

SENATE BILL REPORT

SHB 2081

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

Title: An act relating to creating an aquatic rehabilitation zone designation as a framework for Hood Canal recovery programs.

Brief Description: Creating an aquatic rehabilitation zone designation as a framework for Hood Canal recovery programs.

Sponsors: House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, McCoy, Chase, Appleton and Haigh).

Brief History: Passed House: 3/11/05, 56-38.

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

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

Majority Report: Do pass as amended.

Signed by Senators Jacobsen, Chair; Doumit, Vice Chair; Fraser, Hargrove and Spanel.

Minority Report: Do not pass.

Signed by Senators Stevens and Swecker.

Minority Report: That it be referred without recommendation.

Signed by Senator Morton.

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) that 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: Aquatic rehabilitation zones (ARZs) may be designated by the Legislature for areas whose surrounding marine water bodies pose serious environmental or public health concerns. The first ARZ, known as ARZ One, is created for the watersheds that drain into Hood Canal south of a line projected from Tala Point in Jefferson County to Foulweather Bluff in Kitsap County.

The ARZ provisions are codified as a new chapter in Title 90 RCW. These new statutory provisions do not alter, diminish, or expand existing jurisdictional authorities in other statutes or affect application of other statutory requirements or programs not specifically referring to ARZs. If provisions in other statutes conflict with any statutory provisions governing ARZs, however, the ARZ statutes govern ARZs provided that the ARZ provisions meet or exceed conflicting provisions.

The ARZ 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 research and monitoring efforts that are occurring with respect to this condition. Legislative findings also recognize a need for the state to take action to address Hood Canal's low dissolved oxygen concentrations. Legislative intent is specified to establish an ARZ as a statutory framework to address this condition as solutions are identified.

Amended Bill Compared to Original Bill: The amended bill provides that the new chapter will govern over other statutes only where the provisions in the new chapter meet or exceed conflicting provisions.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Testimony For: The dead zones present in the Hood Canal present an immediate crisis. Action must be taken to preserve the Hood Canal's vital resources, including geoduck. A rehabilitation zone is needed so that actions taken can focus on the Hood Canal only. This bill protects provisions relating to the rehabilitation zone from conflict with other laws. The bill also recognizes that forest practices are already sufficiently regulated.

Testimony Against: Although rehabilitating the Hood Canal is very important, the issue can be addressed without the creation of a special rehabilitation zone because there are already several mechanisms for aquatic resources management in the state.

Who Testified: PRO: Representative Eickmeyer, prime sponsor; Gordon Baxter, H.D.U.; Dan Coyne, Green Diamond Resources Co.; Bruce Wishart, People for Puget Sound.

CON: Elliot Marks, Office of the Governor.