
SUBSTITUTE HOUSE BILL 1121

State of Washington

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By House Environment (originally sponsored by Representatives Muri, Fitzgibbon, Short, Peterson, Fey, Smith, Kagi, Barkis, McBride, Farrell, Wilcox, Jenkins, Haler, Stanford, Gregerson, Kilduff, Tarleton, Tharinger, and Pollet; by request of Puget Sound Partnership)

READ FIRST TIME 02/06/17.

1 AN ACT Relating to the frequency of Puget Sound action agenda
2 implementation strategy and science work plan updates; amending RCW
3 90.71.010, 90.71.280, 90.71.290, and 90.71.310; and adding a new
4 section to chapter 90.71 RCW.

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

6 **Sec. 1.** RCW 90.71.010 and 2007 c 341 s 2 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

10 (1) "Action agenda" means the comprehensive schedule of projects,
11 programs, and other activities designed to achieve a healthy Puget
12 Sound ecosystem that is authorized and further described in RCW
13 90.71.300 and 90.71.310.

14 (2) "Action area" means the geographic areas delineated as
15 provided in RCW 90.71.260.

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

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

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

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

4 (7) "Implementation strategies" means the strategies incorporated
5 on a (~~biennial~~) quadrennial basis in the action agenda developed
6 under RCW 90.71.310.

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

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

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

13 (11) "Puget Sound" means Puget Sound and related inland marine
14 waters, including all salt waters of the state of Washington inside
15 the international boundary line between Washington and British
16 Columbia, and lying east of the junction of the Pacific Ocean and the
17 Strait of Juan de Fuca, and the rivers and streams draining to Puget
18 Sound as mapped by water resource inventory areas 1 through 19 in WAC
19 173-500-040 as it exists on July 1, 2007.

20 (12) "Puget Sound partner" means an entity that has been
21 recognized by the partnership, as provided in RCW 90.71.340, as
22 having consistently achieved outstanding progress in implementing the
23 2020 action agenda.

24 (13) "Watershed groups" means all groups sponsoring or
25 administering watershed programs, including but not limited to local
26 governments, private sector entities, watershed planning units,
27 watershed councils, shellfish protection areas, regional fishery
28 enhancement groups, marine (~~resource[s]~~) resources committees
29 including those working with the Northwest straits commission,
30 nearshore groups, and watershed lead entities.

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

36 **Sec. 2.** RCW 90.71.280 and 2009 c 99 s 2 are each amended to read
37 as follows:

38 (1) The panel shall:

1 (a) Assist the council, board, and executive director in carrying
2 out the obligations of the partnership, including preparing and
3 updating the action agenda;

4 (b) As provided in RCW 90.71.290, assist the partnership in
5 developing an ecosystem level strategic science program that:

6 (i) Addresses monitoring, modeling, data management, and
7 research; and

8 (ii) Identifies science gaps and recommends research priorities;

9 (c) Develop and provide oversight of a competitive peer-reviewed
10 process for soliciting, strategically prioritizing, and funding
11 research and modeling projects;

12 (d) Develop and implement an appropriate process for peer review
13 of monitoring, research, and modeling conducted as part of the
14 strategic science program;

15 (e) Provide input to the executive director in developing
16 (~~biennial~~) quadrennial implementation strategies; and

17 (f) Offer an ecosystem-wide perspective on the science work being
18 conducted in Puget Sound and by the partnership.

19 (2) The panel should collaborate with other scientific groups and
20 consult other scientists in conducting its work. To the maximum
21 extent possible, the panel should seek to integrate the state-
22 sponsored Puget Sound science program with the Puget Sound science
23 activities of federal agencies, including working toward an
24 integrated research agenda and Puget Sound science work plan.

25 (3) By July 31, 2008, the panel shall identify environmental
26 indicators measuring the health of Puget Sound, and recommend
27 environmental benchmarks that need to be achieved to meet the goals
28 of the action agenda. The council shall confer with the panel on
29 incorporating the indicators and benchmarks into the action agenda.

30 **Sec. 3.** RCW 90.71.290 and 2007 c 341 s 11 are each amended to
31 read as follows:

32 (1) The strategic science program shall be developed by the panel
33 with assistance and staff support provided by the executive director.
34 The science program may include:

35 (a) Continuation of the Puget Sound assessment and monitoring
36 program, as provided in RCW 90.71.060, as well as other monitoring or
37 modeling programs deemed appropriate by the executive director;

38 (b) Development of a monitoring program, in addition to the
39 provisions of RCW 90.71.060, including baselines, protocols,

1 guidelines, and quantifiable performance measures, to be recommended
2 as an element of the action agenda;

3 (c) Recommendations regarding data collection and management to
4 facilitate easy access and use of data by all participating agencies
5 and the public; and

6 (d) A list of critical research needs.

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

10 (3) A Puget Sound science update shall be developed by the panel
11 with assistance and staff support provided by the executive director.
12 The panel shall submit the initial update to the executive director
13 by April 2010, and subsequent updates as necessary to reflect new
14 scientific understandings. The update shall:

15 (a) Describe the current scientific understanding of various
16 physical attributes of Puget Sound;

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

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

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

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

25 (b) Changes adopted in subsequent updates and in the state of the
26 Sound reports produced pursuant to RCW 90.71.370.

27 (5) A (~~biennial~~) quadrennial science work plan shall be
28 developed by the panel, with assistance and staff support provided by
29 the executive director, and approved by the council. The (~~biennial~~)
30 quadrennial science work plan shall include, at a minimum:

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

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

36 (c) A description of whether the ongoing work addresses the
37 recommendations and, if not, identification of necessary actions to
38 fill gaps;

1 (d) Identification of specific (~~biennial~~) quadrennial science
2 work actions to be done over the course of the work plan, and how
3 these actions address science needs in Puget Sound; and

4 (e) Recommendations for improvements to the ongoing science work
5 in Puget Sound.

6 **Sec. 4.** RCW 90.71.310 and 2008 c 329 s 926 are each amended to
7 read as follows:

8 (1) The council shall develop a science-based action agenda that
9 leads to the recovery of Puget Sound by 2020 and achievement of the
10 goals and objectives established in RCW 90.71.300. The action agenda
11 shall:

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

14 (b) Describe the problems affecting Puget Sound's health using
15 supporting scientific data, and provide a summary of the historical
16 environmental health conditions of Puget Sound so as to determine
17 past levels of pollution and restorative actions that have
18 established the current health conditions of Puget Sound;

19 (c) Meet the goals and objectives described in RCW 90.71.300,
20 including measurable outcomes for each goal and objective
21 specifically describing what will be achieved, how it will be
22 quantified, and how progress towards outcomes will be measured. The
23 action agenda shall include near-term and long-term benchmarks
24 designed to ensure continuous progress needed to reach the goals,
25 objectives, and designated outcomes by 2020. The council shall
26 consult with the panel in developing these elements of the plan;

27 (d) Identify and prioritize the strategies and actions necessary
28 to restore and protect Puget Sound and to achieve the goals and
29 objectives described in RCW 90.71.300;

30 (e) Identify the agency, entity, or person responsible for
31 completing the necessary strategies and actions, and potential
32 sources of funding;

33 (f) Include prioritized actions identified through the assembled
34 proposals from each of the seven action areas and the identification
35 and assessment of ecosystem scale programs as provided in RCW
36 90.71.260;

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

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

1 (i) Incorporate appropriate actions to carry out the (~~biennial~~)
2 quadrennial science work plan created in RCW 90.71.290.

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

5 (a) Water quality, water quantity, sediment quality, watershed,
6 marine resource, and habitat restoration plans created by
7 governmental agencies, watershed groups, and marine and shoreline
8 groups. The council shall consult with the board in incorporating
9 these plans;

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

12 (c) Existing plans and agreements signed by the governor, the
13 commissioner of public lands, other state officials, or by federal
14 agencies;

15 (d) Appropriate portions of the Puget Sound water quality
16 management plan existing on July 1, 2007.

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

26 (4) The council shall adopt the action agenda by December 1,
27 2008. The council shall revise the action agenda as needed, and
28 revise the implementation strategies every (~~two~~) four years using
29 an adaptive management process informed by tracking actions and
30 monitoring results in Puget Sound. In revising the action agenda and
31 the implementation strategies, the council shall consult the panel
32 and the board and provide opportunity for public review and comment.
33 (~~Biennial~~) Quadrennial updates shall:

34 (a) Contain a detailed description of prioritized actions
35 necessary in the (~~biennium~~) quadrennial time period to achieve the
36 goals, objectives, outcomes, and benchmarks of progress identified in
37 the action agenda;

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

1 (c) Establish (~~biennial~~) quadrennial benchmarks for near-term
2 actions.

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

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.71
6 RCW to read as follows:

7 Nothing in this chapter may be construed to relieve the
8 partnership of the need to provide a written report to the
9 legislature each biennium pursuant to RCW 90.71.370(3), which must
10 also include references to ongoing science-related activities and
11 monitoring efforts that inform the findings of the report.

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