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## Select Committee on Puget Sound

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### ESSB 5372

**Brief Description:** Creating the Puget Sound partnership.

**Sponsors:** Senate Committee on Water, Energy & Telecommunications (originally sponsored by Senators Rockefeller, Swecker, Poulsen, Marr, Keiser, Shin, Kline, McAuliffe, Fraser, Kilmer and Murray; by request of Governor Gregoire).

#### Brief Summary of Engrossed Substitute Bill

- Creates the Puget Sound Partnership, a new state agency, to clean up and restore the environmental health of Puget Sound by the year 2020.
- Creates an action agenda to achieve clean-up and restoration goals.
- Creates four organizational entities within the Puget Sound Partnership.

**Hearing Date:** 3/23/07

**Staff:** Karen Rogers (786-7388).

#### **Background:**

##### Description of Puget Sound

Puget Sound is a 2,800-square-mile inland water connected to the Pacific Ocean via the Strait of Juan de Fuca in the Pacific Northwest of the United States. It extends from Admiralty Inlet in the north, to Olympia, Washington, in the south.

Puget Sound waters include open marine waters; inland marine waters; glacially scoured fjords such as Hood Canal; numerous river and stream channels; and 2,500 miles of shoreline. Its basin, the land area whose freshwaters drain into the sound, encompasses water resource inventory areas (WRIA) 1 through 19, and extends into 12 counties: Clallam; Island; Jefferson; King; Kitsap; Mason; Pierce; San Juan; Skagit; Snohomish; Thurston; and Whatcom.

##### Environmental Entities

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

Dozens of state agencies, federal agencies, local governments, not-for-profits, and other environmental organizations address the environmental health of Puget Sound. Two state agencies are of particular note. One is the Puget Sound Action Team (PSAT), and the other is the Shared Strategy Salmon Recovery Council (Shared Strategy).

PSAT was created in 1996 as the lead state agency to restore and protect the biological health and diversity of Puget Sound. A few of its primary duties include preparing a Puget Sound work plan and budget; coordinating monitoring and research programs; and contracting works to address the environmental health of Puget Sound. It is led by the PSAT chair, and consists of the directors of several major state agencies, including Ecology; Agriculture; Natural Resources; and Fish and Wildlife.

Shared Strategy acts as the lead, salmon-recovery regional entity. As such, it may plan, coordinate, and monitor the implementation of a regional salmon-recovery plan for Puget Sound.

### **Summary of Bill:**

A new state agency, called the Puget Sound Partnership (Partnership), is created with the task of cleaning up and restoring Puget Sound by the year 2020. The Partnership has several major components:

- The 2020 Plan, which sets the overall goals and milestones;
- The Action Agenda (Agenda), which identifies and prioritizes the necessary actions;
- The Leadership Council, which leads the Partnership;
- The executive director, who administers the agency;
- The Puget Sound Science Panel, consisting of technical and scientific representatives; and
- The Ecosystem Work Group, which advises the council on ecosystem-scale restoration.

### Goals and Objectives

The Leadership Council develops the 2020 Plan and the Agenda based upon six goals and eight objectives. The goals are to achieve the following:

1. A healthy human population supported by a healthy Puget Sound that is not threatened by changes in the ecosystem;
2. A quality of human life that is sustained by a functioning Puget Sound ecosystem;
3. Healthy and sustaining populations of native species in Puget Sound, including a robust food web;
4. A healthy Puget Sound where freshwater, estuary, nearshore, marine, and upland habitats are protected, restored, and sustained;
5. An ecosystem that is supported by groundwater levels as well as river- and stream-flow levels sufficient to sustain people, fish, wildlife, and the natural functions of the environment; and
6. Fresh and marine waters and sediments of a sufficient quality so that the waters in the region are safe for drinking, swimming, and other human uses and enjoyment, and are not harmful to the native marine mammals, fish, birds, and shellfish in the region.

The eight objectives are designed to achieve the goals. The objectives are:

1. Protect existing habitat and prevent further losses;
2. Restore habitat functions and values;
3. Significantly reduce toxics entering Puget Sound fresh and marine waters;

4. Significantly reduce nutrients and pathogens entering Puget Sound fresh and marine waters;
5. Improve water quality and habitat by managing storm-water runoff;
6. Provide water for people, fish and wildlife, and the environment;
7. Protect ecosystem biodiversity and recover imperiled species; and
8. Build and sustain the capacity for action.

### Puget Sound 2020 Plan

The Leadership Council develops, approves and oversees the Puget Sound 2020 Plan (2020 Plan). The 2020 Plan is science-based and sets overall goals, measurable outcomes, and time-bound benchmarks that specify milestones. It identifies and prioritizes strategies, as well as identifies implementation barriers and actions to overcome such barriers. The 2020 Plan addresses all geographic areas of Puget Sound; evaluates the effectiveness and efficiency of the overall management system; revises ecosystem goals and quantifiable measures; and integrates and incorporates existing plans.

The Leadership Council shall adopt the initial 2020 Plan and the initial Action Agenda by September 1, 2008. Until then, the existing *Puget Sound Management Plan* and the 2007-2009 Puget Sound biennial plan shall remain in effect. The *Puget Sound Management Plan* shall continue to serve as the comprehensive conservation and management plan for the purposes of the Federal Clean Water Act until the Environmental Protection Agency approves the 2020 Plan as the new comprehensive conservation and management plan.

### Action Agenda

The Leadership Council develops, approves and oversees the Agenda, which is the 2-year vehicle by which actions are identified and prioritized to achieve the aims of the 2020 Plan. The Agenda identifies participating actors, such as agencies, entities and persons, and establishes near-term and long-term benchmarks that describe how progress will be tracked. Like the 2020 Plan, it addresses all geographic areas of Puget Sound; evaluates the effectiveness and efficiency of the overall management system; revises ecosystem goals and quantifiable measures; and integrates and incorporates existing plans.

State agencies implement elements of the Agenda by providing the Partnership, by June 1 of each even-numbered year, their cost estimates to implement the Agenda, and by working with the Partnership to develop the biennial Agenda budget request, which is submitted to the Governor and Legislature by September 1 of each even-numbered year. The budget request identifies funding needs by plan element, the time periods in which specific funding is needed, and methods to secure new sources of dedicated funding.

### Leadership Council

The Leadership Council consists of eight members, seven of whom are citizens appointed by the Governor with the advice and consent of the Senate, and the last being the regional administrator of the United States Environmental Protection Agency, who shall be invited by the Governor. Appointment terms are four years, except for the initial appointments, which are staggered.

The Leadership Council has the authority and duty to provide all leadership, has overall

responsibility, and makes final decisions for the Partnership; and has the authority and duty to develop, approve, revise, and oversee implementation of the Agenda. It also has the authority and duty to allocate funds; enter into, amend, and terminate contracts with individuals, corporations, or research institutions; make grants to governmental and non-governmental entities; expend gifts, grants and endowments; and receive and expend funding from public agencies. However, the authority to administer the Partnership programs and budgets resides with the executive director.

The Leadership Council shall geographically subdivide the Puget Sound basin into sub-regions known as action areas. These geographic delineations are based upon the characteristics of water flows, the physical structure of the bottom of Puget Sound, and the commonality of interests and restoration challenges presented in the various regions of the Sound. The Leadership Council may recognize an existing entity, or an entity formed for the express purpose of collaborating with the Partnership, as the area coordinating entity. Each area coordinating entity will compile all the relevant actions undertaken in his or her action area.

The Leadership Council has other authorities and duties, including adopting procedural rules to carry out internal Partnership management, appointing the members of the Puget Sound Science Panel, and creating entities to assist the Leadership Council.

The Leadership Council and the Partnership replace and assume the authorities of Shared Strategy and PSAT, respectively. The Leadership Council shall become the new regional organization for Puget Sound salmon recovery; and the Partnership shall inherit all of PSAT's duties and functions, and all but one of PSAT's powers upon PSAT's abolishment. The power not transferred to the Partnership is PSAT's authority over the Shellfish On-site Sewage Grant Program, which is transferred to the Department of Health.

The Leadership Council's duties include (1) developing a process to review and address citizen concerns with the Agenda; (2) conforming to the 1989 Centennial Accord procedures and standards when working with federally recognized Indian tribes; (3) submitting funding recommendations to the Governor and Legislature; and (4) recommending statutory changes to improve effectiveness.

#### Executive Director

The executive director (director) administers the Partnership, and is accountable to the Governor and to the Leadership Council. The Leadership Council recommends a list of at least three candidates from which the Governor appoints one as director.

The director administers operations, staff, the Partnership programs, and the Partnership budget. The director also prepares and updates the Agenda, enters into contracts and agreements with non-profit organizations, and provides assistance to the Leadership Council, the Puget Sound Science Panel, and the Ecosystem Work Group. In addition, the director produces and distributes the strategic science program, the biennial science work plan, and the biennial State of the Sound report.

The director and staff are the communication link between all levels of government, tribes, the private sector, non-governmental organizations, Partnership entities, and area coordinating entities. Among the staff are action-area liaisons, who shall work with and assist area coordinating entities.

### Puget Sound Science Panel

The Puget Sound Science Panel (Science Panel) functions as an independent, non-representational scientific entity that assists the Leadership Council and the director. It helps the Leadership Council set benchmarks and develop the Agenda, identifies environmental indicators, and develops a strategic science program and the Puget Sound science update. To ensure its independence, the Science Panel shall have its own staff, and shall submit a structure, staff, and funding proposal to the Leadership Council by October 1, 2008. In the meantime, the director shall provide staff to the Science Panel at least until July 1, 2009.

By November 1, 2007, the Leadership Council shall solicit nominations to the Science Panel. The Leadership Council shall then submit the nominations to the Washington State Academy of Sciences for screening, and select no more than 15 candidates to serve as Science Panel members. Members serve 4-year terms, except for the initial appointments, which are staggered. No member may serve more than 12 years, and the Science Panel selects its own chair and vice-chair.

### Ecosystem Work Group

The Ecosystem Work Group (Work Group) consists of four permanent members, each taking turns serving as chair for one year until June 30, 2011, when the Work Group expires. The chair shall invite additional participants from other state agencies, the tribes, federal agencies, and up to three non-governmental organizations. The chair may invite persons from counties, cities, port districts and other jurisdictions.

The primary intent of the work group is to advise the Leadership Council by compiling and assembling a 2009-2011 Agenda for ecosystem-scale restoration and protection plans. The Work Group shall submit the compilation by June 1, 2008, and shall serve as an advisory body for state and federal programs relating to Puget Sound ecosystem-scale actions.

### Funding Conditions

The Leadership Council shall adopt measures to ensure that funds appropriated for implementation of the Agenda and identified by proviso in the Omnibus Appropriations Act are expended in a manner that will achieve the intended results. The Leadership Council may establish performance measures, and state agencies may incorporate applicable provisions as conditions in their grant and loans to non-state agencies and organizations. The Leadership Council may also adopt interagency agreements, and request the Office of Financial Management to withhold or rescind funds to any entity. The Partnership may also suspend future funding to an entity in receipt of direct Partnership funds if that entity fails to abide by the agreement.

### Reports, Programs, Plans, and Audits

*State of the Sound Report.* The director produces and distributes a State of the Sound report biennially, with assistance from the Science Panel and with the Leadership Council's approval. The report incorporates scientific assessment of the Puget Sound's health, and of the state of Puget Sound's marine life, habitats, water quality, and climate.

*Strategic Science Program.* The Science Advisory Committee develops, and the Leadership Council adopts, a strategic science program, which may include an assessment and monitoring program, with baselines, protocols, guidelines and quantifiable measures.

*Puget Sound Science Update.* The Science Panel prepares the Puget Sound science update. The update describes current scientific understanding of the physical attributes of Puget Sound, and serves as the scientific basis for the selection of environmental indicators, as well as for the status and trends of those indicators within the ecosystem framework.

*Biennial Science Work Plan.* The director produces and distributes the biennial science work plan in consultation with the Science Panel and with the Leadership Council's approval. At a minimum, the plan identifies recommendations from scientific and technical reports; describes Puget Sound science-related activities, studies, models, monitoring, and research; recommends improvements to the on-going science work in Puget Sound; and identifies specific biennial science work to be done over the course of the work plan.

*Progress Reports.* The Leadership Council submits a progress report to the Governor and Legislature by November 1, 2009 and every two years thereafter. The report details expenditure of funds, their results, whether entities spend the funds consistently with the Agenda or stipulated conditions, and those entities that achieve exemplary success in implementation. The report includes results of state-agency compliance and enforcement of programs and acts regarding the Puget Sound environment.

*Performance Audit.* The Joint Legislative Audit and Review Committee audits the Partnership, with the first audit due October 1, 2011, and then every three years thereafter. The audit determines the extent to which Partnership-tagged funds accomplished the benchmarks and recovery goals of the 2020 Plan. It also determines the effectiveness and efficiency of the Agenda, and includes recommendations to improve Partnership performance and structure.

Already mentioned: *Puget Sound 2020 Plan*, and the biennial Agenda budget request.

#### Other Actions

- The Partnership becomes a state-government department.
- The Partnership becomes the regional salmon recovery organization for Puget Sound salmon species.
- The Puget Sound Recovery Account is created.
- The Department of Health will administer the shellfish on-site sewerage grant program.
- Each state agency, county, city, and port district responsible for implementing provisions of the Agenda shall use its existing legal authority to the best of its ability when implementing the requirements of the Agenda.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2007.