

**ESHB 2097** - S AMD 450

By Senators Sheldon, Hargrove, Oke, Morton

ADOPTED 04/11/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that Hood Canal  
4 is a precious aquatic resource of our state. The legislature finds  
5 that Hood Canal is a rich source of recreation, fishing, aquaculture,  
6 and aesthetic enjoyment for the citizens of this state. The  
7 legislature also finds that Hood Canal has great cultural significance  
8 for the tribes in the Hood Canal area. The legislature therefore  
9 recognizes Hood Canal's substantial environmental, cultural, economic,  
10 recreational, and aesthetic importance to Washington.

11 (2) The legislature finds that Hood Canal is a marine water of the  
12 state at significant risk. The legislature finds that Hood Canal has  
13 a "dead zone" related to low-dissolved oxygen concentrations, a  
14 condition that has recurred for many years. The legislature also finds  
15 this problem and various contributors to the problem were documented in  
16 the May 2004 *Preliminary Assessment and Corrective Action Plan*  
17 published by the state Puget Sound action team and the Hood Canal  
18 coordinating council.

19 (3) The legislature further finds that significant research,  
20 monitoring, and study efforts are currently occurring regarding Hood  
21 Canal's low-dissolved oxygen concentrations. The legislature  
22 recognizes that federal, state, tribal, and local governments and other  
23 organizations and entities are coordinating research, monitoring, and  
24 modeling efforts through the Hood Canal low-dissolved oxygen program.  
25 The legislature also recognizes that these entities and others are  
26 continuing individual efforts to study and identify potential solutions  
27 for Hood Canal's low-dissolved oxygen concentrations. The legislature  
28 also recognizes numerous public, private, and community organizations  
29 are working to provide public education regarding Hood Canal's low-

1 dissolved oxygen concentrations. The legislature recognizes and  
2 encourages the continuation of these efforts.

3 (4) The legislature finds a need exists for the state to provide  
4 additional resources to address Hood Canal's low-dissolved oxygen  
5 concentrations. The legislature also finds a need exists to designate  
6 the state and local entities to develop, coordinate, and administer a  
7 Hood Canal rehabilitation program and funding.

8 NEW SECTION. **Sec. 2.** (1) The development of a program for  
9 rehabilitation of Hood Canal is authorized in Jefferson, Kitsap, and  
10 Mason counties within the aquatic rehabilitation zone one.

11 (2) The Puget Sound action team is designated as the state lead  
12 agency for the rehabilitation program authorized in this section.

13 (3) The Hood Canal coordinating council is designated as the local  
14 management board for the rehabilitation program authorized in this  
15 section.

16 (4) The Puget Sound action team and the Hood Canal coordinating  
17 council must each approve and must comanage projects under the  
18 rehabilitation program authorized in this section.

19 NEW SECTION. **Sec. 3.** (1) The Hood Canal coordinating council  
20 shall serve as the local management board for aquatic rehabilitation  
21 zone one. The local management board shall coordinate local government  
22 efforts with respect to the program authorized according to section 2  
23 of this act. In the Hood Canal area, the Hood Canal coordinating  
24 council also shall:

- 25 (a) Serve as the lead entity and the regional recovery organization
- 26 for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and
- 27 (b) Assist in coordinating activities under chapter 90.82 RCW.

28 (2) When developing and implementing the program authorized in  
29 section 2 of this act and when establishing funding criteria according  
30 to subsection (7) of this section, the Puget Sound action team and the  
31 local management board shall solicit participation by federal, tribal,  
32 state, and local agencies and universities and nonprofit organizations  
33 with expertise in areas related to program activities. The local  
34 management board may include state and federal agency representatives,  
35 or additional persons, as nonvoting management board members or may

1 receive technical assistance and advice from them in other venues. The  
2 local management board also may appoint technical advisory committees  
3 as needed.

4 (3) The local management board and the Puget Sound action team  
5 shall participate in the development of the program authorized under  
6 section 2 of this act.

7 (4) The local management board and its participating local and  
8 tribal governments shall assess concepts for a regional governance  
9 structure and shall submit a report regarding the findings and  
10 recommendations to the appropriate committees of the legislature by  
11 December 1, 2007.

12 (5) Any of the local management board's participating counties and  
13 tribes, any federal, tribal, state, or local agencies, or any  
14 universities or nonprofit organizations may continue individual efforts  
15 and activities for rehabilitation of Hood Canal. Nothing in this  
16 section limits the authority of units of local government to enter into  
17 interlocal agreements under chapter 39.34 RCW or any other provision of  
18 law.

19 (6) The local management board may not exercise authority over land  
20 or water within the individual counties or otherwise preempt the  
21 authority of any units of local government.

22 (7) The local management board and the Puget Sound action team each  
23 may receive and disburse funding for projects, studies, and activities  
24 related to Hood Canal's low-dissolved oxygen concentrations. The Puget  
25 Sound action team and the local management board shall jointly  
26 coordinate a process to prioritize projects, studies, and activities  
27 for which the Puget Sound action team receives state funding  
28 specifically allocated for Hood Canal corrective actions to implement  
29 this section. The local management board and the Puget Sound action  
30 team shall establish criteria for funding these projects, studies, and  
31 activities based upon their likely value in addressing and resolving  
32 Hood Canal's low-dissolved oxygen concentrations. Final approval for  
33 projects under this section requires the consent of both the Puget  
34 Sound action team and the local management board. Projects under this  
35 section must be comanaged by the Puget Sound action team and the local  
36 management board. Nothing in this section prohibits any federal,  
37 tribal, state, or local agencies, universities, or nonprofit

1 organizations from receiving funding for specific projects that may  
2 assist in the rehabilitation of Hood Canal.

3 (8) The local management board may hire and fire staff, including  
4 an executive director, enter into contracts, accept grants and other  
5 moneys, disburse funds, make recommendations to local governments about  
6 potential regulations and the development of programs and incentives  
7 upon request, pay all necessary expenses, and choose a fiduciary agent.

8 (9) The local management board shall report its progress on a  
9 quarterly basis to the legislative bodies of the participating counties  
10 and tribes and the participating state agencies. The local management  
11 board also shall submit an annual report describing its efforts and  
12 successes in implementing the program established according to section  
13 2 of this act to the appropriate committees of the legislature.

14 NEW SECTION. **Sec. 4.** This act does not apply to forest practices  
15 regulated under chapter 76.09 RCW.

16 NEW SECTION. **Sec. 5.** Nothing in this act provides any regulatory  
17 authority to the Puget Sound action team or the Hood Canal coordinating  
18 council.

19 NEW SECTION. **Sec. 6.** The activities of the Puget Sound action  
20 team and the Hood Canal coordinating council required by this act are  
21 subject to the availability of amounts appropriated for this specific  
22 purpose.

23 NEW SECTION. **Sec. 7.** Sections 2 and 3 of this act are each added  
24 to chapter 90.-- RCW (the new chapter created in Substitute House Bill  
25 No. 2081).

26 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of the  
28 state government and its existing public institutions, and takes effect  
29 immediately."

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**ADOPTED 04/11/2005**

1           On page 1, line 2 of the title, after "rehabilitation;" strike the  
2 remainder of the title and insert "adding new sections to chapter 90.--  
3 RCW; creating new sections; and declaring an emergency."

EFFECT:       The floor striking amendment incorporates the changes included in the committee striking amendment, and makes the following changes: The Puget Sound Action Team and the Hood Canal Coordinating Council must each approve and comanage projects under the Hood Canal rehabilitation program. The activities of the Puget Sound Action Team and the Hood Canal Coordinating Council required by this act are subject to funding made available for the implementation of this act.

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