

HOUSE BILL REPORT

SSB 5895

As Reported by House Committee On:
Natural Resources, Ecology & Parks

Title: An act relating to increased coordination between the Puget Sound recovery partnership and other governmental entities.

Brief Description: Increasing coordination between the Puget Sound recovery partnership and other governmental entities.

Sponsors: Senate Committee on Water, Energy & Environment (originally sponsored by Senators Fraser, Poulsen, Morton, Regala, Pridemore, Jacobsen and Kohl-Welles).

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 3/24/05, 4/1/05 [DPA].

Brief Summary of Substitute Bill
(As Amended by House Committee)

- Renames and restructures the Puget Sound Water Quality Action Team.
- Moves the re-named Puget Sound Water Quality Action Team from the Governor's Office to independent state agency status.
- Requires the actions outlines in the Puget Sound Recovery Plan to be achievable within a 15-year time frame.
- Adds members to the Puget Sound Council.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: Do pass as amended. Signed by 7 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Blake, Dickerson, Eickmeyer, Hunt and Williams.

Minority Report: Do not pass. Signed by 4 members: Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; DeBolt and Orcutt.

Staff: Jason Callahan (786-7117).

Background:

The Puget Sound Action Team (Action Team) was created in 1996 to develop a biennial work plan and budget, coordinate research and monitoring efforts, update the Puget Sound management plan, and coordinate the efforts of governmental entities.

The Action Team has 14 members, including a chair appointed by the Governor, representatives of 10 state agencies, and one representative each for cities, counties, and tribes. Three federal agencies are represented as ex officio nonvoting members.

The Puget Sound Council (Council) was created as an advisory group to the PSAT. The Council makes recommendations regarding: priority projects and activities for inclusion in the biennial work plan; activities which the Action Team could coordinate; and proposed amendments to the Puget Sound management plan. The Council is composed of 11 members. Seven of the members are citizens representing agriculture, business, the environmental community, the shellfish industry, cities, counties, and tribal governments. A representative of each caucus of the House of Representatives and Senate serve as nonvoting members.

Summary of Amended Bill:

The Action team is renamed and restructured with the goal of enhancing coordination and integration of the planning, budgeting, and program activities of the entities that have responsibility for the management of Puget Sound. The Legislature finds that the scale of the work done in the past to protect and restore the Puget Sound is not commensurate with the scale of the challenges needed for long-term viability.

The new Puget Sound Recovery Partnership

The Action Team's new name is the Puget Sound Recovery Partnership (Partnership). The Partnership will be composed of 15 individuals. In addition to the directors of the departments of Fish and Wildlife, Ecology, Agriculture, Natural Resources, and Community, Trade, and Economic Development, the Partnership will be served by the administrative officer of the Conservation Commission, two representatives of cities, one person representing special purpose governments, two people representing counties, two tribal representatives, and the executive director of the Partnership's staff, which will continue to be known as the "Action Team."

In addition to the 15 voting members of the Partnership, the administrative head of the Department of Transportation, the Parks and Recreation Commission, the Puget Sound Council, and the Interagency Committee for Outdoor Recreation will serve as non-voting members. Additional non-voting members can be invited to participate, including the U.S. Army Corps of Engineers, the director of the Northwest Straits Commission, and the chair of the Puget Sound Shared Strategy.

Conservation and recovery agenda

The Partnership is charged with defining, coordinating, and implementing the state's conservation and recovery agenda for Puget Sound. This agenda is to be outlined in a recovery management plan adopted by the Partnership. The plan shall describe the problems and priority areas for actions that will maintain and enhance water quality, protect and restore habitat, and maintain Puget Sound's biological resources within a 15-year time frame.

The plan must:

- identify the roles and responsibilities of federal, state, and local agencies that are needed to complete the goals of the plan;
- coordinate existing planning and research efforts;
- focus on long-term goals for protecting and enhancing Puget Sound;
- delineate clear and quantifiable measures of success in priority areas;
- assign responsibilities for action for involved entities;
- demonstrate a feasibility pathway to success; and
- include all related plans developed by other entities.

The plan must be updated and amended periodically. In addition, the Partnership must prepare a work plan and budget, coordinate initiatives among the member entities of the Partnership, produce biennial work plans with local governments, assist local government obtain grants, coordinate permitting requirements, promote public participation, appoint advisory committees as needed, and identify policy conflicts among member entities.

Puget Sound Council

The membership of the Council is increased from 11 to 13 members. The list of possible interests to be represented is changed to include conservation districts. In addition, the executive director of the Partnership's staff is added as a non-voting member. The Legislature also creates an expectation that at least one of the members of the House of Representatives appointed to serve on the Council in the near future be from the membership of the Select Committee on Hood Canal.

The tasks of the Council is enlarged to include overseeing the implementation of the work plan elements that receive Legislative funding. The Council is also directed to monitor the progress of the Partnership member entities in implementing the work plan, and report on their progress to the Legislature.

Amended Bill Compared to Substitute Bill:

Removes a section that provided for a new grant program; creates intent for one of the two members from the House of Representatives serving on the Council to be selected from the membership of the Select Committee on Hood Canal; specifies that the Partnership does not have approval authority over other plans incorporated into the Puget Sound Recovery Management Plan; gives the Partnership the discretion to not include other plans into the Puget Sound Recovery Management Plan; removes the authority for the Partnership to coordinate existing planning and research efforts; removes from the recovery plan's elements a direction to establish timelines for state agencies to achieve the recovery goals established for

the agency; removes a requirement for the Council to approve the Partnership's work plan and budget; removes additional specific coordination language between the Partnership and local watershed plans; gives the Partnership discretion as to which state agency actions are represented in the management plan; directs the Partnership to use performance measures that are consistent with the measures being used by the state agencies; makes provisions internally consistent; and makes clarifying changes.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: The Puget Sound is in jeopardy, with all species in the food chain under stress, and the current restoration efforts are not in line with the scale of the problem. The state needs to increase the coordination and accountability of the entities charged with restoring the Sound. Creating a grant program and increasing membership on the Partnership are good steps to take.

The main purpose of this bill is to focus the recovery of Puget Sound on the local level and on entities located within the Puget Sound basin. Local governments will be motivated by this bill. The history of Puget Sound management is a top-down process, and this bill changes that process to a true partnership. The approach in the bill follows the model of on-the-ground leadership at the watershed level. The bill also recognizes the significant role and efforts of existing stakeholders and builds on work already done. These changes reflect the changing times and needs of the Puget Sound.

The name change of the Action team is minor, but it reflects a more accurate description of the organization's goals. There is no reason to have the Partnership be under the Governor, since as an independent agency, it would still report to the Governor.

Testimony Against: There are already many regulation and layers of process in place to protect Puget Sound. There is no need to add another bureaucratic layer or to give an entity more regulatory responsibilities. The bill moves the Action Team backwards towards a past model that has failed in the past. The recommendations of the Partnership will likely be treated as new regulations by the state agencies. Creating a new independent state entity will have fiscal costs.

Persons Testifying: (In Support) Paul Parker, Washington State Association of Counties; Tim Smith, Department of Fish and Wildlife; Bill Dewey, Taylor Shellfish Company; and Brad Ack and Naki Stevens, Puget Sound Action Team.

(Opposed) Kristen Sawin, Association of Washington Business; and Andy Cook, Building Industry Association of Washington.

Persons Signed In To Testify But Not Testifying: None.