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**SENATE BILL 6166**

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**State of Washington                      54th Legislature                      1996 Regular Session**

**By Senators Fraser, Swecker, Fairley and Winsley**

Read first time 01/08/96. Referred to Committee on Ecology & Parks.

1            AN ACT Relating to protection of Puget Sound; amending RCW  
2 90.70.001, 90.70.005, 90.70.011, 90.70.025, and 90.70.055; adding a new  
3 section to chapter 90.70 RCW; creating a new section; repealing RCW  
4 90.70.035, 90.70.045, 90.70.060, 90.70.065, 90.70.090, 90.70.100,  
5 90.70.902, 43.131.369, and 43.131.370; and providing an effective date.

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

7            NEW SECTION.    **Sec. 1.**    The legislature finds that since its  
8 creation in 1985, the Puget Sound water quality authority has been  
9 largely successful in adopting a comprehensive management plan for the  
10 restoration and long-term protection of Puget Sound, which is the  
11 principal guiding document for the coordination and strengthening of  
12 programs by local governments, the private sector, and federal and  
13 state agencies. The authority has continually revised the plan to  
14 reflect new information regarding the water quality and other  
15 environmental conditions of Puget Sound, and to respond to changing  
16 state and federal funding and programmatic requirements. The  
17 legislature finds that increased emphasis should now be placed upon  
18 implementing the plan, upon assisting those primarily responsible for  
19 implementing the plan, upon the long-term monitoring of Puget Sound's

1 environmental conditions, and upon measuring progress in the overall  
2 implementation of the management plan.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 90.70 RCW  
4 to read as follows:

5 In recognition of the principal function of the Puget Sound water  
6 quality authority to provide technical assistance and coordination of  
7 efforts to protect Puget Sound through the implementation of the  
8 comprehensive management plan as provided in chapter . . . , Laws of  
9 1996 (this act), as of the effective date of this section, the  
10 authority shall be renamed the Puget Sound coordinating council. All  
11 references to the Puget Sound water quality authority in the Revised  
12 Code of Washington shall mean the Puget Sound coordinating council.

13 **Sec. 3.** RCW 90.70.001 and 1985 c 451 s 1 are each amended to read  
14 as follows:

15 The legislature finds that Puget Sound and related inland marine  
16 waterways of Washington state represent a unique and unparalleled  
17 resource. A rich and varied range of marine organisms, composing an  
18 interdependent, sensitive communal ecosystem reside in these sheltered  
19 waters. The legislature finds that Puget Sound is a gift of nature,  
20 central to the quality of life of all Washington citizens.

21 Residents of this region enjoy a way of life centered around the  
22 waters of Puget Sound, featuring accessible recreational opportunities,  
23 world-class port facilities and water transportation systems, harvest  
24 of marine food resources, shoreline-oriented life styles, water-  
25 dependent industries, tourism, irreplaceable aesthetics and other  
26 activities, all of which to some degree depend upon a clean and healthy  
27 marine resource.

28 ~~((The legislature further finds that the consequences of careless  
29 husbanding of this resource have been dramatically illustrated in  
30 inland waterways associated with older and more extensively developed  
31 areas of the nation. Recent reports concerning degradation of water  
32 quality within this region's urban embayments raise alarming  
33 possibilities of similar despoliation of Puget Sound and other state  
34 waterways. These examples emphasize that the costs of restoration of  
35 aquatic resources, where such restoration is possible, greatly exceed  
36 the costs of responsible preservation.~~

1       ~~The legislature declares that utilization of the Puget Sound~~  
2 ~~resource carries a custodial obligation for preserving it. The people~~  
3 ~~of the state have the unique opportunity to preserve this gift of~~  
4 ~~nature, an understanding of the results of inattentive stewardship, the~~  
5 ~~technical knowledge needed for control of degradation, and the~~  
6 ~~obligation to undertake such control.)~~)

7       The legislature further finds that the large number of governmental  
8 entities that now affect the ((~~water quality~~)) health of Puget Sound  
9 have diverse interests and limited jurisdictions which cannot  
10 adequately address the cumulative, wide-ranging impacts which  
11 contribute to the degradation of Puget Sound. ((~~It is therefore the~~  
12 ~~policy of the state of Washington to create a single entity with~~  
13 ~~adequate resources to develop a comprehensive plan for water quality~~  
14 ~~protection in Puget Sound to be implemented by existing state and local~~  
15 ~~government agencies.~~))

16       These entities can benefit by better coordination among themselves  
17 with state agencies and citizen organizations, and efficiencies of  
18 effort can be obtained from such coordination. Further, the  
19 legislature finds that positive incentives and technical assistance can  
20 foster a cooperative spirit that will lead to better protection of  
21 Puget Sound.

22       It is therefore the policy of the state of Washington that  
23 protection of Puget Sound, including continued economic and  
24 recreational uses, can be best achieved by establishing an entity to  
25 coordinate the development of a comprehensive Puget Sound water quality  
26 management plan, to revise it periodically, and to focus its efforts on  
27 helping other state and federal agencies, local and tribal governments,  
28 businesses, and citizen organizations to implement the plan. The  
29 legislature declares that this entity, in its planning activity, shall  
30 foster coordinated research and education efforts, identify  
31 efficiencies and positive incentives that promote implementation of the  
32 plan, and provide technical assistance to state and federal agencies,  
33 local and tribal governments, and citizen organizations in their  
34 activities to implement the plan.

35       **Sec. 4.** RCW 90.70.005 and 1985 c 451 s 2 are each amended to read  
36 as follows:

37       Unless the context clearly requires otherwise, the definitions in  
38 this section apply throughout this chapter:

1 (1) (~~("Authority")~~) "Council" means the Puget Sound (~~((water quality~~  
2 ~~authority))~~) coordinating council.

3 (2) "Chair" means the presiding officer of the Puget Sound (~~((water~~  
4 ~~quality authority))~~) coordinating council.

5 (3) "Plan" means the Puget Sound water quality management plan.

6 (4) "Puget Sound" means all salt waters of the state of Washington  
7 inside the international boundary line between the state of Washington  
8 and the province of British Columbia, lying east of one hundred twenty-  
9 three degrees, twenty-four minutes west longitude.

10 **Sec. 5.** RCW 90.70.011 and 1990 c 115 s 2 are each amended to read  
11 as follows:

12 (1) There is established the Puget Sound (~~((water quality~~  
13 ~~authority))~~) coordinating council composed of eleven members. Nine  
14 members shall be appointed by the governor and confirmed by the senate.  
15 In addition, the commissioner of public lands or the commissioner's  
16 designee and the director of ecology or the director's designee shall  
17 serve as ex officio members. Three of the members shall include a  
18 representative from the counties, a representative from the cities, and  
19 a tribal representative. The (~~((director of ecology shall be chair of~~  
20 ~~the authority))~~) council shall select a chair, who shall perform such  
21 duties and perform them for such period as the council determines. In  
22 making these appointments, the governor shall seek to include  
23 representation of the variety of interested parties concerned about  
24 Puget Sound water quality, including representation from the business  
25 and environmental communities. Appointments to the authority shall  
26 also reflect geographical balance and the diversity of population  
27 within the Puget Sound basin. (~~((Of the appointed members, at least one~~  
28 ~~shall be selected from each of the six congressional districts~~  
29 ~~surrounding Puget Sound.))~~) Members shall serve four-year terms. Of  
30 the initial members appointed to the authority, two shall serve for two  
31 years, two shall serve for three years, and two shall serve for four  
32 years. Thereafter members shall be appointed to four-year terms.  
33 Members representing cities, counties, and the tribes shall also serve  
34 four-year staggered terms, as determined by the governor. Vacancies  
35 shall be filled by appointment for the remainder of the unexpired term  
36 of the position being vacated. (~~((The executive director of the~~  
37 ~~authority shall be selected by the governor and shall serve at the~~

1 ~~pleasure of the governor. The executive director shall not be a member~~  
2 ~~of the authority.~~

3 ~~(2))~~ Members shall be compensated as provided in RCW 43.03.250.  
4 Members shall be reimbursed for travel expenses as provided in RCW  
5 43.03.050 and 43.03.060.

6 (2) The executive director of the council shall be selected by the  
7 governor and shall serve at the pleasure of the governor. The  
8 executive director shall not be a member of the council.

9 (3) The executive director of the ((authority)) council shall be a  
10 full-time employee responsible for the administration of all functions  
11 of the ((authority)) council, including hiring and terminating staff,  
12 budget preparation, contracting, coordinating with the governor, the  
13 legislature, and other state and local entities, and the delegation of  
14 responsibilities as deemed appropriate. The salary of the executive  
15 director shall be fixed by the governor, subject to RCW 43.03.040.

16 ~~(4) ((The authority shall prepare a budget and a work plan.~~  
17 ~~(5))~~ Not more than four employees of the ((authority)) council may  
18 be exempt from the provisions of chapter 41.06 RCW.

19 ~~((6))~~ (5) The executive director and staff of the ((authority))  
20 council shall be located in the Olympia area, as space becomes  
21 available. The department of general administration shall house the  
22 ((authority)) council within the department of ecology.

23 **Sec. 6.** RCW 90.70.025 and 1985 c 451 s 5 are each amended to read  
24 as follows:

25 In order to carry out its responsibilities under this chapter, the  
26 ((authority)) council may:

27 ~~(1) ((Develop interim proposals and recommendations, before the~~  
28 ~~plan is adopted, concerning the elements identified in RCW 90.70.060;~~  
29 ~~(2))~~ Enter into, amend, and terminate contracts with individuals,  
30 corporations, or research institutions for the purposes of this  
31 chapter;

32 ~~((3))~~ (2) Receive such gifts, grants, and endowments, in trust or  
33 otherwise, for the use and benefit of the purposes of the ((authority))  
34 council. The ((authority)) council may expend the same or any income  
35 therefrom according to the terms of the gifts, grants, or endowments;

36 ~~((4))~~ (3) Conduct studies and research relating to Puget Sound  
37 water quality;

1       ~~((5))~~ (4) Obtain information relating to Puget Sound from other  
2 state and local agencies;  
3       ~~((6))~~ (5) Conduct appropriate public hearings, solicit extensive  
4 public participation, and otherwise seek to broadly disseminate  
5 information concerning Puget Sound;  
6       ~~((7))~~ (6) Receive and expend funding from other public agencies;  
7       (7) Establish priorities for funding the implementation of the  
8 plan; and  
9       (8) ~~((Prepare a biennial budget request for consideration by the~~  
10 ~~governor and the legislature; and~~  
11 ~~(9))~~ Adopt rules under chapter 34.05 RCW as it deems necessary for  
12 the purposes of this chapter.

13       **Sec. 7.** RCW 90.70.055 and 1990 c 115 s 4 are each amended to read  
14 as follows:

15       The ~~((authority))~~ council shall:

16       (1) ~~((Prepare and adopt a))~~ Serve the needs of state, local, and  
17 tribal governments and agencies in implementing the plan in a  
18 coordinated and timely manner by:

19       (a) Providing technical assistance to state, local, and tribal  
20 governments and agencies in the design, funding, and implementation of  
21 water quality programs and projects;

22       (b) Assisting state, local, and tribal governments and agencies to  
23 implement the plan in ways that are consistent with other planning,  
24 regulatory, and capital facility requirements;

25       (c) Encouraging and assisting in the development of local  
26 comprehensive strategies for water quality and watershed protection  
27 that are consistent with the goals of the plan;

28       (d) Seeking incentives for the development of local comprehensive  
29 water quality and watershed protection strategies that support the plan  
30 by advocating for federal and state financial assistance and for  
31 flexibility in federal and state regulatory requirements to allow  
32 implementation of local strategies; and

33       (e) Providing dispute resolution and mediation services between  
34 public agencies and between public and private entities to achieve  
35 coordinated implementation of the plan;

36       (2) Revise on an ongoing basis the comprehensive Puget Sound water  
37 quality management plan(~~(, as defined in RCW 90.70.060))~~ adopted under  
38 the authority of this chapter. In preparing the plan and any

1 substantial revisions to the plan, the ((authority)) council shall  
2 consult with its advisory ((committee—~~or~~)) committees ((and));  
3 appropriate federal, state, and local agencies((~~.—The authority shall~~  
4 ~~also solicit extensive participation by the public by whatever means it~~  
5 ~~finds appropriate, including public hearings throughout communities~~  
6 ~~bordering or near Puget Sound, dissemination of information through the~~  
7 ~~news media, public notices, and mailing lists, and the organization of~~  
8 ~~workshops, conferences, and seminars~~)); tribal governments; and private  
9 interests;

10 ((~~(2) During the plan's initial development and any subsequent~~  
11 ~~revisions, submit annual progress reports on plan revisions and~~  
12 ~~implementation to the governor and the legislature.~~))

13 (3) ((~~Submit the plan to the governor and the legislature no later~~  
14 ~~than January 1, 1987. The authority shall~~)) Review the plan at least  
15 every ((four)) six years and revise the plan, as deemed appropriate((~~7~~  
16 and shall submit the plan by July 1, 1994)). A revised plan shall be  
17 submitted to the governor and the legislature by July 1, 2000, and  
18 every ((four)) six years thereafter;

19 (4) Prepare a biennial "state of the Sound" report and submit such  
20 report to the governor, the legislature, and the state agencies and  
21 local governments identified in the plan. Copies of the report shall  
22 be made available to the public. The report shall describe the current  
23 condition of water quality and related resources in Puget Sound and  
24 ((~~shall~~)) include an assessment of the extent to which implementation  
25 of the plan has occurred and resulted in progress toward improving and  
26 protecting water quality in Puget Sound. The assessment shall be based  
27 upon an evaluation of performance measures required by subsection (6)  
28 of this section. The report may also include, but not be limited to:

29 (a) The status and condition of the resources of Puget Sound,  
30 including the results of ecological monitoring, including an assessment  
31 of the economic value of Puget Sound;

32 (b) Current and foreseeable trends in water quality of Puget Sound  
33 and the management of its resources;

34 (c) Review of significant public and private activities affecting  
35 Puget Sound and an assessment of whether such activities are consistent  
36 with the plan; and

37 (d) Recommendations to the governor, the legislature, and  
38 appropriate state and local agencies for actions needed to remedy any  
39 deficiencies in current policies, plans, programs, or activities

1 relating to the water quality of Puget Sound, and recommendations  
2 concerning changes necessary to protect and improve Puget Sound water  
3 quality; (~~and~~)

4 (5) Review the (~~Puget Sound related budgets and regulatory and~~  
5 ~~enforcement activities~~) status of plan implementation efforts of state  
6 agencies with responsibilities for water quality and related resources  
7 in Puget Sound;

8 (6) In consultation with state agencies, local and tribal  
9 governments, and other public and private interests, develop and track  
10 quantifiable performance measures that can be used by the governor and  
11 the legislature to assess the effectiveness over time of programs and  
12 actions initiated under the plan to improve and protect Puget Sound  
13 water quality and biological resources. The performance measures shall  
14 be developed by June 30, 1997. State agencies shall assist the council  
15 in the development and tracking of these performance measures. The  
16 performance measures may be limited to a selected geographic area;

17 (7) Appoint ad hoc advisory committees and solicit public  
18 participation as necessary to facilitate plan revision, plan  
19 implementation, coordination of the ambient monitoring program, and the  
20 conduct of other duties under this chapter;

21 (8) Ensure implementation and coordination of the Puget Sound  
22 ambient monitoring program, which includes:

23 (a) Developing a baseline and examining differences among areas of  
24 Puget Sound for environmental conditions, natural resources, and  
25 contaminants in sediments and marine life, against which future changes  
26 can be measured;

27 (b) Taking measurements relating to specific program elements  
28 identified in the plan;

29 (c) Measuring the progress of the ambient monitoring programs  
30 implemented under the plan;

31 (d) Providing a permanent record of significant natural and human-  
32 caused changes in key environmental indicators in Puget Sound;

33 (e) Supporting research on Puget Sound; and

34 (f) Participation of each agency with responsibilities for  
35 implementing the program, as specified in the plan;

36 (9) Provide, promote, coordinate, and publish research on Puget  
37 Sound water quality issues;

1 (10) Provide and promote education and involvement of the public on  
2 the preservation and protection of water quality and marine habitat in  
3 Puget Sound;

4 (11) Prepare a strategy for implementing the plan that includes,  
5 but is not limited to:

6 (a) Setting priorities for implementation of plan elements to  
7 facilitate executive and legislative decision making;

8 (b) Assessing the capabilities and constraints, both internal and  
9 external to state and local government, that may affect plan  
10 implementation;

11 (c) Analyzing the strategic options in light of the resources  
12 available to the state. In developing this strategy, the council shall  
13 consult and coordinate with other related environmental planning  
14 efforts; and

15 (12) To reduce costs and improve efficiency, review by December 1,  
16 1996, all requirements for reports and documentation from state  
17 agencies and local governments specified in the plan and in this  
18 chapter. Based on this review, the council shall, if appropriate,  
19 eliminate and consolidate reports, modify reporting schedules to  
20 correspond to publication of the state of the Sound report, and modify  
21 reporting requirements to support evaluation of performance measures  
22 required by subsection (6) of this section.

23 NEW SECTION. Sec. 8. The following acts or parts of acts are each  
24 repealed:

25 (1) RCW 90.70.035 and 1985 c 451 s 6;

26 (2) RCW 90.70.045 and 1994 c 264 s 97, 1990 c 115 s 3, 1988 c 36 s  
27 72, & 1985 c 451 s 7;

28 (3) RCW 90.70.060 and 1990 c 115 s 5, 1989 c 11 s 31, & 1985 c 451  
29 s 8;

30 (4) RCW 90.70.065 and 1995 c 269 s 3501, 1994 c 264 s 98, & 1990 c  
31 115 s 9;

32 (5) RCW 90.70.090 and 1990 c 115 s 8;

33 (6) RCW 90.70.100 and 1991 c 200 s 502;

34 (7) RCW 90.70.902 and 1990 c 115 s 13;

35 (8) RCW 43.131.369 and 1990 c 115 s 11; and

36 (9) RCW 43.131.370 and 1990 c 115 s 12.

1        NEW SECTION.    **Sec. 9.**    This act shall take effect June 30, 1996.

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