

**ESSB 5372 - H AMD 621**

By Representative Upthegrove

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

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

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

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

1 agencies, tribes, cities, counties, ports, and special purpose  
2 districts, support and help implement the partnership's restoration  
3 efforts. The legislature further intends that the partnership will:

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

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

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

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

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

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

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

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

26 ~~(3) "Council" means the Puget Sound council created in RCW~~  
27 ~~90.71.030.~~

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

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

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

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

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

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

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

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

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

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

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

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

20       (11) "Puget Sound" means Puget Sound and related inland marine  
21 waters, including all salt waters of the state of Washington inside the  
22 international boundary line between Washington and British Columbia,  
23 and lying east of the junction of the Pacific Ocean and the Strait of  
24 Juan de Fuca, and the rivers and streams draining to Puget Sound as  
25 mapped by water resource inventory areas 1 through 19 in WAC  
26 173-500-040 as it exists on the effective date of this section.

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

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

1       (14) "Watershed programs" means and includes all watershed-level  
2 plans, programs, projects, and activities that relate to or may  
3 contribute to the protection or restoration of Puget Sound waters.  
4 Such programs include jurisdiction-wide programs regardless of whether  
5 more than one watershed is addressed.

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

12       NEW SECTION. Sec. 4. LEADERSHIP COUNCIL---STRUCTURE---PROCEDURES.

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

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

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

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

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

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

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

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

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

1 (7) A majority of the council constitutes a quorum for the  
2 transaction of business.

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

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

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

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

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

14 (c) Create subcommittees and advisory committees as appropriate to  
15 assist the council;

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

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

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

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

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

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

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

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

36 (3) The council shall work closely with existing organizations and  
37 all levels of government to ensure that the action agenda and its

1 implementation are scientifically sound, efficient, and achieve  
2 necessary results to accomplish recovery of Puget Sound to health by  
3 2020.

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

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

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

15 NEW SECTION. **Sec. 6.** EXECUTIVE DIRECTOR--POWERS AND DUTIES. (1)

16 The partnership shall be administered by an executive director who  
17 serves as a communication link between all levels of government, the  
18 private sector, tribes, nongovernmental organizations, the council, the  
19 board, and the panel. The executive director shall be accountable to  
20 the council and the governor for effective communication, actions, and  
21 results.

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

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

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

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

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

1 (b) Engaging and educating the public regarding Puget Sound's  
2 health, including efforts and opportunities to restore Puget Sound  
3 ecosystems; and

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

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

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

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

14 (b) Two members representing general business interests, one of  
15 whom shall represent in-state general small business interests, both  
16 appointed by the council;

17 (c) Two members representing environmental interests, appointed by  
18 the council;

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

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

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

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

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

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

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

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

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

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

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

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

25 (6) Members of the board, except for federal and state employees,  
26 shall be reimbursed for travel expenses in accordance with RCW  
27 43.03.050 and 43.03.060.

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



1 (2) The partnership shall organize this work by working with these  
2 groups in the following geographic action areas of Puget Sound, which  
3 collectively encompass all of the Puget Sound basin and include the  
4 areas draining to the marine waters in these action areas:

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

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

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

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

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

34 (a) At a minimum, the compilation shall include the Puget Sound  
35 nearshore estuary project, clean-up plans for contaminated aquatic  
36 lands and shorelands, aquatic land management plans, state resource  
37 management plans, habitat conservation plans, and recovery plans for

1 salmon, orca, and other species in Puget Sound that are listed under  
2 the federal endangered species act.

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

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

11 (d) If it determines that doing so will increase the likelihood of  
12 restoring Puget Sound by 2020, the partnership may explore the utility  
13 of federal assurances under the endangered species act, 16 U.S.C. Sec.  
14 1531 et seq., and shall confer with the federal services administering  
15 that act.

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

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

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

1 financial relationship with any leadership council member, and disclose  
2 sources of current financial support and contracts relating to Puget  
3 Sound recovery.

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

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

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

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

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

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

32 The panel shall:

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

36 (b) As provided in section 11 of this act, assist the partnership  
37 in 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 biennial  
35       science work 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 from the Puget Sound  
27 recovery account to ensure accountability in the expenditure of the  
28 funds and to ensure that the funds are used by the recipient entity in  
29 the manner determined by the partnership to be the most consistent with  
30 the priorities of the action agenda. Any conditions placed on federal  
31 funding under this section shall incorporate and be consistent with  
32 requirements under signed agreements between the entity and the federal  
33 government.

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

1 (4) The partnership shall require any entity that receives funds  
2 for implementing the action agenda to publicly disclose and account for  
3 expenditure of those funds.

4 NEW SECTION. **Sec. 16.** IMPLEMENTATION--FISCAL ACCOUNTABILITY. (1)

5 The legislature intends that fiscal incentives and disincentives be  
6 used as accountability measures designed to achieve consistency with  
7 the action agenda by:

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

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

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

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

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

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

1 allocated to the Puget Sound basin, pursuant to RCW 43.155.070,  
2 70.105D.070, 70.146.070, 77.85.130, 79.105.150, 79A.15.040, 89.08.520,  
3 and 90.50A.040. This process shall be developed on a timeline that  
4 takes into consideration state grant and loan funding cycles.

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

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

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

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

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

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

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

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

34 NEW SECTION. **Sec. 18.** LIMITATIONS ON AUTHORITY. (1) The  
35 partnership shall not have regulatory authority nor authority to  
36 transfer the responsibility for, or implementation of, any state

1 regulatory program, unless otherwise specifically authorized by the  
2 legislature.

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

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

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

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

1 (2) In the 2008 report required under subsection (1) of this  
2 section, the council shall include recommendations for projected  
3 funding needed through 2020 to implement the action agenda; funding  
4 needs for science panel staff; identify methods to secure stable and  
5 sufficient funding to meet these needs; and include proposals for new  
6 sources of funding to be dedicated to Puget Sound protection and  
7 recovery. In preparing the science panel staffing proposal, the  
8 council shall consult with the panel.

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

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

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

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

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

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

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

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

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

5 (i) The water quality account, chapter 70.146 RCW;

6 (ii) The water pollution control revolving fund, chapter 90.50A  
7 RCW;

8 (iii) The public works assistance account, chapter 43.155 RCW;

9 (iv) The aquatic lands enhancement account, RCW 79.105.150;

10 (v) The state toxics control account and local toxics control  
11 account and clean-up program, chapter 70.105D RCW;

12 (vi) The acquisition of habitat conservation and outdoor recreation  
13 land, chapter 79A.15 RCW;

14 (vii) The salmon recovery funding board, RCW 77.85.110 through  
15 77.85.150;

16 (viii) The community economic revitalization board, chapter 43.160  
17 RCW;

18 (ix) Other state financial assistance to water quality-related  
19 projects and activities; and

20 (x) Water quality financial assistance from federal programs  
21 administered through state programs or provided directly to local  
22 governments in the Puget Sound basin.

23 (c) The council's review shall include but not be limited to:

24 (i) Determining the level of funding and types of projects and  
25 activities funded through the programs that contribute to  
26 implementation of the action agenda;

27 (ii) Evaluating the procedures and criteria in each program for  
28 determining which projects and activities to fund, and their  
29 relationship to the goals and priorities of the action agenda;

30 (iii) Assessing methods for ensuring that the goals and priorities  
31 of the action agenda are given priority when program funding decisions  
32 are made regarding water quality-related projects and activities in the  
33 Puget Sound basin and habitat-related projects and activities in the  
34 Puget Sound basin;

35 (iv) Modifying funding criteria so that projects, programs, and  
36 activities that are inconsistent with the action agenda are ineligible  
37 for funding;

1 (v) Assessing ways to incorporate a strategic funding approach for  
2 the action agenda within the outcome-focused performance measures  
3 required by RCW 43.41.270 in administering natural resource-related and  
4 environmentally based grant and loan programs.

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

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

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

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

23 (b) A determination of the efficiency and effectiveness of the  
24 partnership's oversight of action agenda implementation, based upon the  
25 achievement of the objectives as measured by the established  
26 environmental indicators and benchmarks; and

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

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

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



1 In addition to other powers and duties specified in this chapter,  
2 the ~~((action team shall ensure))~~ panel, with the approval of the  
3 council, shall guide the implementation and coordination of ~~((the))~~ a  
4 Puget Sound ~~((ambient))~~ assessment and monitoring program ~~((established~~  
5 ~~in the Puget Sound management plan. The program shall include, at a~~  
6 ~~minimum:~~

7 (1) ~~A research program, including but not limited to methods to~~  
8 ~~provide current research information to managers and scientists, and to~~  
9 ~~establish priorities based on the needs of the action team:~~

10 (2) ~~A monitoring program, including baselines, protocols,~~  
11 ~~guidelines, and quantifiable performance measures. In consultation~~  
12 ~~with state agencies, local and tribal governments, and other public and~~  
13 ~~private interests, the action team shall develop and track quantifiable~~  
14 ~~performance measures that can be used by the governor and the~~  
15 ~~legislature to assess the effectiveness over time of programs and~~  
16 ~~actions initiated under the plan to improve and protect Puget Sound~~  
17 ~~water quality and biological resources. The performance measures shall~~  
18 ~~be developed by June 30, 1997. The performance measures shall include,~~  
19 ~~but not be limited to a methodology to track the progress of: Fish and~~  
20 ~~wildlife habitat; sites with sediment contamination; wetlands;~~  
21 ~~shellfish beds; and other key indicators of Puget Sound health. State~~  
22 ~~agencies shall assist the action team in the development and tracking~~  
23 ~~of these performance measures. The performance measures may be limited~~  
24 ~~to a selected geographic area)).~~

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

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

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

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

6 (b) The local government must have developed a capital facility  
7 plan; and

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

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

27 (3) In considering awarding loans for public facilities to special  
28 districts requesting funding for a proposed facility located in a  
29 county, city, or town planning under RCW 36.70A.040, the board shall  
30 consider whether the county, city, or town planning under RCW  
31 36.70A.040 in whose planning jurisdiction the proposed facility is  
32 located has adopted a comprehensive plan and development regulations as  
33 required by RCW 36.70A.040.

34 (4) The board shall develop a priority process for public works  
35 projects as provided in this section. The intent of the priority  
36 process is to maximize the value of public works projects accomplished  
37 with assistance under this chapter. The board shall attempt to assure

1 a geographical balance in assigning priorities to projects. The board  
2 shall consider at least the following factors in assigning a priority  
3 to a project:

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

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

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

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

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

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

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

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

24 ~~((g))~~ (i) The relative benefit of the project to the community,  
25 considering the present level of economic activity in the community and  
26 the existing local capacity to increase local economic activity in  
27 communities that have low economic growth; and

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

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

34 (6) Before November 1<sup>st</sup> of each year, the board shall develop and  
35 submit to the appropriate fiscal committees of the senate and house of  
36 representatives a description of the loans made under RCW 43.155.065,  
37 43.155.068, and subsection (9) of this section during the preceding  
38 fiscal year and a prioritized list of projects which are recommended

1 for funding by the legislature, including one copy to the staff of each  
2 of the committees. The list shall include, but not be limited to, a  
3 description of each project and recommended financing, the terms and  
4 conditions of the loan or financial guarantee, the local government  
5 jurisdiction and unemployment rate, demonstration of the jurisdiction's  
6 critical need for the project and documentation of local funds being  
7 used to finance the public works project. The list shall also include  
8 measures of fiscal capacity for each jurisdiction recommended for  
9 financial assistance, compared to authorized limits and state averages,  
10 including local government sales taxes; real estate excise taxes;  
11 property taxes; and charges for or taxes on sewerage, water, garbage,  
12 and other utilities.

13 (7) The board shall not sign contracts or otherwise financially  
14 obligate funds from the public works assistance account before the  
15 legislature has appropriated funds for a specific list of public works  
16 projects. The legislature may remove projects from the list  
17 recommended by the board. The legislature shall not change the order  
18 of the priorities recommended for funding by the board.

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

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

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

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

33 NEW SECTION. **Sec. 25.** A new section is added to chapter 43.155  
34 RCW to read as follows:

35 In developing a priority process for public works projects under  
36 RCW 43.155.070, the board shall give preferences only to Puget Sound  
37 partners, as defined in RCW 90.71.010, over other entities that are

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

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

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

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

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

14 (c) Actions required under federal and state permits and compliance  
15 orders;

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

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

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

23 (g) The extent to which the applicant county or city, or if the  
24 applicant is another public body, the extent to which the county or  
25 city in which the applicant public body is located, has established  
26 programs to mitigate nonpoint pollution of the surface or subterranean  
27 water sought to be protected by the water pollution control facility  
28 named in the application for state assistance; and

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

33 (2) Except where necessary to address a public health need or  
34 substantial environmental degradation, a county, city, or town planning  
35 under RCW 36.70A.040 may not receive a grant or loan for water  
36 pollution control facilities unless it has adopted a comprehensive  
37 plan, including a capital facilities plan element, and development

1 regulations as required by RCW 36.70A.040. This subsection does not  
2 require any county, city, or town planning under RCW 36.70A.040 to  
3 adopt a comprehensive plan or development regulations before requesting  
4 or receiving a grant or loan under this chapter if such request is made  
5 before the expiration of the time periods specified in RCW 36.70A.040.  
6 A county, city, or town planning under RCW 36.70A.040 which has not  
7 adopted a comprehensive plan and development regulations within the  
8 time periods specified in RCW 36.70A.040 is not prohibited from  
9 receiving a grant or loan under this chapter if the comprehensive plan  
10 and development regulations are adopted as required by RCW 36.70A.040  
11 before submitting a request for a grant or loan.

12 (3) Whenever the department is considering awarding grants or loans  
13 for public facilities to special districts requesting funding for a  
14 proposed facility located in a county, city, or town planning under RCW  
15 36.70A.040, it shall consider whether the county, city, or town  
16 planning under RCW 36.70A.040 in whose planning jurisdiction the  
17 proposed facility is located has adopted a comprehensive plan and  
18 development regulations as required by RCW 36.70A.040.

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

23 NEW SECTION. **Sec. 27.** A new section is added to chapter 70.146  
24 RCW to read as follows:

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

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

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

3       (a) Require grant recipients to incorporate the environmental  
4 benefits of the project into their grant applications(~~(, and the~~  
5 ~~commission shall utilize)~~);

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

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

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

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

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

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

21       (b) The commission shall work with the districts to develop uniform  
22 performance measures across participating districts(~~(-)~~) and to the  
23 extent possible, the commission should coordinate its performance  
24 measure system with other natural resource-related agencies as defined  
25 in RCW 43.41.270. The commission shall consult with affected interest  
26 groups in implementing this section.

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

29       When administering water quality and habitat protection grants  
30 under this chapter, the commission shall give preference only to Puget  
31 Sound partners, as defined in RCW 90.71.010, in comparison to other  
32 entities that are eligible to be included in the definition of Puget  
33 Sound partner. Entities that are not eligible to be a Puget Sound  
34 partner due to geographic location, composition, exclusion from the  
35 scope of the Puget Sound action agenda developed by the Puget Sound  
36 partnership under section 13 of this act, or for any other reason,

1 shall not be given less preferential treatment than Puget Sound  
2 partners.

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

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

7 (2) The following moneys shall be deposited into the state toxics  
8 control account: (a) Those revenues which are raised by the tax  
9 imposed under RCW 82.21.030 and which are attributable to that portion  
10 of the rate equal to thirty-three one-hundredths of one percent; (b)  
11 the costs of remedial actions recovered under this chapter or chapter  
12 70.105A RCW; (c) penalties collected or recovered under this chapter;  
13 and (d) any other money appropriated or transferred to the account by  
14 the legislature. Moneys in the account may be used only to carry out  
15 the purposes of this chapter, including but not limited to the  
16 following activities:

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

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

23 (iii) The hazardous waste cleanup program required under this  
24 chapter;

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

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

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

31 (vii) Hazardous materials emergency response training;

32 (viii) Water and environmental health protection and monitoring  
33 programs;

34 (ix) Programs authorized under chapter 70.146 RCW;

35 (x) A public participation program, including regional citizen  
36 advisory committees;



1 (xi) Public funding to assist potentially liable persons to pay for  
2 the costs of remedial action in compliance with cleanup standards under  
3 RCW 70.105D.030(2)(e) but only when the amount and terms of such  
4 funding are established under a settlement agreement under RCW  
5 70.105D.040(4) and when the director has found that the funding will  
6 achieve both (A) a substantially more expeditious or enhanced cleanup  
7 than would otherwise occur, and (B) the prevention or mitigation of  
8 unfair economic hardship; and

9 (xii) Development and demonstration of alternative management  
10 technologies designed to carry out the top two hazardous waste  
11 management priorities of RCW 70.105.150.

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

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

19 (i) Remedial actions;

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

21 (iii) Solid waste plans and programs under chapters 70.95, 70.95C,  
22 70.95I, and 70.105 RCW;

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

27 (v) Cleanup and disposal of hazardous substances from abandoned or  
28 derelict vessels, defined for the purposes of this section as vessels  
29 that have little or no value and either have no identified owner or  
30 have an identified owner lacking financial resources to clean up and  
31 dispose of the vessel, that pose a threat to human health or the  
32 environment. ((For purposes of this subsection (3)(a)(v), "abandoned  
33 or derelict vessels" means vessels that have little or no value and  
34 either have no identified owner or have an identified owner lacking  
35 financial resources to clean up and dispose of the vessel.))

36 (b) Funds for plans and programs shall be allocated consistent with  
37 the priorities and matching requirements established in chapters  
38 70.105, 70.95C, 70.95I, and 70.95 RCW, except that any applicant that

1 is a Puget Sound partner, as defined in RCW 90.71.010, along with any  
2 project that is referenced in the action agenda developed by the Puget  
3 Sound partnership under section 13 of this act, shall, except as  
4 conditioned by section 31 of this act, receive priority for any  
5 available funding for any grant or funding programs or sources that use  
6 a competitive bidding process. (~~During the 1999-2001 fiscal biennium,~~  
7 ~~moneys in the account may also be used for the following activities:~~  
8 ~~Conducting a study of whether dioxins occur in fertilizers, soil~~  
9 ~~amendments, and soils; reviewing applications for registration of~~  
10 ~~fertilizers; and conducting a study of plant uptake of metals. During~~  
11 ~~the 2005-2007 fiscal biennium, the legislature may transfer from the~~  
12 ~~local toxics control account to the state toxics control account such~~  
13 ~~amounts as specified in the omnibus capital budget bill. During the~~  
14 ~~2005-2007 fiscal biennium, moneys in the account may also be used for~~  
15 ~~grants to local governments to retrofit public sector diesel equipment~~  
16 ~~and for storm water planning and implementation activities.~~

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

22 (4) Except for unanticipated receipts under RCW 43.79.260 through  
23 43.79.282, moneys in the state and local toxics control accounts may be  
24 spent only after appropriation by statute.

25 (5) One percent of the moneys deposited into the state and local  
26 toxics control accounts shall be allocated only for public  
27 participation grants to persons who may be adversely affected by a  
28 release or threatened release of a hazardous substance and to not-for-  
29 profit public interest organizations. The primary purpose of these  
30 grants is to facilitate the participation by persons and organizations  
31 in the investigation and remedying of releases or threatened releases  
32 of hazardous substances and to implement the state's solid and  
33 hazardous waste management priorities. However, during the 1999-2001  
34 fiscal biennium, funding may not be granted to entities engaged in  
35 lobbying activities, and applicants may not be awarded grants if their  
36 cumulative grant awards under this section exceed two hundred thousand  
37 dollars. No grant may exceed sixty thousand dollars. Grants may be

1 renewed annually. Moneys appropriated for public participation from  
2 either account which are not expended at the close of any biennium  
3 shall revert to the state toxics control account.

4 (6) No moneys deposited into either the state or local toxics  
5 control account may be used for solid waste incinerator feasibility  
6 studies, construction, maintenance, or operation, or, after January 1,  
7 2010, for projects designed to address the restoration of Puget Sound,  
8 funded in a competitive grant process, that are in conflict with the  
9 action agenda developed by the Puget Sound partnership under section 13  
10 of this act.

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

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

16 NEW SECTION. Sec. 31. A new section is added to chapter 70.105D  
17 RCW to read as follows:

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

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

29 (1) After deduction for management costs as provided in RCW  
30 79.64.040 and payments to towns under RCW 79.115.150(2), all moneys  
31 received by the state from the sale or lease of state-owned aquatic  
32 lands and from the sale of valuable material from state-owned aquatic  
33 lands shall be deposited in the aquatic lands enhancement account which  
34 is hereby created in the state treasury. After appropriation, these  
35 funds shall be used solely for aquatic lands enhancement projects; for

1 the purchase, improvement, or protection of aquatic lands for public  
2 purposes; for providing and improving access to the lands; and for  
3 volunteer cooperative fish and game projects.

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

6 (a) Require grant recipients to incorporate the environmental  
7 benefits of the project into their grant applications~~((, and the~~  
8 ~~department shall))~~);

9 (b) Utilize the statement of environmental benefits, consideration,  
10 except as provided in section 33 of this act, of whether the applicant  
11 is a Puget Sound partner, as defined in RCW 90.71.010, and whether a  
12 project is referenced in the action agenda developed by the Puget Sound  
13 partnership under section 13 of this act, in its prioritization and  
14 selection process~~((. The department shall also))~~); and

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

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

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

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

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

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

32 When administering funds under this chapter, the interagency  
33 committee for outdoor recreation shall give preference only to Puget  
34 Sound partners, as defined in RCW 90.71.010, in comparison to other  
35 entities that are eligible to be included in the definition of Puget  
36 Sound partner. Entities that are not eligible to be a Puget Sound  
37 partner due to geographic location, composition, exclusion from the

1 scope of the Puget Sound action agenda developed by the Puget Sound  
2 partnership under section 13 of this act, or for any other reason,  
3 shall not be given less preferential treatment than Puget Sound  
4 partners.

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

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

9 (a) Not less than forty percent through June 30, 2011, at which  
10 time the amount shall become forty-five percent, for the acquisition  
11 and development of critical habitat;

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

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

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

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

27 (b) If not enough project applications are submitted in a category  
28 within the habitat conservation account to meet the percentages  
29 described in subsection (1) of this section in any biennium, the  
30 committee retains discretion to distribute any remaining funds to the  
31 other categories within the account.

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

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

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

5 (b) Any lands that have been acquired with grants under this  
6 section by the department of natural resources are subject to payments  
7 in the amounts required under the provisions of RCW 79.70.130 and  
8 79.71.130.

9 (6)(a) Except as otherwise conditioned by section 35 of this act,  
10 the committee shall consider the following in determining distribution  
11 priority:

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

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

16 (7) 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  
19 Puget Sound partnership under section 13 of this act.

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

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

31 **Sec. 36.** RCW 77.85.130 and 2005 c 309 s 8, 2005 c 271 s 1, and  
32 2005 c 257 s 3 are each reenacted and amended to read as follows:

33 (1) The salmon recovery funding board shall develop procedures and  
34 criteria for allocation of funds for salmon habitat projects and salmon  
35 recovery activities on a statewide basis to address the highest  
36 priorities for salmon habitat protection and restoration. To the

1 extent practicable the board shall adopt an annual allocation of  
2 funding. The allocation should address both protection and restoration  
3 of habitat, and should recognize the varying needs in each area of the  
4 state on an equitable basis. The board has the discretion to partially  
5 fund, or to fund in phases, salmon habitat projects. The board may  
6 annually establish a maximum amount of funding available for any  
7 individual project, subject to available funding. No projects required  
8 solely as a mitigation or a condition of permitting are eligible for  
9 funding.

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

12 (i) Are based upon the limiting factors analysis identified under  
13 RCW 77.85.060;

14 (ii) Provide a greater benefit to salmon recovery based upon the  
15 stock status information contained in the department of fish and  
16 wildlife salmonid stock inventory (SASSI), the salmon and steelhead  
17 habitat inventory and assessment project (SSHIAP), and any comparable  
18 science-based assessment when available;

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

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

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

24 (vi) Are, except as provided in section 37 of this act, sponsored  
25 by an entity that is a Puget Sound partner, as defined in RCW  
26 90.71.010; and

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

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

31 (i) Are the most cost-effective;

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

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

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

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

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

3 (4) The board shall establish criteria for determining when block  
4 grants may be made to a lead entity. The board may provide block  
5 grants to the lead entity to implement habitat project lists developed  
6 under RCW 77.85.050, subject to available funding. The board shall  
7 determine an equitable minimum amount of project funds for each  
8 recovery region, and shall distribute the remainder of funds on a  
9 competitive basis. The board may also provide block grants to the lead  
10 entity or regional recovery organization to assist in carrying out  
11 functions described under this chapter. Block grants must be expended  
12 consistent with the priorities established for the board in subsection  
13 (2) of this section. Lead entities or regional recovery organizations  
14 receiving block grants under this subsection shall provide an annual  
15 report to the board summarizing how funds were expended for activities  
16 consistent with this chapter, including the types of projects funded,  
17 project outcomes, monitoring results, and administrative costs.

18 (5) The board may waive or modify portions of the allocation  
19 procedures and standards adopted under this section in the award of  
20 grants or loans to conform to legislative appropriations directing an  
21 alternative award procedure or when the funds to be awarded are from  
22 federal or other sources requiring other allocation procedures or  
23 standards as a condition of the board's receipt of the funds. The  
24 board shall develop an integrated process to manage the allocation of  
25 funding from federal and state sources to minimize delays in the award  
26 of funding while recognizing the differences in state and legislative  
27 appropriation timing.

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

35 (7) Property acquired or improved by a project sponsor may be  
36 conveyed to a federal agency if: (a) The agency agrees to comply with  
37 all terms of the grant or loan to which the project sponsor was  
38 obligated; or (b) the board approves: (i) Changes in the terms of the



1 grant or loan, and the revision or removal of binding deed of right  
2 instruments; and (ii) a memorandum of understanding or similar document  
3 ensuring that the facility or property will retain, to the extent  
4 feasible, adequate habitat protections; and (c) the appropriate  
5 legislative authority of the county or city with jurisdiction over the  
6 project area approves the transfer and provides notification to the  
7 board.

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

12 NEW SECTION. Sec. 37. A new section is added to chapter 77.85 RCW  
13 to read as follows:

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

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

25 The department (~~of ecology~~) shall use the moneys in the water  
26 pollution control revolving fund to provide financial assistance as  
27 provided in the water quality act of 1987 and as provided in RCW  
28 90.50A.040:

- 29 (1) To make loans, on the condition that:
- 30 (a) Such loans are made at or below market interest rates,  
31 including interest free loans, at terms not to exceed twenty years;
- 32 (b) Annual principal and interest payments will commence not later  
33 than one year after completion of any project and all loans will be  
34 fully amortized not later then twenty years after project completion;
- 35 (c) The recipient of a loan will establish a dedicated source of  
36 revenue for repayment of loans; and

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

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

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

7 (b) For the implementation of a management program established  
8 under section 319 of the federal water quality act of 1987 relating to  
9 the management of nonpoint sources of pollution, subject to the  
10 requirements of that act; and

11 (c) For development and implementation of a conservation and  
12 management plan under section 320 of the federal water quality act of  
13 1987 relating to the national estuary program, subject to the  
14 requirements of that act.

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

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

20 (b) To guarantee, or purchase insurance for, public body  
21 obligations for water pollution control facility construction or  
22 replacement or activities if the guarantee or insurance would improve  
23 credit market access or reduce interest rates, or to provide loans to  
24 a public body for this purpose;

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

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

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

33 (4) (~~Beginning with the biennium ending June 30, 1997,~~) The  
34 department shall present a biennial progress report on the use of  
35 moneys from the account to the (~~chairs of the senate committee on ways  
36 and means and the house of representatives committee on appropriations.  
37 The first report is due June 30, 1996, and the report for each  
38 succeeding biennium is due December 31 of the odd numbered year~~)

1 appropriate committees of the legislature. The report shall consist of  
2 a list of each recipient, project description, and amount of the grant,  
3 loan, or both.

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

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

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

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

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

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

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

22 (5) Enter into agreements with the federal environmental protection  
23 agency;

24 (6) Cooperate with local, substate regional, and interstate  
25 entities regarding state assessment reports and state management  
26 programs related to the nonpoint source management programs as noted in  
27 section 319(c) of the federal water pollution control act amendments of  
28 1987 and estuary programs developed under section 320 of that act;  
29 (~~and~~)

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

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

35 NEW SECTION. **Sec. 40.** A new section is added to chapter 90.50A  
36 RCW to read as follows:

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

3 (a) A public body that is a Puget Sound partner, as defined in RCW  
4 90.71.010; and

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

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

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

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

24 (b) All reports, documents, surveys, books, records, files, papers,  
25 or written material in the possession of the Puget Sound action team  
26 shall be delivered to the custody of the Puget Sound partnership. All  
27 cabinets, furniture, office equipment, motor vehicles, and other  
28 tangible property employed by the Puget Sound action team shall be made  
29 available to the Puget Sound partnership. All funds, credits, or other  
30 assets held by the Puget Sound action team shall be assigned to the  
31 Puget Sound partnership.

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

35 (d) If any question arises as to the transfer of any personnel,  
36 funds, books, documents, records, papers, files, equipment, or other  
37 tangible property used or held in the exercise of the powers and the

1 performance of the duties and functions transferred, the director of  
2 financial management shall make a determination as to the proper  
3 allocation and certify the same to the state agencies concerned.

4 (3) All rules and all pending business before the Puget Sound  
5 action team shall be continued and acted upon by the Puget Sound  
6 partnership. All existing contracts and obligations shall remain in  
7 full force and shall be performed by the Puget Sound partnership.

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

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

17 (6) Nothing contained in this section may be construed to alter any  
18 existing collective bargaining unit or the provisions of any existing  
19 collective bargaining agreement until the agreement has expired or  
20 until the bargaining unit has been modified by action of the public  
21 employment relations commission as provided by law.

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

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

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

34 (b) A recipient of a grant or loan shall enter into an agreement  
35 with the appropriate local health jurisdiction to maintain the improved

1 on-site sewage system according to specifications required by the local  
2 health jurisdiction.

3 (c) The ((action-team)) department of health shall work closely  
4 with local health jurisdictions and ~~((shall-endeavor))~~ it shall be the  
5 goal of the department of health to attain geographic equity between  
6 Grays Harbor, Willapa Bay, and ((the)) Puget Sound when making funds  
7 available under this program.

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

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

13 (a) Identified as "areas of special concern" under WAC 246-272-  
14 01001; ~~((or))~~

15 (b) Included within a shellfish protection district under chapter  
16 90.72 RCW; or

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

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

22 (4) The ~~((action-team))~~ department of health and each participating  
23 local health jurisdiction shall enter into a memorandum of  
24 understanding that will establish an applicant income eligibility  
25 requirement for individual grant applicants from within the  
26 jurisdiction and other mutually agreeable terms and conditions of the  
27 grant program.

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

31 (6) ~~((For the 2001-2003 biennium, the action team may use up to~~  
32 ~~fifty percent of the shellfish on-site sewage grant program funds for~~  
33 ~~grants to local health jurisdictions to establish areas of special~~  
34 ~~concern under WAC 246-272-01001, or for operation and maintenance~~  
35 ~~programs therein, where commercial and recreational uses are present))~~  
36 For the 2007-2009 biennium, from the funds received under this section,  
37 Pacific county may transfer up to two hundred thousand dollars to the

1 department of fish and wildlife for research identified by the  
2 department of fish and wildlife and the appropriate oyster reserve  
3 advisory committee under RCW 77.60.160.

4 **Sec. 44.** RCW 77.60.160 and 2001 c 273 s 2 are each amended to read  
5 as follows:

6 (1) The oyster reserve land account is created in the state  
7 treasury. All receipts from revenues from the lease of land or sale of  
8 shellfish from oyster reserve lands must be deposited into the account.  
9 Moneys in the account may be spent only after appropriation.  
10 Expenditures from the account may be used only as provided in this  
11 section.

12 (2) Funds in the account shall be used for the purposes provided  
13 for in this subsection:

14 (a) Up to forty percent for the management expenses incurred by the  
15 department that are directly attributable to the management of the  
16 oyster reserve lands and for the expenses associated with new research  
17 and development activities at the Pt. Whitney and Nahcotta shellfish  
18 laboratories managed by the department. As used in this subsection,  
19 "new research and development activities" includes an emphasis on the  
20 control of aquatic nuisance species and burrowing shrimp;

21 (b) Up to ten percent may be deposited into the state general fund;  
22 and

23 (c) Except as provided in subsection (3) of this section, all  
24 remaining funds in the account shall be used for the shellfish - on-  
25 site sewage grant program established in RCW 90.71.100.

26 (3)(a) No later than January 1st of each year, from revenues  
27 received from the Willapa bay oyster reserve, the department shall  
28 transfer one hundred thousand dollars to the on-site sewage grant  
29 program established in RCW 90.71.100 (as recodified by this act).

30 (b) All remaining revenues received from the Willapa bay oyster  
31 reserve shall be used to fund research activities as specified in  
32 subsection 2(a) of this section.

33 NEW SECTION. **Sec. 45.** A new section is added to chapter 41.06 RCW  
34 to read as follows:

35 In addition to the exemptions under RCW 41.06.070, the provisions

1 of this chapter shall not apply in the Puget Sound partnership to the  
2 executive director, to one confidential secretary, and to all  
3 professional staff.

4 **Sec. 46.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to  
5 read as follows:

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

21 **Sec. 47.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to  
22 read as follows:

23 There shall be a chief executive officer of each department to be  
24 known as: (1) The secretary of social and health services, (2) the  
25 director of ecology, (3) the director of labor and industries, (4) the  
26 director of agriculture, (5) the director of fish and wildlife, (6) the  
27 secretary of transportation, (7) the director of licensing, (8) the  
28 director of general administration, (9) the director of community,  
29 trade, and economic development, (10) the director of veterans affairs,  
30 (11) the director of revenue, (12) the director of retirement systems,  
31 (13) the secretary of corrections, (14) the secretary of health, (15)  
32 the director of financial institutions, (16) the director of the  
33 department of archaeology and historic preservation, (~~and~~) (17) the  
34 director of early learning, and (18) the executive director of the  
35 Puget Sound partnership.



1       Such officers, except the director of fish and wildlife, shall be  
2 appointed by the governor, with the consent of the senate, and hold  
3 office at the pleasure of the governor. The director of fish and  
4 wildlife shall be appointed by the fish and wildlife commission as  
5 prescribed by RCW 77.04.055.

6       **Sec. 48.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to  
7 read as follows:

8       For the purposes of RCW 42.17.240, the term "executive state  
9 officer" includes:

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

1 transportation, the secretary of the utilities and transportation  
2 commission, the director of veterans affairs, the president of each of  
3 the regional and state universities and the president of The Evergreen  
4 State College, and each district and each campus president of each  
5 state community college;

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

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

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

36 **Sec. 49.** RCW 77.85.090 and 2005 c 309 s 7 are each amended to read  
37 as follows:

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

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

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

19 **Sec. 50.** RCW 90.88.005 and 2005 c 478 s 1 are each amended to read  
20 as follows:

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

29 (2) The legislature finds that Hood Canal is a marine water of the  
30 state at significant risk. The legislature finds that Hood Canal has  
31 a "dead zone" related to low-dissolved oxygen concentrations, a  
32 condition that has recurred for many years. The legislature also finds  
33 that this problem and various contributors to the problem were  
34 documented in the May 2004 *Preliminary Assessment and Corrective Action*  
35 *Plan* published by the state agency known as the Puget Sound action team  
36 and the Hood Canal coordinating council.

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

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

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

21 **Sec. 51.** RCW 90.88.020 and 2005 c 479 s 2 are each amended to read  
22 as follows:

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

26 (2) The Puget Sound (~~(action team)~~) partnership, created in section  
27 3 of this act, is designated as the state lead agency for the  
28 rehabilitation program authorized in this section.

29 (3) The Hood Canal coordinating council is designated as the local  
30 management board for the rehabilitation program authorized in this  
31 section.

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

35 **Sec. 52.** RCW 90.88.030 and 2005 c 479 s 3 are each amended to read  
36 as follows:

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

- 6 (a) Serve as the lead entity and the regional recovery organization  
7 for the purposes of chapter 77.85 RCW for Hood Canal summer chum; and
- 8 (b) Assist in coordinating activities under chapter 90.82 RCW.

9 (2) When developing and implementing the program authorized in RCW  
10 90.88.020 and when establishing funding criteria according to  
11 subsection (7) of this section, the Puget Sound (~~(action team)~~)  
12 partnership, created in section 3 of this act, and the local management  
13 board shall solicit participation by federal, tribal, state, and local  
14 agencies and universities and nonprofit organizations with expertise in  
15 areas related to program activities. The local management board may  
16 include state and federal agency representatives, or additional  
17 persons, as nonvoting management board members or may receive technical  
18 assistance and advice from them in other venues. The local management  
19 board also may appoint technical advisory committees as needed.

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

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

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

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

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

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

25 (9) The local management board shall report its progress on a  
26 quarterly basis to the legislative bodies of the participating counties  
27 and tribes and the participating state agencies. The local management  
28 board also shall submit an annual report describing its efforts and  
29 successes in implementing the program established according to RCW  
30 90.88.020 to the appropriate committees of the legislature.

31 **Sec. 53.** RCW 90.88.901 and 2005 c 479 s 5 are each amended to read  
32 as follows:

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

1       **Sec. 54.** RCW 90.88.902 and 2005 c 479 s 6 are each amended to read  
2 as follows:

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

7       **Sec. 55.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read  
8 as follows:

9       The department of ecology is hereby designated as the State Water  
10 Pollution Control Agency for all purposes of the federal clean water  
11 act as it exists on February 4, 1987, and is hereby authorized to  
12 participate fully in the programs of the act as well as to take all  
13 action necessary to secure to the state the benefits and to meet the  
14 requirements of that act. With regard to the national estuary program  
15 established by section 320 of that act, the department shall exercise  
16 its responsibility jointly with the Puget Sound (~~(water quality~~  
17 ~~authority)~~) partnership, created in section 3 of this act. The  
18 department of ecology may delegate its authority under this chapter,  
19 including its national pollutant discharge elimination permit system  
20 authority and duties regarding animal feeding operations and  
21 concentrated animal feeding operations, to the department of  
22 agriculture through a memorandum of understanding. Until any such  
23 delegation receives federal approval, the department of agriculture's  
24 adoption or issuance of animal feeding operation and concentrated  
25 animal feeding operation rules, permits, programs, and directives  
26 pertaining to water quality shall be accomplished after reaching  
27 agreement with the director of the department of ecology. Adoption or  
28 issuance and implementation shall be accomplished so that compliance  
29 with such animal feeding operation and concentrated animal feeding  
30 operation rules, permits, programs, and directives will achieve  
31 compliance with all federal and state water pollution control laws.  
32 The powers granted herein include, among others, and notwithstanding  
33 any other provisions of chapter 90.48 RCW or otherwise, the following:

34       (1) Complete authority to establish and administer a comprehensive  
35 state point source waste discharge or pollution discharge elimination  
36 permit program which will enable the department to qualify for full  
37 participation in any national waste discharge or pollution discharge

1 elimination permit system and will allow the department to be the sole  
2 agency issuing permits required by such national system operating in  
3 the state of Washington subject to the provisions of RCW 90.48.262(2).  
4 Program elements authorized herein may include, but are not limited to:  
5 (a) Effluent treatment and limitation requirements together with timing  
6 requirements related thereto; (b) applicable receiving water quality  
7 standards requirements; (c) requirements of standards of performance  
8 for new sources; (d) pretreatment requirements; (e) termination and  
9 modification of permits for cause; (f) requirements for public notices  
10 and opportunities for public hearings; (g) appropriate relationships  
11 with the secretary of the army in the administration of his  
12 responsibilities which relate to anchorage and navigation, with the  
13 administrator of the environmental protection agency in the performance  
14 of his duties, and with other governmental officials under the federal  
15 clean water act; (h) requirements for inspection, monitoring, entry,  
16 and reporting; (i) enforcement of the program through penalties,  
17 emergency powers, and criminal sanctions; (j) a continuing planning  
18 process; and (k) user charges.

19 (2) The power to establish and administer state programs in a  
20 manner which will insure the procurement of moneys, whether in the form  
21 of grants, loans, or otherwise; to assist in the construction,  
22 operation, and maintenance of various water pollution control  
23 facilities and works; and the administering of various state water  
24 pollution control management, regulatory, and enforcement programs.

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

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

30 **Sec. 56.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to  
31 read as follows:

32 The commission, in consultation with the departments of ecology,  
33 fish and wildlife, natural resources, social and health services, and  
34 the Puget Sound (~~(action team)~~) partnership shall conduct a literature  
35 search and analyze pertinent studies to identify areas which are  
36 polluted or environmentally sensitive within the state's waters. Based



1 on this review the commission shall designate appropriate areas as  
2 polluted or environmentally sensitive, for the purposes of chapter 393,  
3 Laws of 1989 only.

4 **Sec. 57.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to  
5 read as follows:

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

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

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

31 To assure the use of these sewage facilities, a boater  
32 environmental education program must accompany the five-year initiative  
33 and continue to educate boaters about boat wastes and aquatic  
34 resources.

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

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

5 **Sec. 58.** RCW 79.105.500 and 2005 c 155 s 158 are each amended to  
6 read as follows:

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

21 **Sec. 59.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read  
22 as follows:

23 (1) The aquatic nuisance species committee is created for the  
24 purpose of fostering state, federal, tribal, and private cooperation on  
25 aquatic nuisance species issues. The mission of the committee is to  
26 minimize the unauthorized or accidental introduction of nonnative  
27 aquatic species and give special emphasis to preventing the  
28 introduction and spread of aquatic nuisance species. The term "aquatic  
29 nuisance species" means a nonnative aquatic plant or animal species  
30 that threatens the diversity or abundance of native species, the  
31 ecological stability of infested waters, or commercial, agricultural,  
32 or recreational activities dependent on such waters.

33 (2) The committee consists of representatives from each of the  
34 following state agencies: Department of fish and wildlife, department  
35 of ecology, department of agriculture, department of health, department  
36 of natural resources, Puget Sound (~~(water quality action team)~~)

1 partnership, state patrol, state noxious weed control board, and  
2 Washington sea grant program. The committee shall encourage and  
3 solicit participation by: Federally recognized tribes of Washington,  
4 federal agencies, Washington conservation organizations, environmental  
5 groups, and representatives from industries that may either be affected  
6 by the introduction of an aquatic nuisance species or that may serve as  
7 a pathway for their introduction.

8 (3) The committee has the following duties:

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

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

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

16 (d) Coordinate education, research, regulatory authorities,  
17 monitoring and control programs, and participate in regional and  
18 national efforts regarding aquatic nuisance species;

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

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

27 (4) The committee shall accomplish its duties through the authority  
28 and cooperation of its member agencies. Implementation of all plans  
29 and programs developed by the committee shall be through the member  
30 agencies and other cooperating organizations.

31 **Sec. 60.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to  
32 read as follows:

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

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

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

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

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

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

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

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

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



1 The task force shall award funds for projects and training programs it  
2 approves and may allocate the funds to state agencies for disbursement  
3 and contract administration;

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

7 (c) Considering unemployment profile data provided by the  
8 employment security department.

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

11 (a) To solicit and evaluate proposals from state and local  
12 agencies, private nonprofit organizations, and tribes for environmental  
13 and forest restoration projects;

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

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

19 **Sec. 63.** RCW 43.21J.040 and 1993 c 516 s 4 are each amended to  
20 read as follows:

21 (1) Subject to the limitations of RCW 43.21J.020, the task force  
22 shall award funds from the environmental and forest restoration account  
23 on a competitive basis. The task force shall evaluate and rate  
24 environmental enhancement and restoration project proposals using the  
25 following criteria:

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

28 (b) The cost-effectiveness of the project based on: (i) Projected  
29 costs and benefits of the project; (ii) past costs and environmental  
30 benefits of similar projects; and (iii) the ability of the project to  
31 achieve cost efficiencies through its design to meet multiple policy  
32 objectives;

33 (c) The inclusion of the project as a high priority in a federal,  
34 state, tribal, or local government plan relating to environmental or  
35 forest restoration, including but not limited to a local watershed  
36 action plan, storm water management plan, capital facility plan, growth

1 management plan, or a flood control plan; or the ranking of the project  
2 by conservation districts as a high priority for water quality and  
3 habitat improvements;

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

7 (e) Participation in the project by environmental businesses to  
8 provide training, cosponsor projects, and employ or jointly employ  
9 project participants;

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

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

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

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

21 (a) Projects that are highly ranked in and implement adopted or  
22 approved watershed action plans, such as those developed pursuant to  
23 rules adopted by the agency then known as the Puget Sound water quality  
24 authority (~~(rules adopted)~~) for local planning and management of  
25 nonpoint source pollution;

26 (b) Conservation district projects that provide water quality and  
27 habitat improvements;

28 (c) Indian tribe projects that provide water quality and habitat  
29 improvements; or

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

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

33 (a) Administrative rule making;

34 (b) Planning; or

35 (c) Public education.

36 **Sec. 64.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to  
37 read as follows:

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

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

11 (a) Provide technical assistance to property owners, marine  
12 industry owners and operators, and others, regarding methods and  
13 practices to address nonpoint and point sources of pollution of Puget  
14 Sound;

15 (b) Provide technical assistance to address water quality problems  
16 limiting opportunities for enhancing the recreational harvest of  
17 shellfish;

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

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

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

25 (f) Provide information and assistance to local watershed  
26 committees.

27 (3) The sea grant and cooperative extension shall mutually  
28 coordinate their field agent activities to avoid duplicative efforts  
29 and to ensure that the full range of responsibilities under RCW  
30 28B.30.632 through 28B.30.636 are carried out. They shall consult with  
31 the Puget Sound (~~water quality authority~~) partnership, created in  
32 section 3 of this act, and ensure consistency with (~~the authority's~~)  
33 any of the Puget Sound partnership's water quality management plans.

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

37 (a) Sea grant shall have primary responsibility to address water



1 quality issues related to activities within Puget Sound, and to provide  
2 assistance regarding the management and improvement of shellfish  
3 production; and

4 (b) Cooperative extension shall have primary responsibility to  
5 address upland and freshwater activities affecting Puget Sound water  
6 quality and associated watersheds.

7 NEW SECTION. **Sec. 65.** RCW 90.71.902 and 90.71.903 are each  
8 decodified.

9 NEW SECTION. **Sec. 66.** RCW 90.71.100 is recodified as a new  
10 section in chapter 70.118 RCW.

11 NEW SECTION. **Sec. 67.** The following acts or parts of acts are  
12 each repealed:

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

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

16 (3) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 &  
17 1996 c 138 s 3;

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

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

21 (6) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s  
22 6;

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

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

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

26 and

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

28 NEW SECTION. **Sec. 68.** Sections 1, 3 through 21, 23, 41, and 42 of  
29 this act are each added to chapter 90.71 RCW.

30 NEW SECTION. **Sec. 69.** If any provision of this act or its  
31 application to any person or circumstance is held invalid, the  
32 remainder of the act or the application of the provision to other  
33 persons or circumstances is not affected.

1        NEW SECTION.   **Sec. 70.**   This act is necessary for the immediate  
2   preservation of the public peace, health, or safety, or support of the  
3   state government and its existing public institutions, and takes effect  
4   July 1, 2007."

5        Correct the title.

--- END ---