

HOUSE BILL REPORT

HB 2097

As Reported by House Committee On:
Select Committee on Hood Canal

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

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

Sponsors: Representatives Eickmeyer, Upthegrove, Hunt, B. Sullivan, Chase, Ericks, McCoy, Hunter, Pettigrew and Appleton.

Brief History:

Committee Activity:

Select Committee on Hood Canal: 2/22/05, 3/1/05 [DPS].

Brief Summary of Substitute Bill

- Establishes a program to manage Hood Canal rehabilitation efforts and activities.
- Designates the Hood Canal Coordinating Council as the management board to coordinate program activities and funding.
- Specifies the management board's responsibilities and authorities.
- Requires the management board to submit quarterly reports to the participating counties, tribes, and agencies and an annual report to the Legislature.

HOUSE COMMITTEE ON SELECT COMMITTEE ON HOOD CANAL

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Eickmeyer, Chair; McCoy, Vice Chair; Pearson, Ranking Minority Member; Sump, Assistant Ranking Minority Member; Appleton, Chase and Walsh.

Staff: Caroleen Dineen (786-7156).

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 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 - 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 of Substitute Bill:

A Hood Canal rehabilitation program is established. The program is created in Jefferson, Kitsap, and Mason Counties within the area designated as Aquatic Rehabilitation Zone One in legislation authorizing the establishment of aquatic rehabilitation zones (ARZs) [HB 2081]. This area includes watersheds that drain into Hood Canal south of the line projected from Tala Point in Jefferson County to Foulweather Bluff in Kitsap County.

A management board is established for the Hood Canal rehabilitation program. The Hood Canal Coordinating Council must serve as the management board for ARZ One and is responsible for coordinating efforts and implementing actions to address and resolve Hood Canal's low dissolved oxygen concentrations. The management board is authorized to receive and disburse program funds.

The management board must solicit participation by state and federal agencies with expertise related to rehabilitation program activities. Participating agency representatives may be included as nonvoting board members or may be appointed to a technical advisory committee. The management board may appoint additional persons to a technical advisory committee as needed.

The management board's responsibilities are specified. The management board must:

- participate in the development of the Hood Canal rehabilitation program;
- serve as the regional salmon recovery organization;

- assist in coordinating watershed planning activities in the Hood Canal area;
- assess, with participating local and tribal governments, concepts for a regional governance structure and report the findings and recommendations to the appropriate legislative committees;
- prioritize (as appropriate) and approve projects, studies, and activities for the program and coordinate local government efforts relating to the program;
- establish funding criteria based on a proposal's likely value in addressing and resolving Hood Canal's low dissolved oxygen concentrations; and
- submit a quarterly progress report to the participating counties, tribes, and state agencies and an annual report to the appropriate legislative committees.

To fulfill these responsibilities, the 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.

Local authority is preserved in the management board provisions. The management board may not exercise authority over land or water within individual counties or otherwise preempt local government authority. In addition, the management board provisions do not preclude participating counties and tribes from continuing individual Hood Canal rehabilitation efforts and activities or from entering into interlocal agreements.

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 action to address and resolve Hood Canal's low dissolved oxygen concentrations. Legislative intent is specified to establish a rehabilitation program for Hood Canal and to create a program manager to coordinate and administer this program and funding.

The Hood Canal management program and management board provisions are codified in the new statutory chapter created in the ARZ legislation [HB 2081].

Substitute Bill Compared to Original Bill: The substitute replaces provisions regarding management board structure, composition, and governance with direction to the HCCC to serve as the management board. The substitute requires the HCCC to serve as the regional salmon recovery organization for the Hood Canal area and to assist in coordinating watershed planning activities in the Hood Canal area. The substitute also requires the HCCC and its participating local and tribal governments to assess concepts for a regional governance structure and to report the findings and recommendations to the appropriate legislative committees.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 2, 2005.

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

Testimony For: (Original bill) The bill looks to the HCCC – an existing entity – to serve as the management board for the Hood Canal rehabilitation program. The HCCC already has an executive director and includes representatives of all three counties and the tribes. The HCCC can serve as the lead for this program.

(With concerns on original bill) The PSAT supports the findings of this bill. The Hood Canal is at risk; rehabilitation is necessary. The PSAT has partnered with HCCC and many other state and federal and local interests to identify problems, develop some early actions, organize research, and coordinate application of state and federal resources to projects. If the intent is to have the HCCC be the management board, the bill should specifically designate the HCCC.

The HCDOP was created a year ago and has served as a coordinating mechanism through the present. The HCDOP has functioned well and effectively represents various interests. Concern exists that with the momentum in the HCDOP, creating a new entity and getting it started may deplete some of the HCDOP energy.

Testimony Against: None.

Persons Testifying: (In support of original bill) Representative William Eickmeyer, prime sponsor.

(With concerns on original bill) Terry Hull, Puget Sound Action Team.

Persons Signed In To Testify But Not Testifying: None.