

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2097**

Chapter 479, Laws of 2005

59th Legislature  
2005 Regular Session

HOOD CANAL REHABILITATION

EFFECTIVE DATE: 5/16/05

Passed by the House April 20, 2005  
Yeas 94 Nays 2

FRANK CHOPP

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**Speaker of the House of Representatives**

Passed by the Senate April 11, 2005  
Yeas 35 Nays 13

BRAD OWEN

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**President of the Senate**

Approved May 16, 2005.

CHRISTINE GREGOIRE

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**Governor of the State of Washington**

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2097** as passed by the House of Representatives and the Senate on the dates hereon set forth.

RICHARD NAFZIGER

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**Chief Clerk**

FILED

May 16, 2005 - 10:42 a.m.

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 2097**

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AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

**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 new  
3 sections; 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  
6 recognizes that federal, state, tribal, and local governments and other  
7 organizations and entities are coordinating research, monitoring, and  
8 modeling efforts through the Hood Canal low-dissolved oxygen program.  
9 The legislature also recognizes that these entities and others are  
10 continuing individual efforts to study and identify potential solutions  
11 for Hood Canal's low-dissolved oxygen concentrations. The legislature  
12 also recognizes numerous public, private, and community organizations  
13 are working to provide public education regarding Hood Canal's low-  
14 dissolved oxygen concentrations. The legislature recognizes and  
15 encourages the continuation of these efforts.

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

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

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

26 (3) The Hood Canal coordinating council is designated as the local  
27 management board for the rehabilitation program authorized in this  
28 section.

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

32 NEW SECTION. **Sec. 3.** (1) The Hood Canal coordinating council  
33 shall serve as the local management board for aquatic rehabilitation  
34 zone one. The local management board shall coordinate local government  
35 efforts with respect to the program authorized according to section 2

1 of this act. In the Hood Canal area, the Hood Canal coordinating  
2 council also shall:

3 (a) Serve as the lead entity and the regional recovery organization  
4 for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and

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

6 (2) When developing and implementing the program authorized in  
7 section 2 of this act and when establishing funding criteria according  
8 to subsection (7) of this section, the Puget Sound action team and the  
9 local management board shall solicit participation by federal, tribal,  
10 state, and local agencies and universities and nonprofit organizations  
11 with expertise in areas related to program activities. The local  
12 management board may include state and federal agency representatives,  
13 or additional persons, as nonvoting management board members or may  
14 receive technical assistance and advice from them in other venues. The  
15 local management board also may appoint technical advisory committees  
16 as needed.

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

20 (4) The local management board and its participating local and  
21 tribal governments shall assess concepts for a regional governance  
22 structure and shall submit a report regarding the findings and  
23 recommendations to the appropriate committees of the legislature by  
24 December 1, 2007.

25 (5) Any of the local management board's participating counties and  
26 tribes, any federal, tribal, state, or local agencies, or any  
27 universities or nonprofit organizations may continue individual efforts  
28 and activities for rehabilitation of Hood Canal. Nothing in this  
29 section limits the authority of units of local government to enter into  
30 interlocal agreements under chapter 39.34 RCW or any other provision of  
31 law.

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

35 (7) The local management board and the Puget Sound action team each  
36 may receive and disburse funding for projects, studies, and activities  
37 related to Hood Canal's low-dissolved oxygen concentrations. The Puget  
38 Sound action team and the local management board shall jointly

1 coordinate a process to prioritize projects, studies, and activities  
2 for which the Puget Sound action team receives state funding  
3 specifically allocated for Hood Canal corrective actions to implement  
4 this section. The local management board and the Puget Sound action  
5 team shall establish criteria for funding these projects, studies, and  
6 activities based upon their likely value in addressing and resolving  
7 Hood Canal's low-dissolved oxygen concentrations. Final approval for  
8 projects under this section requires the consent of both the Puget  
9 Sound action team and the local management board. Projects under this  
10 section must be comanaged by the Puget Sound action team and the local  
11 management board. Nothing in this section prohibits any federal,  
12 tribal, state, or local agencies, universities, or nonprofit  
13 organizations from receiving funding for specific projects that may  
14 assist in the rehabilitation of Hood Canal.

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

20 (9) The local management board shall report its progress on a  
21 quarterly basis to the legislative bodies of the participating counties  
22 and tribes and the participating state agencies. The local management  
23 board also shall submit an annual report describing its efforts and  
24 successes in implementing the program established according to section  
25 2 of this act to the appropriate committees of the legislature.

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

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

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

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

4        NEW SECTION.    **Sec. 8.**    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.

      Passed by the House April 20, 2005.

      Passed by the Senate April 11, 2005.

      Approved by the Governor May 16, 2005.

      Filed in Office of Secretary of State May 16, 2005.