

**ESSB 5372** - H COMM AMD

By Select Committee on Puget Sound

NOT CONSIDERED 04/10/2007

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

3 "NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. (1) The legislature  
4 finds that:

5 (a) Puget Sound, including Hood Canal, and the waters that flow to  
6 it are a national treasure and a unique resource. Residents enjoy a  
7 way of life centered around these waters that depends upon clean and  
8 healthy marine and freshwater resources.

9 (b) Puget Sound and Hood Canal are in serious decline. This  
10 decline is indicated by loss of and damage to critical habit, rapid  
11 decline in species populations, increases in aquatic nuisance species,  
12 numerous toxics contaminated sites, urbanization and attendant storm  
13 water drainage, closure of beaches to shellfish harvest due to disease  
14 risks, low-dissolved oxygen levels causing death of marine life, and  
15 other phenomena. If left unchecked, these conditions will worsen.

16 (c) Puget Sound must be restored and protected in a more coherent  
17 and effective manner. The current system is highly fragmented.  
18 Immediate and concerted action is necessary by all levels of government  
19 working with the public, nongovernmental organizations, and the private  
20 sector to ensure a thriving natural system that exists in harmony with  
21 a vibrant economy.

22 (d) Leadership, accountability, government transparency, thoughtful  
23 and responsible spending of public funds, and public involvement will  
24 be integral to the success of efforts to restore and protect Puget  
25 Sound.

26 (2) The legislature therefore creates a new Puget Sound partnership  
27 to coordinate and lead the effort to restore and protect Puget Sound,  
28 and intends that all governmental entities, including federal and state  
29 agencies, tribes, cities, counties, ports, and special purpose

1 districts, support and help implement the partnership's restoration  
2 efforts. The legislature further intends that the partnership will:

3 (a) Define a strategic action agenda prioritizing necessary  
4 actions, both basin-wide and within specific areas, and creating an  
5 approach that addresses all of the complex connections among the land,  
6 water, web of species, and human needs. The action agenda will be  
7 based on science and include clear, measurable goals for the recovery  
8 of Puget Sound by 2020;

9 (b) Determine accountability for performance, oversee the  
10 efficiency and effectiveness of money spent, educate and engage the  
11 public, and track and report results to the legislature, the governor,  
12 and the public;

13 (c) Not have regulatory authority, nor authority to transfer the  
14 responsibility for, or implementation of, any state regulatory program,  
15 unless otherwise specifically authorized by the legislature.

16 (3) It is the goal of the state that the health of Puget Sound be  
17 restored by 2020.

18 **Sec. 2.** RCW 90.71.010 and 1996 c 138 s 2 are each amended to read  
19 as follows:

20 Unless the context clearly requires otherwise, the definitions in  
21 this section apply throughout this chapter.

22 (1) (~~"Action team" means the Puget Sound water quality action~~  
23 ~~team.~~

24 ~~(2) "Chair" means the chair of the action team.~~

25 ~~(3) "Council" means the Puget Sound council created in RCW~~  
26 ~~90.71.030.~~

27 ~~(4) "Puget Sound management plan" means the 1994 Puget Sound water~~  
28 ~~quality management plan as it exists June 30, 1996, and as subsequently~~  
29 ~~amended by the action team.~~

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

31 ~~(6) "Work plan" means the work plan and budget developed by the~~  
32 ~~action team.)~~ "Action agenda" means the comprehensive schedule of  
33 projects, programs, and other activities designed to achieve a healthy  
34 Puget Sound ecosystem that is authorized and further described in  
35 sections 12 and 13 of this act.

36 (2) "Action area" means the geographic areas delineated as provided  
37 in section 8 of this act.

1       (3) "Benchmarks" means measurable interim milestones or  
2 achievements established to demonstrate progress towards a goal,  
3 objective, or outcome.

4       (4) "Board" means the ecosystem coordination board.

5       (5) "Council" means the leadership council.

6       (6) "Environmental indicator" means a physical, biological, or  
7 chemical measurement, statistic, or value that provides a proximate  
8 gauge, or evidence of, the state or condition of Puget Sound.

9       (7) "Implementation strategies" means the strategies incorporated  
10 on a biennial basis in the action agenda developed under section 13 of  
11 this act.

12       (8) "Nearshore" means the area beginning at the crest of coastal  
13 bluffs and extending seaward through the marine photics zone, and to  
14 the head of tide in coastal rivers and streams. "Nearshore" also means  
15 both shoreline and estuaries.

16       (9) "Panel" means the Puget Sound science panel.

17       (10) "Partnership" means the Puget Sound partnership.

18       (11) "Puget Sound" means Puget Sound and related inland marine  
19 waters, including all salt waters of the state of Washington inside the  
20 international boundary line between Washington and British Columbia,  
21 and lying east of the junction of the Pacific Ocean and the Strait of  
22 Juan de Fuca, and the rivers and streams draining to Puget Sound as  
23 mapped by water resource inventory areas 1 through 19 in WAC  
24 173-500-040 as it exists on the effective date of this section.

25       (12) "Puget Sound partner" means an entity that has been recognized  
26 by the partnership, as provided in section 16 of this act, as having  
27 consistently achieved outstanding progress in implementing the 2020  
28 action agenda.

29       (13) "Watershed groups" means all groups sponsoring or  
30 administering watershed programs, including but not limited to local  
31 governments, private sector entities, watershed planning units,  
32 watershed councils, shellfish protection areas, regional fishery  
33 enhancement groups, marine resource committees including those working  
34 with the northwest straits commission, nearshore groups, and watershed  
35 lead entities.

36       (14) "Watershed programs" means and includes all watershed-level  
37 plans, programs, projects, and activities that relate to or may

1 contribute to the protection or restoration of Puget Sound waters.  
2 Such programs include jurisdiction-wide programs regardless of whether  
3 more than one watershed is addressed.

4 NEW SECTION. **Sec. 3.** PUGET SOUND PARTNERSHIP--AGENCY CREATED. An  
5 agency of state government, to be known as the Puget Sound partnership,  
6 is created to oversee the restoration of the environmental health of  
7 Puget Sound by 2020. The agency shall consist of a leadership council,  
8 an executive director, an ecosystem coordination board, and a Puget  
9 Sound science panel.

10 NEW SECTION. **Sec. 4.** LEADERSHIP COUNCIL---STRUCTURE---PROCEDURES.

11 (1) The partnership shall be led by a leadership council composed of  
12 seven members appointed by the governor, with the advice and consent of  
13 the senate. The governor shall appoint members who are publicly  
14 respected and influential, are interested in the environmental and  
15 economic prosperity of Puget Sound, and have demonstrated leadership  
16 qualities. The governor shall designate one of the seven members to  
17 serve as chair and a vice-chair shall be selected annually by the  
18 membership of the council.

19 (2) The initial members shall be appointed as follows:

20 (a) Three of the initial members shall be appointed for a term of  
21 two years;

22 (b) Two of the initial members shall be appointed for a term of  
23 three years; and

24 (c) Two of the initial members shall be appointed for a term of  
25 four years.

26 (3) The initial members' successors shall be appointed for terms of  
27 four years each, except that any person chosen to fill a vacancy shall  
28 be appointed only for the unexpired term of the member whom he or she  
29 succeeds.

30 (4) Members of the council are eligible for reappointment.

31 (5) Any member of the council may be removed by the governor for  
32 cause.

33 (6) Members whose terms expire shall continue to serve until  
34 reappointed or replaced by a new member.

35 (7) A majority of the council constitutes a quorum for the  
36 transaction of business.

1 (8) Council decisions and actions require majority vote approval of  
2 all council members.

3 NEW SECTION. **Sec. 5.** LEADERSHIP COUNCIL--POWERS AND DUTIES. (1)

4 The leadership council shall have the power and duty to:

5 (a) Provide leadership and have responsibility for the functions of  
6 the partnership, including adopting, revising, and guiding the  
7 implementation of the action agenda, allocating funds for Puget Sound  
8 recovery, providing progress and other reports, setting strategic  
9 priorities and benchmarks, adopting and applying accountability  
10 measures, and making appointments to the board and panel;

11 (b) Adopt rules, in accordance with chapter 34.05 RCW;

12 (c) Create subcommittees and advisory committees as appropriate to  
13 assist the council;

14 (d) Enter into, amend, and terminate contracts with individuals,  
15 corporations, or research institutions to effectuate the purposes of  
16 this chapter;

17 (e) Make grants to governmental and nongovernmental entities to  
18 effectuate the purposes of this chapter;

19 (f) Receive such gifts, grants, and endowments, in trust or  
20 otherwise, for the use and benefit of the partnership to effectuate the  
21 purposes of this chapter;

22 (g) Promote extensive public awareness, education, and  
23 participation in Puget Sound protection and recovery;

24 (h) Work collaboratively with the Hood Canal coordinating council  
25 established in chapter 90.88 RCW on Hood Canal-specific issues;

26 (i) Maintain complete and consolidated financial information to  
27 ensure that all funds received and expended to implement the action  
28 agenda have been accounted for; and

29 (j) Such other powers and duties as are necessary and appropriate  
30 to carry out the provisions of this chapter.

31 (2) The council may delegate functions to the chair and to the  
32 executive director, however the council may not delegate its decisional  
33 authority regarding developing or amending the action agenda.

34 (3) The council shall work closely with existing organizations and  
35 all levels of government to ensure that the action agenda and its  
36 implementation are scientifically sound, efficient, and achieve

1 necessary results to accomplish recovery of Puget Sound to health by  
2 2020.

3 (4) The council shall support, engage, and foster collaboration  
4 among watershed groups to assist in the recovery of Puget Sound.

5 (5) When working with federally recognized Indian tribes to develop  
6 and implement the action agenda, the council shall conform to the  
7 procedures and standards required in a government-to-governmental  
8 relationship with tribes under the 1989 Centennial Accord between the  
9 state of Washington and the sovereign tribal governments in the state  
10 of Washington.

11 (6) Members of the council shall be compensated in accordance with  
12 RCW 43.03.220 and be reimbursed for travel expenses in accordance with  
13 RCW 43.03.050 and 43.03.060.

14 NEW SECTION. **Sec. 6.** EXECUTIVE DIRECTOR--POWERS AND DUTIES. (1)  
15 The partnership shall be administered by an executive director who  
16 serves as a communication link between all levels of government, the  
17 private sector, tribes, nongovernmental organizations, the council, the  
18 board, and the panel. The executive director shall be accountable to  
19 the council and the governor for effective communication, actions, and  
20 results.

21 (2) The executive director shall be appointed by and serve at the  
22 pleasure of the governor, in consultation with the council. The  
23 governor shall consider the recommendations of the council when  
24 appointing the executive director.

25 (3) The executive director shall have complete charge of and  
26 supervisory powers over the partnership, subject to the guidance from  
27 the council.

28 (4) The executive director shall employ a staff, who shall be state  
29 employees under Title 41 RCW.

30 (5) Upon approval of the council, the executive director may take  
31 action to create a private nonprofit entity, which may take the form of  
32 a nonprofit corporation, to assist the partnership in restoring Puget  
33 Sound by:

34 (a) Raising money and other resources through charitable giving,  
35 donations, and other appropriate mechanisms;

36 (b) Engaging and educating the public regarding Puget Sound's

1 health, including efforts and opportunities to restore Puget Sound  
2 ecosystems; and

3 (c) Performing other similar activities as directed by the  
4 partnership.

5 NEW SECTION. **Sec. 7.** ECOSYSTEM COORDINATION BOARD. (1) The  
6 council shall convene the ecosystem coordination board not later than  
7 October 1, 2007.

8 (2) The board shall consist of the following:

9 (a) One representative from the geographic area of each of the  
10 action areas specified in section 8 of this act, appointed by the  
11 council. The council shall solicit nominations from, at a minimum,  
12 counties, cities, and watershed groups;

13 (b) Two members representing general business interests, appointed  
14 by the council;

15 (c) Two members representing environmental interests, appointed by  
16 the council;

17 (d) Three representatives of tribal governments located in Puget  
18 Sound, invited by the governor to participate as members of the board;

19 (e) One representative each from counties, cities, and port  
20 districts, appointed by the council from nominations submitted by  
21 statewide associations representing such local governments;

22 (f) Three representatives of state agencies with environmental  
23 management responsibilities in Puget Sound, representing the interests  
24 of all state agencies, one of whom shall be the commissioner of public  
25 lands or his or her designee; and

26 (g) Three representatives of federal agencies with environmental  
27 management responsibilities in Puget Sound, representing the interests  
28 of all federal agencies and invited by the governor to participate as  
29 members of the board.

30 (3) The president of the senate shall appoint two senators, one  
31 from each major caucus, as legislative liaisons to the board. The  
32 speaker of the house of representatives shall appoint two  
33 representatives, one from each major caucus, as legislative liaisons to  
34 the board.

35 (4) The board shall elect one of its members as chair, and one of  
36 its members as vice-chair.

1 (5) The board shall advise and assist the council in carrying out  
2 its responsibilities in implementing this chapter, including  
3 development and implementation of the action agenda. The board's  
4 duties include:

5 (a) Assisting cities, counties, ports, tribes, watershed groups,  
6 and other governmental and private organizations in the compilation of  
7 local programs for consideration for inclusion in the action agenda as  
8 provided in section 8 of this act;

9 (b) Upon request of the council, reviewing and making  
10 recommendations regarding activities, projects, and programs proposed  
11 for inclusion in the action agenda, including assessing existing  
12 ecosystem scale management, restoration and protection plan elements,  
13 activities, projects, and programs for inclusion in the action agenda;

14 (c) Seeking public and private funding and the commitment of other  
15 resources for plan implementation;

16 (d) Assisting the council in conducting public education activities  
17 regarding threats to Puget Sound and about local implementation  
18 strategies to support the action agenda; and

19 (e) Recruiting the active involvement of and encouraging the  
20 collaboration and communication among governmental and nongovernmental  
21 entities, the private sector, and citizens working to achieve the  
22 recovery of Puget Sound.

23 (6) Members of the board, except for federal and state employees,  
24 shall be reimbursed for travel expenses in accordance with RCW  
25 43.03.050 and 43.03.060.

26 NEW SECTION. **Sec. 8.** INTEGRATING WATERSHED PROGRAMS AND ECOSYSTEM  
27 SCALE PLANS INTO THE ACTION AGENDA. (1) The partnership shall develop  
28 the action agenda in part upon the foundation of existing watershed  
29 programs that address or contribute to the health of Puget Sound. To  
30 ensure full consideration of these watershed programs in a timely  
31 manner to meet the required date for adoption of the action agenda, the  
32 partnership shall rely largely upon local watershed groups, tribes,  
33 cities, counties, special purpose districts, and the private sector,  
34 who are engaged in developing and implementing these programs.

35 (2) The partnership shall organize this work by working with these  
36 groups in the following geographic action areas of Puget Sound, which



1 collectively encompass all of the Puget Sound basin and include the  
2 areas draining to the marine waters in these action areas:

- 3 (a) Strait of Juan de Fuca;
- 4 (b) The San Juan Islands;
- 5 (c) Whidbey Island;
- 6 (d) North central Puget Sound;
- 7 (e) South central Puget Sound;
- 8 (f) South Puget Sound; and
- 9 (g) Hood Canal.

10 (3) The council shall define the geographic delineations of these  
11 action areas based upon the common issues and interests of the entities  
12 in these action areas, and upon the characteristics of the Sound's  
13 physical structure, and the water flows into and within the Sound.

14 (4) The executive director, working with the board representatives  
15 from each action area, shall invite appropriate tribes, local  
16 governments, and watershed groups to convene for the purpose of  
17 compiling the existing watershed programs relating or contributing to  
18 the health of Puget Sound. The participating groups should work to  
19 identify the applicable local plan elements, projects, and programs,  
20 together with estimated budget, timelines, and proposed funding  
21 sources, that are suitable for adoption into the action agenda. This  
22 may include a prioritization among plan elements, projects, and  
23 programs.

24 (5) The partnership may provide assistance to watershed groups in  
25 those action areas that are developing and implementing programs  
26 included within the action agenda, and to improve coordination among  
27 the groups to improve and accelerate the implementation of the action  
28 agenda.

29 (6) The executive director, working with the board, shall also  
30 compile and assess ecosystem scale management, restoration, and  
31 protection plans for the Puget Sound basin.

32 (a) At a minimum, the compilation shall include the Puget Sound  
33 nearshore estuary project, clean-up plans for contaminated aquatic  
34 lands and shorelands, aquatic land management plans, state resource  
35 management plans, habitat conservation plans, and recovery plans for  
36 salmon, orca, and other species in Puget Sound that are listed under  
37 the federal endangered species act.

1 (b) The board should work to identify and assess applicable  
2 ecosystem scale plan elements, projects, and programs, together with  
3 estimated budget, timelines, and proposed funding sources, that are  
4 suitable for adoption into the action agenda.

5 (c) When the board identifies conflicts or disputes among ecosystem  
6 scale projects or programs, the board may convene the agency managers  
7 in an attempt to reconcile the conflicts with the objective of  
8 advancing the protection and recovery of Puget Sound.

9 (d) If it determines that doing so will increase the likelihood of  
10 restoring Puget Sound by 2020, the partnership may explore the utility  
11 of federal assurances under the endangered species act, 16 U.S.C. Sec.  
12 1531 et seq., and shall confer with the federal services administering  
13 that act.

14 (7) The executive director shall integrate and present the proposed  
15 elements from watershed programs and ecosystem-level plans to the  
16 council for consideration for inclusion in the action agenda not later  
17 than July 1, 2008.

18 NEW SECTION. **Sec. 9.** SCIENCE PANEL--CREATED. (1) The council  
19 shall appoint a nine-member Puget Sound science panel to provide  
20 independent, nonrepresentational scientific advice to the council and  
21 expertise in identifying environmental indicators and benchmarks for  
22 incorporation into the action agenda.

23 (2) In establishing the panel, the council shall request the  
24 Washington academy of sciences, created in chapter 70.220 RCW, to  
25 nominate fifteen scientists with recognized expertise in fields of  
26 science essential to the recovery of Puget Sound. Nominees should  
27 reflect the full range of scientific and engineering disciplines  
28 involved in Puget Sound recovery. At a minimum, the Washington academy  
29 of sciences shall consider making nominations from scientists  
30 associated with federal, state, and local agencies, tribes, the  
31 business and environmental communities, members of the K-12, college,  
32 and university communities, and members of the board. The solicitation  
33 should be to all sectors, and candidates may be from all public and  
34 private sectors. Persons nominated by the Washington academy of  
35 sciences must disclose any potential conflicts of interest, and any  
36 financial relationship with any leadership council member, and disclose

1 sources of current financial support and contracts relating to Puget  
2 Sound recovery.

3 (3) The panel shall select a chair and a vice-chair. Panel members  
4 shall serve four-year terms, except that the council shall determine  
5 initial terms of two, three, and four years to provide for staggered  
6 terms. The council shall determine reappointments and select  
7 replacements or additional members of the panel. No panel member may  
8 serve longer than twelve years.

9 (4) The executive director shall designate a lead staff scientist  
10 to coordinate panel actions, and administrative staff to support panel  
11 activities. The legislature intends to provide ongoing funding for  
12 staffing of the panel to ensure that it has sufficient capacity to  
13 provide independent scientific advice.

14 (5) The executive director of the partnership and the science panel  
15 shall explore a shared state and federal responsibility for the  
16 staffing and administration of the panel. In the event that a  
17 federally sponsored Puget Sound recovery office is created, the council  
18 may propose that such office provide for staffing and administration of  
19 the panel.

20 (6) The panel shall assist the council in developing and revising  
21 the action agenda, making recommendations to the action agenda, and  
22 making recommendations to the council for updates or revisions.

23 (7) Members of the panel shall be reimbursed for travel expenses  
24 under RCW 43.03.050 and 43.03.060, and based upon the availability of  
25 funds, the council may contract with members of the panel for  
26 compensation for their services under chapter 39.29 RCW. If appointees  
27 to the panel are employed by the federal, state, tribal, or local  
28 governments, the council may enter into interagency personnel  
29 agreements.

30 NEW SECTION. **Sec. 10.** SCIENCE PANEL--FUNCTIONS AND DUTIES. (1)

31 The panel shall:

32 (a) Assist the council, board, and executive director in carrying  
33 out the obligations of the partnership, including preparing and  
34 updating the action agenda;

35 (b) As provided in section 8 of this act, assist the partnership in  
36 developing an ecosystem level strategic science program that:

- 1 (i) Addresses monitoring, modeling, data management, and research;  
2 and  
3 (ii) Identifies science gaps and recommends research priorities;  
4 (c) Develop and provide oversight of a competitive peer-reviewed  
5 process for soliciting, strategically prioritizing, and funding  
6 research and modeling projects;  
7 (d) Provide input to the executive director in developing biennial  
8 implementation strategies; and  
9 (e) Offer an ecosystem-wide perspective on the science work being  
10 conducted in Puget Sound and by the partnership.  
11 (2) The panel should collaborate with other scientific groups and  
12 consult other scientists in conducting its work. To the maximum extent  
13 possible, the panel should seek to integrate the state-sponsored Puget  
14 Sound science program with the Puget Sound science activities of  
15 federal agencies, including working toward an integrated research  
16 agenda and Puget Sound science work plan.  
17 (3) By July 31, 2008, the panel shall identify environmental  
18 indicators measuring the health of Puget Sound, and recommend  
19 environmental benchmarks that need to be achieved to meet the goals of  
20 the action agenda. The council shall confer with the panel on  
21 incorporating the indicators and benchmarks into the action agenda.

22 NEW SECTION. **Sec. 11.** SCIENCE PANEL--PROGRAMS, UPDATES, AND WORK  
23 PLANS. (1) The strategic science program shall be developed by the  
24 panel with assistance and staff support provided by the executive  
25 director. The science program may include:

- 26 (a) Continuation of the Puget Sound assessment and monitoring  
27 program, as provided in RCW 90.71.060, as well as other monitoring or  
28 modeling programs deemed appropriate by the executive director;  
29 (b) Development of a monitoring program, in addition to the  
30 provisions of RCW 90.71.060, including baselines, protocols,  
31 guidelines, and quantifiable performance measures, to be recommended as  
32 an element of the action agenda;  
33 (c) Recommendations regarding data collection and management to  
34 facilitate easy access and use of data by all participating agencies  
35 and the public; and  
36 (d) A list of critical research needs.

1 (2) The strategic science program may not become an official  
2 document until a majority of the members of the council votes for its  
3 adoption.

4 (3) A Puget Sound science update shall be developed by the panel  
5 with assistance and staff support provided by the executive director.  
6 The panel shall submit the initial update to the executive director by  
7 April 2010, and subsequent updates as necessary to reflect new  
8 scientific understandings. The update shall:

9 (a) Describe the current scientific understanding of various  
10 physical attributes of Puget Sound;

11 (b) Serve as the scientific basis for the selection of  
12 environmental indicators measuring the health of Puget Sound; and

13 (c) Serve as the scientific basis for the status and trends of  
14 those environmental indicators.

15 (4) The executive director shall provide the Puget Sound science  
16 update to the Washington academy of sciences, the governor, and  
17 appropriate legislative committees, and include:

18 (a) A summary of information in existing updates; and

19 (b) Changes adopted in subsequent updates and in the state of the  
20 Sound reports produced pursuant to section 19 of this act.

21 (5) A biennial science work plan shall be developed by the panel,  
22 with assistance and staff support provided by the executive director,  
23 and approved by the council. The biennial science work plan shall  
24 include, at a minimum:

25 (a) Identification of recommendations from scientific and technical  
26 reports relating to Puget Sound;

27 (b) A description of the Puget Sound science-related activities  
28 being conducted by various entities in the region, including studies,  
29 models, monitoring, research, and other appropriate activities;

30 (c) A description of whether the ongoing work addresses the  
31 recommendations and, if not, identification of necessary actions to  
32 fill gaps;

33 (d) Identification of specific biennial science work actions to be  
34 done over the course of the work plan, and how these actions address  
35 science needs in Puget Sound; and

36 (e) Recommendations for improvements to the ongoing science work in  
37 Puget Sound.

1        NEW SECTION.    **Sec. 12.**    ACTION AGENDA--GOALS AND OBJECTIVES.    (1)

2    The action agenda shall consist of the goals and objectives in this  
3    section, implementation strategies to meet measurable outcomes,  
4    benchmarks, and identification of responsible entities. By 2020, the  
5    action agenda shall strive to achieve the following goals:

6        (a) A healthy human population supported by a healthy Puget Sound  
7    that is not threatened by changes in the ecosystem;

8        (b) A quality of human life that is sustained by a functioning  
9    Puget Sound ecosystem;

10       (c) Healthy and sustaining populations of native species in Puget  
11    Sound, including a robust food web;

12       (d) A healthy Puget Sound where freshwater, estuary, near shore,  
13    marine, and upland habitats are protected, restored, and sustained;

14       (e) An ecosystem that is supported by ground water levels as well  
15    as river and stream flow levels sufficient to sustain people, fish, and  
16    wildlife, and the natural functions of the environment;

17       (f) Fresh and marine waters and sediments of a sufficient quality  
18    so that the waters in the region are safe for drinking, swimming,  
19    shellfish harvest and consumption, and other human uses and enjoyment,  
20    and are not harmful to the native marine mammals, fish, birds, and  
21    shellfish of the region.

22       (2) The action agenda shall be developed and implemented to achieve  
23    the following objectives:

24       (a) Protect existing habitat and prevent further losses;

25       (b) Restore habitat functions and values;

26       (c) Significantly reduce toxics entering Puget Sound fresh and  
27    marine waters;

28       (d) Significantly reduce nutrients and pathogens entering Puget  
29    Sound fresh and marine waters;

30       (e) Improve water quality and habitat by managing storm water  
31    runoff;

32       (f) Provide water for people, fish and wildlife, and the  
33    environment;

34       (g) Protect ecosystem biodiversity and recover imperiled species;  
35    and

36       (h) Build and sustain the capacity for action.

1        NEW SECTION.    **Sec. 13.**    ACTION AGENDA--DEVELOPMENT AND ELEMENTS.

2        (1) The council shall develop a science-based action agenda that leads  
3        to the recovery of Puget Sound by 2020 and achievement of the goals and  
4        objectives established in section 12 of this act.    The action agenda  
5        shall:

6            (a) Address all geographic areas of Puget Sound including upland  
7        areas and tributary rivers and streams that affect Puget Sound;

8            (b) Describe the problems affecting Puget Sound's health using  
9        supporting scientific data, and provide a summary of the historical  
10       environmental health conditions of Puget Sound so as to determine past  
11       levels of pollution and restorative actions that have established the  
12       current health conditions of Puget Sound;

13          (c) Meet the goals and objectives described in section 12 of this  
14       act, including measurable outcomes for each goal and objective  
15       specifically describing what will be achieved, how it will be  
16       quantified, and how progress towards outcomes will be measured.    The  
17       action agenda shall include near-term and long-term benchmarks designed  
18       to ensure continuous progress needed to reach the goals, objectives,  
19       and designated outcomes by 2020.    The council shall consult with the  
20       panel in developing these elements of the plan;

21          (d) Identify and prioritize the strategies and actions necessary to  
22       restore and protect Puget Sound and to achieve the goals and objectives  
23       described in section 12 of this act;

24          (e) Identify the agency, entity, or person responsible for  
25       completing the necessary strategies and actions, and potential sources  
26       of funding;

27          (f) Include prioritized actions identified through the assembled  
28       proposals from each of the seven action areas and the identification  
29       and assessment of ecosystem scale programs as provided in section 8 of  
30       this act;

31          (g) Include specific actions to address aquatic rehabilitation zone  
32       one, as defined in RCW 90.88.010;

33          (h) Incorporate, any additional goals adopted by the council; and

34          (i) Incorporate appropriate actions to carry out the science work  
35       plan created in section 11 of this act.

36        (2) In developing the action agenda and any subsequent revisions,  
37        the council shall, when appropriate, incorporate the following:

1 (a) Water quality, water quantity, sediment quality, watershed,  
2 marine resource, and habitat restoration plans created by governmental  
3 agencies, watershed groups, and marine and shoreline groups. The  
4 council shall consult with the board in incorporating these plans;

5 (b) Recovery plans for salmon, orca, and other species in Puget  
6 Sound listed under the federal endangered species act;

7 (c) Existing plans and agreements signed by the governor, the  
8 commissioner of public lands, other state officials, or by federal  
9 agencies;

10 (d) Appropriate portions of the Puget Sound water quality  
11 management plan existing on the effective date of this section.

12 (3) Until the action agenda is adopted, the existing Puget Sound  
13 management plan and the 2007-09 Puget Sound biennial plan shall remain  
14 in effect. The existing Puget Sound management plan shall also  
15 continue to serve as the comprehensive conservation and management plan  
16 for the purposes of the national estuary program described in section  
17 320 of the federal clean water act, until replaced by the action agenda  
18 and approved by the United States environmental protection agency as  
19 the new comprehensive conservation and management plan.

20 (4) The council shall adopt the action agenda by September 1, 2008.  
21 The council shall revise the action agenda as needed, and revise the  
22 implementation strategies every two years using an adaptive management  
23 process informed by tracking actions and monitoring results in Puget  
24 Sound. In revising the action agenda and the implementation  
25 strategies, the council shall consult the panel and the board and  
26 provide opportunity for public review and comment. Biennial updates  
27 shall:

28 (a) Contain a detailed description of prioritized actions necessary  
29 in the biennium to achieve the goals, objectives, outcomes, and  
30 benchmarks of progress identified in the action agenda;

31 (b) Identify the agency, entity, or person responsible for  
32 completing the necessary action; and

33 (c) Establish biennial benchmarks for near-term actions.

34 (5) The action agenda shall be organized and maintained in a single  
35 document to facilitate public accessibility to the plan.

36 NEW SECTION. **Sec. 14.** DEVELOPMENT OF BIENNIAL BUDGET REQUESTS.



1 (1) State agencies responsible for implementing elements of the action  
2 agenda shall:

3 (a) Provide to the partnership by June 1st of each even-numbered  
4 year their estimates of the actions and the budget resources needed for  
5 the forthcoming biennium to implement their portion of the action  
6 agenda; and

7 (b) Work with the partnership in the development of biennial budget  
8 requests to achieve consistency with the action agenda to be submitted  
9 to the governor for consideration in the governor's biennial budget  
10 request. The agencies shall seek the concurrence of the partnership in  
11 the proposed funding levels and sources included in this proposed  
12 budget.

13 (2) If a state agency submits an amount different from that  
14 developed in subsection (1)(a) of this section as part of its biennial  
15 budget request, the partnership and state agency shall jointly identify  
16 the differences and the reasons for these differences and present this  
17 information to the office of financial management by October 1st of  
18 each even-numbered year.

19 NEW SECTION. **Sec. 15.** FUNDING FROM PARTNERSHIP--ACCOUNTABILITY.

20 (1) Any funding made available directly to the partnership from the  
21 Puget Sound recovery account created in section 23 of this act and used  
22 by the partnership for loans, grants, or funding transfers to other  
23 entities shall be prioritized according to the action agenda developed  
24 pursuant to section 13 of this act.

25 (2) The partnership shall condition, with interagency agreements,  
26 any grants or funding transfers to other entities to ensure  
27 accountability in the expenditure of the funds and to ensure that the  
28 funds are used by the recipient entity in the manner determined by the  
29 partnership to be the most consistent with the priorities of the action  
30 agenda. Any conditions placed on federal funding under this section  
31 shall incorporate and be consistent with requirements under signed  
32 agreements between the entity and the federal government.

33 (3) If the partnership finds that the provided funding was not used  
34 as instructed in the interagency agreement, the partnership may suspend  
35 or further condition future funding to the recipient entity.

36 (4) The partnership shall require any entity that receives funds

1 for implementing the action agenda to publicly disclose and account for  
2 expenditure of those funds.

3 NEW SECTION. **Sec. 16.** IMPLEMENTATION--FISCAL ACCOUNTABILITY. (1)  
4 The legislature intends that fiscal incentives and disincentives be  
5 used as accountability measures designed to achieve consistency with  
6 the action agenda by:

7 (a) Ensuring that projects and activities in conflict with the  
8 action agenda are not funded;

9 (b) Aligning environmental investments with strategic priorities of  
10 the action agenda; and

11 (c) Using other state and loan programs to encourage consistency  
12 with the action agenda.

13 (2) The council shall adopt measures to ensure that funds  
14 appropriated for implementation of the action agenda and identified by  
15 proviso in the omnibus appropriations act pursuant to RCW  
16 43.88.030(1)(g) are expended in a manner that will achieve the intended  
17 results. In developing such performance measures, the council shall  
18 establish criteria for the expenditure of the funds consistent with the  
19 responsibilities and timelines under the action agenda, and require  
20 reporting and tracking of funds expended. The council may adopt other  
21 measures, such as requiring interagency agreements regarding the  
22 expenditure of provisoed Puget Sound funds.

23 (3) The partnership shall work with other state agencies providing  
24 grant and loan funds or other financial assistance for projects and  
25 activities that impact the health of the Puget Sound ecosystem under  
26 chapters 43.155, 70.105D, 70.146, 77.85, 79.105, 79A.15, 89.08, and  
27 90.50A RCW to, within the authorities of the programs, develop  
28 consistent funding criteria that prohibits funding projects and  
29 activities that are in conflict with the action agenda.

30 (4) The partnership shall develop a process and criteria by which  
31 entities that consistently achieve outstanding progress in implementing  
32 the action agenda are designated as Puget Sound partners. State  
33 agencies shall work with the partnership to revise their grant, loan,  
34 or other financial assistance allocation criteria to create a  
35 preference for entities designated as Puget Sound partners for funds  
36 allocated to the Puget Sound basin, pursuant to RCW 43.155.070,

1 70.105D.070, 70.146.070, 77.85.130, 79.105.150, 79A.15.040, 89.08.520,  
2 and 90.50A.040.

3 (5) Any entity that receives state funds to implement actions  
4 required in the action agenda shall report biennially to the council on  
5 progress in completing the action and whether expected results have  
6 been achieved within the time frames specified in the action agenda.

7 NEW SECTION. **Sec. 17.** ACCOUNTABILITY FOR IMPLEMENTATION. (1) The  
8 council is accountable for achieving the action agenda. The  
9 legislature intends that all governmental entities within Puget Sound  
10 will exercise their existing authorities to implement the applicable  
11 provisions of the action agenda.

12 (2) The partnership shall involve the public and implementing  
13 entities to develop standards and processes by which the partnership  
14 will determine whether implementing entities are taking actions  
15 consistent with the action agenda and achieving the outcomes identified  
16 in the action agenda. Among these measures, the council may hold  
17 management conferences with implementing entities to review and assess  
18 performance in undertaking implementation strategies with a particular  
19 focus on compliance with and enforcement of existing laws. Where the  
20 council identifies an inconsistency with the action agenda, the council  
21 shall offer support and assistance to the entity with the objective of  
22 remedying the inconsistency. The results of the conferences shall be  
23 included in the state of the Sound report required under section 19 of  
24 this act.

25 (3) In the event the council determines that an entity is in  
26 substantial noncompliance with the action agenda, it shall provide  
27 notice of this finding and supporting information to the entity. The  
28 council or executive director shall thereafter meet and confer with the  
29 entity to discuss the finding and, if appropriate, develop a corrective  
30 action plan. If no agreement is reached, the council shall hold a  
31 public meeting to present its findings and the proposed corrective  
32 action plan. If the entity is a state agency, the meeting shall  
33 include representatives of the governor's office and office of  
34 financial management. If the entity is a local government, the meeting  
35 shall be held in the jurisdiction and electoral representatives from  
36 the jurisdictions shall be invited to attend. If, after this process,  
37 the council finds that substantial noncompliance continues, the council

1 shall issue written findings and document its conclusions. The council  
2 may recommend to the governor that the entity be ineligible for state  
3 financial assistance until the substantial noncompliance is remedied.  
4 Instances of noncompliance shall be included in the state of the Sound  
5 report required under section 19 of this act.

6 (4) The council shall provide a forum for addressing and resolving  
7 problems, conflicts, or a substantial lack of progress in a specific  
8 area that it has identified in the implementation of the action agenda,  
9 or that citizens or implementing entities bring to the council. The  
10 council may use conflict resolution mechanisms such as but not limited  
11 to, technical and financial assistance, facilitated discussions, and  
12 mediation to resolve the conflict. Where the parties and the council  
13 are unable to resolve the conflict, and the conflict significantly  
14 impairs the implementation of the action agenda, the council shall  
15 provide its analysis of the conflict and recommendations resolution to  
16 the governor, the legislature, and to those entities with  
17 jurisdictional authority to resolve the conflict.

18 (5) When the council or an implementing entity identifies a  
19 statute, rule, ordinance or policy that conflicts with or is an  
20 impediment to the implementation of the action agenda, or identifies a  
21 deficiency in existing statutory authority to accomplish an element of  
22 the action agenda, the council shall review the matter with the  
23 implementing entities involved. The council shall evaluate the merits  
24 of the conflict, impediment, or deficiency, and make recommendations to  
25 the legislature, governor, agency, local government or other  
26 appropriate entity for addressing and resolving the conflict.

27 (6) The council may make recommendations to the governor and  
28 appropriate committees of the senate and house of representatives for  
29 local or state administrative or legislative actions to address  
30 barriers it has identified to successfully implementing the action  
31 agenda.

32 NEW SECTION. **Sec. 18. LIMITATIONS ON AUTHORITY.** (1) The  
33 partnership shall not have regulatory authority nor authority to  
34 transfer the responsibility for, or implementation of, any state  
35 regulatory program, unless otherwise specifically authorized by the  
36 legislature.

1 (2) The action agenda may not create a legally enforceable duty to  
2 review or approve permits, or to adopt plans or regulations. The  
3 action agenda may not authorize the adoption of rules under chapter  
4 34.05 RCW creating a legally enforceable duty applicable to the review  
5 or approval of permits or to the adoption of plans or regulations. No  
6 action of the partnership may alter the forest practices rules adopted  
7 pursuant to chapter 76.09 RCW, or any associated habitat conservation  
8 plan. Any changes in forest practices identified by the processes  
9 established in this chapter as necessary to fully recover the health of  
10 Puget Sound by 2020 may only be realized through the processes  
11 established in RCW 76.09.370 and other designated processes established  
12 in Title 76 RCW. Nothing in this subsection or subsection (1) of this  
13 section limits the accountability provisions of this chapter.

14 (3) Nothing in this chapter limits or alters the existing legal  
15 authority of local governments, nor does it create a legally  
16 enforceable duty upon local governments. When a local government  
17 proposes to take an action inconsistent with the action agenda, it  
18 shall inform the council and identify the reasons for taking the  
19 action. If a local government chooses to take an action inconsistent  
20 with the action agenda or chooses not to take action required by the  
21 action agenda, it will be subject to the accountability measures in  
22 this chapter which can be used at the discretion of the council.

23 NEW SECTION. **Sec. 19.** REPORTS. (1) By September 1st of each  
24 even-numbered year beginning in 2008, the council shall provide to the  
25 governor and the appropriate fiscal committees of the senate and house  
26 of representatives its recommendations for the funding necessary to  
27 implement the action agenda in the succeeding biennium. The  
28 recommendations shall:

- 29 (a) Identify the funding needed by action agenda element;  
30 (b) Address funding responsibilities among local, state, and  
31 federal governments, as well as nongovernmental funding; and  
32 (c) Address funding needed to support the work of the partnership,  
33 the panel, the ecosystem work group, and entities assisting in  
34 coordinating local efforts to implement the plan.

35 (2) In the 2008 report required under subsection (1) of this  
36 section, the council shall include recommendations for projected  
37 funding needed through 2020 to implement the action agenda; funding

1 needs for science panel staff; identify methods to secure stable and  
2 sufficient funding to meet these needs; and include proposals for new  
3 sources of funding to be dedicated to Puget Sound protection and  
4 recovery. In preparing the science panel staffing proposal, the  
5 council shall consult with the panel.

6 (3) By November 1st of each odd-numbered year beginning in 2009,  
7 the council shall produce a state of the Sound report that includes, at  
8 a minimum:

9 (a) An assessment of progress by state and nonstate entities in  
10 implementing the action agenda, including accomplishments in the use of  
11 state funds for action agenda implementation;

12 (b) A description of actions by implementing entities that are  
13 inconsistent with the action agenda and steps taken to remedy the  
14 inconsistency;

15 (c) The comments by the panel on progress in implementing the plan,  
16 as well as findings arising from the assessment and monitoring program;

17 (d) A review of citizen concerns provided to the partnership and  
18 the disposition of those concerns;

19 (e) A review of the expenditures of funds to state agencies for the  
20 implementation of programs affecting the protection and recovery of  
21 Puget Sound, and an assessment of whether the use of the funds is  
22 consistent with the action agenda; and

23 (f) An identification of all funds provided to the partnership, and  
24 recommendations as to how future state expenditures for all entities,  
25 including the partnership, could better match the priorities of the  
26 action agenda.

27 (4)(a) The council shall review state programs that fund facilities  
28 and activities that may contribute to action agenda implementation. By  
29 November 1, 2009, the council shall provide initial recommendations to  
30 the governor and appropriate fiscal and policy committees of the senate  
31 and house of representatives. By November 1, 2010, the council shall  
32 provide final recommendations, including proposed legislation to  
33 implement the recommendation, to the governor and appropriate fiscal  
34 and policy committees of the senate and house of representatives.

35 (b) The review in this subsection shall be conducted with the  
36 active assistance and collaboration of the agencies administering these  
37 programs, and in consultation with local governments and other entities  
38 receiving funding from these programs:

1 (i) The water quality account, chapter 70.146 RCW;  
2 (ii) The water pollution control revolving fund, chapter 90.50A  
3 RCW;  
4 (iii) The public works assistance account, chapter 43.155 RCW;  
5 (iv) The aquatic lands enhancement account, RCW 79.105.150;  
6 (v) The state toxics control account and local toxics control  
7 account and clean-up program, chapter 70.105D RCW;  
8 (vi) The acquisition of habitat conservation and outdoor recreation  
9 land, chapter 79A.15 RCW;  
10 (vii) The salmon recovery funding board, RCW 77.85.110 through  
11 77.85.150;  
12 (viii) The community economic revitalization board, chapter 43.160  
13 RCW;  
14 (ix) Other state financial assistance to water quality-related  
15 projects and activities; and  
16 (x) Water quality financial assistance from federal programs  
17 administered through state programs or provided directly to local  
18 governments in the Puget Sound basin.  
19 (c) The council's review shall include but not be limited to:  
20 (i) Determining the level of funding and types of projects and  
21 activities funded through the programs that contribute to  
22 implementation of the action agenda;  
23 (ii) Evaluating the procedures and criteria in each program for  
24 determining which projects and activities to fund, and their  
25 relationship to the goals and priorities of the action agenda;  
26 (iii) Assessing methods for ensuring that the goals and priorities  
27 of the action agenda are given priority when program funding decisions  
28 are made regarding water quality-related projects and activities in the  
29 Puget Sound basin and habitat-related projects and activities in the  
30 Puget Sound basin;  
31 (iv) Modifying funding criteria so that projects, programs, and  
32 activities that are inconsistent with the action agenda are ineligible  
33 for funding;  
34 (v) Assessing ways to incorporate a strategic funding approach for  
35 the action agenda within the outcome-focused performance measures  
36 required by RCW 43.41.270 in administering natural resource-related and  
37 environmentally based grant and loan programs.

1        NEW SECTION.    **Sec. 20.**    BASIN-WIDE RESTORATION PROGRESS.    By  
2    December 1, 2010, and subject to available funding, the Washington  
3    academy of sciences shall conduct an assessment of basin-wide  
4    restoration progress. The assessment shall include, but not be limited  
5    to, a determination of the extent to which implementation of the action  
6    agenda is making progress toward the action agenda goals, and a  
7    determination of whether the environmental indicators and benchmarks  
8    included in the action agenda accurately measure and reflect progress  
9    toward the action agenda goals.

10       NEW SECTION.    **Sec. 21.**    PERFORMANCE AUDIT.    (1) The joint  
11    legislative audit and review committee shall conduct two performance  
12    audits of the partnership, with the first audit to be completed by  
13    December 1, 2011, and the second to be completed by December 1, 2016.

14       (2) The audit shall include but not be limited to:

15       (a) A determination of the extent to which funds expended by the  
16    partnership or provided in biennial budget acts expressly for  
17    implementing the action agenda have contributed toward meeting the  
18    scientific benchmarks and the recovery goals of the action agenda;

19       (b) A determination of the efficiency and effectiveness of the  
20    partnership's oversight of action agenda implementation, based upon the  
21    achievement of the objectives as measured by the established  
22    environmental indicators and benchmarks; and

23       (c) Any recommendations for improvements in the partnership's  
24    performance and structure, and to provide accountability for action  
25    agenda results by action entities.

26       (3) The partnership may use the audits as the basis for developing  
27    changes to the action agenda, and may submit any recommendations  
28    requiring legislative policy or budgetary action to the governor and to  
29    the appropriate committees of the senate and house of representatives.

30       **Sec. 22.**    RCW 90.71.060 and 1996 c 138 s 7 are each amended to read  
31    as follows:

32       In addition to other powers and duties specified in this chapter,  
33    the ~~((action team shall ensure))~~ panel, with the approval of the  
34    council, shall guide the implementation and coordination of ~~((the))~~ a  
35    Puget Sound ~~((ambient))~~ assessment and monitoring program ~~((established~~



1 in the Puget Sound management plan. The program shall include, at a  
2 minimum:

3 (1) A research program, including but not limited to methods to  
4 provide current research information to managers and scientists, and to  
5 establish priorities based on the needs of the action team;

6 (2) A monitoring program, including baselines, protocols,  
7 guidelines, and quantifiable performance measures. In consultation  
8 with state agencies, local and tribal governments, and other public and  
9 private interests, the action team shall develop and track quantifiable  
10 performance measures that can be used by the governor and the  
11 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. The performance measures shall include,  
15 but not be limited to a methodology to track the progress of: Fish and  
16 wildlife habitat; sites with sediment contamination; wetlands;  
17 shellfish beds; and other key indicators of Puget Sound health. State  
18 agencies shall assist the action team in the development and tracking  
19 of these performance measures. The performance measures may be limited  
20 to a selected geographic area)).

21 NEW SECTION. **Sec. 23.** PUGET SOUND RECOVERY ACCOUNT. The Puget  
22 Sound recovery account is created in the state treasury. To the  
23 account shall be deposited such funds as the legislature directs or  
24 appropriates to the account. Federal grants, gifts, or other financial  
25 assistance received by the Puget Sound partnership and other state  
26 agencies from nonstate sources for the specific purpose of recovering  
27 Puget Sound may be deposited into the account. Moneys in the account  
28 may be spent only after appropriation. Expenditures from the account  
29 may be used for the protection and recovery of Puget Sound.

30 **Sec. 24.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to  
31 read as follows:

32 (1) To qualify for loans or pledges under this chapter the board  
33 must determine that a local government meets all of the following  
34 conditions:

35 (a) The city or county must be imposing a tax under chapter 82.46  
36 RCW at a rate of at least one-quarter of one percent;

1 (b) The local government must have developed a capital facility  
2 plan; and

3 (c) The local government must be using all local revenue sources  
4 which are reasonably available for funding public works, taking into  
5 consideration local employment and economic factors.

6 (2) Except where necessary to address a public health need or  
7 substantial environmental degradation, a county, city, or town planning  
8 under RCW 36.70A.040 must have adopted a comprehensive plan, including  
9 a capital facilities plan element, and development regulations as  
10 required by RCW 36.70A.040. This subsection does not require any  
11 county, city, or town planning under RCW 36.70A.040 to adopt a  
12 comprehensive plan or development regulations before requesting or  
13 receiving a loan or loan guarantee under this chapter if such request  
14 is made before the expiration of the time periods specified in RCW  
15 36.70A.040. A county, city, or town planning under RCW 36.70A.040  
16 which has not adopted a comprehensive plan and development regulations  
17 within the time periods specified in RCW 36.70A.040 is not prohibited  
18 from receiving a loan or loan guarantee under this chapter if the  
19 comprehensive plan and development regulations are adopted as required  
20 by RCW 36.70A.040 before submitting a request for a loan or loan  
21 guarantee.

22 (3) In considering awarding loans for public facilities to special  
23 districts requesting funding for a proposed facility located in a  
24 county, city, or town planning under RCW 36.70A.040, the board shall  
25 consider whether the county, city, or town planning under RCW  
26 36.70A.040 in whose planning jurisdiction the proposed facility is  
27 located has adopted a comprehensive plan and development regulations as  
28 required by RCW 36.70A.040.

29 (4) The board shall develop a priority process for public works  
30 projects as provided in this section. The intent of the priority  
31 process is to maximize the value of public works projects accomplished  
32 with assistance under this chapter. The board shall attempt to assure  
33 a geographical balance in assigning priorities to projects. The board  
34 shall consider at least the following factors in assigning a priority  
35 to a project:

36 (a) Whether the local government receiving assistance has  
37 experienced severe fiscal distress resulting from natural disaster or  
38 emergency public works needs;

1       (b) Except as otherwise conditioned by section 25 of this act,  
2 whether the entity receiving assistance is a Puget Sound partner, as  
3 defined in RCW 90.71.010;

4       (c) Whether the project is referenced in the action agenda  
5 developed by the Puget Sound partnership under section 13 of this act;

6       (d) Whether the project is critical in nature and would affect the  
7 health and safety of a great number of citizens;

8       ~~((e))~~ (e) The cost of the project compared to the size of the  
9 local government and amount of loan money available;

10       ~~((d))~~ (f) The number of communities served by or funding the  
11 project;

12       ~~((e))~~ (g) Whether the project is located in an area of high  
13 unemployment, compared to the average state unemployment;

14       ~~((f))~~ (h) Whether the project is the acquisition, expansion,  
15 improvement, or renovation by a local government of a public water  
16 system that is in violation of health and safety standards, including  
17 the cost of extending existing service to such a system;

18       ~~((g))~~ (i) The relative benefit of the project to the community,  
19 considering the present level of economic activity in the community and  
20 the existing local capacity to increase local economic activity in  
21 communities that have low economic growth; and

22       ~~((h))~~ (j) Other criteria that the board considers advisable.

23       (5) Existing debt or financial obligations of local governments  
24 shall not be refinanced under this chapter. Each local government  
25 applicant shall provide documentation of attempts to secure additional  
26 local or other sources of funding for each public works project for  
27 which financial assistance is sought under this chapter.

28       (6) Before November 1<sup>st</sup> of each year, the board shall develop and  
29 submit to the appropriate fiscal committees of the senate and house of  
30 representatives a description of the loans made under RCW 43.155.065,  
31 43.155.068, and subsection (9) of this section during the preceding  
32 fiscal year and a prioritized list of projects which are recommended  
33 for funding by the legislature, including one copy to the staff of each  
34 of the committees. The list shall include, but not be limited to, a  
35 description of each project and recommended financing, the terms and  
36 conditions of the loan or financial guarantee, the local government  
37 jurisdiction and unemployment rate, demonstration of the jurisdiction's  
38 critical need for the project and documentation of local funds being

1 used to finance the public works project. The list shall also include  
2 measures of fiscal capacity for each jurisdiction recommended for  
3 financial assistance, compared to authorized limits and state averages,  
4 including local government sales taxes; real estate excise taxes;  
5 property taxes; and charges for or taxes on sewerage, water, garbage,  
6 and other utilities.

7 (7) The board shall not sign contracts or otherwise financially  
8 obligate funds from the public works assistance account before the  
9 legislature has appropriated funds for a specific list of public works  
10 projects. The legislature may remove projects from the list  
11 recommended by the board. The legislature shall not change the order  
12 of the priorities recommended for funding by the board.

13 (8) Subsection (7) of this section does not apply to loans made  
14 under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

15 (9) Loans made for the purpose of capital facilities plans shall be  
16 exempted from subsection (7) of this section.

17 (10) To qualify for loans or pledges for solid waste or recycling  
18 facilities under this chapter, a city or county must demonstrate that  
19 the solid waste or recycling facility is consistent with and necessary  
20 to implement the comprehensive solid waste management plan adopted by  
21 the city or county under chapter 70.95 RCW.

22 (11) After January 1, 2010, any project designed to address the  
23 effects of storm water or wastewater on Puget Sound may be funded under  
24 this section only if the project is not in conflict with the action  
25 agenda developed by the Puget Sound partnership under section 13 of  
26 this act.

27 NEW SECTION. Sec. 25. A new section is added to chapter 43.155  
28 RCW to read as follows:

29 In developing a priority process for public works projects under  
30 RCW 43.155.070, the board shall give preferences only to Puget Sound  
31 partners, as defined in RCW 90.71.010, over other entities that are  
32 eligible to be included in the definition of Puget Sound partner.  
33 Entities that are not eligible to be a Puget Sound partner due to  
34 geographic location, composition, exclusion from the scope of the  
35 action agenda developed by the Puget Sound partnership under section 13  
36 of this act, or for any other reason, shall not be given less  
37 preferential treatment than Puget Sound partners.

1       **Sec. 26.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to  
2 read as follows:

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

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

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

8       (c) Actions required under federal and state permits and compliance  
9 orders;

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

12       (e) Except as otherwise conditioned by section 27 of this act,  
13 whether the entity receiving assistance is a Puget Sound partner, as  
14 defined in RCW 90.71.010;

15       (f) Whether the project is referenced in the action agenda  
16 developed by the Puget Sound partnership under section 13 of this act;

17       (g) The extent to which the applicant county or city, or if the  
18 applicant is another public body, the extent to which the county or  
19 city in which the applicant public body is located, has established  
20 programs to mitigate nonpoint pollution of the surface or subterranean  
21 water sought to be protected by the water pollution control facility  
22 named in the application for state assistance; and

23       ~~((f))~~ (h) The recommendations of the Puget Sound ~~((action team))~~  
24 partnership created in section 3 of this act and any other board,  
25 council, commission, or group established by the legislature or a state  
26 agency to study water pollution control issues in the state.

27       (2) Except where necessary to address a public health need or  
28 substantial environmental degradation, a county, city, or town planning  
29 under RCW 36.70A.040 may not receive a grant or loan for water  
30 pollution control facilities unless it has adopted a comprehensive  
31 plan, including a capital facilities plan element, and development  
32 regulations as required by RCW 36.70A.040. This subsection does not  
33 require any county, city, or town planning under RCW 36.70A.040 to  
34 adopt a comprehensive plan or development regulations before requesting  
35 or receiving a grant or loan under this chapter if such request is made  
36 before the expiration of the time periods specified in RCW 36.70A.040.  
37 A county, city, or town planning under RCW 36.70A.040 which has not  
38 adopted a comprehensive plan and development regulations within the

1 time periods specified in RCW 36.70A.040 is not prohibited from  
2 receiving a grant or loan under this chapter if the comprehensive plan  
3 and development regulations are adopted as required by RCW 36.70A.040  
4 before submitting a request for a grant or loan.

5 (3) Whenever the department is considering awarding grants or loans  
6 for public facilities to special districts requesting funding for a  
7 proposed facility located in a county, city, or town planning under RCW  
8 36.70A.040, it shall consider whether the county, city, or town  
9 planning under RCW 36.70A.040 in whose planning jurisdiction the  
10 proposed facility is located has adopted a comprehensive plan and  
11 development regulations as required by RCW 36.70A.040.

12 (4) After January 1, 2010, any project designed to address the  
13 effects of water pollution on Puget Sound may be funded under this  
14 chapter only if the project is not in conflict with the action agenda  
15 developed by the Puget Sound partnership under section 13 of this act.

16 NEW SECTION. Sec. 27. A new section is added to chapter 70.146  
17 RCW to read as follows:

18 When making grants or loans for water pollution control facilities  
19 under RCW 70.146.070, the department shall give preference only to  
20 Puget Sound partners, as defined in RCW 90.71.010, in comparison to  
21 other entities that are eligible to be included in the definition of  
22 Puget Sound partner. Entities that are not eligible to be a Puget  
23 Sound partner due to geographic location, composition, exclusion from  
24 the scope of the action agenda developed by the Puget Sound partnership  
25 under section 13 of this act, or for any other reason, shall not be  
26 given less preferential treatment than Puget Sound partners.

27 **Sec. 28.** RCW 89.08.520 and 2001 c 227 s 3 are each amended to read  
28 as follows:

29 (1) In administering grant programs to improve water quality and  
30 protect habitat, the commission shall:

31 (a) Require grant recipients to incorporate the environmental  
32 benefits of the project into their grant applications(~~(, and the~~  
33 ~~commission shall utilize)~~);

34 (b) In its grant prioritization and selection process, consider:

35 (i) The statement of environmental (~~benefit[s] in its grant~~  
36 ~~prioritization and selection process.)~~ benefits;

1 (ii) Whether, except as conditioned by section 29 of this act, the  
2 applicant is a Puget Sound partner, as defined in RCW 90.71.010; and

3 (iii) Whether the project is referenced in the action agenda  
4 developed by the Puget Sound partnership under section 13 of this act;  
5 and

6 (c) Not provide funding, after January 1, 2010, for projects  
7 designed to address the restoration of Puget Sound that are in conflict  
8 with the action agenda developed by the Puget Sound partnership under  
9 section 13 of this act.

10 (2)(a) The commission shall also develop appropriate outcome-  
11 focused performance measures to be used both for management and  
12 performance assessment of the grant program.

13 (b) The commission shall work with the districts to develop uniform  
14 performance measures across participating districts(~~(-)~~) and to the  
15 extent possible, the commission should coordinate its performance  
16 measure system with other natural resource-related agencies as defined  
17 in RCW 43.41.270. The commission shall consult with affected interest  
18 groups in implementing this section.

19 NEW SECTION. Sec. 29. A new section is added to chapter 89.08 RCW  
20 to read as follows:

21 When administering water quality and habitat protection grants  
22 under this chapter, the commission shall give preference only to Puget  
23 Sound partners, as defined in RCW 90.71.010, in comparison to other  
24 entities that are eligible to be included in the definition of Puget  
25 Sound partner. Entities that are not eligible to be a Puget Sound  
26 partner due to geographic location, composition, exclusion from the  
27 scope of the Puget Sound action agenda developed by the Puget Sound  
28 partnership under section 13 of this act, or for any other reason,  
29 shall not be given less preferential treatment than Puget Sound  
30 partners.

31 **Sec. 30.** RCW 70.105D.070 and 2005 c 488 s 926 are each amended to  
32 read as follows:

33 (1) The state toxics control account and the local toxics control  
34 account are hereby created in the state treasury.

35 (2) The following moneys shall be deposited into the state toxics  
36 control account: (a) Those revenues which are raised by the tax

1 imposed under RCW 82.21.030 and which are attributable to that portion  
2 of the rate equal to thirty-three one-hundredths of one percent; (b)  
3 the costs of remedial actions recovered under this chapter or chapter  
4 70.105A RCW; (c) penalties collected or recovered under this chapter;  
5 and (d) any other money appropriated or transferred to the account by  
6 the legislature. Moneys in the account may be used only to carry out  
7 the purposes of this chapter, including but not limited to the  
8 following activities:

9 (i) The state's responsibility for hazardous waste planning,  
10 management, regulation, enforcement, technical assistance, and public  
11 education required under chapter 70.105 RCW;

12 (ii) The state's responsibility for solid waste planning,  
13 management, regulation, enforcement, technical assistance, and public  
14 education required under chapter 70.95 RCW;

15 (iii) The hazardous waste cleanup program required under this  
16 chapter;

17 (iv) State matching funds required under the federal cleanup law;

18 (v) Financial assistance for local programs in accordance with  
19 chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

20 (vi) State government programs for the safe reduction, recycling,  
21 or disposal of hazardous wastes from households, small businesses, and  
22 agriculture;

23 (vii) Hazardous materials emergency response training;

24 (viii) Water and environmental health protection and monitoring  
25 programs;

26 (ix) Programs authorized under chapter 70.146 RCW;

27 (x) A public participation program, including regional citizen  
28 advisory committees;

29 (xi) Public funding to assist potentially liable persons to pay for  
30 the costs of remedial action in compliance with cleanup standards under  
31 RCW 70.105D.030(2)(e) but only when the amount and terms of such  
32 funding are established under a settlement agreement under RCW  
33 70.105D.040(4) and when the director has found that the funding will  
34 achieve both (A) a substantially more expeditious or enhanced cleanup  
35 than would otherwise occur, and (B) the prevention or mitigation of  
36 unfair economic hardship; and

37 (xii) Development and demonstration of alternative management



1 technologies designed to carry out the top two hazardous waste  
2 management priorities of RCW 70.105.150.

3 (3) The following moneys shall be deposited into the local toxics  
4 control account: Those revenues which are raised by the tax imposed  
5 under RCW 82.21.030 and which are attributable to that portion of the  
6 rate equal to thirty-seven one-hundredths of one percent.

7 (a) Moneys deposited in the local toxics control account shall be  
8 used by the department for grants or loans to local governments for the  
9 following purposes in descending order of priority:

10 (i) Remedial actions;

11 (ii) Hazardous waste plans and programs under chapter 70.105 RCW;

12 (iii) Solid waste plans and programs under chapters 70.95, 70.95C,  
13 70.95I, and 70.105 RCW;

14 (iv) Funds for a program to assist in the assessment and cleanup of  
15 sites of methamphetamine production, but not to be used for the initial  
16 containment of such sites, consistent with the responsibilities and  
17 intent of RCW 69.50.511; and

18 (v) Cleanup and disposal of hazardous substances from abandoned or  
19 derelict vessels, defined for the purposes of this section as vessels  
20 that have little or no value and either have no identified owner or  
21 have an identified owner lacking financial resources to clean up and  
22 dispose of the vessel, that pose a threat to human health or the  
23 environment. ((For purposes of this subsection (3)(a)(v), "abandoned  
24 or derelict vessels" means vessels that have little or no value and  
25 either have no identified owner or have an identified owner lacking  
26 financial resources to clean up and dispose of the vessel.))

27 (b) Funds for plans and programs shall be allocated consistent with  
28 the priorities and matching requirements established in chapters  
29 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that  
30 is a Puget Sound partner, as defined in RCW 90.71.010, along with any  
31 project that is referenced in the action agenda developed by the Puget  
32 Sound partnership under section 13 of this act, shall, except as  
33 conditioned by section 31 of this act, receive priority for any  
34 available funding for any grant or funding programs or sources that use  
35 a competitive bidding process. ((During the 1999-2001 fiscal biennium,  
36 moneys in the account may also be used for the following activities:  
37 Conducting a study of whether dioxins occur in fertilizers, soil  
38 amendments, and soils; reviewing applications for registration of

1 fertilizers; and conducting a study of plant uptake of metals. During  
2 the 2005-2007 fiscal biennium, the legislature may transfer from the  
3 local toxics control account to the state toxics control account such  
4 amounts as specified in the omnibus capital budget bill. During the  
5 2005-2007 fiscal biennium, moneys in the account may also be used for  
6 grants to local governments to retrofit public sector diesel equipment  
7 and for storm water planning and implementation activities.

8 (b)) (c) Funds may also be appropriated to the department of  
9 health to implement programs to reduce testing requirements under the  
10 federal safe drinking water act for public water systems. The  
11 department of health shall reimburse the account from fees assessed  
12 under RCW 70.119A.115 by June 30, 1995.

13 (4) Except for unanticipated receipts under RCW 43.79.260 through  
14 43.79.282, moneys in the state and local toxics control accounts may be  
15 spent only after appropriation by statute.

16 (5) One percent of the moneys deposited into the state and local  
17 toxics control accounts shall be allocated only for public  
18 participation grants to persons who may be adversely affected by a  
19 release or threatened release of a hazardous substance and to not-for-  
20 profit public interest organizations. The primary purpose of these  
21 grants is to facilitate the participation by persons and organizations  
22 in the investigation and remedying of releases or threatened releases  
23 of hazardous substances and to implement the state's solid and  
24 hazardous waste management priorities. However, during the 1999-2001  
25 fiscal biennium, funding may not be granted to entities engaged in  
26 lobbying activities, and applicants may not be awarded grants if their  
27 cumulative grant awards under this section exceed two hundred thousand  
28 dollars. No grant may exceed sixty thousand dollars. Grants may be  
29 renewed annually. Moneys appropriated for public participation from  
30 either account which are not expended at the close of any biennium  
31 shall revert to the state toxics control account.

32 (6) No moneys deposited into either the state or local toxics  
33 control account may be used for solid waste incinerator feasibility  
34 studies, construction, maintenance, or operation, or, after January 1,  
35 2010, for projects designed to address the restoration of Puget Sound,  
36 funded in a competitive grant process, that are in conflict with the  
37 action agenda developed by the Puget Sound partnership under section 13  
38 of this act.

1 (7) The department shall adopt rules for grant or loan issuance and  
2 performance.

3 ~~((8) During the 2005-2007 fiscal biennium, the legislature may  
4 transfer from the state toxics control account to the water quality  
5 account such amounts as reflect the excess fund balance of the fund.))~~

6 NEW SECTION. **Sec. 31.** A new section is added to chapter 70.105D  
7 RCW to read as follows:

8 When administering funds under this chapter, the department shall  
9 give preference only to Puget Sound partners, as defined in RCW  
10 90.71.010, in comparison to other entities that are eligible to be  
11 included in the definition of Puget Sound partner. Entities that are  
12 not eligible to be a Puget Sound partner due to geographic location,  
13 composition, exclusion from the scope of the Puget Sound action agenda  
14 developed by the Puget Sound partnership under section 13 of this act,  
15 or for any other reason, shall not be given less preferential treatment  
16 than Puget Sound partners.

17 **Sec. 32.** RCW 79.105.150 and 2005 c 518 s 946 and 2005 c 155 s 121  
18 are each reenacted and amended to read as follows:

19 (1) After deduction for management costs as provided in RCW  
20 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys  
21 received by the state from the sale or lease of state-owned aquatic  
22 lands and from the sale of valuable material from state-owned aquatic  
23 lands shall be deposited in the aquatic lands enhancement account which  
24 is hereby created in the state treasury. After appropriation, these  
25 funds shall be used solely for aquatic lands enhancement projects; for  
26 the purchase, improvement, or protection of aquatic lands for public  
27 purposes; for providing and improving access to the lands; and for  
28 volunteer cooperative fish and game projects.

29 (2) In providing grants for aquatic lands enhancement projects, the  
30 ~~((department))~~ interagency committee for outdoor recreation shall:

31 (a) Require grant recipients to incorporate the environmental  
32 benefits of the project into their grant applications~~((, and the~~  
33 ~~department shall))~~;

34 (b) Utilize the statement of environmental benefits, consideration,  
35 except as provided in section 33 of this act, of whether the applicant  
36 is a Puget Sound partner, as defined in RCW 90.71.010, and whether a

1 project is referenced in the action agenda developed by the Puget Sound  
2 partnership under section 13 of this act, in its prioritization and  
3 selection process((. The department shall also)); and

4 (c) Develop appropriate outcome-focused performance measures to be  
5 used both for management and performance assessment of the grants.

6 (3) To the extent possible, the department should coordinate its  
7 performance measure system with other natural resource-related agencies  
8 as defined in RCW 43.41.270.

9 (4) The department shall consult with affected interest groups in  
10 implementing this section.

11 ~~((3) During the fiscal biennium ending June 30, 2007, the funds~~  
12 ~~may be appropriated for boating safety, settlement costs for aquatic~~  
13 ~~lands cleanup, and shellfish management, enforcement, and enhancement~~  
14 ~~and assistance to local governments for septic system surveys and data~~  
15 ~~bases.))~~

16 (5) After January 1, 2010, any project designed to address the  
17 restoration of Puget Sound may be funded under this chapter only if the  
18 project is not in conflict with the action agenda developed by the  
Puget Sound partnership under section 13 of this act.

19 NEW SECTION. Sec. 33. A new section is added to chapter 79.105  
20 RCW to read as follows:

21 When administering funds under this chapter, the interagency  
22 committee for outdoor recreation shall give preference only to Puget  
23 Sound partners, as defined in RCW 90.71.010, in comparison to other  
24 entities that are eligible to be included in the definition of Puget  
25 Sound partner. Entities that are not eligible to be a Puget Sound  
26 partner due to geographic location, composition, exclusion from the  
27 scope of the Puget Sound action agenda developed by the Puget Sound  
28 partnership under section 13 of this act, or for any other reason,  
29 shall not be given less preferential treatment than Puget Sound  
30 partners.

31 **Sec. 34.** RCW 79A.15.040 and 2005 c 303 s 3 are each amended to  
32 read as follows:

33 (1) Moneys appropriated for this chapter to the habitat  
34 conservation account shall be distributed in the following way:

35 (a) Not less than forty percent through June 30, 2011, at which

1 time the amount shall become forty-five percent, for the acquisition  
2 and development of critical habitat;

3 (b) Not less than thirty percent for the acquisition and  
4 development of natural areas;

5 (c) Not less than twenty percent for the acquisition and  
6 development of urban wildlife habitat; and

7 (d) Not less than ten percent through June 30, 2011, at which time  
8 the amount shall become five percent, shall be used by the committee to  
9 fund restoration and enhancement projects on state lands. Only the  
10 department of natural resources and the department of fish and wildlife  
11 may apply for these funds to be used on existing habitat and natural  
12 area lands.

13 (2)(a) In distributing these funds, the committee retains  
14 discretion to meet the most pressing needs for critical habitat,  
15 natural areas, and urban wildlife habitat, and is not required to meet  
16 the percentages described in subsection (1) of this section in any one  
17 biennium.

18 (b) If not enough project applications are submitted in a category  
19 within the habitat conservation account to meet the percentages  
20 described in subsection (1) of this section in any biennium, the  
21 committee retains discretion to distribute any remaining funds to the  
22 other categories within the account.

23 (3) Only state agencies may apply for acquisition and development  
24 funds for natural areas projects under subsection (1) (b) of this  
25 section.

26 (4) State and local agencies may apply for acquisition and  
27 development funds for critical habitat and urban wildlife habitat  
28 projects under subsection (1)(a) and (c) of this section.

29 (5)(a) Any lands that have been acquired with grants under this  
30 section by the department of fish and wildlife are subject to an amount  
31 in lieu of real property taxes and an additional amount for control of  
32 noxious weeds as determined by RCW 77.12.203.

33 (b) Any lands that have been acquired with grants under this  
34 section by the department of natural resources are subject to payments  
35 in the amounts required under the provisions of RCW 79.70.130 and  
36 79.71.130.

37 (6)(a) Except as otherwise conditioned by section 35 of this act,

1 the committee shall consider the following in determining distribution  
2 priority:

3 (i) Whether the entity applying for funding is a Puget Sound  
4 partner, as defined in RCW 90.71.010; and

5 (ii) Whether the project is referenced in the action agenda  
6 developed by the Puget Sound partnership under section 13 of this act.

7 (7) After January 1, 2010, any project designed to address the  
8 restoration of Puget Sound may be funded under this chapter only if the  
9 project is not in conflict with the action agenda developed by the  
10 Puget Sound partnership under section 13 of this act.

11 NEW SECTION. Sec. 35. A new section is added to chapter 79A.15  
12 RCW to read as follows:

13 When administering funds under this chapter, the committee shall  
14 give preference only to Puget Sound partners, as defined in RCW  
15 90.71.010, in comparison to other entities that are eligible to be  
16 included in the definition of Puget Sound partner. Entities that are  
17 not eligible to be a Puget Sound partner due to geographic location,  
18 composition, exclusion from the scope of the Puget Sound action agenda  
19 developed by the Puget Sound partnership under section 13 of this act,  
20 or for any other reason, shall not be given less preferential treatment  
21 than Puget Sound partners.

22 **Sec. 36.** RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and  
23 2005 c 257 s 3 are each reenacted and amended to read as follows:

24 (1) The salmon recovery funding board shall develop procedures and  
25 criteria for allocation of funds for salmon habitat projects and salmon  
26 recovery activities on a statewide basis to address the highest  
27 priorities for salmon habitat protection and restoration. To the  
28 extent practicable the board shall adopt an annual allocation of  
29 funding. The allocation should address both protection and restoration  
30 of habitat, and should recognize the varying needs in each area of the  
31 state on an equitable basis. The board has the discretion to partially  
32 fund, or to fund in phases, salmon habitat projects. The board may  
33 annually establish a maximum amount of funding available for any  
34 individual project, subject to available funding. No projects required  
35 solely as a mitigation or a condition of permitting are eligible for  
36 funding.

1 (2)(a) In evaluating, ranking, and awarding funds for projects and  
2 activities the board shall give preference to projects that:

3 (i) Are based upon the limiting factors analysis identified under  
4 RCW 77.85.060;

5 (ii) Provide a greater benefit to salmon recovery based upon the  
6 stock status information contained in the department of fish and  
7 wildlife salmonid stock inventory (SASSI), the salmon and steelhead  
8 habitat inventory and assessment project (SSHIAP), and any comparable  
9 science-based assessment when available;

10 (iii) Will benefit listed species and other fish species;

11 (iv) Will preserve high quality salmonid habitat; (~~and~~)

12 (v) Are included in a regional or watershed-based salmon recovery  
13 plan that accords the project, action, or area a high priority for  
14 funding;

15 (vi) Are, except as provided in section 37 of this act, sponsored  
16 by an entity that is a Puget Sound partner, as defined in RCW  
17 90.71.010; and

18 (vii) Are projects referenced in the action agenda developed by the  
19 Puget Sound partnership under section 13 of this act.

20 (b) In evaluating, ranking, and awarding funds for projects and  
21 activities the board shall also give consideration to projects that:

22 (i) Are the most cost-effective;

23 (ii) Have the greatest matched or in-kind funding;

24 (iii) Will be implemented by a sponsor with a successful record of  
25 project implementation; (~~and~~)

26 (iv) Involve members of the veterans conservation corps established  
27 in RCW 43.60A.150; and

28 (v) Are part of a regionwide list developed by lead entities.

29 (3) The board may reject, but not add, projects from a habitat  
30 project list submitted by a lead entity for funding.

31 (4) The board shall establish criteria for determining when block  
32 grants may be made to a lead entity. The board may provide block  
33 grants to the lead entity to implement habitat project lists developed  
34 under RCW 77.85.050, subject to available funding. The board shall  
35 determine an equitable minimum amount of project funds for each  
36 recovery region, and shall distribute the remainder of funds on a  
37 competitive basis. The board may also provide block grants to the lead  
38 entity or regional recovery organization to assist in carrying out

1 functions described under this chapter. Block grants must be expended  
2 consistent with the priorities established for the board in subsection  
3 (2) of this section. Lead entities or regional recovery organizations  
4 receiving block grants under this subsection shall provide an annual  
5 report to the board summarizing how funds were expended for activities  
6 consistent with this chapter, including the types of projects funded,  
7 project outcomes, monitoring results, and administrative costs.

8 (5) The board may waive or modify portions of the allocation  
9 procedures and standards adopted under this section in the award of  
10 grants or loans to conform to legislative appropriations directing an  
11 alternative award procedure or when the funds to be awarded are from  
12 federal or other sources requiring other allocation procedures or  
13 standards as a condition of the board's receipt of the funds. The  
14 board shall develop an integrated process to manage the allocation of  
15 funding from federal and state sources to minimize delays in the award  
16 of funding while recognizing the differences in state and legislative  
17 appropriation timing.

18 (6) The board may award a grant or loan for a salmon recovery  
19 project on private or public land when the landowner has a legal  
20 obligation under local, state, or federal law to perform the project,  
21 when expedited action provides a clear benefit to salmon recovery, and  
22 there will be harm to salmon recovery if the project is delayed. For  
23 purposes of this subsection, a legal obligation does not include a  
24 project required solely as a mitigation or a condition of permitting.

25 (7) Property acquired or improved by a project sponsor may be  
26 conveyed to a federal agency if: (a) The agency agrees to comply with  
27 all terms of the grant or loan to which the project sponsor was  
28 obligated; or (b) the board approves: (i) Changes in the terms of the  
29 grant or loan, and the revision or removal of binding deed of right  
30 instruments; and (ii) a memorandum of understanding or similar document  
31 ensuring that the facility or property will retain, to the extent  
32 feasible, adequate habitat protections; and (c) the appropriate  
33 legislative authority of the county or city with jurisdiction over the  
34 project area approves the transfer and provides notification to the  
35 board.

36 (8) After January 1, 2010, any project designed to address the  
37 restoration of Puget Sound may be funded under this chapter only if the



1 project is not in conflict with the action agenda developed by the  
2 Puget Sound partnership under section 13 of this act.

3 NEW SECTION. **Sec. 37.** A new section is added to chapter 77.85 RCW  
4 to read as follows:

5 When administering funds under this chapter, the board shall give  
6 preference only to Puget Sound partners, as defined in RCW 90.71.010,  
7 in comparison to other entities that are eligible to be included in the  
8 definition of Puget Sound partner. Entities that are not eligible to  
9 be a Puget Sound partner due to geographic location, composition,  
10 exclusion from the scope of the Puget Sound action agenda developed by  
11 the Puget Sound partnership under section 13 of this act, or for any  
12 other reason, shall not be given less preferential treatment than Puget  
13 Sound partners.

14 **Sec. 38.** RCW 90.50A.030 and 1996 c 37 s 4 are each amended to read  
15 as follows:

16 The department (~~(of ecology)~~) shall use the moneys in the water  
17 pollution control revolving fund to provide financial assistance as  
18 provided in the water quality act of 1987 and as provided in RCW  
19 90.50A.040:

20 (1) To make loans, on the condition that:

21 (a) Such loans are made at or below market interest rates,  
22 including interest free loans, at terms not to exceed twenty years;

23 (b) Annual principal and interest payments will commence not later  
24 than one year after completion of any project and all loans will be  
25 fully amortized not later than twenty years after project completion;

26 (c) The recipient of a loan will establish a dedicated source of  
27 revenue for repayment of loans; and

28 (d) The fund will be credited with all payments of principal and  
29 interest on all loans.

30 (2) Loans may be made for the following purposes:

31 (a) To public bodies for the construction or replacement of water  
32 pollution control facilities as defined in section 212 of the federal  
33 water quality act of 1987;

34 (b) For the implementation of a management program established  
35 under section 319 of the federal water quality act of 1987 relating to

1 the management of nonpoint sources of pollution, subject to the  
2 requirements of that act; and

3 (c) For development and implementation of a conservation and  
4 management plan under section 320 of the federal water quality act of  
5 1987 relating to the national estuary program, subject to the  
6 requirements of that act.

7 (3) The department may also use the moneys in the fund for the  
8 following purposes:

9 (a) To buy or refinance the water pollution control facilities'  
10 debt obligations of public bodies at or below market rates, if such  
11 debt was incurred after March 7, 1985;

12 (b) To guarantee, or purchase insurance for, public body  
13 obligations for water pollution control facility construction or  
14 replacement or activities if the guarantee or insurance would improve  
15 credit market access or reduce interest rates, or to provide loans to  
16 a public body for this purpose;

17 (c) As a source of revenue or security for the payment of principal  
18 and interest on revenue or general obligation bonds issued by the state  
19 if the proceeds of the sale of such bonds will be deposited in the  
20 fund;

21 (d) To earn interest on fund accounts; and

22 (e) To pay the expenses of the department in administering the  
23 water pollution control revolving fund according to administrative  
24 reserves authorized by federal and state law.

25 (4) (~~Beginning with the biennium ending June 30, 1997,~~) The  
26 department shall present a biennial progress report on the use of  
27 moneys from the account to the (~~chairs of the senate committee on ways  
28 and means and the house of representatives committee on appropriations.  
29 The first report is due June 30, 1996, and the report for each  
30 succeeding biennium is due December 31 of the odd numbered year~~)  
31 appropriate committees of the legislature. The report shall consist of  
32 a list of each recipient, project description, and amount of the grant,  
33 loan, or both.

34 (5) The department may not use the moneys in the water pollution  
35 control revolving fund for grants.

36 **Sec. 39.** RCW 90.50A.040 and 1988 c 284 s 5 are each amended to  
37 read as follows:

1 Moneys deposited in the water pollution control revolving fund  
2 shall be administered by the department (~~of ecology~~). In  
3 administering the fund, the department shall:

4 (1) Consistent with RCW 90.50A.030 and section 40 of this act,  
5 allocate funds for loans in accordance with the annual project priority  
6 list in accordance with section 212 of the federal water pollution  
7 control act as amended in 1987, and allocate funds under sections 319  
8 and 320 according to the provisions of that act;

9 (2) Use accounting, audit, and fiscal procedures that conform to  
10 generally accepted government accounting standards;

11 (3) Prepare any reports required by the federal government as a  
12 condition to awarding federal capitalization grants;

13 (4) Adopt by rule any procedures or standards necessary to carry  
14 out the provisions of this chapter;

15 (5) Enter into agreements with the federal environmental protection  
16 agency;

17 (6) Cooperate with local, substate regional, and interstate  
18 entities regarding state assessment reports and state management  
19 programs related to the nonpoint source management programs as noted in  
20 section 319(c) of the federal water pollution control act amendments of  
21 1987 and estuary programs developed under section 320 of that act;  
22 (~~and~~)

23 (7) Comply with provisions of the water quality act of 1987; and

24 (8) After January 1, 2010, not provide funding for projects  
25 designed to address the restoration of Puget Sound that are in conflict  
26 with the action agenda developed by the Puget Sound partnership under  
27 section 13 of this act.

28 NEW SECTION. Sec. 40. A new section is added to chapter 90.50A  
29 RCW to read as follows:

30 (1) In administering the fund, the department shall give priority  
31 consideration to:

32 (a) A public body that is a Puget Sound partner, as defined in RCW  
33 90.71.010; and

34 (b) A project that is referenced in the action agenda developed by  
35 the Puget Sound partnership under section 13 of this act.

36 (2) When implementing this section, the department shall give  
37 preference only to Puget Sound partners, as defined in RCW 90.71.010,

1 in comparison to other entities that are eligible to be included in the  
2 definition of Puget Sound partner. Entities that are not eligible to  
3 be a Puget Sound partner due to geographic location, composition,  
4 exclusion from the scope of the Puget Sound action agenda developed  
5 under section 13 of this act, or for any other reason, shall not be  
6 given less preferential treatment than Puget Sound partners.

7 NEW SECTION. **Sec. 41.** TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--  
8 REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM. (1) The Puget  
9 Sound action team is hereby abolished and its powers, duties, and  
10 functions are hereby transferred to the Puget Sound partnership as  
11 consistent with this chapter. All references to the chair or the Puget  
12 Sound action team in the Revised Code of Washington shall be construed  
13 to mean the executive director or the Puget Sound partnership.

14 (2)(a) All employees of the Puget Sound action team are transferred  
15 to the jurisdiction of the Puget Sound partnership.

16 (b) All reports, documents, surveys, books, records, files, papers,  
17 or written material in the possession of the Puget Sound action team  
18 shall be delivered to the custody of the Puget Sound partnership. All  
19 cabinets, furniture, office equipment, motor vehicles, and other  
20 tangible property employed by the Puget Sound action team shall be made  
21 available to the Puget Sound partnership. All funds, credits, or other  
22 assets held by the Puget Sound action team shall be assigned to the  
23 Puget Sound partnership.

24 (c) Any appropriations made to the Puget Sound action team shall,  
25 on the effective date of this section, be transferred and credited to  
26 the Puget Sound partnership.

27 (d) If any question arises as to the transfer of any personnel,  
28 funds, books, documents, records, papers, files, equipment, or other  
29 tangible property used or held in the exercise of the powers and the  
30 performance of the duties and functions transferred, the director of  
31 financial management shall make a determination as to the proper  
32 allocation and certify the same to the state agencies concerned.

33 (3) All rules and all pending business before the Puget Sound  
34 action team shall be continued and acted upon by the Puget Sound  
35 partnership. All existing contracts and obligations shall remain in  
36 full force and shall be performed by the Puget Sound partnership.

1 (4) The transfer of the powers, duties, functions, and personnel of  
2 the Puget Sound action team shall not affect the validity of any act  
3 performed before the effective date of this section.

4 (5) If apportionments of budgeted funds are required because of the  
5 transfers directed by this section, the director of financial  
6 management shall certify the apportionments to the agencies affected,  
7 the state auditor, and the state treasurer. Each of these shall make  
8 the appropriate transfer and adjustments in funds and appropriation  
9 accounts and equipment records in accordance with the certification.

10 (6) Nothing contained in this section may be construed to alter any  
11 existing collective bargaining unit or the provisions of any existing  
12 collective bargaining agreement until the agreement has expired or  
13 until the bargaining unit has been modified by action of the public  
14 employment relations commission as provided by law.

15 NEW SECTION. **Sec. 42.** CAPTIONS NOT LAW. Captions used in this  
16 chapter are not any part of the law.

17 **Sec. 43.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read  
18 as follows:

19 (1)(a) The ((~~action team~~)) department of health shall ((~~establish~~  
20 a)) manage the established shellfish - on-site sewage grant program in  
21 Puget Sound and for Pacific and Grays Harbor counties. The ((~~action~~  
22 team)) department of health shall provide funds to local health  
23 jurisdictions to be used as grants or loans to individuals for  
24 improving their on-site sewage systems. The grants or loans may be  
25 provided only in areas that have the potential to adversely affect  
26 water quality in commercial and recreational shellfish growing areas.

27 (b) A recipient of a grant or loan shall enter into an agreement  
28 with the appropriate local health jurisdiction to maintain the improved  
29 on-site sewage system according to specifications required by the local  
30 health jurisdiction.

31 (c) The ((~~action team~~)) department of health shall work closely  
32 with local health jurisdictions and ((~~shall endeavor~~)) it shall be the  
33 goal of the department of health to attain geographic equity between  
34 Grays Harbor, Willapa Bay, and ((~~the~~)) Puget Sound when making funds  
35 available under this program.

1       (d) For the purposes of this subsection, "geographic equity" means  
2 issuing on-site sewage grants or loans at a level that matches the  
3 funds generated from the oyster reserve lands in that area.

4       (2) In ~~((the))~~ Puget Sound, the ~~((action team))~~ department of  
5 health shall give first priority to areas that are:

6       (a) Identified as "areas of special concern" under WAC 246-272-  
7 01001; ~~((or))~~

8       (b) Included within a shellfish protection district under chapter  
9 90.72 RCW; or

10       (c) Identified as a marine recovery area under chapter 70.118A RCW.

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

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

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

24       (6) ~~((For the 2001-2003 biennium, the action team may use up to  
25 fifty percent of the shellfish on-site sewage grant program funds for  
26 grants to local health jurisdictions to establish areas of special  
27 concern under WAC 246-272-01001, or for operation and maintenance  
28 programs therein, where commercial and recreational uses are present))~~  
29 As part of the grant program created in this section, the department of  
30 health may use any unexpended and unobligated funds from the oyster  
31 reserve land account, created in RCW 77.60.160, that are remaining  
32 after the implementation of subsection (1) of this section to fund  
33 research projects related to oyster reserves. If the department  
34 chooses to expend funds for oyster reserve research, it may recover  
35 additional costs to administer the research program up to ten percent  
36 of the funds expended for research. The department shall select  
37 research projects in consultation with the department of fish and

1 wildlife and the appropriate reserve advisory committee created in RCW  
2 77.60.150(2).

3 NEW SECTION. **Sec. 44.** A new section is added to chapter 41.06 RCW  
4 to read as follows:

5 In addition to the exemptions under RCW 41.06.070, the provisions  
6 of this chapter shall not apply in the Puget Sound partnership to the  
7 executive director, to one confidential secretary, and to all  
8 professional staff.

9 **Sec. 45.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to  
10 read as follows:

11 There shall be departments of the state government which shall be  
12 known as (1) the department of social and health services, (2) the  
13 department of ecology, (3) the department of labor and industries, (4)  
14 the department of agriculture, (5) the department of fish and wildlife,  
15 (6) the department of transportation, (7) the department of licensing,  
16 (8) the department of general administration, (9) the department of  
17 community, trade, and economic development, (10) the department of  
18 veterans affairs, (11) the department of revenue, (12) the department  
19 of retirement systems, (13) the department of corrections, (14) the  
20 department of health, (15) the department of financial institutions,  
21 (16) the department of archaeology and historic preservation, (~~and~~)  
22 (17) the department of early learning, and (18) the Puget Sound  
23 partnership, which shall be charged with the execution, enforcement,  
24 and administration of such laws, and invested with such powers and  
25 required to perform such duties, as the legislature may provide.

26 **Sec. 46.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to  
27 read as follows:

28 There shall be a chief executive officer of each department to be  
29 known as: (1) The secretary of social and health services, (2) the  
30 director of ecology, (3) the director of labor and industries, (4) the  
31 director of agriculture, (5) the director of fish and wildlife, (6) the  
32 secretary of transportation, (7) the director of licensing, (8) the  
33 director of general administration, (9) the director of community,  
34 trade, and economic development, (10) the director of veterans affairs,  
35 (11) the director of revenue, (12) the director of retirement systems,

1 (13) the secretary of corrections, (14) the secretary of health, (15)  
2 the director of financial institutions, (16) the director of the  
3 department of archaeology and historic preservation, (~~and~~) (17) the  
4 director of early learning, and (18) the executive director of the  
5 Puget Sound partnership.

6 Such officers, except the director of fish and wildlife, shall be  
7 appointed by the governor, with the consent of the senate, and hold  
8 office at the pleasure of the governor. The director of fish and  
9 wildlife shall be appointed by the fish and wildlife commission as  
10 prescribed by RCW 77.04.055.

11 **Sec. 47.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to  
12 read as follows:

13 For the purposes of RCW 42.17.240, the term "executive state  
14 officer" includes:

- 15 (1) The chief administrative law judge, the director of  
16 agriculture, the administrator of the Washington basic health plan, the  
17 director of the department of services for the blind, the director of  
18 the state system of community and technical colleges, the director of  
19 community, trade, and economic development, the secretary of  
20 corrections, the director of early learning, the director of ecology,  
21 the commissioner of employment security, the chair of the energy  
22 facility site evaluation council, the secretary of the state finance  
23 committee, the director of financial management, the director of fish  
24 and wildlife, the executive secretary of the forest practices appeals  
25 board, the director of the gambling commission, the director of general  
26 administration, the secretary of health, the administrator of the  
27 Washington state health care authority, the executive secretary of the  
28 health care facilities authority, the executive secretary of the higher  
29 education facilities authority, the executive secretary of the horse  
30 racing commission, the executive secretary of the human rights  
31 commission, the executive secretary of the indeterminate sentence  
32 review board, the director of the department of information services,  
33 the director of the interagency committee for outdoor recreation, the  
34 executive director of the state investment board, the director of labor  
35 and industries, the director of licensing, the director of the lottery  
36 commission, the director of the office of minority and women's business  
37 enterprises, the director of parks and recreation, the director of



1 personnel, the executive director of the public disclosure commission,  
2 the executive director of the Puget Sound partnership, the director of  
3 retirement systems, the director of revenue, the secretary of social  
4 and health services, the chief of the Washington state patrol, the  
5 executive secretary of the board of tax appeals, the secretary of  
6 transportation, the secretary of the utilities and transportation  
7 commission, the director of veterans affairs, the president of each of  
8 the regional and state universities and the president of The Evergreen  
9 State College, and each district and each campus president of each  
10 state community college;

11 (2) Each professional staff member of the office of the governor;

12 (3) Each professional staff member of the legislature; and

13 (4) Central Washington University board of trustees, board of  
14 trustees of each community college, each member of the state board for  
15 community and technical colleges, state convention and trade center  
16 board of directors, committee for deferred compensation, Eastern  
17 Washington University board of trustees, Washington economic  
18 development finance authority, The Evergreen State College board of  
19 trustees, executive ethics board, forest practices appeals board,  
20 forest practices board, gambling commission, life sciences discovery  
21 fund authority board of trustees, Washington health care facilities  
22 authority, each member of the Washington health services commission,  
23 higher education coordinating board, higher education facilities  
24 authority, horse racing commission, state housing finance commission,  
25 human rights commission, indeterminate sentence review board, board of  
26 industrial insurance appeals, information services board, interagency  
27 committee for outdoor recreation, state investment board, commission on  
28 judicial conduct, legislative ethics board, liquor control board,  
29 lottery commission, marine oversight board, Pacific Northwest electric  
30 power and conservation planning council, parks and recreation  
31 commission, (~~personnel appeals board,~~) board of pilotage  
32 commissioners, pollution control hearings board, public disclosure  
33 commission, public pension commission, shorelines hearing board, public  
34 employees' benefits board, salmon recovery funding board, board of tax  
35 appeals, transportation commission, University of Washington board of  
36 regents, utilities and transportation commission, Washington state  
37 maritime commission, Washington personnel resources board, Washington

1 public power supply system executive board, Washington State University  
2 board of regents, Western Washington University board of trustees, and  
3 fish and wildlife commission.

4 **Sec. 48.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read  
5 as follows:

6 (1) The southwest Washington salmon recovery region, whose  
7 boundaries are provided in chapter 60, Laws of 1998, is created.

8 (2) Lead entities within a salmon recovery region that agree to  
9 form a regional salmon recovery organization may be recognized by the  
10 salmon recovery office as a regional recovery organization. The  
11 regional recovery organization may plan, coordinate, and monitor the  
12 implementation of a regional recovery plan in accordance with RCW  
13 77.85.150. Regional recovery organizations existing as of July 24,  
14 2005, that have developed draft recovery plans approved by the  
15 governor's salmon recovery office by July 1, 2005, may continue to  
16 plan, coordinate, and monitor the implementation of regional recovery  
17 plans.

18 (3) Beginning January 1, 2008, the leadership council, created  
19 under chapter 90.71 RCW, shall serve as the regional salmon recovery  
20 organization for Puget Sound salmon species, except for program known  
21 as the Hood Canal summer chum evolutionarily significant unit area,  
22 which the Hood Canal coordinating council shall continue to administer  
23 under chapter 90.88 RCW.

24 **Sec. 49.** RCW 90.88.005 and 2005 c 478 s 1 are each amended to read  
25 as follows:

26 (1) The legislature finds that Hood Canal is a precious aquatic  
27 resource of our state. The legislature finds that Hood Canal is a rich  
28 source of recreation, fishing, aquaculture, and aesthetic enjoyment for  
29 the citizens of this state. The legislature also finds that Hood Canal  
30 has great cultural significance for the tribes in the Hood Canal area.  
31 The legislature therefore recognizes Hood Canal's substantial  
32 environmental, cultural, economic, recreational, and aesthetic  
33 importance in this state.

34 (2) The legislature finds that Hood Canal is a marine water of the  
35 state at significant risk. The legislature finds that Hood Canal has  
36 a "dead zone" related to low-dissolved oxygen concentrations, a

1 condition that has recurred for many years. The legislature also finds  
2 that this problem and various contributors to the problem were  
3 documented in the May 2004 *Preliminary Assessment and Corrective Action*  
4 *Plan* published by the state agency known as the Puget Sound action team  
5 and the Hood Canal coordinating council.

6 (3) The legislature further finds that significant research,  
7 monitoring, and study efforts are currently occurring regarding Hood  
8 Canal's low-dissolved oxygen concentrations. The legislature also  
9 finds numerous public, private, and community organizations are working  
10 to provide public education and identify potential solutions. The  
11 legislature recognizes that, while some information and research is now  
12 available and some potential solutions have been identified, more  
13 research and analysis is needed to fully develop a program to address  
14 Hood Canal's low-dissolved oxygen concentrations.

15 (4) The legislature finds a need exists for the state to take  
16 action to address Hood Canal's low-dissolved oxygen concentrations.  
17 The legislature also finds establishing an aquatic rehabilitation zone  
18 for Hood Canal will serve as a statutory framework for future  
19 regulations and programs directed at recovery of this important aquatic  
20 resource.

21 (5) The legislature therefore intends to establish an aquatic  
22 rehabilitation zone for Hood Canal as the framework to address Hood  
23 Canal's low-dissolved oxygen concentrations. The legislature also  
24 intends to incorporate provisions in the new statutory chapter creating  
25 the designation as solutions are identified regarding this problem.

26 **Sec. 50.** RCW 90.88.020 and 2005 c 479 s 2 are each amended to read  
27 as follows:

28 (1) The development of a program for rehabilitation of Hood Canal  
29 is authorized in Jefferson, Kitsap, and Mason counties within the  
30 aquatic rehabilitation zone one.

31 (2) The Puget Sound (~~(action team)~~) partnership, created in section  
32 3 of this act, is designated as the state lead agency for the  
33 rehabilitation program authorized in this section.

34 (3) The Hood Canal coordinating council is designated as the local  
35 management board for the rehabilitation program authorized in this  
36 section.

1 (4) The Puget Sound (~~(action team)~~) partnership and the Hood Canal  
2 coordinating council must each approve and must comanage projects under  
3 the rehabilitation program authorized in this section.

4 **Sec. 51.** RCW 90.88.030 and 2005 c 479 s 3 are each amended to read  
5 as follows:

6 (1) The Hood Canal coordinating council shall serve as the local  
7 management board for aquatic rehabilitation zone one. The local  
8 management board shall coordinate local government efforts with respect  
9 to the program authorized according to RCW 90.88.020. In the Hood  
10 Canal area, the Hood Canal coordinating council also shall:

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

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

14 (2) When developing and implementing the program authorized in RCW  
15 90.88.020 and when establishing funding criteria according to  
16 subsection (7) of this section, the Puget Sound (~~(action team)~~)  
17 partnership, created in section 3 of this act, and the local management  
18 board shall solicit participation by federal, tribal, state, and local  
19 agencies and universities and nonprofit organizations with expertise in  
20 areas related to program activities. The local management board may  
21 include state and federal agency representatives, or additional  
22 persons, as nonvoting management board members or may receive technical  
23 assistance and advice from them in other venues. The local management  
24 board also may appoint technical advisory committees as needed.

25 (3) The local management board and the Puget Sound (~~(action team)~~)  
26 partnership shall participate in the development of the program  
27 authorized under RCW 90.88.020.

28 (4) The local management board and its participating local and  
29 tribal governments shall assess concepts for a regional governance  
30 structure and shall submit a report regarding the findings and  
31 recommendations to the appropriate committees of the legislature by  
32 December 1, 2007.

33 (5) Any of the local management board's participating counties and  
34 tribes, any federal, tribal, state, or local agencies, or any  
35 universities or nonprofit organizations may continue individual efforts  
36 and activities for rehabilitation of Hood Canal. Nothing in this

1 section limits the authority of units of local government to enter into  
2 interlocal agreements under chapter 39.34 RCW or any other provision of  
3 law.

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

7 (7) The local management board and the Puget Sound (~~action team~~)  
8 partnership each may receive and disburse funding for projects,  
9 studies, and activities related to Hood Canal's low-dissolved oxygen  
10 concentrations. The Puget Sound (~~action team~~) partnership and the  
11 local management board shall jointly coordinate a process to prioritize  
12 projects, studies, and activities for which the Puget Sound (~~action~~  
13 ~~team~~) partnership receives state funding specifically allocated for  
14 Hood Canal corrective actions to implement this section. The local  
15 management board and the Puget Sound (~~action team~~) partnership shall  
16 establish criteria for funding these projects, studies, and activities  
17 based upon their likely value in addressing and resolving Hood Canal's  
18 low-dissolved oxygen concentrations. Final approval for projects under  
19 this section requires the consent of both the Puget Sound (~~action~~  
20 ~~team~~) partnership and the local management board. Projects under this  
21 section must be comanaged by the Puget Sound (~~action team~~)  
22 partnership and the local management board. Nothing in this section  
23 prohibits any federal, tribal, state, or local agencies, universities,  
24 or nonprofit organizations from receiving funding for specific projects  
25 that may assist in the rehabilitation of Hood Canal.

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

31 (9) The local management board shall report its progress on a  
32 quarterly basis to the legislative bodies of the participating counties  
33 and tribes and the participating state agencies. The local management  
34 board also shall submit an annual report describing its efforts and  
35 successes in implementing the program established according to RCW  
36 90.88.020 to the appropriate committees of the legislature.

1       **Sec. 52.** RCW 90.88.901 and 2005 c 479 s 5 are each amended to read  
2 as follows:

3       Nothing in chapter 479, Laws of 2005 provides any regulatory  
4 authority to the Puget Sound (~~(action team)~~) partnership, created in  
5 section 3 of this act, or the Hood Canal coordinating council.

6       **Sec. 53.** RCW 90.88.902 and 2005 c 479 s 6 are each amended to read  
7 as follows:

8       The activities of the Puget Sound (~~(action team)~~) partnership,  
9 created in section 3 of this act, and the Hood Canal coordinating  
10 council required by chapter 479, Laws of 2005 are subject to the  
11 availability of amounts appropriated for this specific purpose.

12       **Sec. 54.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read  
13 as follows:

14       The department of ecology is hereby designated as the State Water  
15 Pollution Control Agency for all purposes of the federal clean water  
16 act as it exists on February 4, 1987, and is hereby authorized to  
17 participate fully in the programs of the act as well as to take all  
18 action necessary to secure to the state the benefits and to meet the  
19 requirements of that act. With regard to the national estuary program  
20 established by section 320 of that act, the department shall exercise  
21 its responsibility jointly with the Puget Sound (~~(water quality~~  
22 ~~authority)~~) partnership, created in section 3 of this act. The  
23 department of ecology may delegate its authority under this chapter,  
24 including its national pollutant discharge elimination permit system  
25 authority and duties regarding animal feeding operations and  
26 concentrated animal feeding operations, to the department of  
27 agriculture through a memorandum of understanding. Until any such  
28 delegation receives federal approval, the department of agriculture's  
29 adoption or issuance of animal feeding operation and concentrated  
30 animal feeding operation rules, permits, programs, and directives  
31 pertaining to water quality shall be accomplished after reaching  
32 agreement with the director of the department of ecology. Adoption or  
33 issuance and implementation shall be accomplished so that compliance  
34 with such animal feeding operation and concentrated animal feeding  
35 operation rules, permits, programs, and directives will achieve

1 compliance with all federal and state water pollution control laws.  
2 The powers granted herein include, among others, and notwithstanding  
3 any other provisions of chapter 90.48 RCW or otherwise, the following:

4 (1) Complete authority to establish and administer a comprehensive  
5 state point source waste discharge or pollution discharge elimination  
6 permit program which will enable the department to qualify for full  
7 participation in any national waste discharge or pollution discharge  
8 elimination permit system and will allow the department to be the sole  
9 agency issuing permits required by such national system operating in  
10 the state of Washington subject to the provisions of RCW 90.48.262(2).

11 Program elements authorized herein may include, but are not limited to:

12 (a) Effluent treatment and limitation requirements together with timing  
13 requirements related thereto; (b) applicable receiving water quality  
14 standards requirements; (c) requirements of standards of performance  
15 for new sources; (d) pretreatment requirements; (e) termination and  
16 modification of permits for cause; (f) requirements for public notices  
17 and opportunities for public hearings; (g) appropriate relationships  
18 with the secretary of the army in the administration of his  
19 responsibilities which relate to anchorage and navigation, with the  
20 administrator of the environmental protection agency in the performance  
21 of his duties, and with other governmental officials under the federal  
22 clean water act; (h) requirements for inspection, monitoring, entry,  
23 and reporting; (i) enforcement of the program through penalties,  
24 emergency powers, and criminal sanctions; (j) a continuing planning  
25 process; and (k) user charges.

26 (2) The power to establish and administer state programs in a  
27 manner which will insure the procurement of moneys, whether in the form  
28 of grants, loans, or otherwise; to assist in the construction,  
29 operation, and maintenance of various water pollution control  
30 facilities and works; and the administering of various state water  
31 pollution control management, regulatory, and enforcement programs.

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

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

1           **Sec. 55.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to  
2 read as follows:

3           The commission, in consultation with the departments of ecology,  
4 fish and wildlife, natural resources, social and health services, and  
5 the Puget Sound (~~(action team)~~) partnership shall conduct a literature  
6 search and analyze pertinent studies to identify areas which are  
7 polluted or environmentally sensitive within the state's waters. Based  
8 on this review the commission shall designate appropriate areas as  
9 polluted or environmentally sensitive, for the purposes of chapter 393,  
10 Laws of 1989 only.

11           **Sec. 56.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to  
12 read as follows:

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

23           The legislature finds that there is a need to educate Washington's  
24 boating community about safe and responsible actions on our waters and  
25 to increase the level and visibility of the enforcement of boating  
26 laws. To address the incidence of fatalities and injuries due to  
27 recreational boating on our state's waters, local and state efforts  
28 directed towards safe boating must be stimulated. To provide for safe  
29 waterways and public enjoyment, portions of the watercraft excise tax  
30 and boat registration fees should be made available for boating safety  
31 and other boating recreation purposes.

32           In recognition of the need for clean waterways, and in keeping with  
33 the Puget Sound (~~(action team's)~~) partnership's water quality work  
34 plan, the legislature finds that adequate opportunities for responsible  
35 disposal of boat sewage must be made available. There is hereby  
36 established a five-year initiative to install sewage pumpout or sewage  
37 dump stations at appropriate marinas.



1 To assure the use of these sewage facilities, a boater  
2 environmental education program must accompany the five-year initiative  
3 and continue to educate boaters about boat wastes and aquatic  
4 resources.

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

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

12 **Sec. 57.** RCW 79.105.500 and 2005 c 155 s 158 are each amended to  
13 read as follows:

14 The legislature finds that the department provides, manages, and  
15 monitors aquatic land dredged material disposal sites on state-owned  
16 aquatic lands for materials dredged from rivers, harbors, and shipping  
17 lanes. These disposal sites are approved through a cooperative  
18 planning process by the departments of natural resources and ecology,  
19 the United States army corps of engineers, and the United States  
20 environmental protection agency in cooperation with the Puget Sound  
21 (~~(action team)~~) partnership. These disposal sites are essential to the  
22 commerce and well-being of the citizens of the state of Washington.  
23 Management and environmental monitoring of these sites are necessary to  
24 protect environmental quality and to assure appropriate use of state-  
25 owned aquatic lands. The creation of an aquatic land dredged material  
26 disposal site account is a reasonable means to enable and facilitate  
27 proper management and environmental monitoring of these disposal sites.

28 **Sec. 58.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read  
29 as follows:

30 (1) The aquatic nuisance species committee is created for the  
31 purpose of fostering state, federal, tribal, and private cooperation on  
32 aquatic nuisance species issues. The mission of the committee is to  
33 minimize the unauthorized or accidental introduction of nonnative  
34 aquatic species and give special emphasis to preventing the  
35 introduction and spread of aquatic nuisance species. The term "aquatic  
36 nuisance species" means a nonnative aquatic plant or animal species

1 that threatens the diversity or abundance of native species, the  
2 ecological stability of infested waters, or commercial, agricultural,  
3 or recreational activities dependent on such waters.

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

15 (3) The committee has the following duties:

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

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

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

23 (d) Coordinate education, research, regulatory authorities,  
24 monitoring and control programs, and participate in regional and  
25 national efforts regarding aquatic nuisance species;

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

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

34 (4) The committee shall accomplish its duties through the authority  
35 and cooperation of its member agencies. Implementation of all plans  
36 and programs developed by the committee shall be through the member  
37 agencies and other cooperating organizations.

1       **Sec. 59.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to  
2 read as follows:

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

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

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

8           (c) Actions required under federal and state permits and compliance  
9 orders;

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

12          (e) The extent to which the applicant county or city, or if the  
13 applicant is another public body, the extent to which the county or  
14 city in which the applicant public body is located, has established  
15 programs to mitigate nonpoint pollution of the surface or subterranean  
16 water sought to be protected by the water pollution control facility  
17 named in the application for state assistance; and

18          (f) The recommendations of the Puget Sound (~~action team~~)  
19 partnership, created in section 3 of this act, and any other board,  
20 council, commission, or group established by the legislature or a state  
21 agency to study water pollution control issues in the state.

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

1 (3) Whenever the department is considering awarding grants or loans  
2 for public facilities to special districts requesting funding for a  
3 proposed facility located in a county, city, or town planning under RCW  
4 36.70A.040, it shall consider whether the county, city, or town  
5 planning under RCW 36.70A.040 in whose planning jurisdiction the  
6 proposed facility is located has adopted a comprehensive plan and  
7 development regulations as required by RCW 36.70A.040.

8 **Sec. 60.** RCW 70.118.090 and 1994 c 281 s 6 are each amended to  
9 read as follows:

10 The department may not use funds appropriated to implement an  
11 element of the action agenda developed by the Puget Sound ((water  
12 quality authority plan)) partnership under section 13 of this act to  
13 conduct any activity required under chapter 281, Laws of 1994.

14 **Sec. 61.** RCW 43.21J.030 and 1998 c 245 s 60 are each amended to  
15 read as follows:

16 (1) There is created the environmental enhancement and job creation  
17 task force within the office of the governor. The purpose of the task  
18 force is to provide a coordinated and comprehensive approach to  
19 implementation of chapter 516, Laws of 1993. The task force shall  
20 consist of the commissioner of public lands, the director of the  
21 department of fish and wildlife, the director of the department of  
22 ecology, the director of the parks and recreation commission, the  
23 timber team coordinator, the executive director of the work force  
24 training and education coordinating board, and the executive director  
25 of the Puget Sound ((water quality authority)) partnership, or their  
26 designees. The task force may seek the advice of the following  
27 agencies and organizations: The department of community, trade, and  
28 economic development, the conservation commission, the employment  
29 security department, the interagency committee for outdoor recreation,  
30 appropriate federal agencies, appropriate special districts, the  
31 Washington state association of counties, the association of Washington  
32 cities, labor organizations, business organizations, timber-dependent  
33 communities, environmental organizations, and Indian tribes. The  
34 governor shall appoint the task force chair. Members of the task force  
35 shall serve without additional pay. Participation in the work of the  
36 committee by agency members shall be considered in performance of their

1 employment. The governor shall designate staff and administrative  
2 support to the task force and shall solicit the participation of agency  
3 personnel to assist the task force.

4 (2) The task force shall have the following responsibilities:

5 (a) Soliciting and evaluating, in accordance with the criteria set  
6 forth in RCW 43.21J.040, requests for funds from the environmental and  
7 forest restoration account and making distributions from the account.  
8 The task force shall award funds for projects and training programs it  
9 approves and may allocate the funds to state agencies for disbursement  
10 and contract administration;

11 (b) Coordinating a process to assist state agencies and local  
12 governments to implement effective environmental and forest restoration  
13 projects funded under this chapter;

14 (c) Considering unemployment profile data provided by the  
15 employment security department.

16 (3) Beginning July 1, 1994, the task force shall have the following  
17 responsibilities:

18 (a) To solicit and evaluate proposals from state and local  
19 agencies, private nonprofit organizations, and tribes for environmental  
20 and forest restoration projects;

21 (b) To rank the proposals based on criteria developed by the task  
22 force in accordance with RCW 43.21J.040; and

23 (c) To determine funding allocations for projects to be funded from  
24 the account created in RCW 43.21J.020 and for projects or programs as  
25 designated in the omnibus operating and capital appropriations acts.

26 **Sec. 62.** RCW 43.21J.040 and 1993 c 516 s 4 are each amended to  
27 read as follows:

28 (1) Subject to the limitations of RCW 43.21J.020, the task force  
29 shall award funds from the environmental and forest restoration account  
30 on a competitive basis. The task force shall evaluate and rate  
31 environmental enhancement and restoration project proposals using the  
32 following criteria:

33 (a) The ability of the project to produce measurable improvements  
34 in water and habitat quality;

35 (b) The cost-effectiveness of the project based on: (i) Projected  
36 costs and benefits of the project; (ii) past costs and environmental

1 benefits of similar projects; and (iii) the ability of the project to  
2 achieve cost efficiencies through its design to meet multiple policy  
3 objectives;

4 (c) The inclusion of the project as a high priority in a federal,  
5 state, tribal, or local government plan relating to environmental or  
6 forest restoration, including but not limited to a local watershed  
7 action plan, storm water management plan, capital facility plan, growth  
8 management plan, or a flood control plan; or the ranking of the project  
9 by conservation districts as a high priority for water quality and  
10 habitat improvements;

11 (d) The number of jobs to be created by the project for dislocated  
12 forest products workers, high-risk youth, and residents of impact  
13 areas;

14 (e) Participation in the project by environmental businesses to  
15 provide training, cosponsor projects, and employ or jointly employ  
16 project participants;

17 (f) The ease with which the project can be administered from the  
18 community the project serves;

19 (g) The extent to which the project will either augment existing  
20 efforts by organizations and governmental entities involved in  
21 environmental and forest restoration in the community or receive  
22 matching funds, resources, or in-kind contributions; and

23 (h) The capacity of the project to produce jobs and job-related  
24 training that will pay market rate wages and impart marketable skills  
25 to workers hired under this chapter.

26 (2) The following types of projects and programs shall be given top  
27 priority in the first fiscal year after July 1, 1993:

28 (a) Projects that are highly ranked in and implement adopted or  
29 approved watershed action plans, such as those developed pursuant to  
30 rules adopted by the agency then known as the Puget Sound water quality  
31 authority ((rules—adopted)) for local planning and management of  
32 nonpoint source pollution;

33 (b) Conservation district projects that provide water quality and  
34 habitat improvements;

35 (c) Indian tribe projects that provide water quality and habitat  
36 improvements; or

37 (d) Projects that implement actions approved by a shellfish  
38 protection district under chapter 100, Laws of 1992.

1 (3) Funds shall not be awarded for the following activities:

2 (a) Administrative rule making;

3 (b) Planning; or

4 (c) Public education.

5 **Sec. 63.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to  
6 read as follows:

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

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

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

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

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

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

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

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

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

1 the Puget Sound (~~water quality authority~~) partnership, created in  
2 section 3 of this act, and ensure consistency with (~~the authority's~~)  
3 any of the Puget Sound partnership's water quality management plans.

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

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

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

14 NEW SECTION. Sec. 64. RCW 90.71.902 and 90.71.903 are each  
15 decodified.

16 NEW SECTION. Sec. 65. RCW 90.71.100 is recodified as a new  
17 section in chapter 70.118 RCW.

18 NEW SECTION. Sec. 66. The following acts or parts of acts are  
19 each repealed:

20 (1) RCW 90.71.005 (Findings) and 1998 c 246 s 13 & 1996 c 138 s 1;

21 (2) RCW 90.71.015 (Environmental excellence program agreements--  
22 Effect on chapter) and 1997 c 381 s 30;

23 (3) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 &  
24 1996 c 138 s 3;

25 (4) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996  
26 c 138 s 4;

27 (5) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;

28 (6) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s  
29 6;

30 (7) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;

31 (8) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;

32 (9) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15;  
33 and

34 (10) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.



1        NEW SECTION.   **Sec. 67.**   Sections 1, 3 through 21, 23, 41, and 42 of  
2        this act are each added to chapter 90.71 RCW.

3        NEW SECTION.   **Sec. 68.**   If any provision of this act or its  
4        application to any person or circumstance is held invalid, the  
5        remainder of the act or the application of the provision to other  
6        persons or circumstances is not affected."

7        Correct the title.

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