

SSB 5895 - H COMM AMD

By Committee on Natural Resources, Ecology & Parks

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature intends to improve the
4 overall efforts to conserve and recover Puget Sound by enhancing
5 coordination and integration of the planning, budgeting, and program
6 activities of entities with responsibilities under the Puget Sound
7 recovery management plan. The goals of this act are to:

8 (a) Foster and improve overall coordination and implementation of
9 Puget Sound conservation and recovery efforts among all levels of
10 government and the private sector, in part through developing and
11 implementing the Puget Sound recovery management plan and biennial work
12 plans;

13 (b) Improve the coordination among federal, state, local, and
14 tribal agencies and initiatives in order to better set priorities,
15 adopt and implement work plans for protecting and restoring Puget
16 Sound, and improve allocation of resources for these purposes;

17 (c) Adopt performance measures and improve accountability for
18 results and expenditures in plan implementation;

19 (d) Prepare a budget that is scaled to appropriate timelines for
20 achieving Puget Sound conservation, recovery, and prevention of further
21 degradation, and ensure that this budget is considered when adopting
22 state biennial budgets;

23 (e) Revitalize a Sound-wide planning and implementation framework
24 that integrates state agency activities with other Puget Sound
25 protection and restoration activities;

26 (f) Increase citizen involvement and oversight; and

27 (g) Increase representation of nonstate agency interests and
28 organized Puget Sound restoration programs on the Puget Sound council.

29 (2) The legislature also finds that the counties, cities, and
30 special purpose units of local government have major responsibilities

1 regarding the management, protection, and cleanup of surface waters
2 draining to Puget Sound, and other land use planning, habitat
3 protection, infrastructure, and public health and safety
4 responsibilities that form the foundation for the comprehensive and
5 coordinated strategy set forth in the 2000 Puget Sound water quality
6 management plan. The Puget Sound water quality action team is
7 presently composed of ten state agency representatives and only two
8 local government representatives, and does not adequately reflect the
9 major responsibilities for water quality and habitat protection carried
10 out by local governments. Therefore it is the purpose of this act to
11 strengthen the local government membership on the Puget Sound water
12 quality action team, renamed the Puget Sound recovery partnership, and
13 to improve the partnership with local governments carrying out elements
14 of the Puget Sound plan.

15 **Sec. 2.** RCW 90.71.005 and 1998 c 246 s 13 are each amended to read
16 as follows:

17 (1) The legislature finds that:

18 (a) Puget Sound and related inland marine waterways of Washington
19 state represent a unique and unparalleled resource. A rich and varied
20 range of marine organisms, comprising an interdependent, sensitive
21 communal ecosystem reside in these sheltered waters. Residents of this
22 region enjoy a way of life centered around the waters of Puget Sound,
23 featuring accessible recreational opportunities, world-class port
24 facilities and water transportation systems, harvest of marine food
25 resources, shoreline-oriented life styles, water-dependent industries,
26 tourism, irreplaceable aesthetics, and other activities, all of which
27 to some degree depend upon a clean and healthy marine resource;

28 (b) The Puget Sound (~~(water quality authority)~~) action team has
29 done an excellent job in developing a comprehensive plan to identify
30 actions to restore and protect the biological health and diversity of
31 Puget Sound;

32 (c) While much excellent work has been done around the Puget Sound
33 to protect and restore its resources, the scale of the efforts is not
34 yet commensurate with the scale of the challenges, and heightened and
35 improved efforts are needed if the long-term viability of Puget Sound
36 is to be ensured;

1 (d) The large number of federal, state, and local governmental
2 entities that ~~((now))~~ have management, infrastructure, and regulatory
3 programs and initiatives affecting the water quality of Puget Sound and
4 its habitats have diverse interests and limited jurisdictions that
5 ~~((cannot adequately))~~ require coordination to address the cumulative,
6 wide-ranging impacts that contribute to the degradation of Puget Sound;
7 and

8 ~~((d))~~ (e) Coordination of ((the regulatory)) these programs and
9 initiatives, at the state, federal, and local levels, is best
10 accomplished through the development of an interagency mechanism~~((s))~~,
11 including representatives of local governments within the Puget Sound
12 basin, that allow these entities to transcend their diverse interests
13 and limited jurisdictions.

14 (2)(a) It is therefore the policy of the state of Washington to
15 coordinate the activities of state, federal, and local agencies by
16 establishing a partnership for Puget Sound with the following goals:
17 To protect and restore Puget Sound's water quality; to protect and
18 restore habitat for all native species in Puget Sound; and to protect
19 the biological resources of Puget Sound and recover species at risk.
20 The partnership shall develop and update as necessary the Puget Sound
21 recovery management plan, a comprehensive and inclusive plan for Puget
22 Sound that describes the problems and priority areas for action and
23 describes the roles and responsibilities of the various federal, state,
24 and local agencies in undertaking the necessary actions as provided in
25 section 4 of this act.

26 (b) To implement the plan, the partnership shall develop and
27 implement a biennial work plan that clearly delineates state and
28 ~~((local))~~ other actions at the level of effort necessary to protect and
29 restore the biological health and diversity of Puget Sound. It is
30 further the policy of the state to implement that work plan and the
31 Puget Sound ~~((water quality))~~ recovery management plan to the maximum
32 extent possible. To further the policy of the state, ~~((a recovery))~~
33 applicable sections of any water quality cleanup plan, fish or wildlife
34 recovery plan, or other watershed health plan or plans developed under
35 ~~((the))~~ federal ~~((endangered species act)),~~ state, or local authority
36 for a portion or all of the Puget Sound ~~((shall))~~ may be considered for
37 inclusion into the Puget Sound ~~((water quality))~~ recovery management

1 plan. Nothing in this section alters, affects, or replaces the
2 approval and oversight processes related to the other plans considered
3 for inclusion in the Puget Sound recovery management plan.

4 **Sec. 3.** RCW 90.71.010 and 1996 c 138 s 2 are each amended to read
5 as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Action team" means the ~~((Puget Sound water quality action~~
9 ~~team))~~ staff to the partnership.

10 (2) "Chair" means the chair of the partnership, who also serves as
11 the executive director of the action team.

12 (3) "Council" means the Puget Sound council created in RCW
13 90.71.030.

14 (4) "Partnership" means the Puget Sound recovery partnership
15 described in RCW 90.71.020.

16 (5) "Plan" or "Puget Sound recovery management plan" means the
17 ((1994)) 2000 Puget Sound water quality management plan ((as it exists
18 June 30, 1996, and)) described in section 4 of this act, as
19 subsequently amended by the ((action team)) partnership.

20 ~~((5) "Support staff" means the staff to the action team.))~~

21 (6) "Puget Sound" means Puget Sound and related inland marine
22 waterways including all salt waters of the state of Washington inside
23 the international boundary line between Washington and British
24 Columbia, and lying east of the junction of the Pacific Ocean and the
25 Strait of Juan de Fuca.

26 (7) "Work plan" means the work plan and budget developed by the
27 action team and the partnership.

28 NEW SECTION. **Sec. 4.** A new section is added to chapter 90.71 RCW
29 to read as follows:

30 (1) The Puget Sound recovery management plan adopted by the
31 partnership shall be a comprehensive document that describes the
32 problems and priority areas for action to achieve the goals of the
33 maintenance and enhancement of Puget Sound water quality, protection
34 and restoration of habitat, and maintenance of Puget Sound's biological
35 resources. The plan shall provide a clear and compelling case
36 statement of the problems affecting Puget Sound's health and the

1 actions needed to conserve and recover Puget Sound. The plan shall
2 further describe the roles and responsibilities of the various federal,
3 state, and local agencies in undertaking the necessary actions. The
4 plan shall address all the waters of Puget Sound and related inland
5 marine waters, including portions of the Strait of Juan de Fuca and the
6 Strait of Georgia within the state, and, to the extent that they affect
7 water quality and habitat in Puget Sound, all waters flowing into Puget
8 Sound and related inland marine waters and adjacent lands. The
9 partnership may define specific geographic boundaries within which the
10 plan applies. The plan shall incorporate to the extent feasible
11 existing planning and research efforts and conservation and recovery
12 initiatives of state agencies and local government related to Puget
13 Sound, and shall seek to avoid duplication of existing efforts. The
14 plan shall:

15 (a) Be organized around the long-term goals for Puget Sound of
16 protecting and restoring Puget Sound's water quality; protecting and
17 restoring habitat for all native species in Puget Sound; and protecting
18 the biological resources of Puget Sound and recovering species at risk;

19 (b) Be organized by priority areas for attention and action;

20 (c) Provide detail on the strategies to be used to advance progress
21 in each priority area, set explicit objectives in each priority area,
22 and delineate clear and quantifiable measures of success;

23 (d) Include timelines for actions in conjunction with the Puget
24 Sound council as provided in subsection (2) of this section;

25 (e) Assign responsibilities for action in each of the priority
26 areas to federal, state, local, and tribal governments;

27 (f) Delineate a pathway to success in each priority area within a
28 fifteen-year time frame; and

29 (g) Include by reference applicable sections of related plans,
30 which shall be included by the partnership only as already approved by
31 the appropriate authorities. Referenced plans must be subject to
32 future changes as provided for by the appropriate authorities.

33 (2) The council shall work with the partnership to incorporate into
34 the Puget Sound recovery management plan overall timeline goals for
35 accomplishing all elements of the plan. Except for conditions that
36 involve an extraordinary degradation or complexity in restoration, the
37 goals shall establish a restoration timeline of not more than fifteen
38 years from the effective date of this section.

1 (3) The management plan developed pursuant to this section has no
2 regulatory authority and shall not be the basis of any regulatory
3 action by entities represented on the partnership.

4 **Sec. 5.** RCW 90.71.020 and 1998 c 246 s 14 are each amended to read
5 as follows:

6 (1)(a) The Puget Sound (~~(action team)~~) recovery partnership is
7 created. The (~~(action team)~~) partnership shall define, coordinate, and
8 implement the state's conservation and recovery agenda for Puget Sound.
9 The partnership shall consist of: The directors of the departments of
10 ecology; agriculture; natural resources; fish and wildlife; and
11 community, trade, and economic development; the (~~(secretaries)~~)
12 secretary of the department(~~(s)~~) of health (~~(and transportation; the~~
13 ~~director of the parks and recreation commission; the director of the~~
14 ~~interagency committee for outdoor recreation; the administrative~~
15 ~~officer of the conservation commission designated in RCW 89.08.050; one~~
16 ~~person)~~); the administrative officer of the conservation commission;
17 two people representing cities, appointed by the governor; one person
18 representing special purpose governments, appointed by the governor;
19 two people representing counties, appointed by the governor; (~~(one~~
20 ~~person)~~) two people representing federally recognized tribes, appointed
21 by the governor; and the (~~(chair)~~) executive director of the action
22 team, who shall also serve as the chair of the partnership.
23 Gubernatorial appointees shall serve two-year terms. In making the
24 appointments for city, county, and special purpose government
25 representatives, the governor is encouraged to select individuals with
26 experience in local government and expertise in the areas of water
27 quality, habitat, growth management, public health, and transportation,
28 as they relate to conditions and activities affecting the water quality
29 and habitat of Puget Sound.

30 (b) The following ad hoc, nonvoting members shall serve on the
31 partnership: The secretary of the department of transportation, the
32 director of the parks and recreation commission, the director of the
33 interagency committee for outdoor recreation, and the chair of the
34 Puget Sound council.

35 (c) The (~~(action team)~~) partnership shall also ((include)) invite
36 the following ex officio nonvoting members, among others as deemed
37 appropriate in the future: The regional director of the United States

1 environmental protection agency; the regional administrator of the
2 national marine fisheries service; ~~((and))~~ the regional supervisor of
3 the United States fish and wildlife service; the Seattle district
4 commander of the United States army corps of engineers; the regional
5 administrator of the United States geological survey; the executive
6 director of the northwest straits commission; the chair of the Puget
7 Sound shared strategy; and the executive director of the Hood Canal
8 coordinating council.

9 (d) The members representing nongovernmental organizations, tribes,
10 cities ~~((and))~~, counties, and special purpose governments shall each be
11 reimbursed for travel expenses as provided in RCW 43.03.050 and
12 43.03.060.

13 (2) The ~~((action team))~~ partnership shall:

14 (a) Periodically update and amend the Puget Sound recovery
15 management plan, in consultation with the council;

16 (b) Prepare a Puget Sound work plan and budget ~~((for inclusion in~~
17 the governor's biennial budget)), in consultation with the council;

18 ~~((b))~~ (c) Coordinate actions, programs, and initiatives across
19 and among the partner agencies to achieve the objectives of the plan;

20 (d) Coordinate monitoring and research programs ~~((as provided in~~
21 RCW 90.71.060));

22 ~~((e))~~ (e) Consult with local governments in implementing the
23 Puget Sound recovery management plan and biennial work plans, and
24 prioritize attention by the action team upon assisting local
25 governments in obtaining state and federal funding for carrying out
26 local government programs and in effectively coordinating local
27 government programs with those of neighboring local governments and
28 state and federal programs;

29 (f) Work ~~((under the direction of))~~ in cooperation with the
30 ~~((action team))~~ partnership chair ~~((as provided in RCW 90.71.040))~~;

31 ~~((d))~~ Coordinate permitting requirements as necessary to expedite
32 permit issuance for any local watershed plan developed pursuant to
33 rules adopted under this chapter;

34 (e)) (g) Identify and resolve any policy or rule conflicts that
35 may exist between one or more agencies represented ~~((on the action~~
36 team)) in the partnership;

37 ~~((f))~~ Periodically amend the Puget Sound management plan;

1 ~~(g) Enter into, amend, and terminate contracts with individuals,~~
2 ~~corporations, or research institutions for the purposes of this~~
3 ~~chapter;~~

4 ~~(h) Receive such gifts, grants, and endowments, in trust or~~
5 ~~otherwise, for the use and benefit of the purposes of the action team.~~
6 ~~The action team may expend the same or any income therefrom according~~
7 ~~to the terms of the gifts, grants, or endowments;~~

8 ~~(i))~~ (h) Appoint advisory committees as needed to manage efforts
9 on particular issues in Puget Sound and to obtain information regarding
10 conservation efforts around Puget Sound;

11 (i) Promote extensive public participation, and otherwise seek to
12 broadly disseminate information concerning Puget Sound;

13 (j) Receive and expend funding from other public agencies; and

14 ~~(k) ((To reduce costs and improve efficiency, review by December 1,~~
15 ~~1996, all requirements for reports and documentation from state~~
16 ~~agencies and local governments specified in the plan for the purpose of~~
17 ~~eliminating and consolidating reporting requirements; and~~

18 ~~(l) Beginning in December 1998, and every two years thereafter,))~~
19 Submit a biennial report to the appropriate policy ((and fiscal))
20 committees of the legislature that provides an update on the overall
21 health of Puget Sound and describes and evaluates the ((successes and
22 shortcomings of)) efforts and actions of the partnership in
23 implementing the current work plan ((relative to the priority problems
24 identified for each geographic area of Puget Sound)) and recommends
25 responsive actions needed to be taken by the legislature.

26 ~~(3) ((By July 1, 1996, the action team shall begin developing its~~
27 ~~initial work plan, which shall include the coordination of necessary~~
28 ~~support staff)) The partnership may appoint from among its members a~~
29 ~~team to manage the collaborative work of the partnership.~~

30 ~~(4) The ((action team)) partnership shall incorporate, to the~~
31 ~~maximum extent possible, the recommendations of the Puget Sound council~~
32 ~~regarding amendments to the Puget Sound management plan and the work~~
33 ~~plan.~~

34 ~~(5) All proceedings of the ((action team)) partnership are subject~~
35 ~~to the open public meetings act under chapter 42.30 RCW.~~

36 **Sec. 6.** RCW 90.71.030 and 1999 c 241 s 3 are each amended to read
37 as follows:

1 (1) There is established the Puget Sound council composed of
2 ~~((eleven))~~ thirteen members. ~~((Seven))~~ Nine members shall be appointed
3 by the governor. In making these appointments, the governor shall
4 include representation from business, the environmental community,
5 agriculture, the shellfish industry, counties, cities, conservation
6 districts, and the tribes. Two members shall be members of the senate
7 selected by the president of the senate with one member selected from
8 each caucus in the senate, and two members shall be members of the
9 house of representatives selected by the speaker of the house of
10 representatives with one member selected from each caucus in the house
11 of representatives. The legislative members shall be nonvoting members
12 of the council. The executive director of the action team shall be an
13 ex officio, nonvoting member. Appointments to the council shall
14 reflect geographical balance and the diversity of population within the
15 Puget Sound basin. Members shall serve four-year terms. ~~((Of the~~
16 ~~initial members appointed to the council, two shall serve for two~~
17 ~~years, two shall serve for three years, and two shall serve for four~~
18 ~~years. Thereafter members shall be appointed to four year terms.))~~
19 Vacancies shall be filled by appointment in the same manner as the
20 original appointment for the remainder of the unexpired term of the
21 position being vacated. Nonlegislative members shall be reimbursed for
22 travel expenses as provided in RCW 43.03.050 and 43.03.060.
23 Legislative members shall be reimbursed as provided in RCW 44.04.120.

24 (2) The council shall:

25 (a) Recommend to the ~~((action team))~~ partnership priorities,
26 projects, and activities for inclusion in the biennial work plan;

27 (b) Recommend to the ~~((action team))~~ partnership coordination of
28 work plan activities with other relevant activities, including but not
29 limited to, agencies' activities other than those funded through the
30 plan, ~~((local))~~ plan ~~((initiatives))~~ elements being implemented by
31 local governments, and governmental and nongovernmental watershed
32 restoration and protection activities; ~~((and))~~

33 (c) Recommend to the ~~((action team))~~ partnership proposed
34 amendments to the Puget Sound management plan; and

35 (d) Oversee the implementation of the elements of the work plan
36 that receive funding through legislative provisos of the biennial and
37 supplemental appropriations acts, monitor progress of the partnership

1 agencies in carrying out the work plan, and produce an annual report to
2 the legislature on progress.

3 ~~(3) ((The chair of the action team shall convene the council at~~
4 ~~least four times per year and shall jointly convene the council and the~~
5 ~~action team at least two times per year))~~ The executive director of the
6 action team shall provide staff support of at least one full-time
7 equivalent to the council to meet these requirements. The council
8 shall select a chair from among its voting members who will convene the
9 council at least four times a year. Two of these meetings shall be
10 planned in conjunction with the chair of the partnership and shall
11 coincide with meetings of the partnership. The chair of the council
12 shall serve a two-year term, renewable for one term if selected by the
13 council.

14 **Sec. 7.** RCW 90.71.040 and 1996 c 138 s 5 are each amended to read
15 as follows:

16 (1) ~~((By June 1, 1996,))~~ The governor shall appoint a person ((in
17 ~~the governor's office))~~ to chair the partnership and serve as the
18 executive director of the action team. The chair shall serve at the
19 pleasure of the governor.

20 (2) The chair shall be responsible for:

21 (a) ~~((Organizing))~~ Providing administrative support to the council,
22 and working with the chair of the council to organize the development
23 of the council recommendations;

24 (b) ~~((Organizing))~~ Administering all the work of the partnership
25 and the action team described in RCW 90.71.020, including the
26 development of the work plan required under RCW 90.71.050;

27 (c) Presenting a work plan and budget ~~((recommendations))~~ to the
28 governor and the legislature;

29 (d) Overseeing the implementation of the elements of the work plan
30 that receive funding ~~((through appropriations))~~ by the legislature;
31 ~~((and))~~

32 (e) ~~((Serving as chair of the council.))~~ Entering into, amending,
33 and terminating contracts and grants with individuals, corporations, or
34 research institutions for the purposes of this chapter; and

35 (f) Receiving such gifts, grants, and endowments, in trust or
36 otherwise, for the use and benefit of the purposes of this chapter, and

1 making expenditures, including any income therefrom, according to the
2 terms of the gifts, grants, or endowments.

3 (3) The chair of the (~~action team~~) partnership shall be a full-
4 time employee responsible for the administration of all functions of
5 the partnership, the action team, and the council(~~, including~~).
6 Responsibilities include hiring and terminating support staff, budget
7 preparation, contracting, managing grants, coordinating with the
8 governor, the legislature, and other state and local entities, and the
9 delegation of responsibilities as deemed appropriate. The salary of
10 the chair shall be fixed by the governor, subject to RCW 43.03.040.

11 **Sec. 8.** RCW 90.71.050 and 1998 c 246 s 15 are each amended to read
12 as follows:

13 (1)(a) Each biennium, the (~~action team~~) partnership shall prepare
14 a Puget Sound work plan and budget for inclusion in the governor's
15 biennial budget and for submission to the legislature. The work plan
16 shall (~~prescribe~~): (i) Describe the conservation and restoration
17 priorities in Puget Sound, and (ii) describe the necessary federal,
18 state, and local actions to maintain and enhance Puget Sound water
19 quality, (~~including but not limited to, enhancement of recreational~~
20 ~~opportunities, and restoration~~) protect and restore important habitat,
21 and ensure the viability of a balanced population of indigenous
22 shellfish, fish, and wildlife. The work plan (~~and budget~~) shall
23 include specific actions and projects pertaining to salmon recovery
24 plans.

25 (b) In developing a work plan, the (~~action team~~) partnership
26 shall meet the following objectives:

27 (i) Use the plan elements of the Puget Sound management plan to
28 prioritize (~~local and~~) state actions necessary to restore and protect
29 the biological health and diversity of Puget Sound;

30 (ii) (~~Consider the problems and priorities identified in local~~
31 ~~plans~~) Represent significant activities of the state agencies that
32 contribute to Puget Sound conservation and recovery; and

33 (iii) Coordinate the work plan activities with other relevant
34 activities, including but not limited to, agencies' activities that
35 have not been funded through the plan, local plans, and governmental
36 and nongovernmental watershed restoration activities.

37 (~~(c) In developing a budget, the action team shall identify:~~

1 ~~(i) The total funds to implement local projects originating from~~
2 ~~the planning process developed for nonpoint pollution; and~~
3 ~~(ii) The total funds to implement any other projects designed~~
4 ~~primarily to restore salmon habitat.))~~
5 (2) In addition to the requirements identified under RCW
6 90.71.020(2)((~~a~~)) (b), the work plan and budget shall:
7 (a) Identify and prioritize ~~((the local and))~~ state actions
8 necessary to address ~~((the))~~ Puget Sound's water quality problems ~~((in~~
9 ~~the following locations:~~
10 ~~(i) Area 1: Island and San Juan counties;~~
11 ~~(ii) Area 2: Skagit and Whatcom counties;~~
12 ~~(iii) Area 3: Clallam and Jefferson counties;~~
13 ~~(iv) Area 4: Snohomish, King, and Pierce counties; and~~
14 ~~(v) Area 5: Kitsap, Mason, and Thurston counties;~~
15 ~~(b) Provide sufficient~~), habitat protection and restoration, and
16 species recovery;
17 (b) Identify funding ~~((to characterize local watersheds, provide~~
18 ~~technical assistance, and implement state responsibilities identified~~
19 ~~in the work plan. The number and qualifications of staff assigned to~~
20 ~~each region shall be determined by the types of problems identified~~
21 ~~pursuant to (a) of this subsection))~~ needed to address high priority
22 problems;
23 ~~((Provide sufficient))~~ Recommend actions to local governments;
24 (d) Identify funding ~~((to implement))~~ needs for implementation and
25 ~~((coordinate))~~ coordination of the Puget Sound ambient monitoring plan
26 pursuant to RCW 90.71.060; and
27 ~~((d) Provide funds to assist local jurisdictions to implement~~
28 ~~elements of the work plan assigned to local governments and to develop~~
29 ~~and implement local plans;~~
30 ~~(e) Provide sufficient funding to provide support staff for the~~
31 ~~action team; and~~
32 ~~(f))~~ (e) Describe any proposed amendments to the Puget Sound
33 management plan.
34 (3) The work plan shall be submitted to the governor by September
35 15th of each even-numbered year and to the appropriate policy ~~((and~~
36 ~~fiscal))~~ committees of the legislature by December 20th of each even-
37 numbered year.

1 (4) The work plan shall be implemented consistent with the
2 legislative provisos of the biennial appropriation acts.

3 **Sec. 9.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to read
4 as follows:

5 In addition to other powers and duties specified in this chapter,
6 the action team and the partnership shall ensure implementation and
7 coordination of the Puget Sound ambient monitoring program established
8 in the Puget Sound management plan. The program shall include, at a
9 minimum:

10 (1) A research program, including but not limited to methods to
11 provide current research information to managers and scientists, and to
12 establish priorities based on the needs of the partnership members and
13 the action team;

14 (2) A monitoring program, including baselines, protocols,
15 guidelines, and quantifiable performance measures. In consultation
16 with state agencies, local and tribal governments, and other public and
17 private interests, the action team, working with the council, shall
18 develop and track quantifiable performance measures that can be used by
19 the governor and the legislature to assess the effectiveness over time
20 of programs and actions initiated under the plan to improve and protect
21 Puget Sound water quality, habitat, and biological resources. ((~~The~~
22 ~~performance measures shall be developed by June 30, 1997.~~)) The
23 performance measures shall include, but not be limited to a methodology
24 to track the progress of: Fish and wildlife habitat; sites with
25 sediment contamination; wetlands; shellfish beds; and other key
26 indicators of Puget Sound's health. The performance measures should,
27 to the extent possible, be consistent with those developed by state
28 agencies for their reporting requirements to the office of financial
29 management and the legislature. State agencies shall, and local
30 governments are encouraged to, assist the action team in the
31 development and tracking of these performance measures. The
32 performance measures may be limited to a selected geographic area.

33 NEW SECTION. **Sec. 10.** A new section is added to chapter 90.71 RCW
34 to read as follows:

35 The council shall conduct a review of the partnership's proposed
36 biennial work plan in October of each even-numbered year and shall

1 include a budget review and recommendation cover letter to the document
2 when it is presented to the appropriate policy and fiscal committees of
3 the legislature in December. This letter shall specify, among other
4 items, the council's recommendations on appropriate allocations among
5 priorities in the work plan, on the overall levels of funding proposed,
6 and on their adequacy in meeting the timelines established in section
7 4 of this act.

8 **Sec. 11.** RCW 90.71.070 and 1996 c 138 s 8 are each amended to read
9 as follows:

10 (1) Local governments are (~~required~~) encouraged to implement
11 local elements of the biennial work plan (~~(subject to the availability~~
12 ~~of appropriated funds or other funding sources))~~ and management plan.

13 (2) The council shall review the progress of work plan
14 implementation(~~(. Where prescribed actions have not been accomplished~~
15 ~~in accordance with the work plan, the))~~ and work cooperatively with
16 responsible ((agency shall submit to the council written explanations
17 for the shortfalls, together with proposed remedies)) local governments
18 and state agencies to address delays or shortfalls in plan
19 implementation.

20 **Sec. 12.** RCW 90.71.080 and 1996 c 138 s 9 are each amended to read
21 as follows:

22 The chairs of the (~~action team~~) partnership and council shall
23 jointly hold public hearings to solicit public comment on the work
24 plan.

25 **Sec. 13.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read
26 as follows:

27 (1) The action team shall establish a shellfish - on-site sewage
28 grant program in Puget Sound and for Pacific and Grays Harbor counties.
29 The action team shall provide funds to local health jurisdictions to be
30 used as grants to individuals for improving their on-site sewage
31 systems. The grants may be provided only in areas that have the
32 potential to adversely affect water quality in commercial and
33 recreational shellfish growing areas. A recipient of a grant shall
34 enter into an agreement with the appropriate local health jurisdiction
35 to maintain the improved on-site sewage system according to

1 specifications required by the local health jurisdiction. The action
2 team shall work closely with local health jurisdictions and shall
3 endeavor to attain geographic equity between Willapa Bay and the Puget
4 Sound when making funds available under this program. For the purposes
5 of this subsection, "geographic equity" means issuing on-site sewage
6 grants at a level that matches the funds generated from the oyster
7 reserve lands in that area.

8 (2) In the Puget Sound, the action team shall give first priority
9 to areas that are:

10 (a) Identified as "areas of special concern" under WAC 246-272-
11 01001; or

12 (b) Included within a shellfish protection district under chapter
13 90.72 RCW.

14 (3) In Grays Harbor and Pacific counties, the action team shall
15 give first priority to preventing the deterioration of water quality in
16 areas where commercial or recreational shellfish are grown.

17 (4) The action team and each participating local health
18 jurisdiction shall enter into a memorandum of understanding that will
19 establish an applicant income eligibility requirement for individual
20 grant applicants from within the jurisdiction and other mutually
21 agreeable terms and conditions of the grant program.

22 (5) The action team may recover the costs to administer this
23 program not to exceed ten percent of the shellfish - on-site sewage
24 grant program.

25 ~~((6) For the 2001-2003 biennium, the action team may use up to
26 fifty percent of the shellfish on-site sewage grant program funds for
27 grants to local health jurisdictions to establish areas of special
28 concern under WAC 246-272-01001, or for operation and maintenance
29 programs therein, where commercial and recreational uses are present.))~~

30 **Sec. 14.** RCW 90.71.900 and 1996 c 138 s 15 are each amended to
31 read as follows:

32 This ~~((act))~~ chapter may be known and cited as the Puget Sound
33 ~~((water quality protection))~~ recovery partnership act.

34 NEW SECTION. **Sec. 15.** A new section is added to chapter 90.71 RCW
35 to read as follows:

36 All references to the chair of the action team or the action team

1 in the Revised Code of Washington shall be construed to mean the chair
2 of the partnership, who is also the executive director of the action
3 team, when referring to the functions transferred in this section.

4 **Sec. 16.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to
5 read as follows:

6 (1) The sea grant and cooperative extension shall jointly
7 administer a program to provide field agents to work with local
8 governments, property owners, and the general public to increase the
9 propagation of shellfish, and to address Puget Sound water quality
10 problems within Kitsap, Mason, and Jefferson counties that may limit
11 shellfish propagation potential. The sea grant and cooperative
12 extension shall each make available the services of no less than two
13 agents within these counties for the purposes of this section.

14 (2) The responsibilities of the field agents shall include but not
15 be limited to the following:

16 (a) Provide technical assistance to property owners, marine
17 industry owners and operators, and others, regarding methods and
18 practices to address nonpoint and point sources of pollution of Puget
19 Sound;

20 (b) Provide technical assistance to address water quality problems
21 limiting opportunities for enhancing the recreational harvest of
22 shellfish;

23 (c) Provide technical assistance in the management and increased
24 production of shellfish to facility operators or to those interested in
25 establishing an operation;

26 (d) Assist local governments to develop and implement education and
27 public involvement activities related to Puget Sound water quality;

28 (e) Assist in coordinating local water quality programs with
29 region-wide and statewide programs;

30 (f) Provide information and assistance to local watershed
31 committees.

32 (3) The sea grant and cooperative extension shall mutually
33 coordinate their field agent activities to avoid duplicative efforts
34 and to ensure that the full range of responsibilities under RCW
35 28B.30.632 (~~((through 28B.30.636))~~) and 28B.30.634 are carried out. They
36 shall consult with the Puget Sound (~~((water quality authority))~~) recovery

1 partnership and ensure consistency with the authority's water quality
2 management plan.

3 (4) Recognizing the special expertise of both agencies, the sea
4 grant and cooperative extension shall cooperate to divide their
5 activities as follows:

6 (a) Sea grant shall have primary responsibility to address water
7 quality issues related to activities within Puget Sound, and to provide
8 assistance regarding the management and improvement of shellfish
9 production; and

10 (b) Cooperative extension shall have primary responsibility to
11 address upland and freshwater activities affecting Puget Sound water
12 quality and associated watersheds.

13 **Sec. 17.** RCW 43.63A.247 and 1994 c 264 s 25 are each amended to
14 read as follows:

15 The senior environmental corps is created within the department of
16 community, trade, and economic development. The departments of
17 agriculture, community, trade, and economic development, employment
18 security, ecology, fish and wildlife, health, and natural resources,
19 the parks and recreation commission, and the Puget Sound (~~water
20 quality authority~~) recovery partnership shall participate in the
21 administration and implementation of the corps and shall appoint
22 representatives to the council.

23 **Sec. 18.** RCW 70.118.090 and 1994 c 281 s 6 are each amended to
24 read as follows:

25 The department may not use funds appropriated to implement an
26 element of the Puget Sound (~~water quality authority~~) recovery
27 partnership work plan to conduct any activity required under chapter
28 281, Laws of 1994.

29 **Sec. 19.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to
30 read as follows:

31 (1) When making grants or loans for water pollution control
32 facilities, the department shall consider the following:

33 (a) The protection of water quality and public health;

34 (b) The cost to residential ratepayers if they had to finance water
35 pollution control facilities without state assistance;

1 (c) Actions required under federal and state permits and compliance
2 orders;

3 (d) The level of local fiscal effort by residential ratepayers
4 since 1972 in financing water pollution control facilities;

5 (e) The extent to which the applicant county or city, or if the
6 applicant is another public body, the extent to which the county or
7 city in which the applicant public body is located, has established
8 programs to mitigate nonpoint pollution of the surface or subterranean
9 water sought to be protected by the water pollution control facility
10 named in the application for state assistance; and

11 (f) The recommendations of the Puget Sound (~~(action team)~~) recovery
12 partnership and any other board, council, commission, or group
13 established by the legislature or a state agency to study water
14 pollution control issues in the state.

15 (2) Except where necessary to address a public health need or
16 substantial environmental degradation, a county, city, or town planning
17 under RCW 36.70A.040 may not receive a grant or loan for water
18 pollution control facilities unless it has adopted a comprehensive
19 plan, including a capital facilities plan element, and development
20 regulations as required by RCW 36.70A.040. This subsection does not
21 require any county, city, or town planning under RCW 36.70A.040 to
22 adopt a comprehensive plan or development regulations before requesting
23 or receiving a grant or loan under this chapter if such request is made
24 before the expiration of the time periods specified in RCW 36.70A.040.
25 A county, city, or town planning under RCW 36.70A.040 which has not
26 adopted a comprehensive plan and development regulations within the
27 time periods specified in RCW 36.70A.040 is not prohibited from
28 receiving a grant or loan under this chapter if the comprehensive plan
29 and development regulations are adopted as required by RCW 36.70A.040
30 before submitting a request for a grant or loan.

31 (3) Whenever the department is considering awarding grants or loans
32 for public facilities to special districts requesting funding for a
33 proposed facility located in a county, city, or town planning under RCW
34 36.70A.040, it shall consider whether the county, city, or town
35 planning under RCW 36.70A.040 in whose planning jurisdiction the
36 proposed facility is located has adopted a comprehensive plan and
37 development regulations as required by RCW 36.70A.040.

1 **Sec. 20.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read
2 as follows:

3 (1) The aquatic nuisance species committee is created for the
4 purpose of fostering state, federal, tribal, and private cooperation on
5 aquatic nuisance species issues. The mission of the committee is to
6 minimize the unauthorized or accidental introduction of nonnative
7 aquatic species and give special emphasis to preventing the
8 introduction and spread of aquatic nuisance species. The term "aquatic
9 nuisance species" means a nonnative aquatic plant or animal species
10 that threatens the diversity or abundance of native species, the
11 ecological stability of infested waters, or commercial, agricultural,
12 or recreational activities dependent on such waters.

13 (2) The committee consists of representatives from each of the
14 following state agencies: Department of fish and wildlife, department
15 of ecology, department of agriculture, department of health, department
16 of natural resources, Puget Sound (~~water quality action team~~)
17 recovery partnership, state patrol, state noxious weed control board,
18 and Washington sea grant program. The committee shall encourage and
19 solicit participation by: Federally recognized tribes of Washington,
20 federal agencies, Washington conservation organizations, environmental
21 groups, and representatives from industries that may either be affected
22 by the introduction of an aquatic nuisance species or that may serve as
23 a pathway for their introduction.

24 (3) The committee has the following duties:

25 (a) Periodically revise the state of Washington aquatic nuisance
26 species management plan, originally published in June 1998;

27 (b) Make recommendations to the legislature on statutory provisions
28 for classifying and regulating aquatic nuisance species;

29 (c) Recommend to the state noxious weed control board that a plant
30 be classified under the process designated by RCW 17.10.080 as an
31 aquatic noxious weed;

32 (d) Coordinate education, research, regulatory authorities,
33 monitoring and control programs, and participate in regional and
34 national efforts regarding aquatic nuisance species;

35 (e) Consult with representatives from industries and other
36 activities that may serve as a pathway for the introduction of aquatic
37 nuisance species to develop practical strategies that will minimize the
38 risk of new introductions; and

1 (f) Prepare a biennial report to the legislature with the first
2 report due by December 1, 2001, making recommendations for better
3 accomplishing the purposes of this chapter, and listing the
4 accomplishments of this chapter to date.

5 (4) The committee shall accomplish its duties through the authority
6 and cooperation of its member agencies. Implementation of all plans
7 and programs developed by the committee shall be through the member
8 agencies and other cooperating organizations.

9 **Sec. 21.** RCW 77.85.210 and 2001 c 298 s 3 are each amended to read
10 as follows:

11 (1) The monitoring oversight committee is hereby established. The
12 committee shall be comprised of the directors or their designated
13 representatives of:

- 14 (a) The salmon recovery office;
- 15 (b) The department of ecology;
- 16 (c) The department of fish and wildlife;
- 17 (d) The conservation commission;
- 18 (e) The Puget Sound (~~(action team)~~) recovery partnership;
- 19 (f) The department of natural resources;
- 20 (g) The department of transportation; and
- 21 (h) The interagency committee for outdoor recreation.

22 (2) The director of the salmon recovery office and the chair of the
23 salmon recovery funding board, or their designees, shall cochair the
24 committee. The cochairs shall convene the committee as necessary to
25 develop, for the consideration of the governor and legislature, a
26 comprehensive and coordinated monitoring strategy and action plan on
27 watershed health with a focus on salmon recovery. The committee shall
28 invite representation from the treaty tribes to participate in the
29 committee's efforts. In addition, the committee shall invite
30 participation by other state, local, and federal agencies and other
31 entities as appropriate. The committee shall address the monitoring
32 recommendations of the independent science panel provided under RCW
33 77.85.040(7) and of the joint legislative audit and review committee in
34 its report number 01-1 on investing in the environment.

35 (3) The independent science panel shall act as an advisor to the
36 monitoring oversight committee and shall review all work products

1 developed by the committee and make recommendations to the committee
2 cochairs.

3 (4) A legislative steering committee is created consisting of four
4 legislators. Two of the legislators shall be members of the house of
5 representatives, each representing different major political parties,
6 appointed by the co-speakers of the house of representatives. The
7 other two legislators shall be members of the senate, each representing
8 different major political parties, appointed by the president of the
9 senate. The monitoring oversight committee shall provide briefings to
10 the legislative steering committee on a quarterly basis on the progress
11 that the oversight committee is making on the development of the
12 coordinated monitoring strategy and action plan, and the establishment
13 of an adaptive management framework. The briefings shall include
14 information on how the monitoring strategy will be coordinated with
15 other government efforts, expected benefits and efficiencies that will
16 be achieved, recommended funding sources and funding levels that will
17 ensure stable sources of funding for monitoring, and the efforts and
18 cooperation provided by agencies to improve coordination of their
19 activities.

20 (5) The committee shall make recommendations to individual agencies
21 to improve coordination of monitoring activities.

22 (6) The committee shall:

23 (a) Define the monitoring goals, objectives, and questions that
24 must be addressed as part of a comprehensive statewide salmon recovery
25 monitoring and adaptive management framework;

26 (b) Identify and evaluate existing monitoring activities for
27 inclusion in the framework, while ensuring data consistency and
28 coordination and the filling of monitoring gaps;

29 (c) Recommend statistical designs appropriate to the objectives;

30 (d) Recommend performance measures appropriate to the objectives
31 and targeted to the appropriate geographical, temporal, and biological
32 scales;

33 (e) Recommend standardized monitoring protocols for salmon recovery
34 and watershed health;

35 (f) Recommend procedures to ensure quality assurance and quality
36 control of all relevant data;

37 (g) Recommend data transfer protocols to support easy access,
38 sharing, and coordination among different collectors and users;

1 (h) Recommend ways to integrate monitoring information into
2 decision making;

3 (i) Recommend organizational and governance structures for
4 oversight and implementation of the coordinated monitoring framework;

5 (j) Recommend stable sources of funding that will ensure the
6 continued operation and maintenance of the state's salmon recovery and
7 watershed health monitoring programs, once established; and

8 (k) Identify administrative actions that will be undertaken by
9 state agencies to implement elements of the coordinated monitoring
10 program.

11 (7) In developing the coordinated monitoring strategy, the
12 committee shall coordinate with other appropriate state, federal,
13 local, and tribal monitoring efforts, including but not limited to the
14 Northwest power planning council, the Northwest Indian fisheries
15 commission, the national marine fisheries service, and the United
16 States fish and wildlife service. The committee shall also consult
17 with watershed planning units under chapter 90.82 RCW, lead entities
18 under this chapter, professional organizations, and other appropriate
19 groups.

20 (8) The cochairs shall provide an interim report to the governor
21 and the members of the appropriate legislative committees by March 1,
22 2002, on the progress made in implementing this section. By December
23 1, 2002, the committee shall provide a monitoring strategy and action
24 plan to the governor, and the members of the appropriate legislative
25 committees for achieving a comprehensive watershed health monitoring
26 program with a focus on salmon recovery. The strategy and action plan
27 shall document the results of the committee's actions in addressing the
28 responsibilities described in subsection (6) of this section. In
29 addition, the monitoring strategy and action plan shall include an
30 assessment of existing state agency operations related to monitoring,
31 evaluation, and adaptive management of watershed health and salmon
32 recovery, and shall recommend any operational or statutory changes and
33 funding necessary to fully implement the enhanced coordination program
34 developed under this section. The plan shall make recommendations
35 based upon the goal of fully realizing an enhanced and coordinated
36 monitoring program by June 30, 2007.

1 **Sec. 22.** RCW 79.90.550 and 1987 c 259 s 1 are each amended to read
2 as follows:

3 The legislature finds that the department of natural resources
4 provides, manages, and monitors aquatic land disposal sites on state-
5 owned aquatic lands for materials dredged from rivers, harbors, and
6 shipping lanes. These disposal sites are approved through a
7 cooperative planning process by the departments of natural resources
8 and ecology, the United States corps of engineers, and the United
9 States environmental protection agency in cooperation with the Puget
10 Sound (~~(water quality authority)~~) recovery partnership. These disposal
11 sites are essential to the commerce and well being of the citizens of
12 the state of Washington. Management and environmental monitoring of
13 these sites are necessary to protect environmental quality and to
14 assure appropriate use of state-owned aquatic lands. The creation of
15 an aquatic land dredged material disposal site account is a reasonable
16 means to enable and facilitate proper management and environmental
17 monitoring of these disposal sites.

18 **Sec. 23.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to
19 read as follows:

20 The legislature finds that the waters of Washington state provide
21 a unique and valuable recreational resource to large and growing
22 numbers of boaters. Proper stewardship of, and respect for, these
23 waters requires that, while enjoying them for their scenic and
24 recreational benefits, boaters must exercise care to assure that such
25 activities do not contribute to the despoliation of these waters, and
26 that watercraft be operated in a safe and responsible manner. The
27 legislature has specifically addressed the topic of access to clean and
28 safe waterways by requiring the 1987 boating safety study and by
29 establishing the Puget Sound (~~(action team)~~) recovery partnership.

30 The legislature finds that there is a need to educate Washington's
31 boating community about safe and responsible actions on our waters and
32 to increase the level and visibility of the enforcement of boating
33 laws. To address the incidence of fatalities and injuries due to
34 recreational boating on our state's waters, local and state efforts
35 directed towards safe boating must be stimulated. To provide for safe
36 waterways and public enjoyment, portions of the watercraft excise tax

1 and boat registration fees should be made available for boating safety
2 and other boating recreation purposes.

3 In recognition of the need for clean waterways, and in keeping with
4 the Puget Sound action team's water quality work plan, the legislature
5 finds that adequate opportunities for responsible disposal of boat
6 sewage must be made available. There is hereby established a five-year
7 initiative to install sewage pumpout or sewage dump stations at
8 appropriate marinas.

9 To assure the use of these sewage facilities, a boater
10 environmental education program must accompany the five-year initiative
11 and continue to educate boaters about boat wastes and aquatic
12 resources.

13 The legislature also finds that, in light of the increasing numbers
14 of boaters utilizing state waterways, a program to acquire and develop
15 sufficient waterway access facilities for boaters must be undertaken.

16 To support boating safety, environmental protection and education,
17 and public access to our waterways, the legislature declares that a
18 portion of the income from boating-related activities, as specified in
19 RCW 82.49.030 and 88.02.040, should support these efforts.

20 **Sec. 24.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to
21 read as follows:

22 The commission, in consultation with the departments of ecology,
23 fish and wildlife, natural resources, social and health services, and
24 the Puget Sound (~~(action team)~~) recovery partnership shall conduct a
25 literature search and analyze pertinent studies to identify areas which
26 are polluted or environmentally sensitive within the state's waters.
27 Based on this review the commission shall designate appropriate areas
28 as polluted or environmentally sensitive, for the purposes of chapter
29 393, Laws of 1989 only.

30 **Sec. 25.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read
31 as follows:

32 The department of ecology is hereby designated as the State Water
33 Pollution Control Agency for all purposes of the federal clean water
34 act as it exists on February 4, 1987, and is hereby authorized to
35 participate fully in the programs of the act as well as to take all
36 action necessary to secure to the state the benefits and to meet the

1 requirements of that act. With regard to the national estuary program
2 established by section 320 of that act, the department shall exercise
3 its responsibility jointly with the Puget Sound (~~water quality~~
4 ~~authority~~) recovery partnership. The department of ecology may
5 delegate its authority under this chapter, including its national
6 pollutant discharge elimination permit system authority and duties
7 regarding animal feeding operations and concentrated animal feeding
8 operations, to the department of agriculture through a memorandum of
9 understanding. Until any such delegation receives federal approval,
10 the department of agriculture's adoption or issuance of animal feeding
11 operation and concentrated animal feeding operation rules, permits,
12 programs, and directives pertaining to water quality shall be
13 accomplished after reaching agreement with the director of the
14 department of ecology. Adoption or issuance and implementation shall
15 be accomplished so that compliance with such animal feeding operation
16 and concentrated animal feeding operation rules, permits, programs, and
17 directives will achieve compliance with all federal and state water
18 pollution control laws. The powers granted herein include, among
19 others, and notwithstanding any other provisions of chapter 90.48 RCW
20 or otherwise, the following:

21 (1) Complete authority to establish and administer a comprehensive
22 state point source waste discharge or pollution discharge elimination
23 permit program which will enable the department to qualify for full
24 participation in any national waste discharge or pollution discharge
25 elimination permit system and will allow the department to be the sole
26 agency issuing permits required by such national system operating in
27 the state of Washington subject to the provisions of RCW 90.48.262(2).
28 Program elements authorized herein may include, but are not limited to:
29 (a) Effluent treatment and limitation requirements together with timing
30 requirements related thereto; (b) applicable receiving water quality
31 standards requirements; (c) requirements of standards of performance
32 for new sources; (d) pretreatment requirements; (e) termination and
33 modification of permits for cause; (f) requirements for public notices
34 and opportunities for public hearings; (g) appropriate relationships
35 with the secretary of the army in the administration of his
36 responsibilities which relate to anchorage and navigation, with the
37 administrator of the environmental protection agency in the performance
38 of his duties, and with other governmental officials under the federal

1 clean water act; (h) requirements for inspection, monitoring, entry,
2 and reporting; (i) enforcement of the program through penalties,
3 emergency powers, and criminal sanctions; (j) a continuing planning
4 process; and (k) user charges.

5 (2) The power to establish and administer state programs in a
6 manner which will insure the procurement of moneys, whether in the form
7 of grants, loans, or otherwise; to assist in the construction,
8 operation, and maintenance of various water pollution control
9 facilities and works; and the administering of various state water
10 pollution control management, regulatory, and enforcement programs.

11 (3) The power to develop and implement appropriate programs
12 pertaining to continuing planning processes, area-wide waste treatment
13 management plans, and basin planning.

14 The governor shall have authority to perform those actions required
15 of him or her by the federal clean water act.

16 NEW SECTION. **Sec. 26.** It is the intent of the legislature for at
17 least one of the two members of the house of representatives assigned
18 to serve on the Puget Sound council under RCW 90.71.030 for the years
19 2005 through 2007 to be selected from the membership of the house of
20 representatives' select committee on Hood Canal."

21 Correct the title.

--- END ---