
HOUSE BILL 2097

State of Washington 59th Legislature 2005 Regular Session

By Representatives Eickmeyer, Upthegrove, Hunt, B. Sullivan, Chase, Ericks, McCoy, Hunter, Pettigrew and Appleton

Read first time 02/17/2005. Referred to Committee on Select Committee on Hood Canal.

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.

28 (2) The management board members shall consist of:

29 (a) One county commissioner from each of the three participating
30 counties specified in section 2 of this act, selected by each county
31 legislative authority;

32 (b) One tribal councilmember from the Skokomish Tribe, appointed by
33 the tribe, if the tribe agrees to participate; and

34 (c) One tribal councilmember from the Port Gamble S'Kallam Tribe,
35 appointed by the tribe, if the tribe agrees to participate.

36 (3) The management board may be established:

1 (a) Through an existing entity that meets the requirements of
2 section 2 of this act and this section, including but not limited to a
3 watershed-based council of governments established under chapter 39.34
4 RCW or a nonprofit public benefit corporation established under chapter
5 24.03 RCW; or

6 (b) As a new entity created by the participating county and tribal
7 governments.

8 (4) The management board shall solicit participation by state and
9 federal agencies with expertise in areas related to program activities.
10 The management board may include state and federal agency
11 representatives as nonvoting management board members or may appoint
12 them to a technical advisory committee. The management board also may
13 appoint additional persons to a technical advisory committee as needed.

14 (5) The chair of the management board shall be selected by the
15 management board's voting members.

16 (6) Vacancies on the management board shall be filled in the same
17 manner as the original appointments were selected.

18 (7) The management board shall participate in the development of
19 the program established under section 2 of this act.

20 (8) Any of the participating counties and tribes or state agencies
21 may continue individual efforts and activities for rehabilitation of
22 Hood Canal. Nothing in this section limits the authority of units of
23 local government to enter into interlocal agreements under chapter
24 39.34 RCW or any other provision of law.

25 (9) The management board may not exercise authority over land or
26 water within the individual counties or otherwise preempt the authority
27 of any units of local government.

28 (10) The management board shall prioritize as appropriate and
29 approve projects, studies, and activities related to addressing and
30 resolving the low-dissolved oxygen concentrations in Hood Canal,
31 including the funding of those projects and programs, and coordinate
32 local government efforts with respect to the program established
33 according to section 2 of this act. The management board shall
34 establish criteria for funding projects, studies, and activities based
35 upon their likely value in addressing and resolving Hood Canal's low-
36 dissolved oxygen concentrations.

37 (11) The management board may hire and fire staff, including an
38 executive director, enter into contracts, accept grants and other

1 moneys, disburse funds, make recommendations to local governments about
2 potential regulations and the development of programs and incentives
3 upon request, pay all necessary expenses, and choose a fiduciary agent.

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

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

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

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