
SUBSTITUTE HOUSE BILL 1374

State of Washington 60th Legislature 2007 Regular Session

By House Committee on Select Committee on Puget Sound (originally sponsored by Representatives Upthegrove, Sump, Hunt, Appleton, Chase, Kenney, Simpson, Roberts, Dickerson, Conway and Springer; by request of Governor Gregoire)

READ FIRST TIME 02/20/07.

1 AN ACT Relating to the Puget Sound partnership; amending RCW
2 90.71.005, 90.71.010, 90.71.100, 43.17.010, 43.17.020, 42.17.2401,
3 77.85.090, 70.220.040, 43.155.070, 70.146.070, 90.88.005, 90.88.020,
4 90.88.030, 90.88.901, 90.88.902, 90.48.260, 79A.60.520, 79A.60.510,
5 79.105.500, 77.60.130, 70.146.070, 70.118.090, 43.21J.030, 43.21J.040,
6 and 28B.30.632; adding new sections to chapter 90.71 RCW; adding a new
7 section to chapter 41.06 RCW; adding a new section to chapter 43.155
8 RCW; adding a new section to chapter 70.146 RCW; adding a new section
9 to chapter 70.118 RCW; recodifying RCW 90.71.100; decodifying RCW
10 90.71.902 and 90.71.903; repealing RCW 90.71.015, 90.71.020, 90.71.030,
11 90.71.040, 90.71.050, 90.71.070, 90.71.080, 90.71.900, and 90.71.901;
12 providing an effective date; and declaring an emergency.

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

14 **Sec. 1.** RCW 90.71.005 and 1998 c 246 s 13 are each amended to read
15 as follows:

16 (1) The legislature finds that((+
17 ~~(a)~~) Puget Sound and related inland marine waterways ((of
18 ~~Washington state~~)), such as Hood Canal and the lakes, rivers, and
19 streams that flow to them, represent a unique and unparalleled

1 resource(~~(-)~~) to the state of Washington with a rich and varied range
2 of freshwater and marine organisms, comprising an interdependent,
3 sensitive communal ecosystem (~~(reside in these sheltered waters)~~).
4 Residents of this region enjoy a way of life centered around (~~(the)~~)
5 these waters (~~(of Puget Sound)~~), featuring accessible recreational
6 opportunities, world-class port facilities and water transportation
7 systems, harvest of marine food resources, shoreline-oriented life
8 styles, water-dependent industries, tourism, irreplaceable aesthetics,
9 water for domestic, agricultural, and industrial uses, and other
10 activities, all of which (~~(to some degree)~~) depend upon (~~(a)~~) clean and
11 healthy marine and freshwater resources(~~(+~~

12 ~~(b) The Puget Sound water quality authority has done an excellent~~
13 ~~job in developing a comprehensive plan to identify actions to restore~~
14 ~~and protect the biological health and diversity of Puget Sound;~~

15 ~~(c) The large number of governmental entities that now have~~
16 ~~regulatory programs affecting the water quality of Puget Sound have~~
17 ~~diverse interests and limited jurisdictions that cannot adequately~~
18 ~~address the cumulative, wide ranging impacts that contribute to the~~
19 ~~degradation of Puget Sound; and~~

20 ~~(d) Coordination of the regulatory programs, at the state and local~~
21 ~~level, is best accomplished through the development of interagency~~
22 ~~mechanisms that allow these entities to transcend their diverse~~
23 ~~interests and limited jurisdictions.~~

24 ~~(2) It is therefore the policy of the state of Washington to~~
25 ~~coordinate the activities of state and local agencies by establishing~~
26 ~~a biennial work plan that clearly delineates state and local actions~~
27 ~~necessary to protect and restore the biological health and diversity of~~
28 ~~Puget Sound. It is further the policy of the state to implement the~~
29 ~~Puget Sound water quality management plan to the maximum extent~~
30 ~~possible. To further the policy of the state, a recovery plan~~
31 ~~developed under the federal endangered species act for a portion or all~~
32 ~~of the Puget Sound shall be considered for inclusion into the Puget~~
33 ~~Sound water quality management plan)).~~

34 (2) The legislature finds that Puget Sound is in serious decline,
35 and the Hood Canal is in a serious crisis. Symptoms in the Puget Sound
36 and the Hood Canal also include the decline of some of our most revered
37 species, such as salmon and orcas; and the conversion of forest lands
38 to city-scapes, which has negatively impacted many birds and mammals,

1 along with altering the flow of rivers and streams. These flow changes
2 begin from land and run to sea, carrying polluted run-off from human
3 development. Closures of beaches to shellfish harvest due to the risk
4 of disease have become more frequent and widespread. In places such as
5 Hood Canal, the circulatory system is failing, and its inability to
6 maintain sufficient oxygen levels has led to devastating fish kills and
7 the death of other marine life. If left unchecked, these conditions
8 will increase in frequency and will spread to other areas such as the
9 Puget Sound.

10 (3) The legislature finds that the current system of governance for
11 protection and restoration of Puget Sound is highly fragmented. Twelve
12 counties, more than one hundred cities, seventeen tribes, numerous
13 state and federal agencies, as well as hundreds of special purpose
14 governmental units are responsible for managing land use and other
15 actions that benefit or diminish the quality of the environment.
16 Private organizations, businesses, and citizens are also taking actions
17 that both benefit and harm the rich natural resources of the region.
18 The legislature recognizes that all levels of government need to work
19 together in partnership with the public, tribes, nongovernmental
20 organizations, and the private sector to ensure that the Puget Sound
21 will be a thriving natural system, with clean marine and freshwaters;
22 healthy and abundant native species; natural shorelines and places for
23 public enjoyment; and a vibrant economy that prospers in productive
24 harmony with a healthy Puget Sound.

25 (4) The legislature intends for the Puget Sound partnership to
26 define a strategic, basin-wide plan that prioritizes necessary actions,
27 and create an approach that addresses all of the complex connections
28 among the land, water, web of species, and human needs.

29 (5) The legislature finds that immediate and concerted action is
30 needed to save these national treasures, and that we must fundamentally
31 change our approach toward restoring the health of the Puget Sound and
32 Hood Canal. To this end, the Puget Sound partnership is tasked with
33 using, supporting, building upon, and unifying existing efforts from
34 organizations and from all levels of government.

35 (6) The legislature finds that leadership, accountability,
36 government transparency, thoughtful and responsible spending of public
37 funds, and public involvement are integral to success. To achieve this
38 success, the legislature intends to task the Puget Sound partnership

1 with coordinating and leading the Puget Sound restoration effort,
2 determining accountability for performance, overseeing the efficiency
3 and effectiveness of money spent, educating and engaging the public,
4 and tracking and reporting results to the legislature, the governor,
5 and the public.

6 (7) The legislature intends to provide the Puget Sound partnership
7 with nonregulatory authority, and recognizes that adequate funding is
8 necessary to ensure Puget Sound restoration and protection. The Puget
9 Sound partnership is tasked with supporting local governments and
10 organizations by aiding, funding, and improving upon their existing
11 efforts, by respecting local governments' authorities, and by
12 identifying, funding, and closing the gaps in the collective efforts.

13 (8) The legislature intends the Puget Sound partnership to create
14 an action agenda based on science that includes clear, measurable goals
15 for the recovery of Puget Sound by 2020. The action agenda will
16 prioritize necessary actions, both across the Sound and within specific
17 geographical areas, such as Hood Canal.

18 (9) In making appointments to the leadership council, the governor
19 should give preference to persons who are publicly respected and
20 influential, and who have a significant history of success on major
21 public policy and management issues, as well as interest in the
22 environmental and economic prosperity of Puget Sound.

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

25 Unless the context clearly requires otherwise, the definitions in
26 this section apply throughout this chapter.

27 ~~(1) ("Action team" means the Puget Sound water quality action~~
28 ~~team.~~

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

30 ~~(3) "Council" means the Puget Sound council created in RCW~~
31 ~~90.71.030.~~

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

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

36 ~~(6) "Work plan" means the work plan and budget developed by the~~

1 ~~action team.~~) "Action agenda" means the Puget Sound management plan as
2 it exists on the effective date of this section and as it is modified
3 in the future.

4 (2) "Action agenda goals" means those goals in section 12 of this
5 act.

6 (3) "Benchmarks" means scientific standards that can be measured.

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

8 (5) "Committee" means the Puget Sound science advisory committee.

9 (6) "Council" means the leadership council.

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

13 (8) "Food web" means a succession of organisms in an ecological
14 community that constitutes a continuation of food energy from one
15 organism to another as each organism consumes a lower member and, in
16 turn, is preyed upon by a higher member.

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

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

25 (11) "Puget Sound partner" means a city, county, special district,
26 or other local government identified as a Puget Sound partner under
27 section 18 of this act.

28 (12) "Salmon recovery areas" means the fourteen salmon recovery
29 areas defined in the Puget Sound salmon recovery plan, drafted by
30 shared strategy for Puget Sound and adopted by the national oceanic and
31 atmospheric administration national marine fisheries service January
32 19, 2007.

33 (13) "Watershed group" means:

34 (a) Salmon recovery planning groups;

35 (b) Water resource inventory area groups;

36 (c) Marine resources committees;

37 (d) Regional fisheries enhancement groups; and

1 (e) Other governmental or quasi-governmental entities that address
2 physical, chemical, biological, ecological, or other environmentally
3 related activities in a hydrologically defined area.

4 **NEW SECTION. Sec. 3.** PUGET SOUND PARTNERSHIP. (1) An independent
5 agency of state government, to be known as the Puget Sound partnership,
6 is created to oversee the restoration of the environmental health of
7 Puget Sound by 2020. The agency shall consist of a leadership council,
8 an executive director, a coordination board, and a Puget Sound science
9 advisory committee.

10 (2) A person may hold only one partnership position, whether it is
11 as a councilmember, a board member, a committee member, or as executive
12 director, unless otherwise stated in this chapter.

13 **NEW SECTION. Sec. 4.** LEADERSHIP COUNCIL--STRUCTURE--PROCEDURES.
14 The partnership shall be led by a leadership council. The council
15 shall be structured as follows:

16 (1) The council shall consist of seven members appointed by the
17 governor with the advice and consent of the senate.

18 (2)(a) The governor shall designate one of the seven members to
19 serve as chair.

20 (b) A vice-chair shall be selected by the membership of the
21 council.

22 (3) The initial members shall be appointed as follows:

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

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

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

29 (d) The initial chair may be appointed for a two-year, three-year,
30 or four-year term; and

31 (e) The initial vice-chair may be appointed for a two-year, three-
32 year, or four-year term.

33 (4) The initial members' successors shall be appointed for terms of
34 four years each, except that any person chosen to fill a vacancy shall
35 be appointed only for the unexpired term of the member whom he or she
36 succeeds.

- 1 (5) Members are eligible for reappointment.
- 2 (6) Any member of the council may be removed by the governor for
3 cause.
- 4 (7) Members whose terms expire shall continue to serve until
5 reappointed or replaced by a new member.
- 6 (8) A majority of the council constitutes a quorum for the
7 transaction of business.
- 8 (9) Council decisions and actions require majority vote approval of
9 all council members.
- 10 (10) The council shall have two nonvoting ex officio members:
11 (a) The commissioner of public lands; and
12 (b) The chair of the committee.

13 NEW SECTION. **Sec. 5.** LEADERSHIP COUNCIL--POWERS AND DUTIES. (1)
14 The leadership council created in section 4 of this act shall have the
15 power and duty to:

- 16 (a) Provide overall leadership and have overall responsibility for
17 the functions of the partnership, including setting strategic
18 priorities and interim benchmarks and making final decisions for the
19 partnership;
- 20 (b) Develop, approve, revise, and oversee implementation and
21 adaptive management of the action agenda;
- 22 (c) Allocate all funds appropriated to the partnership;
- 23 (d) Determine compliance with the action agenda;
- 24 (e) Adopt procedural rules, in accordance with chapter 34.05 RCW,
25 necessary to carry out the purposes of this chapter;
- 26 (f) Apply accountability measures consistent with the assessment in
27 RCW 43.17.390;
- 28 (g) Provide annual progress reports to the governor and the
29 legislature, as provided in section 17 of this act;
- 30 (h) Appoint members of the board, as provided in section 7 of this
31 act;
- 32 (i) Appoint members of the committee, as provided in section 9 of
33 this act;
- 34 (j) Create subcommittees, advisory committees, and nonprofit
35 corporations, as appropriate to assist the council;
- 36 (k) Enter into, amend, and terminate contracts with individuals,

1 corporations, or research institutions to effectuate the purposes of
2 this chapter;

3 (l) Make grants to governmental and nongovernmental entities to
4 effectuate the purposes of this chapter;

5 (m) Receive such gifts, grants, and endowments, in trust or
6 otherwise, for the use and benefit of the partnership to effectuate the
7 purposes of this chapter. The partnership may expend the same or any
8 income therefrom according to the terms of the gifts, grants, and
9 endowments;

10 (n) Promote extensive public awareness, education, and
11 participation in Puget Sound protection and recovery;

12 (o) Receive and expend funding from other public agencies;

13 (p) Facilitate accountability and reporting obligations;

14 (q) Develop and implement a process to review and address citizen
15 concerns regarding action agenda development, and accountability for
16 funding and results under the action agenda;

17 (r) Participate actively in a nongovernmental private-public
18 partnership focused on public education, awareness, and promoting
19 fund-raising opportunities, to effectuate the goals in this chapter;

20 (s) Maintain complete and consolidated financial information to
21 ensure all funds received and expended to implement the action agenda
22 are accounted for;

23 (t) Serve as the regional recovery organization for purposes of
24 chapter 77.85 RCW for Puget Sound salmon recovery; and

25 (v) Conduct periodic reviews of its governmental and organizational
26 effectiveness, identification of barriers to implementation, and
27 recommend changes in authorizing statutes to the governor and the
28 legislature to improve its effectiveness in carrying out the duties and
29 responsibilities of this chapter. The first such review shall be
30 completed and sent to the governor and the appropriate committees of
31 the legislature by November 15, 2008.

32 (2) The council may delegate functions to the chair and to the
33 executive director, however the council may not delegate its decisional
34 authority regarding:

35 (a) Developing or amending the action agenda; and

36 (b) Issuing annual progress reports required under this section.

37 (3) The council shall work closely with existing organizations and
38 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 watershed groups
5 to enable them to address local concerns.

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) The council shall consult with the committee to determine
13 environmental indicators, benchmarks, the action agenda work plan, and
14 action agenda implementation.

15 (7) The council may, on advice of the committee or by its own
16 decision, consult the Washington academy of sciences created in chapter
17 70.220 RCW to secure independent scientific review of significant
18 technical and scientific issues related to its work.

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

26 (2) The executive director shall be appointed by and serve at the
27 pleasure of the governor, in consultation with the council. The
28 governor shall consider the recommendations of the council when
29 appointing the executive director. The salary of the executive
30 director shall be set by the governor.

31 (3) The executive director has the following powers and duties:

32 (a) To supervise the administrative operations of the Puget Sound
33 partnership and its staff;

34 (b) To administer the partnership programs and budget;

35 (c) To prepare and update the action agenda in accordance with the
36 goals and guidelines established by the council and in consultation
37 with the board and with the committee;

1 (d) To develop, produce, and distribute a Puget Sound science
2 update as provided in section 25 of this act, and in consultation with
3 the committee;

4 (e) To represent and promote the interests of the state on Puget
5 Sound recovery issues and further the mission of the partnership;

6 (f) To enter into contracts and agreements, upon approval of the
7 council, with private nonprofit corporations to further state goals of
8 preserving, conserving, and enhancing the health of Puget Sound for its
9 ecological value and public benefit and use;

10 (g) To appoint such technical and other committees as may be
11 necessary to carry out the purposes of this chapter;

12 (h) To create and maintain a repository for data, studies,
13 research, and other information relating to Puget Sound health in the
14 state, and to encourage the interchange of such information; and

15 (i) To encourage and provide opportunities for interagency and
16 regional coordination and cooperative efforts between public agencies
17 and between public and private entities involved in the recovery and
18 preservation of Puget Sound.

19 (4) The executive director shall employ a staff, who shall be state
20 employees under Title 41 RCW. The executive director shall prescribe
21 the duties of the staff as may be necessary to implement the purposes
22 of this chapter.

23 NEW SECTION. **Sec. 7.** COORDINATION BOARD--STRUCTURE--PROCEDURES.

24 (1) The board shall be the communication and implementation link
25 between the partnership, the executive director, and local entities.

26 (2) The board shall be appointed by October 1, 2007.

27 (3) The board shall consist of the following:

28 (a) One representative from the geographic area of each of the
29 fourteen salmon recovery areas;

30 (b) One representative from a statewide association representing
31 general business interests;

32 (c) One representative from an organization representing the
33 interests of the environmental community; and

34 (d) Two at-large representatives.

35 (4) In addition, the governor shall invite full participation on
36 the board by three representatives of tribal governments located in the
37 Puget Sound basin.

1 (5)(a) Representatives designated in subsection (3)(a) of this
2 section:

3 (i) Shall be appointed by the council. The council shall solicit
4 nominations from, at a minimum, counties, cities, and watershed groups;
5 and

6 (ii) May only be removed by the council.

7 (b) At least six of the representatives designated in subsection
8 (3)(a) of this section shall be locally elected public officials.

9 (6) The representatives appointed in subsection (3)(b) and (c) of
10 this section:

11 (a) Must be appointed by the council;

12 (b) May only be removed by the council; and

13 (c) May only be replaced by the council.

14 (7) The at-large representatives:

15 (a) Must be appointed by the governor;

16 (b) May only be removed by the governor; and

17 (c) May only be replaced by the governor.

18 (8) The board shall elect one of its members as chair, and one of
19 its members as vice-chair.

20 (9) A majority of the board constitutes a quorum for the
21 transaction of business, with the following condition: At least one of
22 the quorum members must be the chair or the vice-chair.

23 (10) Board decisions and actions require majority vote of all
24 voting board members, except for nominations of the committee, which
25 require approval of fourteen board members.

26 (11)(a) The board shall have one nonvoting ex officio member from
27 each of the following:

28 (i) The department of ecology;

29 (ii) The department of fish and wildlife;

30 (iii) The department of health;

31 (iv) The department of community, trade, and economic development;

32 and

33 (v) Each of the two major caucuses of the house of representatives
34 and each of the two major caucuses of the senate, appointed
35 respectively by the speaker of the house of representatives and the
36 president of the senate.

37 (b) In addition to ex officio members representing the state, the

1 council shall also invite the participation of one representative of
2 the federal government as a nonvoting ex officio member.

3 (c) The commissioner of public lands shall designate one person
4 from the commissioner's agency, other than the commissioner, to be a
5 nonvoting ex officio member.

6 (d) Except for legislative members, nonvoting ex officio members in
7 (a) of this subsection shall be nominated by their respective
8 organizations.

9 (e) Except for legislative members and the designee of the
10 commissioner of public lands, nonvoting ex officio members:

11 (i) Shall be appointed by the council; and

12 (ii) May be removed by the council.

13 NEW SECTION. **Sec. 8.** COORDINATION BOARD--POWERS AND DUTIES. (1)
14 The board shall assist cities, counties, ports, tribes, watershed
15 groups, and other governmental and private organizations to:

16 (a) Incorporate local plans into the action agenda;

17 (b) Provide feedback from local entities to the council;

18 (c) Educate the public about the threats to Puget Sound and about
19 local implementation strategies to support the Puget Sound action
20 agenda; and

21 (d) Ensure that scientific and technical expertise is available to
22 local action agenda implementors.

23 (2) The board shall identify the cities', counties', ports',
24 tribes', watershed groups', and other governmental and private
25 organizations' capabilities and financial constraints, and communicate
26 those determinations to the council and to the executive director.

27 (3) The board shall disseminate regional and basin-wide plans
28 devised by or approved by the partnership, in accordance with the
29 agenda, to cities, counties, ports, tribes, watershed groups, and other
30 governmental and private organizations, and may assist these entities
31 in implementing the plans.

32 (4) The board shall seek the active involvement of local
33 governments, organizations, businesses, and residents within the Puget
34 Sound region.

35 (5) By September 2008, the board shall advise the council and the
36 executive director on how to incorporate local plans and projects into
37 a Sound-wide set of activities that can be incorporated into the action

1 agenda. The board shall also recommend priorities for local activities
2 based on their contribution to Puget Sound health. During the
3 development of the priorities, the board shall hold public meetings in
4 various parts of the Puget Sound to solicit public comments.

5 (6) The board may work with local entities to integrate local plans
6 into regional-scale plans.

7 (7) Representatives from each of the fourteen geographic salmon
8 recovery areas shall solicit input from cities, counties, tribes, and
9 existing watershed groups in their respective salmon recovery areas to
10 identify existing plans within the region that address or affect the
11 health of Puget Sound, including listed species recovery plans,
12 watershed-based resource plans, local government land use plans, and
13 marine resource committee plans.

14 (8) In developing and implementing the action agenda, the council
15 and the executive director must confer with and solicit input from the
16 board and, to the maximum extent possible, shall incorporate the
17 recommendations of the board.

18 NEW SECTION. **Sec. 9.** PUGET SOUND SCIENCE ADVISORY COMMITTEE--
19 STRUCTURE--PROCEDURES. (1) By January 31, 2008, the council shall
20 create the Puget Sound science advisory committee.

21 (2) At a minimum, the council shall solicit nominations from:

22 (a) Federal and state agencies;

23 (b) The business community;

24 (c) The environmental community;

25 (d) The board; and

26 (e) Members of the K-12, college, and university science
27 communities.

28 (3) The council shall submit some or all of the nominations to the
29 Washington academy of sciences for screening.

30 (4) The Washington academy of sciences shall:

31 (a) Screen candidates to serve as members on the committee; and

32 (b) Report its findings to the council.

33 (5) The candidates shall reflect expertise in the technical
34 experience and scientific disciplines needed to protect and recover the
35 Puget Sound ecosystem. Disciplines include, but are not limited to:

36 (a) Ecology;

37 (b) Biology;

- 1 (c) Limnology;
- 2 (d) Wildlife;
- 3 (e) Environmental engineering;
- 4 (f) Hydrology;
- 5 (g) Oceanography;
- 6 (h) Environmental economics; and
- 7 (i) Social environmental science.

8 (6) The council shall review the screenings from the Washington
9 academy of sciences and consult with tribal representatives.

10 (7) The council shall appoint nine scientists from the names of
11 those screened.

12 (8) All members of the committee must fully disclose all existing
13 conflicts of interest, and all anticipated future conflicts of
14 interest, before appointment. Conflicts of interest include, but are
15 not limited to, financial gains resulting from work performed as
16 committee members.

17 (9) The members of the committee shall serve four-year terms, and
18 may be reappointed. Vacant positions on the committee shall be filled
19 in the same manner as the original appointments. The committee members
20 shall elect the committee chair from among themselves every two years.
21 Based upon the availability of funds and necessity, the council may
22 contract with members of the committee for compensation for their
23 services under chapter 39.29 RCW.

24 NEW SECTION. **Sec. 10.** PUGET SOUND SCIENCE ADVISORY COMMITTEE--
25 FUNCTIONS AND DUTIES. (1) The committee shall advise the council and
26 the executive director in carrying out the obligations of the
27 partnership.

28 (2) The committee should collaborate with other scientific groups
29 and consult other scientists in conducting its work.

30 (3) The committee shall assist the council and the executive
31 director in developing and regularly updating or revising the action
32 agenda. The committee may also recommend updates to the action agenda
33 as it deems appropriate based on new scientific information.

34 (4) The committee shall provide advice, review, and assistance to
35 the executive director in the development of a strategic science
36 program, as provided in section 24 of this act.

1 (5) The committee shall provide advice, review, and assistance to
2 the executive director in the development of a biennial science work
3 plan, as provided in section 26 of this act.

4 (6) The committee shall provide advice, review, and assistance to
5 the executive director in the development of a Puget Sound science
6 update, as described in section 25 of this act.

7 (7) By July 31, 2008, the committee shall identify environmental
8 indicators of the health of Puget Sound and establish environmental
9 benchmarks that need to be achieved to meet the goal of a healthy Puget
10 Sound by 2020.

11 (8) The committee shall provide advice, review, and assistance to
12 the executive director in the development of the action agenda, as
13 described in section 13 of this act.

14 NEW SECTION. **Sec. 11.** ACTION AGENDA--VISIONS. The action agenda
15 that is to be implemented under this chapter shall strive to achieve
16 the following visions:

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

19 (2) A quality of human life that is sustained by a functioning
20 Puget Sound ecosystem;

21 (3) Healthy and sustaining populations of native species in Puget
22 Sound, including a robust food web;

23 (4) A healthy Puget Sound where freshwater, estuary, near shore,
24 marine, and upland habitats are protected, restored, and sustained;

25 (5) An ecosystem that is supported by ground water levels as well
26 as river and stream flow levels sufficient to sustain people, fish, and
27 wildlife, and the natural functions of the environment;

28 (6) Fresh and marine waters and sediments of a sufficient quality
29 so that the waters in the region are safe for drinking, swimming, and
30 other human uses and enjoyment, and are not harmful to the native
31 marine mammals, fish, birds, and shellfish of the region.

32 NEW SECTION. **Sec. 12.** ACTION AGENDA--GOALS. (1) Action agenda
33 goals shall be determined by the council, and shall be in accordance
34 with the visions, as provided in section 11 of this act.

35 (2) The action agenda goals shall be reflected in the
36 implementation of the action agenda.

1 NEW SECTION. **Sec. 13.** ACTION AGENDA--DEVELOPMENT. (1) In
2 developing the action agenda, the council shall consider and use
3 appropriate portions of the Puget Sound water quality management plan
4 existing on the effective date of this section.

5 (2) Until the action agenda is adopted, the existing Puget Sound
6 management plan and the 2007-09 Puget Sound biennial plan shall remain
7 in effect. The existing Puget Sound management plan shall also
8 continue to serve as the comprehensive conservation and management plan
9 for the purposes of the national estuary program described in section
10 320 of the federal clean water act, until replaced by the action agenda
11 and approved by the United States environmental protection agency as
12 the new comprehensive conservation and management plan.

13 (3) The action agenda shall rely on a strong science foundation.

14 (4) The partnership shall incorporate existing watershed works and
15 plans created by, but not limited to, local governments, watershed
16 groups, and marine and shoreline groups. Watershed works and plans
17 include:

18 (a) Existing watershed works;

19 (b) Watershed programs;

20 (c) Watershed plans; and

21 (d) Other watershed works and plans related to water quality, water
22 quantity, or habitat restoration.

23 (5) The partnership shall incorporate existing plans and agreements
24 signed by the governor, the commissioner of public lands, other state
25 officials, or by federal agencies when developing the action agenda.

26 (6) The action agenda shall:

27 (a) Describe the problems affecting Puget Sound's health using
28 supporting scientific data;

29 (b) Set goals, measurable outcomes specifically describing what
30 will be achieved, how it will be quantified, how progress towards
31 outcomes will be measured, and time-bound benchmarks that specify the
32 targeted steps needed to reach a healthy Puget Sound by 2020,
33 consistent with the visions, as provided in section 11 of this act;

34 (c) Identify and prioritize the strategies and actions necessary to
35 restore and protect the Puget Sound;

36 (d) Identify the agency, entity, or person responsible for
37 completing the necessary action; and

1 (e) Establish deadlines for the completion of the necessary actions
2 describing where achieving certain goals will require timelines beyond
3 2020 to achieve.

4 (7) The action agenda shall also:

5 (a) Address all geographic areas of Puget Sound, including upland
6 areas and tributary rivers and streams that affect Puget Sound.
7 Specific action agenda sections may address specific geographic areas
8 of Puget Sound;

9 (b) Include a specific plan to address aquatic rehabilitation zone
10 one, as defined in RCW 90.88.010;

11 (c) Evaluate the effectiveness and efficiency of the overall
12 management system for the improvement and maintenance of the health of
13 the Puget Sound ecosystem;

14 (d) Review, revise as needed, and incorporate as they are
15 developed, the council's ecosystem goals and quantifiable measures;

16 (e) Establish near-term and long-term benchmarks that demonstrate
17 progress in achieving action agenda goals, and that describe how
18 progress will be tracked through clear and quantifiable measures that
19 are included in the action agenda;

20 (f) Integrate the recovery plans for salmon, orca, and other
21 species in Puget Sound listed under the federal endangered species act,
22 while working collaboratively with the Hood Canal coordinating council
23 in chapter 90.88 RCW on Hood Canal-specific issues;

24 (g) Integrate, where appropriate, provisions of water quantity,
25 watershed, marine resource, and other watershed plans; and

26 (h) Incorporate appropriate actions to carry out the science work
27 plan.

28 (8) When a state, local, or federal entity identifies a statute,
29 rule, or ordinance that conflicts with the requirements of, or an
30 impediment to the implementation of, the action agenda, the council
31 shall evaluate the merits of conflict or impediment and make necessary
32 recommendations to the agency, governor, legislature, local government,
33 or other appropriate entity for addressing and resolving the conflict
34 or impediment.

35 (9) By September 1, 2008, the council shall adopt the action
36 agenda. After the adoption of the initial action agenda, the council
37 shall revise the action agenda every six years using an adaptive
38 management process informed by tracking actions and monitoring results

1 in the Puget Sound. The council shall provide opportunity for public
2 review and comment on the proposed action agenda and subsequent
3 revisions.

4 (10) The council shall involve the board early in the development
5 of the action agenda and all subsequent revisions. The council and the
6 board shall jointly develop a schedule for board review of the proposed
7 action agenda or revisions.

8 (11) The action agenda shall be organized and maintained in a
9 single document to facilitate public accessibility to the plan.

10 NEW SECTION. **Sec. 14.** TECHNICAL ASSISTANCE. The partnership
11 shall work with and assist local entities, including local governments,
12 watershed groups, ports, tribes, and marine and shoreline groups.
13 Assistance may include:

- 14 (1) Providing technical assistance and guidance;
- 15 (2) Reviewing, suggesting modifications to, implementing, measuring
16 results of, or providing additional funds, such as grants and loans, to
17 existing programs, projects, plans, and efforts, such as for:
 - 18 (a) Local salmon recovery;
 - 19 (b) Shoreline restoration and protections;
 - 20 (c) Water quality improvement; and
 - 21 (d) Water quantity plans;
- 22 (3) Identifying environmental research and data gaps;
- 23 (4) Helping prioritize environmental needs;
- 24 (5) Funding new projects and programs that narrow environmental
25 research and data gaps;
- 26 (6) Fostering action and results at the community level;
- 27 (7) Expanding public understanding and coordinating educational
28 efforts consistent with the action agenda;
- 29 (8) Supporting and coordinating with organizations to provide
30 volunteer opportunities; and
- 31 (9) Integrating the groups' efforts with the basin-wide restoration
32 activities consistent with the action agenda.

33 NEW SECTION. **Sec. 15.** ACTION AGENDA--DEVELOPMENT OF BIENNIAL
34 BUDGET REQUESTS. (1) State agencies specifically responsible for
35 implementing elements of the action agenda shall:

1 (a) Provide to the partnership by June 1st of each even-numbered
2 year their estimates of the actions and the level of effort needed for
3 the forthcoming biennium to meet the goals, outcomes, targets, and
4 benchmarks developed by the partnership in the action agenda; and

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

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

17 NEW SECTION. **Sec. 16.** ACTION--IMPLEMENTATION--BIENNIAL FUNDING
18 RECOMMENDATIONS--REPORTS. (1) By September 1, 2008, and by September
19 1st every two years thereafter, the council shall provide to the
20 governor and the appropriate fiscal and policy committees of the senate
21 and house of representatives its recommendations for the funding
22 necessary to implement the action agenda, in order to achieve the 2020
23 goals of this chapter. The recommendations shall:

24 (a) Identify funding needs by plan element and identify the time
25 periods in which specific funding is needed;

26 (b) Address funding responsibilities among local, state, and
27 federal governments, as well as nongovernmental funding;

28 (c) Assess and evaluate availability of funding from existing
29 sources;

30 (d) Identify gaps between funding needs and funds available from
31 existing sources; and

32 (e) Propose and develop a detailed financing strategy to secure
33 stable, long-term, and sufficient funding throughout the time periods
34 for plan implementation, including proposals for new, broad-based
35 sources of funding that will fill the funding gaps, as identified in
36 this subsection.

1 (2) The funding recommendation reports, as provided in subsection
2 (1) of this section, must be available to the public before a budget
3 request is made.

4 NEW SECTION. **Sec. 17.** ANNUAL PROGRESS REPORTS. (1) The
5 legislature intends for all local, state, and federal governmental
6 entities to act in conformance with the action agenda as adopted by the
7 council. Good cause for a governmental entity's nonconformance exists
8 if there is a lack of legal authority or a lack of funding despite
9 documented efforts taken to obtain necessary funding.

10 (2) Beginning November 1, 2008, the council shall report annually
11 each November 1st to the governor, the legislature, and the public on
12 progress under the action agenda. The report shall include an
13 assessment of whether entities that have received state funds for
14 action agenda-related actions have accomplished expected results.

15 (3) The council shall review actions, where appropriate, of any
16 nonstate entity performing Puget Sound-related actions that are not
17 subject to a performance agreement. If the partnership determines that
18 an entity's actions are inconsistent with the plan, the partnership
19 shall offer technical assistance to the entity for the purpose of
20 bringing the entity into conformance with the plan. The council shall
21 include in the progress report the nonperformance of any entity and
22 those entities that refuse technical assistance under this section.
23 The report shall include a description of how the entity is not in
24 conformance and shall describe actions the council took to try to bring
25 the entity into conformance.

26 (4) In consultation with the committee, the council shall select at
27 least one of the existing programs in every progress report and assess
28 that program's efficacy and expenditures devoted to Puget Sound
29 protection and recovery for consistency with the action agenda.

30 NEW SECTION. **Sec. 18.** PUGET SOUND PARTNERS. (1) Cities,
31 counties, special districts, and other local governmental entities that
32 operate in conformance with the action agenda, as provided in section
33 17 of this act, shall be designated by the partnership as a Puget Sound
34 partner.

35 (2) Except for grant preferences specifically designated by the
36 legislature, there shall be no punitive or corrective penalty assessed

1 by the partnership, or any differential treatment given by the
2 partnership, for a city, county, special district, or other
3 governmental entity that is not designated as a Puget Sound partner.

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

5 (1) Any funding made available directly to the partnership and used by
6 the partnership for grants or funding transfers to other entities shall
7 be prioritized according to the action agenda developed pursuant to
8 section 13 of this act.

9 (2) The partnership shall condition, with interagency agreements,
10 any grants or funding transfers to other entities to ensure
11 accountability in the expenditure of the funds and to ensure that the
12 funds are used by the recipient entity in the manner determined by the
13 partnership to be the most consistent with the priorities of the action
14 agenda. Any conditions placed on federal funding under this section
15 shall either incorporate, or not run counter to, signed agreements
16 between the entity and the federal government.

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

20 (4) Any entity directly or indirectly receiving funding from the
21 partnership that is not subject to disclosure under chapter 42.56 RCW
22 must, as a mandatory contractual prerequisite to receiving the funding,
23 agree to disclose any information in regards to that funding as if the
24 entity were subject to the requirements of chapter 42.56 RCW.

25 NEW SECTION. **Sec. 20.** FUNDING--INTERAGENCY AGREEMENTS--

26 PERFORMANCE REQUIREMENTS. (1)(a) Except as otherwise provided in this
27 section, funds identified by the partnership in section 15 of this act
28 and appropriated in the 2009-2011 biennium and thereafter, in the form
29 of a proviso in the omnibus appropriations act, directly to a state
30 agency other than the partnership specifically for implementation of
31 the action agenda and specifically mentioning the partnership, shall
32 not be expended before an interagency agreement is entered between the
33 partnership and the state agency to which the funds are appropriated.

34 (b) To avoid delays in expending funds required under this section
35 to be conditional on the execution of an interagency agreement, the

1 partnership shall attempt to provide draft performance agreements at
2 least sixty days before the beginning of the biennium.

3 (2) The office of financial management may approve expenditure of
4 funds under this section prior to the execution of an interagency
5 agreement, if it determines that accelerating the expenditure would be
6 beneficial to accomplishing the action agenda developed pursuant to
7 section 13 of this act.

8 NEW SECTION. **Sec. 21.** REVIEW OF EXPENDITURES. (1) The
9 expenditure of funds, not included in sections 19 and 20 of this act,
10 provided to state agencies that are used for the implementation of the
11 growth management act, the shoreline management act, storm water
12 permitting, or designated from the toxics control accounts created in
13 RCW 70.105D.070, the public works assistance account created in RCW
14 43.155.050, the water quality account created in RCW 70.146.030, or
15 environmental mitigation funding from the department of transportation,
16 shall be reviewed by the partnership on a biennial basis to determine
17 whether the use of the funds is consistent with the action agenda.

18 (2) The findings of the review required under this section shall be
19 reported to the governor and the appropriate committees of the
20 legislature, together with any recommendations from the partnership as
21 to how future expenditures could better match the priorities of the
22 action agenda.

23 NEW SECTION. **Sec. 22.** BIENNIAL PERFORMANCE REPORTS AND ACTIONS.

24 (1) The partnership shall submit a biennial performance report to the
25 governor and to the appropriate legislative committees in September
26 2010, and additional biennial reports in September every two years
27 thereafter.

28 (2) The biennial reports, and the actions associated with the
29 reports, shall apply to entities and funds identified in sections 16,
30 19, 20, and 21 of this act.

31 (3) The biennial reports and actions are as follows:

32 (a) The partnership shall monitor the performance measures:

33 (i) Included in any interagency agreement entered into pursuant to
34 sections 17 through 20 of this act; and

35 (ii) Associated with the programs stipulated in section 21 of this
36 act.

1 (b) Before the end of the biennium for which funds identified in
2 this section are authorized, the partnership may provide advice and
3 recommendations to the recipient entity as to how the funding provided
4 by the legislature can best satisfy the goals of the action agenda.

5 (c) At the end of the biennium for which the funding was provided,
6 the partnership shall issue a report to the office of financial
7 management that outlines whether the entity receiving the funds
8 satisfied the performance measures identified in the interagency
9 agreement.

10 (d)(i) If the partnership concludes that the entity receiving the
11 funds failed to satisfy the performance measures identified in the
12 interagency agreement, then the partnership shall:

13 (A) Identify the reasons why the entity was unable to satisfy the
14 performance measures; and

15 (B) Recommend to the governor and to the appropriate committees of
16 the legislature other options to achieve plan-related results with the
17 same funds.

18 (ii) If a performance measure was not able to be satisfied because
19 of a state law or rule or an agency or local policy, then the
20 partnership shall make recommendations to the governor and the
21 appropriate committees of the legislature, or other appropriate
22 entities, to sponsor legislation or changes to the Washington
23 Administrative Code or agency or local policy addressing the barrier.
24 The partnership shall, when deemed appropriate by the partnership,
25 include with these recommendations any recommendations developed under
26 section 21 of this act.

27 NEW SECTION. **Sec. 23.** TRIENNIAL PERFORMANCE AUDIT. (1) The joint
28 legislative audit and review committee shall conduct a performance
29 audit of the partnership beginning April 2010, and beginning in April
30 every three years thereafter.

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

32 (a) A determination of the extent to which funds expended as
33 provided in sections 19 and 20 of this act have contributed to the
34 restoration of Puget Sound; and

35 (b) A determination of the efficiency of the partnership structure.
36 For the purposes of this subsection, the partnership structure
37 includes:

1 (i) The leadership council;
2 (ii) The executive director's staff;
3 (iii) The board;
4 (iv) The committee; and
5 (v) Other subcommittees, advisory committees, and nonprofit
6 organizations the council may create.

7 (3) The executive director shall provide any partnership materials
8 to the joint legislative audit and review committee upon request.
9 Materials may include, but are not limited to:

- 10 (a) Annual progress reports;
11 (b) Biennial performance reports; and
12 (c) Puget Sound science update.

13 (4) The joint legislative audit and review committee shall submit
14 a report of its completed audit by April 2011 for the first audit, and
15 by April every three years thereafter. The report shall be submitted
16 to the council, to the executive director, to the governor, and to the
17 appropriate legislative committees.

18 (5) The partnership shall use the reports, as provided in
19 subsection (4) of this section, as a basis for recommended changes to
20 successfully achieve the action agenda goals by 2020. Recommended
21 changes may include, but are not limited to:

- 22 (a) The action agenda;
23 (b) Budget requests to the governor and legislature; and
24 (c) The structure of the partnership itself.

25 (6) The council shall submit the partnership's recommendations, as
26 provided in subsection (5) of this section, to the governor and to the
27 appropriate legislative committees by September 2011, and by September
28 every three years thereafter.

29 NEW SECTION. **Sec. 24.** STRATEGIC SCIENCE PROGRAM. (1) The
30 executive director shall develop a strategic science program, with the
31 advice, review, and assistance of the committee.

32 (2) The strategic science program may include:

33 (a) Continuation of the Puget Sound assessment and monitoring
34 program, as provided in RCW 90.71.060;

35 (b) Additional provisions of the research and modeling program to
36 be incorporated as an element of the action agenda; and

1 (c) A monitoring program, including baselines, protocols,
2 guidelines, and quantifiable performance measures.

3 NEW SECTION. **Sec. 25.** PUGET SOUND SCIENCE UPDATE--ASSESSMENT OF
4 OVERALL SUCCESS. (1) The Puget Sound science update shall be produced
5 by the executive director, with assistance from the committee. The
6 update shall:

7 (a) Describe the current scientific understanding of various
8 physical attributes of Puget Sound;

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

11 (c) Serve as the scientific basis for the status and trends of
12 those environmental indicators within the ecosystem framework.

13 (2) The executive director shall submit the Puget Sound science
14 update to the Washington academy of sciences, to the governor, and to
15 the appropriate legislative committees. The first update shall be
16 submitted by April 2013, and by April every six years thereafter.

17 (3) The Washington academy of sciences shall conduct an assessment
18 of basin-wide restoration progress. The assessment shall include, but
19 not be limited to:

20 (a) A determination of the extent to which implementation of the
21 action agenda is making progress toward the action agenda goals; and

22 (b) A determination of whether the environmental indicators and
23 benchmarks included in the action agenda accurately measure and reflect
24 progress toward the action agenda goals.

25 (4) The Washington academy of sciences shall submit a report of its
26 completed assessments by April 2014 for the first assessment, and by
27 April every six years thereafter.

28 (5) The partnership shall use the report, as provided in subsection
29 (4) of this section, as a basis for recommended changes to successfully
30 achieve the action agenda goals by 2020. Recommended changes may
31 include, but are not limited to:

32 (a) The action agenda;

33 (b) The environmental indicators, as provided in this section; and

34 (c) Budget requests to the governor and legislature.

35 (6) The council shall submit the partnership's recommendations, as
36 provided in subsection (5) of this section, to the governor and to the

1 legislature by September 2014, and by September every six years
2 thereafter.

3 NEW SECTION. **Sec. 26.** BIENNIAL SCIENCE WORK PLAN. (1) The
4 executive director shall develop a biennial science work plan, with
5 advice, review, and assistance provided by the council.

6 (2) The biennial science work plan shall include, at a minimum:

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

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

12 (c) A description of whether the ongoing work addresses the
13 recommendations and, if not, identification of necessary actions to
14 fill gaps;

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

18 (e) Recommendations for improvements to the ongoing science work in
19 Puget Sound.

20 NEW SECTION. **Sec. 27.** ACCOUNTABILITY. (1) The council shall be
21 accountable for achieving the action agenda.

22 (2) The council, with assistance from the committee or from the
23 Washington academy of sciences created in chapter 70.220 RCW, shall
24 identify environmental indicators that accurately measure success of
25 the action agenda goals.

26 (3) The council is responsible for measuring the environmental
27 indicators, as provided in subsection (2) of this section, and shall
28 report the results in the Puget Sound science update, as provided in
29 section 25 of this act.

30 (4) The council shall be accountable for all funds allocated to the
31 partnership, and shall report these funds in the biennium reports.

32 (5) The council shall apply accountability measures consistent with
33 the assessment in RCW 43.17.390 to all levels of government and to any
34 entity with responsibilities under the action agenda, including itself,
35 to determine compliance with the action agenda and achievement of the
36 results expected.

1 (6) The council shall work with the board to develop accountability
2 measures for any entity having responsibilities under the action
3 agenda, to determine compliance with the action agenda and achievement
4 of the results expected. The council or the board shall also work with
5 the entities themselves to identify additional accountability measures,
6 including positive incentives and consequences for inaction.

7 (7) The partnership shall develop and submit to the legislature
8 recommendations to enhance and phase-in local government accountability
9 measures by September 20, 2008.

10 NEW SECTION. Sec. 28. AUTHORITIES. (1) The partnership shall not
11 have regulatory authority nor authority to transfer the responsibility
12 for, or implementation of, any state regulatory program, unless
13 otherwise specifically authorized by the legislature.

14 (2) State and local governments shall retain their own decision-
15 making authority in implementing the action agenda consistent with
16 current law.

17 NEW SECTION. Sec. 29. COMPENSATION AND REIMBURSEMENT. (1)
18 Members of the council, including nonvoting ex officio members, shall
19 be compensated in accordance with RCW 43.03.220 and be reimbursed for
20 travel expenses in accordance with RCW 43.03.050 and 43.03.060.

21 (2) The salary of the executive director shall be set by the
22 governor.

23 (3) Members of the board, including nonvoting ex officio members,
24 shall be reimbursed for travel expenses in accordance with RCW
25 43.03.050 and 43.03.060.

26 (4) Members of the committee who are employed by federal, state,
27 and local governments shall serve without additional pay. Other
28 members shall be compensated in accordance with RCW 43.03.240 and shall
29 be entitled to reimbursement for travel expenses incurred in the
30 performance of their duties as members of the committee in accordance
31 with RCW 43.03.050 and 43.03.060.

32 NEW SECTION. Sec. 30. TRANSFER OF POWERS, DUTIES, AND FUNCTIONS--
33 REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM. (1) The Puget
34 Sound action team is hereby abolished and its powers, duties, and
35 functions are hereby transferred to the Puget Sound partnership as

1 consistent with this chapter. All references to the chair or the Puget
2 Sound action team in the Revised Code of Washington shall be construed
3 to mean the executive director or the Puget Sound partnership.

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

6 (b) All reports, documents, surveys, books, records, files, papers,
7 or written material in the possession of the Puget Sound action team
8 shall be delivered to the custody of the Puget Sound partnership. All
9 cabinets, furniture, office equipment, motor vehicles, and other
10 tangible property employed by the Puget Sound action team shall be made
11 available to the Puget Sound partnership. All funds, credits, or other
12 assets held by the Puget Sound action team shall be assigned to the
13 Puget Sound partnership.

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

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

23 (3) All rules and all pending business before the Puget Sound
24 action team shall be continued and acted upon by the Puget Sound
25 partnership. All existing contracts and obligations shall remain in
26 full force and shall be performed by the Puget Sound partnership.

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

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

36 (6) Nothing contained in this section may be construed to alter any
37 existing collective bargaining unit or the provisions of any existing

1 collective bargaining agreement until the agreement has expired or
2 until the bargaining unit has been modified by action of the public
3 employment relations commission as provided by law.

4 NEW SECTION. **Sec. 31.** CAPTIONS NOT LAW. Captions used in this
5 chapter are not any part of the law.

6 **Sec. 32.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to read
7 as follows:

8 (1) The (~~action team~~) department of health shall establish a
9 shellfish - on-site sewage grant program in Puget Sound and for Pacific
10 and Grays Harbor counties. The (~~action team~~) department of health
11 shall provide funds to local health jurisdictions to be used as grants
12 or loans to individuals for improving their on-site sewage systems.
13 The grants or loans may be provided only in areas that have the
14 potential to adversely affect water quality in commercial and
15 recreational shellfish growing areas. A recipient of a grant or loan
16 shall enter into an agreement with the appropriate local health
17 jurisdiction to maintain the improved on-site sewage system according
18 to specifications required by the local health jurisdiction. The
19 (~~action team~~) department of health shall work closely with local
20 health jurisdictions and shall endeavor to attain geographic equity
21 between Willapa Bay and the Puget Sound when making funds available
22 under this program. For the purposes of this subsection, "geographic
23 equity" means issuing on-site sewage grants or loans at a level that
24 matches the funds generated from the oyster reserve lands in that area.

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

27 (a) Identified as "areas of special concern" under WAC 246-272-
28 01001; or

29 (b) Included within a shellfish protection district under chapter
30 90.72 RCW.

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

35 (4) The (~~action team~~) department of health and each participating
36 local health jurisdiction shall enter into a memorandum of

1 understanding that will establish an applicant income eligibility
2 requirement for individual grant applicants from within the
3 jurisdiction and other mutually agreeable terms and conditions of the
4 grant program.

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

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

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

15 In addition to the exemptions under RCW 41.06.070, the provisions
16 of this chapter shall not apply in the Puget Sound partnership to the
17 executive director, to one confidential secretary, and to all
18 professional staff.

19 **Sec. 34.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to
20 read as follows:

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

1 **Sec. 35.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to
2 read as follows:

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

16 Such officers, except the director of fish and wildlife, shall be
17 appointed by the governor, with the consent of the senate, and hold
18 office at the pleasure of the governor. The director of fish and
19 wildlife shall be appointed by the fish and wildlife commission as
20 prescribed by RCW 77.04.055.

21 **Sec. 36.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to
22 read as follows:

23 For the purposes of RCW 42.17.240, the term "executive state
24 officer" includes:

25 (1) The chief administrative law judge, the director of
26 agriculture, the administrator of the Washington basic health plan, the
27 director of the department of services for the blind, the director of
28 the state system of community and technical colleges, the director of
29 community, trade, and economic development, the secretary of
30 corrections, the director of early learning, the director of ecology,
31 the commissioner of employment security, the chair of the energy
32 facility site evaluation council, the secretary of the state finance
33 committee, the director of financial management, the director of fish
34 and wildlife, the executive secretary of the forest practices appeals
35 board, the director of the gambling commission, the director of general
36 administration, the secretary of health, the administrator of the
37 Washington state health care authority, the executive secretary of the

1 health care facilities authority, the executive secretary of the higher
2 education facilities authority, the executive secretary of the horse
3 racing commission, the executive secretary of the human rights
4 commission, the executive secretary of the indeterminate sentence
5 review board, the director of the department of information services,
6 the director of the interagency committee for outdoor recreation, the
7 executive director of the state investment board, the director of labor
8 and industries, the director of licensing, the director of the lottery
9 commission, the director of the office of minority and women's business
10 enterprises, the director of parks and recreation, the director of
11 personnel, the executive director of the public disclosure commission,
12 the executive director of the Puget Sound partnership, the director of
13 retirement systems, the director of revenue, the secretary of social
14 and health services, the chief of the Washington state patrol, the
15 executive secretary of the board of tax appeals, the secretary of
16 transportation, the secretary of the utilities and transportation
17 commission, the director of veterans affairs, the president of each of
18 the regional and state universities and the president of The Evergreen
19 State College, and each district and each campus president of each
20 state community college;

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

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

23 (4) Central Washington University board of trustees, board of
24 trustees of each community college, each member of the state board for
25 community and technical colleges, state convention and trade center
26 board of directors, committee for deferred compensation, Eastern
27 Washington University board of trustees, Washington economic
28 development finance authority, The Evergreen State College board of
29 trustees, executive ethics board, forest practices appeals board,
30 forest practices board, gambling commission, life sciences discovery
31 fund authority board of trustees, Washington health care facilities
32 authority, each member of the Washington health services commission,
33 higher education coordinating board, higher education facilities
34 authority, horse racing commission, state housing finance commission,
35 human rights commission, indeterminate sentence review board, board of
36 industrial insurance appeals, information services board, interagency
37 committee for outdoor recreation, state investment board, commission on
38 judicial conduct, legislative ethics board, liquor control board,

1 lottery commission, marine oversight board, Pacific Northwest electric
2 power and conservation planning council, parks and recreation
3 commission, (~~personnel appeals board,~~) board of pilotage
4 commissioners, pollution control hearings board, public disclosure
5 commission, public pension commission, shorelines hearing board, public
6 employees' benefits board, salmon recovery funding board, board of tax
7 appeals, transportation commission, University of Washington board of
8 regents, utilities and transportation commission, Washington state
9 maritime commission, Washington personnel resources board, Washington
10 public power supply system executive board, Washington State University
11 board of regents, Western Washington University board of trustees, and
12 fish and wildlife commission.

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

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

17 (2) Lead entities within a salmon recovery region that agree to
18 form a regional salmon recovery organization may be recognized by the
19 salmon recovery office as a regional recovery organization. The
20 regional recovery organization may plan, coordinate, and monitor the
21 implementation of a regional recovery plan in accordance with RCW
22 77.85.150. Regional recovery organizations existing as of July 24,
23 2005, that have developed draft recovery plans approved by the
24 governor's salmon recovery office by July 1, 2005, may continue to
25 plan, coordinate, and monitor the implementation of regional recovery
26 plans.

27 (3) Beginning January 1, 2008, the leadership council, created
28 under chapter 90.71 RCW, shall serve as the regional salmon recovery
29 organization for Puget Sound salmon species, except for the Hood Canal
30 summer chum evolutionarily significant unit area. The Hood Canal
31 coordinating council under chapter 90.88 RCW shall continue to serve as
32 the regional salmon recovery organization for the Hood Canal summer
33 chum evolutionarily significant unit area.

34 **Sec. 38.** RCW 70.220.040 and 2005 c 305 s 4 are each amended to
35 read as follows:

36 (1) The academy shall investigate, examine, and report on any

1 subject of science requested by the governor, the governor's designee,
2 the Puget Sound partnership, or the legislature. The procedures for
3 selecting panels of experts to respond to such requests shall be set
4 forth in the bylaws or other appropriate operating guidelines. In
5 forming review panels, the academy shall endeavor to assure that the
6 panel members have no conflicts of interest and that proposed panelists
7 first disclose any advocacy positions or financial interest related to
8 the questions to be addressed by the panel that the candidate has held
9 within the past ten years.

10 (2) The governor shall provide funding to the academy for the
11 actual expense of such investigation, examination, and reports. Such
12 funding shall be in addition to state funding assistance to the academy
13 in its initial years of operation as described in RCW 70.220.060.

14 **Sec. 39.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to
15 read as follows:

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

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

21 (b) The local government must have developed a capital facility
22 plan; and

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

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

1 from receiving a loan or loan guarantee under this chapter if the
2 comprehensive plan and development regulations are adopted as required
3 by RCW 36.70A.040 before submitting a request for a loan or loan
4 guarantee.

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

12 (4) The board shall develop a priority process for public works
13 projects as provided in this section. The intent of the priority
14 process is to maximize the value of public works projects accomplished
15 with assistance under this chapter. The board shall attempt to assure
16 a geographical balance in assigning priorities to projects. The board
17 shall consider at least the following factors in assigning a priority
18 to a project:

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

22 (b) Except as otherwise conditioned by section 40 of this act,
23 whether the local government receiving assistance is designated as a
24 Puget Sound partner, as that term is defined in RCW 90.71.010;

25 (c) Whether the project is critical in nature and would affect the
26 health and safety of a great number of citizens;

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

29 ~~((d))~~ (e) The number of communities served by or funding the
30 project;

31 ~~((e))~~ (f) Whether the project is located in an area of high
32 unemployment, compared to the average state unemployment;

33 ~~((f))~~ (g) Whether the project is the acquisition, expansion,
34 improvement, or renovation by a local government of a public water
35 system that is in violation of health and safety standards, including
36 the cost of extending existing service to such a system;

37 ~~((g))~~ (h) The relative benefit of the project to the community,

1 considering the present level of economic activity in the community and
2 the existing local capacity to increase local economic activity in
3 communities that have low economic growth; and

4 ~~((h))~~ (i) Other criteria that the board considers advisable.

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

10 (6) Before November 1st of each year, the board shall develop and
11 submit to the appropriate fiscal committees of the senate and house of
12 representatives a description of the loans made under RCW 43.155.065,
13 43.155.068, and subsection (9) of this section during the preceding
14 fiscal year and a prioritized list of projects which are recommended
15 for funding by the legislature, including one copy to the staff of each
16 of the committees. The list shall include, but not be limited to, a
17 description of each project and recommended financing, the terms and
18 conditions of the loan or financial guarantee, the local government
19 jurisdiction and unemployment rate, demonstration of the jurisdiction's
20 critical need for the project and documentation of local funds being
21 used to finance the public works project. The list shall also include
22 measures of fiscal capacity for each jurisdiction recommended for
23 financial assistance, compared to authorized limits and state averages,
24 including local government sales taxes; real estate excise taxes;
25 property taxes; and charges for or taxes on sewerage, water, garbage,
26 and other utilities.

27 (7) The board shall not sign contracts or otherwise financially
28 obligate funds from the public works assistance account before the
29 legislature has appropriated funds for a specific list of public works
30 projects. The legislature may remove projects from the list
31 recommended by the board. The legislature shall not change the order
32 of the priorities recommended for funding by the board.

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

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

37 (10) To qualify for loans or pledges for solid waste or recycling
38 facilities under this chapter, a city or county must demonstrate that

1 the solid waste or recycling facility is consistent with and necessary
2 to implement the comprehensive solid waste management plan adopted by
3 the city or county under chapter 70.95 RCW.

4 NEW SECTION. **Sec. 40.** A new section is added to chapter 43.155
5 RCW to read as follows:

6 In developing a priority process for public works projects under
7 RCW 43.155.070, the board shall give preferences only to Puget Sound
8 partners, as defined in RCW 90.71.010, over other entities that are
9 eligible to be designated as Puget Sound partners under chapter 90.71
10 RCW. Entities that are not eligible to be a Puget Sound partner, due
11 to geographic location, composition, exclusion from the scope of the
12 Puget Sound action agenda developed under section 13 of this act, or
13 for any other reason, shall not be given less preferential treatment
14 than Puget Sound partners.

15 **Sec. 41.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to
16 read as follows:

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

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

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

22 (c) Actions required under federal and state permits and compliance
23 orders;

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

26 (e) Except as otherwise conditioned by section 42 of this act,
27 whether the applicant is designated as a Puget Sound partner, as
28 defined in RCW 90.71.010;

29 (f) The extent to which the applicant county or city, or if the
30 applicant is another public body, the extent to which the county or
31 city in which the applicant public body is located, has established
32 programs to mitigate nonpoint pollution of the surface or subterranean
33 water sought to be protected by the water pollution control facility
34 named in the application for state assistance; and

35 ((+f)) (g) The recommendations of the Puget Sound ((action team))

1 partnership created in section 3 of this act and any other board,
2 council, commission, or group established by the legislature or a state
3 agency to study water pollution control issues in the state.

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

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

27 NEW SECTION. **Sec. 42.** A new section is added to chapter 70.146
28 RCW to read as follows:

29 When making grants or loans for water pollution control facilities
30 under RCW 70.146.070, the department shall give consideration only to
31 Puget Sound partners in comparison to other entities that are eligible
32 to be designated as Puget Sound partners under chapter 90.71 RCW.
33 Entities that are not eligible to be a Puget Sound partner, due to
34 geographic location, composition, exclusion from the scope of the Puget
35 Sound action agenda developed under section 13 of this act, or for any
36 other reason, shall not be given less preferential treatment than Puget
37 Sound partners.

1 **Sec. 43.** RCW 90.88.005 and 2005 c 478 s 1 are each amended to read
2 as follows:

3 (1) The legislature finds that Hood Canal is a precious aquatic
4 resource of our state. The legislature finds that Hood Canal is a rich
5 source of recreation, fishing, aquaculture, and aesthetic enjoyment for
6 the citizens of this state. The legislature also finds that Hood Canal
7 has great cultural significance for the tribes in the Hood Canal area.
8 The legislature therefore recognizes Hood Canal's substantial
9 environmental, cultural, economic, recreational, and aesthetic
10 importance in this state.

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

19 (3) The legislature further finds that significant research,
20 monitoring, and study efforts are currently occurring regarding Hood
21 Canal's low-dissolved oxygen concentrations. The legislature also
22 finds numerous public, private, and community organizations are working
23 to provide public education and identify potential solutions. The
24 legislature recognizes that, while some information and research is now
25 available and some potential solutions have been identified, more
26 research and analysis is needed to fully develop a program to address
27 Hood Canal's low-dissolved oxygen concentrations.

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

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

1 **Sec. 44.** RCW 90.88.020 and 2005 c 479 s 2 are each amended to read
2 as follows:

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

6 (2) The Puget Sound (~~(action team)~~) partnership, created in section
7 3 of this act, is designated as the state lead agency for the
8 rehabilitation program authorized in this section.

9 (3) The Hood Canal coordinating council is designated as the local
10 management board for the rehabilitation program authorized in this
11 section.

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

15 **Sec. 45.** RCW 90.88.030 and 2005 c 479 s 3 are each amended to read
16 as follows:

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

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

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

25 (2) When developing and implementing the program authorized in RCW
26 90.88.020 and when establishing funding criteria according to
27 subsection (7) of this section, the Puget Sound (~~(action team)~~)
28 partnership, created in section 3 of this act, and the local management
29 board shall solicit participation by federal, tribal, state, and local
30 agencies and universities and nonprofit organizations with expertise in
31 areas related to program activities. The local management board may
32 include state and federal agency representatives, or additional
33 persons, as nonvoting management board members or may receive technical
34 assistance and advice from them in other venues. The local management
35 board also may appoint technical advisory committees as needed.

36 (3) The local management board and the Puget Sound (~~(action team)~~)

1 partnership shall participate in the development of the program
2 authorized under RCW 90.88.020.

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

8 (5) Any of the local management board's participating counties and
9 tribes, any federal, tribal, state, or local agencies, or any
10 universities or nonprofit organizations may continue individual efforts
11 and activities for rehabilitation of Hood Canal. Nothing in this
12 section limits the authority of units of local government to enter into
13 interlocal agreements under chapter 39.34 RCW or any other provision of
14 law.

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

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

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

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

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

10 **Sec. 46.** RCW 90.88.901 and 2005 c 479 s 5 are each amended to read
11 as follows:

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

15 **Sec. 47.** RCW 90.88.902 and 2005 c 479 s 6 are each amended to read
16 as follows:

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

21 **Sec. 48.** RCW 90.48.260 and 2003 c 325 s 7 are each amended to read
22 as follows:

23 The department of ecology is hereby designated as the State Water
24 Pollution Control Agency for all purposes of the federal clean water
25 act as it exists on February 4, 1987, and is hereby authorized to
26 participate fully in the programs of the act as well as to take all
27 action necessary to secure to the state the benefits and to meet the
28 requirements of that act. With regard to the national estuary program
29 established by section 320 of that act, the department shall exercise
30 its responsibility jointly with the Puget Sound (~~(water quality~~
31 ~~authority)~~) partnership, created in section 3 of this act. The
32 department of ecology may delegate its authority under this chapter,
33 including its national pollutant discharge elimination permit system
34 authority and duties regarding animal feeding operations and
35 concentrated animal feeding operations, to the department of

1 agriculture through a memorandum of understanding. Until any such
2 delegation receives federal approval, the department of agriculture's
3 adoption or issuance of animal feeding operation and concentrated
4 animal feeding operation rules, permits, programs, and directives
5 pertaining to water quality shall be accomplished after reaching
6 agreement with the director of the department of ecology. Adoption or
7 issuance and implementation shall be accomplished so that compliance
8 with such animal feeding operation and concentrated animal feeding
9 operation rules, permits, programs, and directives will achieve
10 compliance with all federal and state water pollution control laws.
11 The powers granted herein include, among others, and notwithstanding
12 any other provisions of chapter 90.48 RCW or otherwise, the following:

13 (1) Complete authority to establish and administer a comprehensive
14 state point source waste discharge or pollution discharge elimination
15 permit program which will enable the department to qualify for full
16 participation in any national waste discharge or pollution discharge
17 elimination permit system and will allow the department to be the sole
18 agency issuing permits required by such national system operating in
19 the state of Washington subject to the provisions of RCW 90.48.262(2).

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

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

35 (2) The power to establish and administer state programs in a
36 manner which will insure the procurement of moneys, whether in the form
37 of grants, loans, or otherwise; to assist in the construction,

1 operation, and maintenance of various water pollution control
2 facilities and works; and the administering of various state water
3 pollution control management, regulatory, and enforcement programs.

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

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

9 **Sec. 49.** RCW 79A.60.520 and 1999 c 249 s 1507 are each amended to
10 read as follows:

11 The commission, in consultation with the departments of ecology,
12 fish and wildlife, natural resources, social and health services, and
13 the Puget Sound (~~(action team)~~) partnership shall conduct a literature
14 search and analyze pertinent studies to identify areas which are
15 polluted or environmentally sensitive within the state's waters. Based
16 on this review the commission shall designate appropriate areas as
17 polluted or environmentally sensitive, for the purposes of chapter 393,
18 Laws of 1989 only.

19 **Sec. 50.** RCW 79A.60.510 and 1999 c 249 s 1506 are each amended to
20 read as follows:

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

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

1 waterways and public enjoyment, portions of the watercraft excise tax
2 and boat registration fees should be made available for boating safety
3 and other boating recreation purposes.

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

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

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

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

21 **Sec. 51.** RCW 79.105.500 and 2005 c 155 s 158 are each amended to
22 read as follows:

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

1 **Sec. 52.** RCW 77.60.130 and 2000 c 149 s 1 are each amended to read
2 as follows:

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

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

24 (3) The committee has the following duties:

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

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

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

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

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

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

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

9 **Sec. 53.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to
10 read as follows:

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

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

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

16 (c) Actions required under federal and state permits and compliance
17 orders;

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

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

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

30 (2) Except where necessary to address a public health need or
31 substantial environmental degradation, a county, city, or town planning
32 under RCW 36.70A.040 may not receive a grant or loan for water
33 pollution control facilities unless it has adopted a comprehensive
34 plan, including a capital facilities plan element, and development
35 regulations as required by RCW 36.70A.040. This subsection does not
36 require any county, city, or town planning under RCW 36.70A.040 to
37 adopt a comprehensive plan or development regulations before requesting

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

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

16 **Sec. 54.** RCW 70.118.090 and 1994 c 281 s 6 are each amended to
17 read as follows:

18 The department may not use funds appropriated to implement an
19 element of the Puget Sound (~~(water quality authority plan)~~) partnership
20 action agenda to conduct any activity required under chapter 281, Laws
21 of 1994.

22 **Sec. 55.** RCW 43.21J.030 and 1998 c 245 s 60 are each amended to
23 read as follows:

24 (1) There is created the environmental enhancement and job creation
25 task force within the office of the governor. The purpose of the task
26 force is to provide a coordinated and comprehensive approach to
27 implementation of chapter 516, Laws of 1993. The task force shall
28 consist of the commissioner of public lands, the director of the
29 department of fish and wildlife, the director of the department of
30 ecology, the director of the parks and recreation commission, the
31 timber team coordinator, the executive director of the work force
32 training and education coordinating board, and the executive director
33 of the Puget Sound (~~(water quality authority)~~) partnership, or their
34 designees. The task force may seek the advice of the following
35 agencies and organizations: The department of community, trade, and
36 economic development, the conservation commission, the employment

1 security department, the interagency committee for outdoor recreation,
2 appropriate federal agencies, appropriate special districts, the
3 Washington state association of counties, the association of Washington
4 cities, labor organizations, business organizations, timber-dependent
5 communities, environmental organizations, and Indian tribes. The
6 governor shall appoint the task force chair. Members of the task force
7 shall serve without additional pay. Participation in the work of the
8 committee by agency members shall be considered in performance of their
9 employment. The governor shall designate staff and administrative
10 support to the task force and shall solicit the participation of agency
11 personnel to assist the task force.

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

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

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

22 (c) Considering unemployment profile data provided by the
23 employment security department.

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

26 (a) To solicit and evaluate proposals from state and local
27 agencies, private nonprofit organizations, and tribes for environmental
28 and forest restoration projects;

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

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

34 **Sec. 56.** RCW 43.21J.040 and 1993 c 516 s 4 are each amended to
35 read as follows:

36 (1) Subject to the limitations of RCW 43.21J.020, the task force
37 shall award funds from the environmental and forest restoration account

1 on a competitive basis. The task force shall evaluate and rate
2 environmental enhancement and restoration project proposals using the
3 following criteria:

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

6 (b) The cost-effectiveness of the project based on: (i) Projected
7 costs and benefits of the project; (ii) past costs and environmental
8 benefits of similar projects; and (iii) the ability of the project to
9 achieve cost efficiencies through its design to meet multiple policy
10 objectives;

11 (c) The inclusion of the project as a high priority in a federal,
12 state, tribal, or local government plan relating to environmental or
13 forest restoration, including but not limited to a local watershed
14 action plan, storm water management plan, capital facility plan, growth
15 management plan, or a flood control plan; or the ranking of the project
16 by conservation districts as a high priority for water quality and
17 habitat improvements;

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

21 (e) Participation in the project by environmental businesses to
22 provide training, cosponsor projects, and employ or jointly employ
23 project participants;

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

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

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

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

35 (a) Projects that are highly ranked in and implement adopted or
36 approved watershed action plans, such as those developed pursuant to
37 rules adopted by the agency then known as the Puget Sound water quality

1 authority (~~rules adopted~~) for local planning and management of
2 nonpoint source pollution;

3 (b) Conservation district projects that provide water quality and
4 habitat improvements;

5 (c) Indian tribe projects that provide water quality and habitat
6 improvements; or

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

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

10 (a) Administrative rule making;

11 (b) Planning; or

12 (c) Public education.

13 **Sec. 57.** RCW 28B.30.632 and 1990 c 289 s 2 are each amended to
14 read as follows:

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

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

25 (a) Provide technical assistance to property owners, marine
26 industry owners and operators, and others, regarding methods and
27 practices to address nonpoint and point sources of pollution of Puget
28 Sound;

29 (b) Provide technical assistance to address water quality problems
30 limiting opportunities for enhancing the recreational harvest of
31 shellfish;

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

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

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

3 (f) Provide information and assistance to local watershed
4 committees.

5 (3) The sea grant and cooperative extension shall mutually
6 coordinate their field agent activities to avoid duplicative efforts
7 and to ensure that the full range of responsibilities under RCW
8 28B.30.632 through 28B.30.636 are carried out. They shall consult with
9 the Puget Sound (~~(water quality authority)~~) partnership, created in
10 section 3 of this act, and ensure consistency with (~~(the authority's)~~)
11 any of the Puget Sound partnership's water quality management plans.

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

15 (a) Sea grant shall have primary responsibility to address water
16 quality issues related to activities within Puget Sound, and to provide
17 assistance regarding the management and improvement of shellfish
18 production; and

19 (b) Cooperative extension shall have primary responsibility to
20 address upland and freshwater activities affecting Puget Sound water
21 quality and associated watersheds.

22 NEW SECTION. Sec. 58. RCW 90.71.902 and 90.71.903 are each
23 decodified.

24 NEW SECTION. Sec. 59. RCW 90.71.100 is recodified as a new
25 section in chapter 70.118 RCW.

26 NEW SECTION. Sec. 60. The following acts or parts of acts are
27 each repealed:

28 (1) RCW 90.71.015 (Environmental excellence program agreements--
29 Effect on chapter) and 1997 c 381 s 30;

30 (2) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 &
31 1996 c 138 s 3;

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

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

- 1 (5) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s
2 6;
3 (6) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;
4 (7) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;
5 (8) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15;
6 and
7 (9) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

8 NEW SECTION. **Sec. 61.** Sections 3 through 31 of this act are each
9 added to chapter 90.71 RCW.

10 NEW SECTION. **Sec. 62.** This act is necessary for the immediate
11 preservation of the public peace, health, or safety, or support of the
12 state government and its existing public institutions, and takes effect
13 July 1, 2007.

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