lead entity and regional recovery organization regarding salmon recovery to chum salmon.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains an emergency clause and takes effect immediately.

Testimony For: The dead zones in the Hood Canal present an immediate crisis. Action must be taken to preserve the Hood Canal's vital resources, including geoduck. The Hood Canal Coordinating Council and Puget Sound Action Team are already working together to address the challenges facing the Hood Canal. This bill would provide tools necessary to allow these groups to coordinate and establish a rehabilitation program for the Hood Canal.

Testimony Against: Although the waters of the Hood Canal are important, a bill establishing lead agencies for addressing this issue is unnecessary. Other laws and agencies already exist that focus on issues of water quality.

Who Testified: PRO: Representative Eickmeyer, prime sponsor; Warren Dawes, SW Puget Sound Watershed Council; John Dohrman, Puget Sound Action Team; Dave Christiansen, Hood Canal Coordinating Council; Gordon Baxter, H.D.U.

CON: Andy Cook, Building Industry Association of Washington.