

FINAL BILL REPORT

ESHB 2097

C 479 L 05

Synopsis as Enacted

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

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

House Committee on Select Committee on Hood Canal
Senate Committee on Natural Resources, Ocean & Recreation

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 2004 dissolved oxygen concentrations in southern Hood Canal were the lowest recorded concentrations for the water body.

The Puget Sound Action Team (PSAT) is a state agency that develops and coordinates water quality programs for 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 - the *Preliminary Assessment and Corrective Action Plan* (PACA) - assessing sources of human-influenced nitrogen introduced into Hood Canal. The PACA identifies six major categories of human-influenced nitrogen 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 are 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:

Development of a Hood Canal rehabilitation program is authorized for Jefferson, Kitsap, and Mason Counties. The program is authorized within the area designated as an aquatic rehabilitation zone (ARZ) in legislation authorizing these zones [SHB 2081]. This area

includes watersheds that drain into Hood Canal south of a line projected from Tala Point in Jefferson County to Foulweather Bluff in Kitsap County.

The PSAT is designated as the state lead agency for the Hood Canal rehabilitation program. The HCCC is designated as the program's local management board. In addition to serving as the local management board, the HCCC also must serve as the lead entity and regional recovery organization for Hood Canal summer chum and assist in coordinating Hood Canal watershed planning activities. The PSAT's and the HCCC's program activities are subject to the availability of funds appropriated for this purpose.

The PSAT and HCCC must participate in program development, and each must approve and co-manage program projects. The PSAT and the HCCC each may receive and disburse funds for projects, studies, and activities related to Hood Canal's low dissolved oxygen concentrations. The PSAT and HCCC must jointly coordinate a process to prioritize projects, studies, and activities for which the PSAT receives state funding specifically allocated for Hood Canal corrective actions. The PSAT and HCCC must develop funding criteria based on the likely value in addressing and resolving Hood Canal's low dissolved oxygen concentrations. Final project approval requires the consent of both the PSAT and the HCCC.

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

Reporting requirements are specified. The local management board must assess, with participating local and tribal governments, concepts for a regional governance structure and report the findings and recommendations to the appropriate legislative committees by December 1, 2007. The local management board also must submit a quarterly progress report to its participating counties, tribes, and state agencies. In addition, the local management board must submit an annual report to the appropriate legislative committees.

To fulfill its responsibilities, the local management board may have staff; enter into contracts; accept and disburse funds; make recommendations to local governments regarding potential regulations, programs, and incentives; pay necessary expenses; and choose a fiduciary agent.

Regulatory restrictions are specified. The rehabilitation program provisions do not provide the PSAT or the HCCC any regulatory authority. In addition, the HCCC (as the local management board) may not exercise authority over land or water within individual counties or otherwise preempt local government authority.

Authority of other entities is preserved. Any of the local management board's participating counties and tribes, any federal, tribal, state, or local agencies, or any universities or nonprofit organizations may continue individual Hood Canal rehabilitation efforts and activities. The local management board provisions do not preclude any local governments from entering into

interlocal agreements. In addition, the rehabilitation program provisions do not prohibit any federal, tribal, state, or local agencies, universities, or nonprofit organizations from receiving funding for specific projects that may assist in Hood Canal rehabilitation.

The rehabilitation program provisions do not apply to forest practices regulated under the state's Forest Practices Act.

Legislative findings identify the substantial environmental, cultural, economic, recreational, and aesthetic importance of Hood Canal. Legislative findings also specify concerns regarding Hood Canal's low dissolved oxygen concentrations and identify numerous research, monitoring, and study efforts that are occurring with respect to this condition. Legislative findings also recognize a need for the state to take additional action to address Hood Canal's low dissolved oxygen concentrations. Legislative intent is specified to designate state and local entities to develop and coordinate Hood Canal rehabilitation program and funding.

The Hood Canal rehabilitation program provisions are codified in the new statutory chapter created in the ARZ legislation [SHB 2081].

Votes on Final Passage:

House	58	36	
Senate	35	13	(Senate amended)
House	94	2	(House concurred)

Effective: May 16, 2005