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**SUBSTITUTE HOUSE BILL 2097**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**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)

READ FIRST TIME 03/04/05.

1           AN ACT Relating to establishing a management program for Hood Canal  
2 rehabilitation; adding new sections to chapter 90.-- RCW; creating a  
3 new section; and declaring an emergency.

4           BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

1 published by the state Puget Sound action team and the Hood Canal  
2 coordinating council.

3 (3) The legislature further finds that significant research,  
4 monitoring, and study efforts are currently occurring regarding Hood  
5 Canal's low-dissolved oxygen concentrations. The legislature also  
6 finds numerous public, private, and community organizations are working  
7 to provide public education and identify potential solutions.

8 (4) The legislature finds a need exists for the state to take  
9 action to address and resolve Hood Canal's low-dissolved oxygen  
10 concentrations. The legislature also finds a need exists to coordinate  
11 and manage a rehabilitation program for Hood Canal and to administer  
12 funding for projects, studies, and activities related to resolving the  
13 Hood Canal's concerns. The legislature therefore intends to establish  
14 this rehabilitation program and create a program manager to coordinate  
15 and administer the Hood Canal rehabilitation program and funding.

16 NEW SECTION. **Sec. 2.** (1) A program for rehabilitation of Hood  
17 Canal is established in Jefferson, Kitsap, and Mason counties within  
18 the aquatic rehabilitation zone one.

19 (2) The program's management board created under section 3 of this  
20 act is responsible for coordinating efforts and implementing actions to  
21 address and resolve the low-dissolved oxygen concentrations in Hood  
22 Canal. The management board may receive and disburse program funds.

23 (3) Unless otherwise specified, the management board created in  
24 section 3 of this act constitutes the program manager for fulfilling  
25 requirements and exercising powers under this chapter.

26 NEW SECTION. **Sec. 3.** (1) A management board is created within the  
27 aquatic rehabilitation zone one. The Hood Canal coordinating council  
28 shall serve as the management board for aquatic rehabilitation zone  
29 one. In the Hood Canal area, the Hood Canal coordinating council also  
30 shall:

31 (a) Serve as the regional recovery organization for the purposes of  
32 chapter 77.85 RCW; and

33 (b) Assist in coordinating activities under chapter 90.82 RCW.

34 (2) The management board shall solicit participation by state and  
35 federal agencies with expertise in areas related to program activities.  
36 The management board may include state and federal agency

1 representatives as nonvoting management board members or may appoint  
2 them to a technical advisory committee. The management board also may  
3 appoint additional persons to a technical advisory committee as needed.

4 (3) The management board shall participate in the development of  
5 the program established under section 2 of this act.

6 (4) The management board and participating local and tribal  
7 governments shall assess concepts for a regional governance structure  
8 and shall submit a report regarding the findings and recommendations to  
9 the appropriate committees of the legislature.

10 (5) Any of the participating counties and tribes or state agencies  
11 may continue individual efforts and activities for rehabilitation of  
12 Hood Canal. Nothing in this section limits the authority of units of  
13 local government to enter into interlocal agreements under chapter  
14 39.34 RCW or any other provision of law.

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

18 (7) The management board shall prioritize as appropriate and  
19 approve projects, studies, and activities related to addressing and  
20 resolving the low-dissolved oxygen concentrations in Hood Canal,  
21 including the funding of those projects and programs, and coordinate  
22 local government efforts with respect to the program established  
23 according to section 2 of this act. The management board shall  
24 establish criteria for funding projects, studies, and activities based  
25 upon their likely value in addressing and resolving Hood Canal's low-  
26 dissolved oxygen concentrations.

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

32 (9) The management board shall report its progress on a quarterly  
33 basis to the legislative bodies of the participating counties and  
34 tribes and the participating state agencies. The management board also  
35 shall submit an annual report describing its efforts and successes in  
36 implementing the program established according to section 2 of this act  
37 to the appropriate committees of the legislature.

1        NEW SECTION.   **Sec. 4.**   Sections 2 and 3 of this act are each added  
2 to chapter 90.-- RCW (the new chapter created in House Bill No. ....  
3 (H-1766.2/05)).

4        NEW SECTION.   **Sec. 5.**   This act is necessary for the immediate  
5 preservation of the public peace, health, or safety, or support of the  
6 state government and its existing public institutions, and takes effect  
7 immediately.

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