

SHB 2097 - H AMD 228

By Representative Eickmeyer

ADOPTED 03/11/2005

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 take  
4 additional action to address and resolve Hood Canal's low-dissolved  
5 oxygen concentrations. The legislature also finds a need exists to  
6 designate the state and local entities to develop, coordinate, and  
7 administer a 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 NEW SECTION. **Sec. 3.** (1) The Hood Canal coordinating council  
17 shall serve as the local management board for aquatic rehabilitation  
18 zone one. The local management board shall coordinate local government  
19 efforts with respect to the program authorized according to section 2  
20 of this act. In the Hood Canal area, the Hood Canal coordinating  
21 council also shall:

22 (a) Serve as the lead entity and the regional recovery organization  
23 for the purposes of chapter 77.85 RCW for Hood Canal summer chum and  
24 other salmon as agreed to by the governor's salmon recovery office; and

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

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

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

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

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

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

18 (7) The local management board and the Puget Sound action team may  
19 receive and disburse funding for projects, studies, and activities  
20 related to Hood Canal's low-dissolved oxygen concentrations. The Puget  
21 Sound action team and the local management board shall jointly  
22 coordinate a process to determine the prioritization, approval, and  
23 funding of projects, studies, and activities for which the Puget Sound  
24 action team receives state funding specifically allocated for Hood  
25 Canal corrective actions to implement this section. The local  
26 management board and the Puget Sound action team shall establish  
27 criteria for funding these projects, studies, and activities based upon  
28 their likely value in addressing and resolving Hood Canal's low-  
29 dissolved oxygen concentrations. Nothing in this section prohibits any  
30 federal, tribal, state, or local agencies, universities, or nonprofit  
31 organizations from receiving funding for specific projects that may  
32 assist in the rehabilitation of Hood Canal.

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

1 (9) The local management board shall report its progress on a  
2 quarterly basis to the legislative bodies of the participating counties  
3 and tribes and the participating state agencies. The local management  
4 board also shall submit an annual report describing its efforts and  
5 successes in implementing the program established according to section  
6 2 of this act to the appropriate committees of the legislature.

7 NEW SECTION. **Sec. 4.** Sections 2 and 3 of this act are each added  
8 to chapter 90.-- RCW (the new chapter created in Substitute House Bill  
9 No. 2081).

10 NEW SECTION. **Sec. 5.** This act is necessary for the immediate  
11 preservation of the public peace, health, or safety, or support of the  
12 state government and its existing public institutions, and takes effect  
13 immediately."

14 Correct the title.

EFFECT: Designates the Puget Sound Action Team (PSAT) as the state  
lead entity and the Hood Canal Coordinating Council (HCCC) as the local  
management board for purposes of the Hood Canal rehabilitation program  
provisions. Changes program establishment provisions to program  
development provisions. Provides for coordination between PSAT and  
HCCC regarding program development and funding receipt and  
disbursement. References federal and tribal agencies, universities,  
and nonprofit organizations in provisions regarding individual  
rehabilitation efforts and funding eligibility. Clarifies language  
regarding the HCCC's role in salmon recovery. Includes substantive,  
findings, and intent revisions to implement these changes.

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