

SENATE BILL REPORT

SB 5895

As Reported By Senate Committee On:
Water, Energy & Environment, March 1, 2005

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

Brief Description: Increasing coordination between the Puget Sound action team and other governmental entities.

Sponsors: Senators Fraser, Poulsen, Morton, Regala, Pridemore, Jacobsen and Kohl-Welles.

Brief History:

Committee Activity: Water, Energy & Environment: 2/24/05, 3/1/05 [DPS, DNP, w/oRec].

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Majority Report: That Substitute Senate Bill No. 5895 be substituted therefor, and the substitute bill do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Fraser, Pridemore and Regala.

Minority Report: Do Not Pass.

Signed by Senators Honeyford and Mulliken.

Minority Report: That it be referred without recommendation.

Signed by Senator Hewitt.

Staff: Richard Rodger (786-7461)

Background: The Puget Sound Action Team (PSAT) 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 The original plan requirement was decodified when the related statutes were repealed in 1996.

The PSAT 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 Senate and the House of Representatives serve as nonvoting members.

Summary of Substitute Bill: The legislature intends to improve the overall efforts to conserve and recover Puget Sound by enhancing coordination and integration of the planning, budgeting, and program activities of entities with responsibilities under the Puget Sound Recovery Management Plan. These activities include protecting and restoring water quality, habitat, and the biological resources in Puget Sound.

The act is also intended to strengthen the local government role with the state regarding Puget Sound, and expand the assistance the state provides to local governments carrying out elements of the management plan for the Sound. The provisions relating to the Puget Sound Recovery Management Plan are revised and restored to the code. A timeline for accomplishing the goals is set at fifteen years.

The term "Puget Sound" is defined to mean the salt waters of the state inside the international boundary with Canada and including all of the Strait of Juan de Fuca. The Puget Sound Action Team is renamed the Puget Sound Recovery Partnership (Partnership). The term "Action Team" now refers to the staff to the Partnership.

The Partnership is expanded with the following additional members representing: Cities, special purpose districts, counties, and an Indian tribe. Gubernatorial appointments serve two-year terms. The executive director of the Action Team is named as the chair of the Partnership. The following members are ad hoc, nonvoting members of the Partnership: Department of Transportation, Parks and Recreation Commission, the Interagency Committee for Outdoor Recreation, and the chair of the Puget Sound Council.

The Partnership must also invite the following additional ex officio members representing: U.S. Corp of Engineers, U.S. Geological Survey; Puget Sound Shared Strategy; Northwest Straits Commission, and the Hood Canal Coordinating Committee. The Partnership may appoint an executive committee from its members to serve as an ongoing management team for the collaborative activities of the Partnership.

The membership of the Puget Sound Council is expanded by allowing the Governor to select two additional members representing agriculture, business, the environmental community, the shellfish industry, cities, counties, or tribal governments. The nonlegislative members are limited to four-year terms. The executive director of the Action Team is added as an ex officio nonvoting member of the Council. The Council members select a chair, who may serve two terms of two-years each. One full-time staff equivalent is dedicated from the Action Team to the Council.

The Council is given the additional duties of: overseeing the implementation of the work plan that receives funding from the legislature, monitoring progress of agencies implementing the work plan, and producing an annual report to the legislature on the progress. The Council must also conduct a review of the Partnership's biennial work plan for presentation to the legislature. The Council makes recommendations on appropriate allocations among priorities in the work plan, on the overall levels of funding proposed, and on the Partnership's compliance with meeting the statutory timelines.

A new competitive grant program, known as the Puget Sound Recovery Grant Program, is created with grant decisions made by the Council. The act declares the intent that each

biennial operating appropriations act beginning with the 2005-07 biennium should include funding to the Partnership for this program in an amount of at least five-million dollars.

Substitute Bill Compared to Original Bill: The definition of Puget Sound is revised. The goals for accomplishing the management plan is set at fifteen years. Membership and terms for the Council are revised. The agency and grant programs are renamed. Statutory cross-references are corrected.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: This bill will shift more of the leadership responsibilities over the conservation and recovery of Puget Sound to the individuals and local governments located on the Sound. The bill provides better coordination and integration of the activities to protect and enhance the waters and habitat of Puget Sound. It requires a budget process and timeline of 25 years to accomplish the goals of the management plan for the Sound. The plan will now incorporate all other current activities designed to address specific issues like the Endangered Species Act. The oversight body, the Puget Sound Council, is given more authority and independence to ensure better results. The new grant program is an important tool to ensure the priorities of the management plan are addressed. The population in the Puget Sound region has doubled since the development of the first management plan and the pace of efforts to protect the Sound has not kept up with the growth in the region; this bill will help focus that effort by increasing citizen and local government participation.

Testimony Against: The scope, duties, and membership of the Puget Sound Action Team should not be expanded given the historical difficulties that the businesses in the state have had in dealing with that agency. The agency recently exceeded its authority in providing a grant to the Department of Community, Trade and Economic Development for the purposes of drafting a model grading ordinance. The model ordinance was not authorized and conflicted with the state's growth management act. This agency needs more legislative oversight, not additional authority. The new grant program should be eliminated.

The Department of Transportation should not be removed from the Puget Sound Action Team if the transportation systems and ferry systems are environmental concerns. The budget timeline is too long and should be set at 15 years. The limit of two four-year terms will deprive the partnership of needed institutional memory, these appointments can be changed by the Governor and do not need term limits.

Who Testified: PRO: Senator Karen Fraser, prime sponsor; Brad Ack, Executive Director, Puget Sound Action Team; Naki Stevens, People for Puget Sound; Tim Smith, Washington Department of Fish and Wildlife; Paul Parker, Washington Association of Counties; Bill Dewey, Taylor Shellfish Co. OTHER: Ken Stone, Washington State Department of Transportation.

CON: Kirsten Sawin, Association of Washington Businesses, Building Industry Association of Washington.