
Select Committee on Puget Sound

HB 1374

Brief Description: Creating the Puget Sound partnership.

Sponsors: Representatives Upthegrove, Sump, Hunt, Appleton, Chase, Kenney, Simpson, Roberts, Dickerson, Conway and Springer; by request of Governor Gregoire.

Brief Summary of 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: 1/23/07

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

Dozens of state agencies, federal agencies, local governments, not-for-profits, and other environmental organizations address the environmental health of Puget Sound. Two state

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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 (Chapter 90.71 RCW) 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 Action Team 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 under Chapter 77.85.090 RCW. 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 Action Agenda, which states the goals and responsibilities of the Partnership;
- The Leadership Council, which leads the Partnership;
- The executive director to administer the agency;
- The Implementation Advisory Board consisting of stakeholders who advise the Leadership Council and the executive director; and
- The Puget Sound Science Advisory Council consisting of technical and scientific representatives who advise the Leadership Council and the executive director.

Action Agenda

The Action Agenda (Agenda) has six goals that the Leadership Council shall strive to achieve.

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 Agenda includes actions such as tasking the Leadership Council to ensure that the Agenda and its implementation are scientifically sound; setting "overall goals;" and identifying actions, strategies, and entities responsible for completing said actions. The Agenda requires the Leadership Council to set measurable and quantifiable outcomes and benchmarks, as well as deadlines beyond the year 2020. The Agenda also tasks the Leadership Council to evaluate the effectiveness and efficiency of the overall management system, and integrate, where appropriate,

water-quantity, watershed, and marine-resource plan provisions, as well as recovery plans for species listed under the Federal Endangered Species Act. In addition, the Agenda shall include a comprehensive list of actions necessary to achieve its goals, and tasks the Leadership Council to prioritize the strategies and actions.

The Agenda states that the Leadership Council shall work with local governments, watershed groups, and marine and shoreline groups to ensure that each local area of the Puget Sound has a clear organizational structure designed to oversee development and implementation of plans, and to make plan adjustments where necessary. The Leadership Council enters into agreements with entities that receive funds, and the Leadership Council may require performance measures with these agreements.

Regarding state agencies, if the Leadership Council determines that they have taken actions inconsistent with their performance agreements, the Partnership may recommend to the Governor and to the Legislature that further funding under the Agenda be withheld or redirected pending compliance with the performance agreement. Furthermore, agencies shall not expend Agenda funds until an interagency agreement is entered between the Partnership and the state agency.

The Agenda requires state agencies implementing elements of the Agenda to do the following:

1. Provide the Partnership with their "estimates" for the ensuing biennium by June 1st of each even-numbered year;
2. Work with the Partnership to develop biennial budget requests; and
3. Incorporate performance requirements in their grant and loan programs to nonstate agencies or agencies they deem necessary.

The Agenda requires the Leadership Council to submit its funding request to the Governor and to the Legislature by September 1, 2008. The funding recommendations shall (1) identify funding needs by plan element; (2) identify the time periods in which specific funding is needed; and (3) identify methods to secure stable and sufficient funding, including proposals for new sources of funding.

The Agenda stipulates that the Leadership Council shall adopt the Agenda by September 1, 2008, and revise it every four years. Until the Agenda is adopted, the existing *Puget Sound Management Plan* and the *2007-2009 Puget Sound Biennial Report* 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 Agenda as the new management plan.

Leadership Council

The Leadership Council consists of seven members appointed by the Governor with the advice and consent of the Senate. Appointment terms for members are for four years, except for the very first appointments, which are staggered (i.e. 2-year terms for three initial members, 3-year terms for two initial members, and 4-year terms for two initial members).

The Leadership Council has the authority and duty to provide all leadership, have "overall responsibility," and make "final decisions" for the Partnership. The Leadership Council also has the authority and duty to develop, approve, review, and oversee implementation of the Agenda.

The Leadership Council manages the Partnership funds. The Leadership Council 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 has many other authorities and duties, including the following:

- Adopting procedural rules;
- Determining compliance with the Agenda and with achievement of the results expected;
- Appointing members of the Implementation Advisory Board and the Puget Sound Science Advisory Committee; and
- Creating entities to assist the Leadership Council.

The Leadership Council shall replace two entities, the Shared Strategy and the PSAT, and assume their authorities. The Leadership Council shall become the new regional organization for Puget Sound salmon recovery, and inherit all of PSAT's duties and functions, and all but one of PSAT's powers, upon PSAT's abolishment. The power exception is PSAT's authority of the shellfish-on site sewage grant program, which is transferred to the Department of Health.

The Leadership Council's duties include (1) maintaining complete and consolidated financial information; (2) ensuring that all received and expended funds are tracked and accounted for; (3) developing a process to review and address citizen concerns with the Agenda; (4) conforming to the 1989 Centennial Accord procedures and standards when working with federally recognized Indian tribes; (5) participating in public-private partnerships; (6) developing and revising the Agenda; (7) submitting annual progress reports to the Governor and Legislature; and (8) submitting funding recommendations to the Senate and House.

Executive Director

The executive director (director) administers the Partnership. The director is accountable to the Governor and to the Leadership Council. The Governor appoints the director in consultation with the Leadership Council, and is instructed to consider the Leadership Council's recommendations when appointing the director.

The director administers operations, staff, the Partnership programs, and the Partnership budget. The director prepares and updates the Agenda in accordance with the Leadership Council's goals and guidelines; however, the director is not expressly required to execute the Agenda in accordance with the Leadership Council.

Implementation Advisory Board

The Implementation Advisory Board is the stakeholder entity of the Partnership. It provides input to the Leadership Council and to the executive director regarding development and implementation of the Agenda. It also nominates members of the Puget Sound Science Advisory Committee.

The Leadership Council must appoint the Implementation Advisory Board by October 1, 2007. The membership of the Implementation Advisory Board consists of, but is not limited to, the following:

- At least 12 local government representatives, with at least one from each of the 12 counties, and selected by the local government;
- Representatives from state agencies;

- Representatives from federal agencies;
- At least three tribal government representatives selected by Puget Sound tribes; and
- Representatives from business, natural resource industries, environmental organizations, and others deemed necessary.

Puget Sound Science Advisory Committee

The Puget Sound Science Advisory Committee (Science Advisory Committee) advises and assists the Leadership Council and the executive director by helping to develop and update the Agenda, by recommending updates to the Agenda, and by helping to develop a strategic science program. The Science Advisory Committee further assists the executive director to develop a biennial science work plan and the Puget Sound science update. The Science Advisory Committee may collaborate and consult with other scientists, and may consult with the Washington Academy of Sciences to secure independent review.

The Implementation Advisory Board shall nominate the Science Advisory Committee members, and the Leadership Council shall appoint them. The Science Advisory Committee shall be appointed by January 31, 2008. The board consists of no more than 15 members, one of whom shall be appointed as chair. Members shall be representative of the technical-experience and scientific disciplines.

Reports, Plans and Programs

1. Strategic Science Program. The executive director shall develop a Strategic Science Program, with assistance from the Science Advisory Committee. The program will include assessment and monitoring, and additional provisions of the research and modeling to be incorporated as an element of the action agenda. The monitoring program will include baselines, protocols, guidelines, and quantifiable performance measures.

2. Biennial Science Work Plan. The executive director shall develop a biennial science work plan, with assistance from the Science Advisory Committee. The plans will consist of the following:

- Recommendations from scientific and technical reports;
- Description of science-related activities being conducted;
- Identification of gaps and necessary actions to fill gaps;
- Identification of specific biennial science work actions; and
- Recommendations for improvement to the on-going science work.

3. Puget Sound Science Update. The executive director develops, produces and distributes a Puget Sound science update no less than every four years, and in consultation with the Science Advisory Committee. The update describes current scientific understandings, and serves as the scientific basis for the refinement of key indicators of the health of Puget Sound, and for the status and trends of those indicators within the ecosystem framework.

4. Progress Reports. The Leadership Council produces progress reports annually, which are due November 1st of each year, with the first report due on November 1, 2008. The reports include an assessment of whether entities that have received state funds for Agenda-related actions have accomplished the expected results.

Other Actions

- The Partnership becomes a state-government department.

- The Partnership becomes the regional salmon recovery organization for Puget Sound salmon species.

Appropriation: None.

Fiscal Note: Requested.

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