

SSB 5372 - S AMD 173

By Senator Rockefeller

ADOPTED AS AMENDED 03/10/2007

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART 1

4 PUGET SOUND PARTNERSHIP

5 NEW SECTION. **Sec. 101.** FINDINGS AND INTENT. (1) The legislature
6 finds that Puget Sound and related inland marine waterways, such as the
7 Strait of Juan de Fuca and Hood Canal, and the lakes, rivers, and
8 streams that flow to them represent a unique and unparalleled resource
9 to the state of Washington with a rich and varied range of freshwater
10 and marine organisms, comprising an interdependent, sensitive communal
11 ecosystem. Residents of this region enjoy a way of life centered
12 around these waters, featuring accessible recreational opportunities,
13 world-class port facilities and water transportation systems, harvest
14 of marine food resources, shoreline-oriented life styles, water-
15 dependent industries, tourism, irreplaceable aesthetics, water for
16 domestic, agricultural, and industrial uses, and other activities, all
17 of which depend upon clean and healthy marine and freshwater resources.

18 (2) The legislature finds that Puget Sound is in serious decline.
19 Symptoms include the decline of some of our most revered species, such
20 as salmon and orcas; increase in aquatic nuisance species; and the
21 conversion of forest lands to cityscapes, which has negatively impacted
22 many birds and mammals, along with altering the flow of rivers and
23 streams. These flow changes begin from land and run to sea, carrying
24 polluted runoff from human development. Closures of beaches to
25 shellfish harvest due to the risk of disease have become more frequent
26 and widespread. In places such as Hood Canal, the Sound's circulatory
27 system is failing, and its inability to maintain sufficient oxygen
28 levels has led to devastating fish kills and the death of other marine

1 life. If left unchecked, these conditions will increase in frequency
2 and will spread to other areas of Puget Sound.

3 (3) The legislature finds that the current system of governance for
4 protection and restoration of Puget Sound is highly fragmented. Twelve
5 counties, more than one hundred cities, seventeen tribes, numerous
6 state and federal agencies, as well as hundreds of special purpose
7 governmental units have responsibilities for managing land use and
8 other actions that benefit or diminish the quality of the environment.
9 Private organizations, business, and citizens are also taking actions
10 that both benefit and harm the rich natural resources of the region.
11 The legislature recognizes that all levels of government need to work
12 together in partnership with the public, tribes, nongovernmental
13 organizations, and the private sector to ensure that Puget Sound will
14 be a thriving natural system, with clean marine and freshwaters; clean
15 sediments; healthy and abundant native species; natural shorelines and
16 places for public enjoyment; and a vibrant economy that prospers in
17 productive harmony with a healthy Puget Sound.

18 (4) The legislature intends for the Puget Sound partnership to
19 define a strategic, basin-wide plan that prioritizes necessary actions,
20 and create an approach that addresses all of the complex connections
21 among the land, water, web of species, and human needs.

22 (5) The legislature finds that immediate and concerted action is
23 needed to save the national treasure that is Puget Sound, and that we
24 must fundamentally change our approach toward restoring the health of
25 Puget Sound. To this end, the Puget Sound partnership is tasked with
26 using, supporting, building upon, and unifying the existing efforts
27 from organizations and from all levels of government.

28 (6) The legislature finds that leadership, accountability,
29 government transparency, thoughtful and responsible spending of public
30 funds, and public involvement are integral to success. To achieve this
31 success, the legislature intends to task the Puget Sound partnership
32 with coordinating and leading the Puget Sound restoration effort,
33 determining accountability for performance, overseeing the efficiency
34 and effectiveness of money spent, educating and engaging the public,
35 and tracking and reporting results to the legislature, the governor,
36 and the public.

37 (7) The legislature intends that the Puget Sound partnership not
38 have regulatory authority, nor authority to transfer the responsibility

1 for, or implementation of, any state regulatory program, unless
2 otherwise specifically authorized by the legislature. The legislature
3 further recognizes that adequate funding is necessary to ensure Puget
4 Sound restoration and protection. The Puget Sound partnership is
5 tasked with supporting local governments and organizations by aiding,
6 funding, and improving upon their existing efforts, by respecting local
7 governments' authorities, and by identifying, funding, and closing the
8 gaps in the collective efforts.

9 (8) The legislature intends the Puget Sound partnership to create
10 an action agenda based on science that includes clear, measurable goals
11 for the recovery of Puget Sound by 2020. The action agenda will
12 prioritize necessary actions, both across the Sound and within specific
13 geographical areas, such as Hood Canal.

14 (9) To this end, it is the goal of the state of Washington that the
15 health of Puget Sound be restored by 2020.

16 NEW SECTION. **Sec. 102.** DEFINITIONS. The definitions in this
17 section apply throughout this chapter unless the context clearly
18 requires otherwise.

19 (1) "2020 plan" means the Puget Sound management plan as it exists
20 on the effective date of this section and as it is modified in the
21 future.

22 (2) "Action agenda" means the biennial work plan to implement the
23 2020 plan as required in section 112 of this act.

24 (3) "Action area" means the geographic areas delineated as provided
25 in section 109 of this act.

26 (4) "Action area coordinator" means an entity recognized by the
27 council under section 110 of this act.

28 (5) "Benchmarks" means scientific standards that can be measured.

29 (6) "Council" means the leadership council.

30 (7) "Ecosystem work group" means the interagency body created in
31 section 111 of this act.

32 (8) "Environmental indicator" means a physical, biological, or
33 chemical measurement, statistic, or value that provides a proximate
34 gauge, or evidence of, the state or condition of Puget Sound.

35 (9) "Nearshore" means the area beginning at the crest of coastal
36 bluffs and extending seaward through the marine photics zone, and to

1 the head of tide in coastal rivers and streams. "Nearshore" also means
2 both shoreline and estuaries

3 (10) "Panel" means the Puget Sound science panel.

4 (11) "Partnership" means the Puget Sound partnership.

5 (12) "Puget Sound" means Puget Sound and related inland marine
6 waters, including all salt waters of the state of Washington inside the
7 international boundary line between Washington and British Columbia,
8 and lying east of the junction of the Pacific Ocean and the Strait of
9 Juan de Fuca, and the rivers and streams draining to Puget Sound as
10 mapped by water resource inventory areas 1 through 19 in WAC 173-500-
11 040 as it exists on the effective date of this section.

12 (13) "Watershed groups" means all groups sponsoring or
13 administering watershed programs, including but not limited to local
14 governments, private sector entities, watershed planning units,
15 watershed councils, regional fishery enhancement groups, marine
16 resource committees, and watershed lead entities.

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

22 NEW SECTION. **Sec. 103.** PUGET SOUND PARTNERSHIP--LEADERSHIP
23 COUNCIL. (1) An independent agency of state government to be known as
24 the Puget Sound partnership is created.

25 (2) The partnership shall be led by a leadership council consisting
26 of seven citizen members appointed by the governor with the advice and
27 consent of the senate and one ex officio member. The regional
28 administrator of the United States environmental protection agency
29 shall be invited to serve as an ex officio voting member. The ex
30 officio member may designate a person to act in his or her stead when
31 unable to attend a meeting. The governor shall appoint members who are
32 publicly respected and influential, and who have a significant history
33 of success on major public policy and management issues, as well as a
34 keen interest in the environmental and economic prosperity of Puget
35 Sound. A member may not have a direct financial interest in any
36 contract, grant, or other funding provided for the implementation of
37 the 2020 plan or action agenda. The governor shall designate one

1 member to serve as chair. Three of the appointed initial members shall
2 be appointed for a term of two years, two for a term of three years,
3 and two for a term of four years. Their successors shall be appointed
4 for terms of four years each, except that any person chosen to fill a
5 vacancy shall be appointed only for the unexpired term of the member
6 whom he or she succeeds. Councilmembers are eligible for
7 reappointment. Any member of the council may be removed by the
8 governor for cause.

9 (3) The leadership council shall be responsible to the governor,
10 the legislature, and the public for leading the recovery of Puget Sound
11 and achieving results.

12 (4) The leadership council shall have the power and duty to:

13 (a) Provide overall leadership and have overall responsibility for
14 the functions of the partnership and make final decisions for the
15 partnership;

16 (b) Develop, approve, revise, and oversee implementation and
17 adaptive management of the Puget Sound 2020 plan and the biennial
18 action agenda;

19 (c) Submit to the governor and the appropriate fiscal and policy
20 committees of the senate and house of representatives a biennial action
21 agenda with an accompanying biennial budget request;

22 (d) Allocate funds appropriated to the partnership;

23 (e) Review the existing responsibilities of state and local
24 governmental agencies, review the compliance with existing regulatory
25 requirements by state and local government, review and report progress
26 in implementing the 2020 plan and action agenda, including actions
27 inconsistent with plan obligations, as provided in sections 113 through
28 117 of this act, and make recommendations to improve the effectiveness
29 of the programs as they relate to the 2020 plan and action agenda;

30 (f) Review current available funding, identify if adequate funding
31 exists for fulfilling existing regulatory requirements, and develop a
32 strategy to secure adequate funding;

33 (g) Adopt procedural rules, in accordance with chapter 34.05 RCW,
34 necessary or appropriate to implement this chapter;

35 (h) Delineate action areas and recognize area coordinating
36 entities, as provided in sections 109 and 110 of this act;

37 (i) Incorporate approved elements of action area plans into the

1 2020 plan and biennial action agenda, and assist and track
2 implementation of these plans;

3 (j) Appoint members of the panel, as provided in section 105 of
4 this act;

5 (k) Create work groups, subcommittees, advisory committees, and
6 nonprofit corporations, as appropriate to assist the council;

7 (l) Enter into, amend, and terminate contracts with individuals,
8 corporations, or research institutions to effectuate the purposes of
9 this chapter;

10 (m) Make grants to governmental and nongovernmental entities to
11 effectuate the purposes of this chapter;

12 (n) Receive such gifts, grants, and endowments, in trust or
13 otherwise, for the use and benefit of the partnership to effectuate the
14 purposes of this chapter. The partnership may expend the same or any
15 income therefrom according to the terms of the gifts, grants, and
16 endowments;

17 (o) Promote extensive public awareness, education, and
18 participation in Puget Sound protection and recovery and participate in
19 a private-public partnership focused on public education and engagement
20 to effectuate the goals in this chapter;

21 (p) Receive and expend funding from other public agencies;

22 (q) Develop and implement a formal process to review and address
23 citizen concerns regarding developing and implementing the 2020 plan
24 and action agenda, and accountability for funding and actions that are
25 consistent or inconsistent with the requirements of the action agenda;

26 (r) Schedule council meetings periodically in the various areas of
27 Puget Sound at locations convenient for public participation. Each
28 meeting shall include receipt of public comment on council activities.
29 The council shall also work to include in each meeting a discussion of
30 actions implementing the 2020 plan and actions or lack of action that
31 impede plan implementation; and

32 (s) Serve as the regional recovery organization for purposes of
33 chapter 77.85 RCW for Puget Sound salmon recovery as provided in RCW
34 77.85.090.

35 (5) The council may delegate functions to the chair and to the
36 executive director. The council may not delegate its decisional
37 authority regarding developing or amending the action agenda, and
38 issuing progress reports required under subsection (4) of this section.

1 (6) The council shall work closely with existing organizations and
2 all levels of government to ensure that the action agenda and its
3 implementation are scientifically sound, efficient, and achieve
4 necessary results, and that adequate funding is provided to state
5 agencies and local governments to develop, coordinate, and implement
6 the action agenda. The council shall work through recognized area
7 coordinating entities as the principal liaison with existing
8 organizations within an action area.

9 (7) When working with federally recognized Indian tribes to develop
10 and implement the action agenda, the council shall conform to the
11 procedures and standards required in a government-to-governmental
12 relationship with tribes under the 1989 Centennial Accord between the
13 state of Washington and the sovereign tribal governments in the state
14 of Washington.

15 (8) The partnership is designated as the lead state agency for the
16 allocation of federal funds provided to the state for the restoration
17 of Puget Sound. Such funds shall be allocated in conformance with the
18 2020 plan and action agenda, subject to any condition or limitation
19 provided upon the receipt or expenditure of federal funds.

20 (9) Members of the council shall be compensated in accordance with
21 RCW 43.03.220 and be reimbursed for travel expenses in accordance with
22 RCW 43.03.050 and 43.03.060.

23 NEW SECTION. **Sec. 104.** PARTNERSHIP--EXECUTIVE DIRECTOR--POWERS
24 AND DUTIES. (1) The partnership shall be administered by an executive
25 director who serves as a critical communication link between all levels
26 of government, tribes, the private sector, nongovernmental
27 organizations, the council, the area coordinating entities, the
28 ecosystem work group, and the panel. The executive director shall be
29 accountable to the council and the governor for effective
30 communication, actions, and results.

31 (2) The council shall recommend a list of not less than three
32 candidates for appointment as executive director by the governor. The
33 governor shall appoint an executive director from the list of
34 candidates. The council and governor shall jointly conduct an annual
35 performance evaluation of the executive director. The executive
36 director serves at the pleasure of the governor, and may be dismissed

1 by the governor upon consultation with the council. The salary of the
2 executive director shall be set by the governor.

3 (3) The executive director has the following powers and duties:

4 (a) To supervise the administration of the Puget Sound partnership
5 and its staff;

6 (b) To administer the partnership programs and budget;

7 (c) To assist the council to prepare and update the Puget Sound
8 2020 plan, in consultation with the panel;

9 (d) To assist the action area coordinators, the panel, and the
10 ecosystem work group to develop their components of the biennial action
11 agenda;

12 (e) To produce and distribute a strategic science program as
13 described in section 105 of this act, in consultation with the panel
14 and with the approval of the council;

15 (f) To produce and distribute a biennial science work plan as
16 described in section 105 of this act, in consultation with the panel
17 and with the approval of the council;

18 (g) To produce and distribute a biennial state of the Sound report,
19 with the assistance of the panel and the approval of the council, that
20 incorporates a scientific assessment of the health of Puget Sound and
21 the state of its marine life, habitats, water quality, and climate.
22 Until the panel develops new indicators, those indicators used in the
23 2007 state of the Sound report shall be used;

24 (h) To identify successful science-based projects that improve
25 Puget Sound that have been undertaken by local governments, disseminate
26 them to other local governments, and encourage their replication;

27 (i) To represent and promote the interests of the state on Puget
28 Sound recovery issues and further the mission of the partnership;

29 (j) Upon approval of the council, to enter into contracts and
30 agreements with private nonprofit corporations to further preserving,
31 conserving, and enhancing the health of Puget Sound for its ecological
32 value and public benefit and use;

33 (k) To appoint such technical and other committees as may be
34 necessary to carry out the purposes of this chapter;

35 (l) To create and maintain a repository for data, studies,
36 research, and other information relating to Puget Sound health in the
37 state, and to encourage the interchange of such information; and

1 (m) To encourage and provide opportunities for interagency and
2 regional coordination and cooperative efforts between public agencies
3 and between public and private entities involved in the recovery and
4 preservation of Puget Sound.

5 (4) The executive director shall employ a staff, who shall be state
6 employees under Title 41 RCW. The executive director shall prescribe
7 the duties of the staff as may be necessary to implement the purposes
8 of this chapter.

9 NEW SECTION. **Sec. 105.** PUGET SOUND SCIENCE PANEL. (1) The Puget
10 Sound science panel is created. The panel consists of the scientists
11 selected as provided in subsection (2) of this section. The principal
12 purpose of the panel is to provide independent, nonrepresentational
13 scientific expertise in developing environmental indicators and
14 benchmarks for incorporation into the 2020 plan.

15 (2) By November 1, 2007, the council shall solicit nominations of
16 candidate scientists with recognized expertise in the fields essential
17 to Puget Sound recovery, including water quality, wetlands, species
18 recovery, environmental toxicology, geology, ecology, biology,
19 limnology, wildlife management, environmental engineering, civil
20 engineering, hydrology, oceanography, environmental economics, and
21 social sciences. The solicitation should be to all sectors, and
22 candidates may be from all public and private sectors. Candidates must
23 disclose any financial relationship with any leadership council member,
24 and disclose sources of current financial support and contracts
25 relating to Puget Sound recovery.

26 (3) The council shall submit the nominations to the Washington
27 state academy of sciences created in chapter 70.220 RCW for screening.
28 The academy shall review the nominations and report its findings and
29 recommendations to the council.

30 (4) Thereafter, the council shall select not more than fifteen
31 candidates to serve on the panel. The council shall complete the
32 selection of the panel members by January 1, 2008.

33 (5) The panel shall select a chair and a vice-chair. Panel members
34 shall serve four-year terms, except that the panel shall determine
35 initial terms of two, three, four, and five years to provide for
36 staggered terms. The panel shall determine reappointments and select

1 replacements or additional members of the panel. No panel member may
2 serve longer than twelve years.

3 (6) The executive director of the partnership shall provide staff
4 to the panel at least until July 1, 2009. It is the intent of the
5 legislature to ensure ongoing funding for staffing of the panel as an
6 independent entity. The panel shall provide to the council a proposal
7 for the structure and funding of the staffing and administration of the
8 panel independent from that of the partnership, by October 1, 2008.
9 The council shall forward to the governor for inclusion in the 2009-
10 2011 biennial budget a proposal for staffing and administration of the
11 panel that is independent of the partnership.

12 (7) The executive director of the partnership and the science panel
13 shall explore a shared state and federal responsibility for the
14 staffing and administration of the panel. In the event that a
15 federally sponsored office of Puget Sound recovery is created, the
16 council may propose that such office provide for staffing and
17 administration of the panel.

18 (8) The panel to the maximum extent possible should seek to
19 integrate the state-sponsored Puget Sound science program with the
20 Puget Sound science activities of federal agencies, including working
21 toward an integrated research agenda and Puget Sound science work plan.

22 (9) By July 31, 2008, the panel shall identify environmental
23 indicators of the health of Puget Sound, and shall establish
24 environmental benchmarks that need to be achieved to meet the goals of
25 a healthy Puget Sound by 2020. The council shall confer with the panel
26 on incorporating the benchmarks into the 2020 plan.

27 (10) The panel shall assist the council in developing and revising
28 the action agenda, including making recommendations to the council for
29 updates or revisions.

30 (11) The panel shall develop an ecosystem level strategic science
31 program for incorporation by the council into the 2020 plan and
32 biennial action agenda. The program should include:

33 (a) Continuation of the Puget Sound assessment and monitoring
34 program established in the Puget Sound management plan, as provided in
35 RCW 90.71.060, and cooperation with other entities in other regional
36 monitoring programs;

37 (b) Additional provisions of the research and modeling program to
38 be included as an element of the action agenda;

1 (c) A monitoring program, including baselines, protocols,
2 guidelines, and quantifiable performance measures.

3 (12) The panel shall assist the executive director in preparing a
4 biennial science work plan for inclusion in the action agenda. The
5 plan shall include but not be limited to:

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

8 (b) A description of the Puget Sound-related activities being
9 conducted in the region;

10 (c) Identification of specific biennial science work to be done
11 over the course of the work plan; and

12 (d) Recommendations for improvements to the ongoing science work in
13 Puget Sound.

14 (13) The panel shall prepare a Puget Sound science update. The
15 update shall describe the current scientific understanding of the
16 physical attributes of Puget Sound. The update shall serve as the
17 scientific basis for the refinement of environmental indicators of the
18 health of Puget Sound and the status and trends of those indicators
19 within an ecosystem framework.

20 (14) Members of the panel shall be reimbursed for travel expenses
21 under RCW 43.03.050 and 43.03.060, and based upon the availability of
22 funds, the council may contract with members of the panel for
23 compensation for their services under chapter 39.29 RCW. If appointees
24 to the committee are employed by the federal, state, tribal, or local
25 governments, the council may enter into interagency personnel
26 agreements.

27 **Sec. 106.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to
28 read as follows:

29 In addition to other powers and duties specified in this chapter,
30 the (~~action team~~) executive director, under guidance from the panel,
31 shall ensure implementation and coordination of the Puget Sound ambient
32 monitoring program established in the Puget Sound management plan. The
33 program shall include, at a minimum:

34 (1) A research program, including but not limited to methods to
35 provide current research information to managers and scientists, and to
36 establish priorities based on the needs of the action team;

1 (2) A monitoring program, including baselines, protocols,
2 guidelines, and ~~((quantifiable performance measures. In consultation
3 with state agencies, local and tribal governments, and other public and
4 private interests, the action team shall develop and track quantifiable
5 performance measures))~~ environmental indicators. The environmental
6 indicators and benchmarks established by the council and the panel
7 shall be monitored and evaluated in a manner that can be used by the
8 governor and the legislature to assess the effectiveness over time of
9 programs and actions initiated under the plan to improve and protect
10 Puget Sound water quality and biological resources. ~~((The performance
11 measures shall be developed by June 30, 1997. The performance measures
12 shall include, but not be limited to a methodology to track the
13 progress of: Fish and wildlife habitat; sites with sediment
14 contamination; wetlands; shellfish beds; and other key indicators of
15 Puget Sound health. State agencies shall assist the action team in the
16 development and tracking of these performance measures. The
17 performance measures may be limited to a selected geographic area.))~~

18 NEW SECTION. Sec. 107. 2020 PLAN AND ACTION AGENDA--GOALS AND
19 OBJECTIVES. (1) The Puget Sound 2020 plan and action agenda that are
20 to be implemented under this chapter shall be organized to achieve the
21 following goals:

22 (a) A healthy human population supported by a healthy Puget Sound
23 that is not threatened by changes in the ecosystem;

24 (b) A quality of human life that is sustained by a functioning
25 Puget Sound ecosystem;

26 (c) Healthy and sustaining populations of native species in Puget
27 Sound, including a robust food web;

28 (d) A healthy Puget Sound where freshwater, estuary, nearshore,
29 marine, and upland habitats are protected, restored, and sustained;

30 (e) An ecosystem that is supported by ground water levels as well
31 as river and stream flow levels sufficient to sustain people, fish, and
32 wildlife, and the natural functions of the environment;

33 (f) Fresh and marine waters and sediments that meet state standards
34 and that are of a sufficient quality so that the waters in the region
35 are safe for drinking, swimming, shellfish harvest and consumption, and
36 other human uses and enjoyment, and are not harmful to the native or

1 established marine mammals, fish, birds, shellfish, and other biota of
2 the region.

3 (2) The following are the essential objectives to be addressed in
4 the 2020 plan and action agenda for achieving the goals in subsection
5 (1) of this section:

- 6 (a) Protect existing habitat and prevent further losses;
- 7 (b) Restore habitat functions and values;
- 8 (c) Significantly reduce toxics entering Puget Sound fresh and
9 marine waters;
- 10 (d) Significantly reduce nutrients and pathogens entering Puget
11 Sound fresh and marine waters;
- 12 (e) Improve water quality and habitat by managing storm water
13 runoff;
- 14 (f) Provide water for people, fish and wildlife, and the
15 environment;
- 16 (g) Protect ecosystem biodiversity and recover imperiled species;
17 and
- 18 (h) Build and sustain the capacity for action.

19 (3) The plan and action agenda shall recognize that both population
20 growth in many communities on and near Puget Sound, as well as climate
21 change, will present significant challenges to the recovery of Puget
22 Sound, and the probability of impacts from both should be considered
23 and addressed in the development and implementation of the 2020 plan
24 and action agenda.

25 NEW SECTION. **Sec. 108.** 2020 PLAN AND ACTION AGENDA--DEVELOPMENT.
26 In developing the 2020 plan and action agenda, the council shall
27 consider and use appropriate portions of the Puget Sound water quality
28 management plan existing on the effective date of this section. Until
29 the 2020 plan and action agenda are adopted, the existing Puget Sound
30 management plan and the 2007-09 Puget Sound biennial plan shall remain
31 in effect. The existing Puget Sound management plan shall also
32 continue to serve as the comprehensive conservation and management plan
33 for the purposes of the national estuary program described in section
34 320 of the federal clean water act, until replaced by the 2020 plan and
35 approved by the United States environmental protection agency as the
36 new comprehensive conservation and management plan.

1 NEW SECTION. **Sec. 109.** INCORPORATING PLANS AND PROJECTS. (1) The

2 council shall develop the action agenda in part upon the foundation of
3 existing watershed programs and regional plans that contribute to the
4 health of Puget Sound. To ensure a full consideration of these
5 watershed activities in a timely manner to meet the required date for
6 adoption of the agenda provided in section 112 of this act, the council
7 shall rely largely upon local watershed entities, tribes, cities,
8 counties, special purpose districts, and the private sector, engaged in
9 developing and implementing these programs.

10 (2) The council shall organize the work of incorporating watershed
11 programs into the action agenda by delineating geographic subregions of
12 Puget Sound. One of the subregions shall be the Hood Canal aquatic
13 rehabilitation zone as established in RCW 90.88.010. The subregions
14 collectively shall cover all of Puget Sound and each subregion shall be
15 denominated a Puget Sound action area. The council shall make
16 geographic delineations based upon the characteristics of Puget Sound
17 considering the water flows and the physical structure of the bottom of
18 Puget Sound, as well as the commonality of interests and restoration
19 challenges presented in the various regions of the Sound.

20 (3) The executive director shall designate a member of the staff to
21 serve as the liaison to each action area. The area liaisons shall work
22 with the sponsors of relevant programs at the watershed and regional
23 level to identify and compile all of the relevant actions from these
24 programs into area action plans for consideration by the council. If
25 recognized by the council under section 110 of this act, the liaison
26 shall work with the area coordinating entity to carry out this
27 compilation. If no entity is recognized, the liaison shall form an
28 inclusive work group to carry out this compilation, and shall request
29 the participation at a minimum of each county, tribe, and each city
30 with a population exceeding fifty thousand people, and any cities
31 discharging storm water or treated municipal waste water to Puget Sound
32 or discharging to a tributary within ten river miles of the Sound.

33 (4) The compilation shall be assembled to identify the applicable
34 plan elements, projects, and programs, together with estimated budgets,
35 timelines, and proposed funding sources. The compilation may include
36 a prioritization among the plan elements, projects, and programs. In
37 order to provide the council an adequate opportunity to consider the
38 compilation for incorporation into the 2009-11 action agenda, the first

1 compilation should be transmitted to the council by July 1, 2008.
2 These plans shall subsequently be updated and submitted to the council
3 by July 1st of every even-numbered year through 2018.

4 NEW SECTION. **Sec. 110.** AREA COORDINATING ENTITIES. (1) The
5 council may recognize an existing entity or an entity formed for the
6 express purpose of collaborating with the Puget Sound partnership and
7 the council in developing and implementing the action agenda. A
8 recognized entity serves as the area coordinating entity within an
9 action area delineated by the council. The Hood Canal coordinating
10 council under chapter 90.88 RCW is recognized as the area coordinating
11 entity for the Hood Canal action area. The council shall work toward
12 recognizing an entity in each action area by December 31, 2009.

13 (2) The council shall determine whether to recognize an entity
14 based upon:

15 (a) The evidence of area-wide support for an entity proposed for
16 recognition, such as resolutions or letters of support from the
17 governing bodies of counties, cities, special purpose districts,
18 tribes, nongovernmental organizations, and the private sector,
19 implementing or participating in watershed programs in the area; and

20 (b) The demonstration of the entity's capacity to assist the
21 council in coordinating and integrating watershed programs in the
22 development and implementation of the action agenda.

23 (3) The council may provide financial and technical assistance to
24 a recognized entity or to watershed interests working to form an entity
25 proposed to be recognized as an area coordinating entity. The
26 assistance shall be provided through a memorandum of agreement setting
27 forth the activities of the entity in assisting the council in the
28 development and implementation of the action agenda. The council shall
29 include in its biennial budget request the needed funding to support
30 the work of area coordinating entities.

31 (4) Following compilation of existing watershed plans under section
32 109 of this act, an area coordinating entity serves to promote
33 coordination and integration of watershed plans that address the same
34 geographic areas and the same watershed health, water quality, species
35 recovery, and environmental restoration needs. The coordinator also
36 serves to advise the council on agenda implementation and revisions,

1 and to coordinate the recommendations of area jurisdictions and
2 interests regarding agenda implementation.

3 NEW SECTION. **Sec. 111.** COORDINATING EXISTING PROGRAMS REGARDING
4 PUGET SOUND ECOSYSTEM-LEVEL ACTIONS. (1) The council shall convene a
5 Puget Sound ecosystem work group not later than October 1, 2007. The
6 work group chair shall rotate annually in the following order:

7 (a) The commissioner of public lands, or the commissioner's
8 designee;

9 (b) The director of the department of ecology, or the director's
10 designee;

11 (c) The director of the department of fish and wildlife, or the
12 director's designee; and

13 (d) The chair of the salmon recovery funding board, or the chair's
14 designee.

15 (2) The chair shall invite the following to participate on the work
16 group:

17 (a) The departments of ecology, natural resources, fish and
18 wildlife, health, and community, trade, and economic development, the
19 conservation commission, and the salmon recovery funding board;

20 (b) Three representatives of tribal governments located in the
21 Puget Sound basin;

22 (c) The United States environmental protection agency, the United
23 States army corps of engineers, the national oceanic and atmospheric
24 administration, the United States forest service, and the United States
25 fish and wildlife service; and

26 (d) Up to three nongovernmental organizations implementing or
27 participating in ecosystem-level actions.

28 (3) The chair of the work group may also invite the participation
29 of counties, cities, port districts, or other jurisdictions with
30 significant shoreline and near-shore restoration and protection
31 programs.

32 (4) The primary purpose of the work group is to advise the council
33 by compiling and assembling a 2009-11 action agenda for ecosystem scale
34 restoration and protection plans relating to the Puget Sound basin for
35 the purpose of consideration by the council for incorporation into the
36 Puget Sound action agenda. The work group should work from plans such
37 as the Puget Sound near-shore estuary project, cleanup plans for

1 contaminated aquatic lands and shorelands, aquatic land management
2 plans by the department of natural resources, and other restoration and
3 protection plans. The work group should integrate ecosystem-scale
4 actions from the recovery plans and habitat conservation plans for
5 salmon, orca, and other species in Puget Sound listed under the federal
6 endangered species act. The work group shall integrate as a model the
7 federal assurances and agreements that implement the forests and fish
8 report adopted by chapter 4, Laws of 1999 sp. sess. The work group
9 should coordinate its compilation of ecosystem actions with that of the
10 compilation under section 109 of this act of watershed programs.

11 (5) The work group shall hold one or more public meetings in which
12 public comment and additional information may be submitted for
13 inclusion within the compilation.

14 (6) The work group shall submit the compilation to the council not
15 later than June 1, 2008.

16 (7) The work group shall serve as an ongoing advisory body to the
17 council regarding state and federal programs relating to Puget Sound
18 ecosystem-scale actions. The work group, upon request of the council,
19 shall provide advice on integrating existing plans into the Puget Sound
20 action agenda and implementing the agenda.

21 (8) This section, the work group, and its powers and duties expire
22 June 30, 2011.

23 NEW SECTION. **Sec. 112.** 2020 PLAN AND ACTION AGENDA--REQUIREMENTS.

24 (1) The 2020 plan and action agenda shall be science-based and lead to
25 the recovery of Puget Sound by 2020. The plan shall:

26 (a) Describe the problems affecting Puget Sound's health using
27 supporting scientific data;

28 (b) Set overall goals, measurable outcomes for each goal
29 specifically describing what will be achieved, how it will be
30 quantified, and how progress towards outcomes will be measured, and
31 time-bound benchmarks that will specify the milestones of that progress
32 needed to reach a healthy Puget Sound by 2020. The council shall
33 consult with the panel in developing these elements of the plan;

34 (c) Identify and prioritize the strategies necessary to restore and
35 protect the Puget Sound and to achieve the goals described in section
36 107 of this act; and

1 (d) Identify barriers to implementation and actions needed to
2 overcome the barriers to implementation.

3 (2) On a biennial basis, the action agenda shall:

4 (a) Identify and prioritize the actions necessary to implement the
5 2020 plan and achieve the goals, outcomes, and benchmarks of progress
6 identified in the 2020 plan;

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

9 (c) Establish near-term and long-term benchmarks that demonstrate
10 continuous progress toward achieving 2020 goals and describe how
11 progress is to be tracked through clear and quantifiable measures.

12 (3) The 2020 plan and action agenda shall also:

13 (a) Address all geographic areas of Puget Sound including upland
14 areas and tributary rivers and streams that affect Puget Sound, and
15 specific action agenda sections may address specific geographic areas
16 of Puget Sound;

17 (b) Evaluate the effectiveness and efficiency of the overall
18 management system for the improvement and maintenance of the health of
19 the Puget Sound ecosystem;

20 (c) Review, revise as needed, and incorporate as they are
21 developed, the panel's ecosystem goals and quantifiable measures;

22 (d) Integrate, where appropriate, provisions of water quality,
23 sediment quality, water quantity, watershed, marine resource, and other
24 watershed plans, relying primarily upon the integration achieved in
25 area action plans;

26 (e) Incorporate existing plans and agreements signed by the
27 governor, the commissioner of public lands, other state officials, or
28 by federal agencies, that clearly contribute to the protection and
29 restoration of Puget Sound, including agreements to implement the
30 forests and fish report adopted by chapter 4, Laws of 1999 sp. sess.;

31 (f) Incorporate the Puget Sound nearshore ecosystem restoration
32 project authorized by congress under Public Law 8-874, section 209 and
33 Public Law 106-60, with associated plans developed through the Puget
34 Sound nearshore partnership; and

35 (g) Incorporate the science work plan and actions necessary to
36 carry it out.

37 (4) By March 1, 2008, the council shall produce a draft 2020 plan

1 and adopt a final plan by September 1, 2008. The council shall provide
2 opportunity for public review and comment on the proposed 2020 plan and
3 subsequent revisions.

4 (5) By September 1, 2008, based on the work of the action area
5 coordinators and watershed and local interests, the ecosystem work
6 group, and the panel, the council shall adopt the 2009-11 action
7 agenda. After the adoption of the initial action agenda, the council
8 shall revise the action agenda on a biennial basis using an adaptive
9 management process informed by tracking actions and monitoring results
10 in the Puget Sound.

11 (6) The 2020 plan and action agenda shall be organized and
12 maintained in an accessible electronic format and facilitate public
13 accessibility to the plan.

14 NEW SECTION. **Sec. 113.** ACTION AGENDA--IMPLEMENTATION--BUDGET
15 REQUESTS. (1) State agencies implementing elements of the action
16 agenda shall:

17 (a) Provide to the partnership by June 1st of each even-numbered
18 year their estimates of the actions and the level of effort needed for
19 the forthcoming biennium to meet the overall goals, outcomes, targets,
20 and benchmarks in the action agenda; and

21 (b) Work with the partnership in the development of its biennial
22 action agenda budget and seek consistency between the partnership's
23 budget and the agency budget to be submitted to the governor for
24 consideration in the governor's biennial budget request. The agencies
25 shall seek the concurrence of the partnership in the proposed funding
26 levels and sources included in this proposed budget.

27 (2) If a state agency submits an amount inconsistent with the
28 partnership as part of the agency's biennial budget request, the
29 partnership and state agency shall jointly identify the differences,
30 the reasons for these differences, and present this information to the
31 office of financial management by October 1st of each even-numbered
32 year.

33 (3) A state agency seeking federal funding for activities
34 implementing or affecting a provision of the plan shall seek and obtain
35 the comments of the partnership's executive director before submitting
36 the request or application to the federal government. The executive
37 director shall consult with the council chair and provide the comments

1 without delay. This subsection does not apply to continued federal
2 funding of programs in existence before the effective date of this
3 section.

4 NEW SECTION. **Sec. 114.** IMPLEMENTATION--ACCOUNTABILITY. (1) The
5 legislature intends for all local, state, and federal governmental
6 entities to act in conformance with applicable parts of the 2020 plan
7 and action agenda as adopted by the council, beginning with the
8 adoption of the 2020 plan and the 2009-11 action agenda, and
9 anticipates that state and local entities will accept their appropriate
10 responsibility to recover the Sound to health by 2020.

11 (2) The council shall be accountable for achieving the action
12 agenda. The council shall be accountable for all funds allocated to
13 the partnership, and shall report the expenditure of the funds and
14 results achieved in the progress reports required under section 117 of
15 this act.

16 (3) The council shall adopt measures to ensure that funds
17 appropriated for implementation of the action agenda and identified by
18 proviso in the omnibus appropriations act pursuant to RCW
19 43.88.030(1)(g) are expended in a manner that will achieve the intended
20 results. The council may establish performance measures for the
21 expenditures of the funds consistent with the responsibilities and
22 timelines under the action agenda, and require reporting and tracking
23 of funds expended. State agencies may incorporate applicable
24 provisions of the performance measures as conditions in their grant and
25 loan awards to nonstate agencies or organizations. The council may
26 adopt other measures, such as requiring interagency agreements
27 regarding the expenditure of provisoed Puget Sound funds, and
28 scheduling periodic management conferences with state agencies
29 implementing Puget Sound programs.

30 (4) Any entity that receives state funds to implement specific
31 elements of the 2020 plan and action agenda shall report annually to
32 the council on progress in completing its responsibilities and whether
33 expected results have been achieved within the timeframes specified in
34 the 2020 plan and action agenda. Where the council determines that an
35 entity has taken actions inconsistent with the 2020 plan and action
36 agenda or has failed to take actions required, the council may request

1 the office of financial management to withhold or rescind the subject
2 funds or other funds.

3 (5) The council shall review the actions of nonstate entities
4 undertaking implementation of specific elements of the action agenda.
5 If the council determines that an entity's actions are inconsistent
6 with the plan, the council shall offer technical assistance to the
7 entity for the purpose of bringing the entity into conformance with the
8 plan. The council shall include in the progress report required under
9 section 117 of this act the nonperformance of any entity and those
10 entities that refuse technical assistance under this section. The
11 report shall include a description of how the entity is not in
12 conformance and the basis for the nonconformance, including but not
13 limited to a lack of funding, a lack of legal authority, or conflicting
14 legal authority. The report shall also describe actions the council
15 took to try to bring the entity into conformance.

16 (6) The council shall conduct periodic management conferences with
17 state agencies regarding compliance with and enforcement of existing
18 laws. The results of the conferences shall be included in the progress
19 report required under section 117 of this act. The management
20 conference should include assessment of performance by the
21 administering agencies in seeking compliance with and enforcement of
22 the following existing laws:

- 23 (a) Water pollution control act, chapter 90.48 RCW;
- 24 (b) Shoreline management act, chapter 90.58 RCW;
- 25 (c) Growth management act, chapter 36.70A RCW;
- 26 (d) Oil and hazardous substance spill prevention and response act,
27 chapter 90.56 RCW;
- 28 (e) Model toxics control act, chapter 70.105D RCW;
- 29 (f) Hazardous waste management act, chapter 70.105 RCW;
- 30 (g) Hydraulic project approval act, chapter 77.55 RCW;
- 31 (h) Aquatic lands management, chapters 79.100, 79.105, 79.110,
32 79.115, 79.120, 79.125, 79.130, 79.135, and 79.140 RCW;
- 33 (i) Forest practices act, chapter 76.09 RCW; and
- 34 (j) The federal endangered species act, 16 U.S.C. Sec. 1531 et seq.

35 NEW SECTION. **Sec. 115.** ACCOUNTABILITY--ROLE OF COUNCIL. (1) The
36 council shall use accountability measures with respect to all

1 governmental levels or other entities with responsibilities under the
2 action agenda, to determine progress under the action agenda.

3 (2) The council shall develop accountability measures for any
4 entity with responsibilities under the action agenda, to determine
5 compliance with the action agenda and achievements of the results
6 expected. The council shall also work with the entities themselves to
7 identify additional accountability measures, including positive
8 incentives and consequences for inaction.

9 (3) The council shall develop and submit to the legislature
10 recommendations to enhance and phase-in local government accountability
11 measures by September 20, 2008.

12 NEW SECTION. **Sec. 116.** CONFLICT RESOLUTION. (1) The council
13 shall provide a forum for addressing and resolving conflicts that it
14 has identified in the implementation of the plan and action agenda, or
15 that citizens or implementing entities bring to the council. The
16 council may use conflict resolution mechanisms such as but not limited
17 to technical and financial assistance, facilitated discussions, and
18 mediation to resolve the conflict. Where the parties and the council
19 are unable to resolve the conflict, and the conflict significantly
20 impairs the implementation of an element of the 2020 plan or action
21 agenda, the council shall provide its analysis of the conflict and
22 recommendations for resolution to the governor, the legislature, and to
23 those entities with jurisdictional authority to resolve the conflict.

24 (2) When the council identifies or has been informed of a conflict
25 among statutes or policies arising under this chapter and other
26 statutes, rules, ordinances, regulations, or policies that are relied
27 upon in implementing the 2020 plan, and the council determines that the
28 conflict prevents or hinders local government or state agency actions
29 needed to conform with the 2020 plan, the council shall make
30 recommendations to the agency, the governor, the legislature, the local
31 government, or other appropriate entity for addressing and resolving
32 the conflict.

33 NEW SECTION. **Sec. 117.** REPORTS. (1) By September 1, 2008, the
34 council shall provide to the governor and the appropriate fiscal and
35 policy committees of the senate and house of representatives its

1 recommendations for the funding necessary to implement the action
2 agenda through 2020, in order to achieve the 2020 goals of this
3 chapter. The recommendations shall:

4 (a) Identify funding needs by plan element and identify the time
5 periods in which specific funding is needed;

6 (b) Address funding responsibilities among local, state, and
7 federal governments, as well as nongovernmental funding;

8 (c) Identify methods to secure stable and sufficient funding
9 throughout the time periods for plan implementation, including
10 proposals for new sources of funding to be dedicated to Puget Sound
11 protection and recovery; and

12 (d) Address funding needs to support the work of the 2020 plan and
13 action agenda development and coordination, including the action area
14 coordinators, the ecosystem work group, and the panel.

15 (2) Beginning November 1, 2009, the council shall report every two
16 years by November 1st to the governor, the legislature, and the public
17 on progress under the action agenda. The report shall include but is
18 not limited to:

19 (a) The comments by the panel, area coordinating entities, the
20 ecosystem work group, and citizens' concerns reviewed by the council as
21 provided in section 103 of this act;

22 (b) An assessment of whether entities that have received state
23 funds for specific actions under the action agenda have accomplished
24 expected results. If expected results are not achieved by an entity
25 receiving state funds, the council shall include recommendations to the
26 governor and the legislature other options to achieve plan-related
27 results with the same funds;

28 (c) A case study of at least one of the existing programs that
29 assesses that program's efficacy and expenditures devoted to Puget
30 Sound protection and recovery for consistency with the action agenda;

31 (d) Recommendations for funding necessary to maintain the timelines
32 in the 2020 plan, that supplement or update the recommendations made in
33 the 2008 report under subsection (1) of this section; and

34 (e) The council's recognition of individuals, businesses, and
35 governmental entities that have achieved exemplary success in
36 implementing elements of the 2020 plan. The council shall incorporate
37 descriptions of these successful actions into the partnership's public
38 outreach and involvement program materials.

1 (3) Where the council identifies deficiencies in existing statutory
2 authority to accomplish an element of the 2020 plan or action agenda,
3 the council shall provide its recommendations in the form of proposed
4 legislation to the governor and appropriate committees of the
5 legislature. Where the deficient authority is in federal law, the
6 council shall forward its recommendation to the governor and to the
7 appropriate committees of the legislature for consideration in
8 memorializing the congress to remedy the deficiency.

9 NEW SECTION. **Sec. 118.** TRIENNIAL PERFORMANCE AUDITS. (1) The
10 joint legislative audit and review committee shall conduct triennial
11 performance audits of the partnership, with the first audit to be
12 completed October 1, 2011.

13 (2) The audit shall include but not be limited to:

14 (a) A determination of the extent to which funds expended by the
15 partnership or provided in biennial budget acts expressly for
16 implementing the 2020 plan have contributed toward meeting the
17 scientific benchmarks and the recovery goals of the 2020 plan;

18 (b) A determination of the efficiency and effectiveness of the
19 partnership's oversight of action agenda implementation, based upon the
20 achievement of the objectives as measured by the established
21 environmental indicators and benchmarks; and

22 (c) Any recommendations for improvements in the partnership's
23 performance and structure, and to provide accountability for agenda
24 results by action entities.

25 (3) The partnership may use the audits as the basis for developing
26 changes to the 2020 plan and action agenda, and may submit any
27 recommendations requiring legislative policy or budgetary action to the
28 governor and to the appropriate committees of the senate and house of
29 representatives.

30 NEW SECTION. **Sec. 119.** TRANSFER OF POWERS, DUTIES, AND
31 FUNCTIONS--REFERENCES TO CHAIR OF THE PUGET SOUND ACTION TEAM. (1) The
32 Puget Sound action team is hereby abolished and its powers, duties, and
33 functions are hereby transferred to the Puget Sound partnership as
34 consistent with this chapter. All references to the chair or the Puget
35 Sound action team in the Revised Code of Washington shall be construed
36 to mean the executive director or the Puget Sound partnership.

1 (2)(a) All employees of the Puget Sound action team are transferred
2 to the jurisdiction of the Puget Sound partnership.

3 (b) All reports, documents, surveys, books, records, files, papers,
4 or written material in the possession of the Puget Sound action team
5 shall be delivered to the custody of the Puget Sound partnership. All
6 cabinets, furniture, office equipment, motor vehicles, and other
7 tangible property employed by the Puget Sound action team shall be made
8 available to the Puget Sound partnership. All funds, credits, or other
9 assets held by the Puget Sound action team shall be assigned to the
10 Puget Sound partnership.

11 (c) Any appropriations made to the Puget Sound action team shall,
12 on the effective date of this section, be transferred and credited to
13 the Puget Sound partnership.

14 (d) If any question arises as to the transfer of any personnel,
15 funds, books, documents, records, papers, files, equipment, or other
16 tangible property used or held in the exercise of the powers and the
17 performance of the duties and functions transferred, the director of
18 financial management shall make a determination as to the proper
19 allocation and certify the same to the state agencies concerned.

20 (3) All rules and all pending business before the Puget Sound
21 action team shall be continued and acted upon by the Puget Sound
22 partnership. All existing contracts and obligations shall remain in
23 full force and shall be performed by the Puget Sound partnership.

24 (4) The transfer of the powers, duties, functions, and personnel of
25 the Puget Sound action team shall not affect the validity of any act
26 performed before the effective date of this section.

27 (5) If apportionments of budgeted funds are required because of the
28 transfers directed by this section, the director of financial
29 management shall certify the apportionments to the agencies affected,
30 the state auditor, and the state treasurer. Each of these shall make
31 the appropriate transfer and adjustments in funds and appropriation
32 accounts and equipment records in accordance with the certification.

33 (6) Nothing contained in this section may be construed to alter any
34 existing collective bargaining unit or the provisions of any existing
35 collective bargaining agreement until the agreement has expired or
36 until the bargaining unit has been modified by action of the public
37 employment relations commission as provided by law.

1 NEW SECTION. **Sec. 120.** PUGET SOUND RECOVERY ACCOUNT. The Puget
2 Sound recovery account is created in the state treasury. To the
3 account shall be deposited such funds as the legislature directs or
4 appropriates to the account. There shall also be deposited to the
5 account federal funds provided to the state for the protection and
6 recovery of Puget Sound except where such deposit would conflict with
7 federal law or a condition upon the state's receipt of such funds.
8 Moneys in the account may be spent only after appropriation.
9 Expenditures from the account may be used for the protection and
10 recovery of Puget Sound.

11 NEW SECTION. **Sec. 121.** Each state agency responsible for
12 implementing provisions of the Puget Sound action agenda developed
13 under section 108 of this act shall use its existing legal authorities
14 to the fullest extent possible to conform to the applicable
15 requirements and timelines of the agenda.

16 NEW SECTION. **Sec. 122.** PART HEADINGS AND CAPTIONS NOT LAW. Part
17 headings and captions used in this act are not any part of the law.

18 **Sec. 123.** RCW 90.71.100 and 2001 c 273 s 3 are each amended to
19 read as follows:

20 (1) The ((~~action team~~)) department of health shall establish a
21 shellfish - on-site sewage grant program in Puget Sound and for Pacific
22 and Grays Harbor counties. The ((~~action team~~)) department of health
23 shall provide funds to local health jurisdictions to be used as grants
24 to individuals for improving their on-site sewage systems. The grants
25 may be provided only in areas that have the potential to adversely
26 affect water quality in commercial and recreational shellfish growing
27 areas. A recipient of a grant shall enter into an agreement with the
28 appropriate local health jurisdiction to maintain the improved on-site
29 sewage system according to specifications required by the local health
30 jurisdiction. The ((~~action team~~)) department of health shall work
31 closely with local health jurisdictions and shall endeavor to attain
32 geographic equity between Willapa Bay and the Puget Sound when making
33 funds available under this program. For the purposes of this
34 subsection, "geographic equity" means issuing on-site sewage grants at

1 a level that matches the funds generated from the oyster reserve lands
2 in that area.

3 (2) In the Puget Sound, the (~~action team~~) department of health
4 shall give first priority to areas that are:

5 (a) Identified as "areas of special concern" under WAC 246-272-
6 01001; or

7 (b) Included within a shellfish protection district under chapter
8 90.72 RCW.

9 (3) In Grays Harbor and Pacific counties, the (~~action team~~)
10 department of health shall give first priority to preventing the
11 deterioration of water quality in areas where commercial or
12 recreational shellfish are grown.

13 (4) The (~~action team~~) department of health and each participating
14 local health jurisdiction shall enter into a memorandum of
15 understanding that will establish an applicant income eligibility
16 requirement for individual grant applicants from within the
17 jurisdiction and other mutually agreeable terms and conditions of the
18 grant program.

19 (5) The (~~action team~~) department of health may recover the costs
20 to administer this program not to exceed ten percent of the shellfish
21 - on-site sewage grant program.

22 (~~(6) For the 2001-2003 biennium, the action team may use up to~~
23 ~~fifty percent of the shellfish on-site sewage grant program funds for~~
24 ~~grants to local health jurisdictions to establish areas of special~~
25 ~~concern under WAC 246-272-01001, or for operation and maintenance~~
26 ~~programs therein, where commercial and recreational uses are present.))~~

27 NEW SECTION. Sec. 124. A new section is added to chapter 41.06
28 RCW to read as follows:

29 In addition to the exemptions under RCW 41.06.070, the provisions
30 of this chapter shall not apply in the Puget Sound partnership to the
31 executive director, one confidential secretary, and all professional
32 staff.

33 **Sec. 125.** RCW 43.17.010 and 2006 c 265 s 111 are each amended to
34 read as follows:

35 There shall be departments of the state government which shall be
36 known as (1) the department of social and health services, (2) the

1 department of ecology, (3) the department of labor and industries, (4)
2 the department of agriculture, (5) the department of fish and wildlife,
3 (6) the department of transportation, (7) the department of licensing,
4 (8) the department of general administration, (9) the department of
5 community, trade, and economic development, (10) the department of
6 veterans affairs, (11) the department of revenue, (12) the department
7 of retirement systems, (13) the department of corrections, (14) the
8 department of health, (15) the department of financial institutions,
9 (16) the department of archaeology and historic preservation, (~~and~~)
10 (17) the department of early learning, and (18) the Puget Sound
11 partnership, which shall be charged with the execution, enforcement,
12 and administration of such laws, and invested with such powers and
13 required to perform such duties, as the legislature may provide.

14 **Sec. 126.** RCW 43.17.020 and 2006 c 265 s 112 are each amended to
15 read as follows:

16 There shall be a chief executive officer of each department to be
17 known as: (1) The secretary of social and health services, (2) the
18 director of ecology, (3) the director of labor and industries, (4) the
19 director of agriculture, (5) the director of fish and wildlife, (6) the
20 secretary of transportation, (7) the director of licensing, (8) the
21 director of general administration, (9) the director of community,
22 trade, and economic development, (10) the director of veterans affairs,
23 (11) the director of revenue, (12) the director of retirement systems,
24 (13) the secretary of corrections, (14) the secretary of health, (15)
25 the director of financial institutions, (16) the director of the
26 department of archaeology and historic preservation, (~~and~~) (17) the
27 director of early learning, and (18) the executive director of the
28 Puget Sound partnership.

29 Such officers, except the director of fish and wildlife, shall be
30 appointed by the governor, with the consent of the senate, and hold
31 office at the pleasure of the governor. The director of fish and
32 wildlife shall be appointed by the fish and wildlife commission as
33 prescribed by RCW 77.04.055.

34 **Sec. 127.** RCW 42.17.2401 and 2006 c 265 s 113 are each amended to
35 read as follows:

1 For the purposes of RCW 42.17.240, the term "executive state
2 officer" includes:

3 (1) The chief administrative law judge, the director of
4 agriculture, the administrator of the Washington basic health plan, the
5 director of the department of services for the blind, the director of
6 the state system of community and technical colleges, the director of
7 community, trade, and economic development, the secretary of
8 corrections, the director of early learning, the director of ecology,
9 the commissioner of employment security, the chair of the energy
10 facility site evaluation council, the secretary of the state finance
11 committee, the director of financial management, the director of fish
12 and wildlife, the executive secretary of the forest practices appeals
13 board, the director of the gambling commission, the director of general
14 administration, the secretary of health, the administrator of the
15 Washington state health care authority, the executive secretary of the
16 health care facilities authority, the executive secretary of the higher
17 education facilities authority, the executive secretary of the horse
18 racing commission, the executive secretary of the human rights
19 commission, the executive secretary of the indeterminate sentence
20 review board, the director of the department of information services,
21 the director of the interagency committee for outdoor recreation, the
22 executive director of the state investment board, the director of labor
23 and industries, the director of licensing, the director of the lottery
24 commission, the director of the office of minority and women's business
25 enterprises, the director of parks and recreation, the director of
26 personnel, the executive director of the public disclosure commission,
27 the executive director of the Puget Sound partnership, the director of
28 retirement systems, the director of revenue, the secretary of social
29 and health services, the chief of the Washington state patrol, the
30 executive secretary of the board of tax appeals, the secretary of
31 transportation, the secretary of the utilities and transportation
32 commission, the director of veterans affairs, the president of each of
33 the regional and state universities and the president of The Evergreen
34 State College, and each district and each campus president of each
35 state community college;

36 (2) Each professional staff member of the office of the governor;

37 (3) Each professional staff member of the legislature; and

1 (4) Central Washington University board of trustees, board of
2 trustees of each community college, each member of the state board for
3 community and technical colleges, state convention and trade center
4 board of directors, committee for deferred compensation, Eastern
5 Washington University board of trustees, Washington economic
6 development finance authority, The Evergreen State College board of
7 trustees, executive ethics board, forest practices appeals board,
8 forest practices board, gambling commission, life sciences discovery
9 fund authority board of trustees, Washington health care facilities
10 authority, each member of the Washington health services commission,
11 higher education coordinating board, higher education facilities
12 authority, horse racing commission, state housing finance commission,
13 human rights commission, indeterminate sentence review board, board of
14 industrial insurance appeals, information services board, interagency
15 committee for outdoor recreation, state investment board, commission on
16 judicial conduct, legislative ethics board, liquor control board,
17 lottery commission, marine oversight board, Pacific Northwest electric
18 power and conservation planning council, parks and recreation
19 commission, (~~personnel appeals board,~~) board of pilotage
20 commissioners, pollution control hearings board, public disclosure
21 commission, public pension commission, shorelines hearing board, public
22 employees' benefits board, salmon recovery funding board, board of tax
23 appeals, transportation commission, University of Washington board of
24 regents, utilities and transportation commission, Washington state
25 maritime commission, Washington personnel resources board, Washington
26 public power supply system executive board, Washington State University
27 board of regents, Western Washington University board of trustees, and
28 fish and wildlife commission.

29 NEW SECTION. **Sec. 128.** A new section is added to chapter 36.01
30 RCW to read as follows:

31 Each county responsible for implementing provisions of the Puget
32 Sound action agenda developed under section 108 of this act shall use
33 its existing legal authorities to the best of its ability when
34 implementing the applicable requirements and timelines of the Puget
35 Sound action agenda adopted under section 112 of this act.

1 NEW SECTION. **Sec. 201.** The legislature finds that it is in the
2 public interest that state-assisted infrastructure projects in the
3 Puget Sound basin that relate to or affect Puget Sound's protection and
4 restoration be financed with a comprehensive understanding of
5 Sound-wide priorities and needs consistent with the goals and
6 objectives of the Puget Sound action agenda. The legislature further
7 finds that this may best be accomplished by integrating the Puget Sound
8 2020 plan's goals and objectives into existing financial assistance
9 programs, processes, and project ranking criteria. Therefore the
10 legislature intends to provide initial steps for such integration in
11 three major public works grant and loan programs, and to direct a
12 comprehensive assessment of methods to achieve such integration in
13 these programs and other state infrastructure programs that affect
14 Puget Sound's protection and restoration.

15 **Sec. 202.** RCW 43.155.020 and 2001 c 131 s 1 are each amended to
16 read as follows:

17 Unless the context clearly requires otherwise, the definitions in
18 this section shall apply throughout this chapter.

19 (1) "Board" means the public works board created in RCW 43.155.030.

20 (2) "Capital facility plan" means a capital facility plan required
21 by the growth management act under chapter 36.70A RCW or, for local
22 governments not fully planning under the growth management act, a plan
23 required by the public works board.

24 (3) "Council" means the Puget Sound partnership's leadership
25 council created in section 103 of this act.

26 (4) "Department" means the department of community, trade, and
27 economic development.

28 (~~(4)~~) (5) "Financing guarantees" means the pledge of money in the
29 public works assistance account, or money to be received by the public
30 works assistance account, to the repayment of all or a portion of the
31 principal of or interest on obligations issued by local governments to
32 finance public works projects.

33 (~~(5)~~) (6) "Local governments" means cities, towns, counties,
34 special purpose districts, and any other municipal corporations or
35 quasi-municipal corporations in the state excluding school districts
36 and port districts.

1 ~~((6))~~ (7) "Public works project" means a project of a local
2 government for the planning, acquisition, construction, repair,
3 reconstruction, replacement, rehabilitation, or improvement of streets
4 and roads, bridges, water systems, or storm and sanitary sewage systems
5 and solid waste facilities, including recycling facilities. A planning
6 project may include the compilation of biological, hydrological, or
7 other data on a county, drainage basin, or region necessary to develop
8 a base of information for a capital facility plan.

9 ~~((7))~~ (8) "Puget Sound applications" means those applications for
10 funding of public works projects located within water resource
11 inventory areas 1 through 19 in WAC 173-500-040 as it exists on the
12 effective date of this section.

13 (9) "Puget Sound 2020 plan" means the plan for the protection and
14 restoration of Puget Sound required by section 112 of this act.

15 (10) "Solid waste or recycling project" means remedial actions
16 necessary to bring abandoned or closed landfills into compliance with
17 regulatory requirements and the repair, restoration, and replacement of
18 existing solid waste transfer, recycling facilities, and landfill
19 projects limited to the opening of landfill cells that are in existing
20 and permitted landfills.

21 ~~((8))~~ (11) "Technical assistance" means training and other
22 services provided to local governments to: (a) Help such local
23 governments plan, apply, and qualify for loans and financing guarantees
24 from the board, and (b) help local governments improve their ability to
25 plan for, finance, acquire, construct, repair, replace, rehabilitate,
26 and maintain public facilities.

27 **Sec. 203.** RCW 43.155.070 and 2001 c 131 s 5 are each amended to
28 read as follows:

29 (1) To qualify for loans or pledges under this chapter the board
30 must determine that a local government meets all of the following
31 conditions:

32 (a) The city or county must be imposing a tax under chapter 82.46
33 RCW at a rate of at least one-quarter of one percent;

34 (b) The local government must have developed a capital facility
35 plan; and

36 (c) The local government must be using all local revenue sources

1 which are reasonably available for funding public works, taking into
2 consideration local employment and economic factors.

3 (2) Except where necessary to address a public health need or
4 substantial environmental degradation, a county, city, or town planning
5 under RCW 36.70A.040 must have adopted a comprehensive plan, including
6 a capital facilities plan element, and development regulations as
7 required by RCW 36.70A.040. This subsection does not require any
8 county, city, or town planning under RCW 36.70A.040 to adopt a
9 comprehensive plan or development regulations before requesting or
10 receiving a loan or loan guarantee under this chapter if such request
11 is made before the expiration of the time periods specified in RCW
12 36.70A.040. A county, city, or town planning under RCW 36.70A.040
13 which has not adopted a comprehensive plan and development regulations
14 within the time periods specified in RCW 36.70A.040 is not prohibited
15 from receiving a loan or loan guarantee under this chapter if the
16 comprehensive plan and development regulations are adopted as required
17 by RCW 36.70A.040 before submitting a request for a loan or loan
18 guarantee.

19 (3) In considering awarding loans for public facilities to special
20 districts requesting funding for a proposed facility located in a
21 county, city, or town planning under RCW 36.70A.040, the board shall
22 consider whether the county, city, or town planning under RCW
23 36.70A.040 in whose planning jurisdiction the proposed facility is
24 located has adopted a comprehensive plan and development regulations as
25 required by RCW 36.70A.040.

26 (4) The board shall develop a priority process for public works
27 projects as provided in this section. The intent of the priority
28 process is to maximize the value of public works projects accomplished
29 with assistance under this chapter. The board shall attempt to assure
30 a geographical balance in assigning priorities to projects. The board
31 shall consider at least the following factors in assigning a priority
32 to a project:

33 (a) Whether the local government receiving assistance has
34 experienced severe fiscal distress resulting from natural disaster or
35 emergency public works needs;

36 (b) The evaluation of Puget Sound applications under section 204 of
37 this act, and the recommendations of the council regarding Puget Sound
38 applications;

1 (c) Whether the project is critical in nature and would affect the
2 health and safety of a great number of citizens;

3 ~~((+e))~~ (d) The cost of the project compared to the size of the
4 local government and amount of loan money available;

5 ~~((+d))~~ (e) The number of communities served by or funding the
6 project;

7 ~~((+e))~~ (f) Whether the project is located in an area of high
8 unemployment, compared to the average state unemployment;

9 ~~((+f))~~ (g) Whether the project is the acquisition, expansion,
10 improvement, or renovation by a local government of a public water
11 system that is in violation of health and safety standards, including
12 the cost of extending existing service to such a system;

13 ~~((+g))~~ (h) The relative benefit of the project to the community,
14 considering the present level of economic activity in the community and
15 the existing local capacity to increase local economic activity in
16 communities that have low economic growth; and

17 ~~((+h))~~ (i) Other criteria that the board considers advisable.

18 (5) Existing debt or financial obligations of local governments
19 shall not be refinanced under this chapter. Each local government
20 applicant shall provide documentation of attempts to secure additional
21 local or other sources of funding for each public works project for
22 which financial assistance is sought under this chapter.

23 (6) Before November 1st of each year, the board shall develop and
24 submit to the appropriate fiscal committees of the senate and house of
25 representatives a description of the loans made under RCW 43.155.065,
26 43.155.068, and subsection (9) of this section during the preceding
27 fiscal year and a prioritized list of projects which are recommended
28 for funding by the legislature, including one copy to the staff of each
29 of the committees. The list shall include, but not be limited to, a
30 description of each project and recommended financing, the terms and
31 conditions of the loan or financial guarantee, the local government
32 jurisdiction and unemployment rate, demonstration of the jurisdiction's
33 critical need for the project and documentation of local funds being
34 used to finance the public works project. The list shall also include
35 measures of fiscal capacity for each jurisdiction recommended for
36 financial assistance, compared to authorized limits and state averages,
37 including local government sales taxes; real estate excise taxes;

1 property taxes; and charges for or taxes on sewerage, water, garbage,
2 and other utilities.

3 (7) The board shall not sign contracts or otherwise financially
4 obligate funds from the public works assistance account before the
5 legislature has appropriated funds for a specific list of public works
6 projects. The legislature may remove projects from the list
7 recommended by the board. The legislature shall not change the order
8 of the priorities recommended for funding by the board.

9 (8) Subsection (7) of this section does not apply to loans made
10 under RCW 43.155.065, 43.155.068, and subsection (9) of this section.

11 (9) Loans made for the purpose of capital facilities plans shall be
12 exempted from subsection (7) of this section.

13 (10) To qualify for loans or pledges for solid waste or recycling
14 facilities under this chapter, a city or county must demonstrate that
15 the solid waste or recycling facility is consistent with and necessary
16 to implement the comprehensive solid waste management plan adopted by
17 the city or county under chapter 70.95 RCW.

18 NEW SECTION. **Sec. 204.** A new section is added to chapter 43.155
19 RCW to read as follows:

20 (1) The board shall include at least one evaluator from the council
21 staff to participate in the board's evaluation team for the evaluation
22 of Puget Sound sanitary and storm sewer project applications and the
23 development of a prioritized list of projects to recommend for funding
24 from the account.

25 (2) The board shall provide the evaluation team's evaluations and
26 award proposals to the council for review. If the council determines
27 that the award proposals are inconsistent with the priorities and
28 provisions of the Puget Sound 2020 plan, the council shall provide its
29 recommendations to the board for its consideration before adopting a
30 funding list for recommendation to the legislature. If the board
31 determines to fund a proposal that the council has found inconsistent
32 with the priorities of the action agenda, the board shall provide the
33 council its reasons.

34 (3) The board and council shall collaborate in reviewing the
35 board's eligibility and evaluation criteria to ensure consistency with
36 the goals and objectives of the Puget Sound 2020 plan.

1 **Sec. 205.** RCW 70.146.020 and 1995 2nd sp.s. c 18 s 920 are each
2 amended to read as follows:

3 (~~Unless the context clearly requires otherwise,~~) The definitions
4 in this section apply throughout this chapter unless the context
5 clearly requires otherwise.

6 (1) "Account" means the water quality account in the state
7 treasury.

8 (2) "Council" means the Puget Sound partnership's leadership
9 council created in section 103 of this act.

10 (3) "Department" means the department of ecology.

11 (~~(3)~~) (4) "Eligible cost" means the cost of that portion of a
12 water pollution control facility that can be financed under this
13 chapter excluding any portion of a facility's cost attributable to
14 capacity that is in excess of that reasonably required to address one
15 hundred ten percent of the applicant's needs for water pollution
16 control existing at the time application is submitted for assistance
17 under this chapter.

18 (~~(4)~~) (5) "Puget Sound 2020 plan" means the plan for the
19 protection and restoration of Puget Sound required by section 112 of
20 this act.

21 (6) "Puget Sound applications" means those applications for funding
22 of water pollution control facilities and activities located within
23 water resource inventory areas 1 through 19 in WAC 173-500-040 as it
24 exists on the effective date of this section.

25 (7) "Water pollution control facility" or "facilities" means any
26 facilities or systems for the control, collection, storage, treatment,
27 disposal, or recycling of wastewater, including but not limited to
28 sanitary sewage, storm water, residential, commercial, industrial, and
29 agricultural wastes, which are causing water quality degradation due to
30 concentrations of conventional, nonconventional, or toxic pollutants.
31 Water pollution control facilities include all equipment, utilities,
32 structures, real property, and interests in and improvements on real
33 property necessary for or incidental to such purpose. Water pollution
34 control facilities also include such facilities, equipment, and
35 collection systems as are necessary to protect federally designated
36 sole source aquifers. "Water pollution control facilities" also
37 includes facilities or systems that treat storm water discharges or
38 delay peak storm water runoff, such as low-impact development projects.

1 ~~((5))~~ (8) "Water pollution control activities" means actions
2 taken by a public body for the following purposes: (a) To prevent or
3 mitigate pollution of underground water; (b) to control nonpoint
4 sources of water pollution; (c) to restore the water quality of fresh
5 water lakes; and (d) to maintain or improve water quality through the
6 use of water pollution control facilities or other means. ~~((During the
7 1995-1997 fiscal biennium, "water pollution control activities"
8 includes activities by state agencies to protect public drinking water
9 supplies and sources.~~

10 ~~(6))~~ (9) "Public body" means the state of Washington or any
11 agency, county, city or town, conservation district, other political
12 subdivision, municipal corporation, quasi-municipal corporation, and
13 those Indian tribes now or hereafter recognized as such by the federal
14 government.

15 ~~((7))~~ (10) "Water pollution" means such contamination, or other
16 alteration of the physical, chemical, or biological properties of any
17 waters of the state, including change in temperature, taste, color,
18 turbidity, or odor of the waters, or such discharge of any liquid,
19 gaseous, solid, radioactive, or other substance into any waters of the
20 state as will or is likely to create a nuisance or render such waters
21 harmful, detrimental, or injurious to the public health, safety, or
22 welfare, or to domestic, commercial, industrial, agricultural,
23 recreational, or other legitimate beneficial uses, or to livestock,
24 wild animals, birds, fish, or other aquatic life.

25 ~~((8))~~ (11) "Nonpoint source water pollution" means pollution that
26 enters any waters of the state from any dispersed water-based or land-
27 use activities, including, but not limited to, atmospheric deposition,
28 surface water runoff from agricultural lands, urban areas, and forest
29 lands, subsurface or underground sources, and discharges from boats or
30 other marine vessels.

31 ~~((9))~~ (12) "Sole source aquifer" means the sole or principal
32 source of public drinking water for an area designated by the
33 administrator of the environmental protection agency pursuant to Public
34 Law 93-523, Sec. 1424(b).

35 **Sec. 206.** RCW 70.146.070 and 1999 c 164 s 603 are each amended to
36 read as follows:

1 (1) When making grants or loans for water pollution control
2 facilities, the department shall consider the following:

3 (a) The protection of water quality and public health;

4 (b) The cost to residential ratepayers if they had to finance water
5 pollution control facilities without state assistance;

6 (c) Actions required under federal and state permits and compliance
7 orders;

8 (d) The level of local fiscal effort by residential ratepayers
9 since 1972 in financing water pollution control facilities;

10 (e) The extent to which the applicant county or city, or if the
11 applicant is another public body, the extent to which the county or
12 city in which the applicant public body is located, has established
13 programs to mitigate nonpoint pollution of the surface or subterranean
14 water sought to be protected by the water pollution control facility
15 named in the application for state assistance; and

16 (f) The recommendations of the Puget Sound (~~action team~~)
17 partnership provided under section 207 of this act and any other board,
18 council, commission, or group established by the legislature or a state
19 agency to study water pollution control issues in the state.

20 (2) Except where necessary to address a public health need or
21 substantial environmental degradation, a county, city, or town planning
22 under RCW 36.70A.040 may not receive a grant or loan for water
23 pollution control facilities unless it has adopted a comprehensive
24 plan, including a capital facilities plan element, and development
25 regulations as required by RCW 36.70A.040. This subsection does not
26 require any county, city, or town planning under RCW 36.70A.040 to
27 adopt a comprehensive plan or development regulations before requesting
28 or receiving a grant or loan under this chapter if such request is made
29 before the expiration of the time periods specified in RCW 36.70A.040.
30 A county, city, or town planning under RCW 36.70A.040 which has not
31 adopted a comprehensive plan and development regulations within the
32 time periods specified in RCW 36.70A.040 is not prohibited from
33 receiving a grant or loan under this chapter if the comprehensive plan
34 and development regulations are adopted as required by RCW 36.70A.040
35 before submitting a request for a grant or loan.

36 (3) Whenever the department is considering awarding grants or loans
37 for public facilities to special districts requesting funding for a
38 proposed facility located in a county, city, or town planning under RCW

1 36.70A.040, it shall consider whether the county, city, or town
2 planning under RCW 36.70A.040 in whose planning jurisdiction the
3 proposed facility is located has adopted a comprehensive plan and
4 development regulations as required by RCW 36.70A.040.

5 NEW SECTION. **Sec. 207.** A new section is added to chapter 70.146
6 RCW to read as follows:

7 (1) The department shall include at least one evaluator from the
8 council staff to participate in the department's evaluator work group
9 for the evaluation of Puget Sound applications and the award of grants
10 and loans to such applicants.

11 (2) The department shall provide the evaluator work group
12 evaluations and award proposals to the council for review. If the
13 council determines that the award proposals are inconsistent with the
14 priorities and provisions of the action agenda, the council shall
15 provide its recommendations to the department for its consideration
16 before making final award decisions. If the board determines to fund
17 a proposal that the council has found inconsistent with the priorities
18 of the action agenda, the board shall provide the council its reasons.

19 (3) The department and council shall collaborate in reviewing the
20 department's eligibility and rating criteria to ensure consistency with
21 the goals and objectives of the Puget Sound action agenda.

22 **Sec. 208.** RCW 90.50A.010 and 1988 c 284 s 2 are each amended to
23 read as follows:

24 (~~Unless the context clearly requires otherwise,~~) The definitions
25 in this section apply throughout this chapter unless the context
26 clearly requires otherwise.

27 (1) "Council" means the Puget Sound partnership's leadership
28 council created in section 103 of this act.

29 (2) "Department" means the department of ecology.

30 (~~(+2)~~) (3) "Eligible cost" means the cost of that portion of a
31 water pollution control facility or activity that can be financed under
32 this chapter.

33 (~~(+3)~~) (4) "Fund" means the water pollution control revolving fund
34 in the custody of the state treasurer.

35 (~~(+4)~~) (5) "Puget Sound 2020 plan" means the plan for the

1 protection and restoration of Puget Sound required by section 112 of
2 this act.

3 (6) "Puget Sound applications" means those applications for funding
4 of water pollution control facilities and activities located within
5 water resource inventory areas 1 through 19 in WAC 173-500-040 as it
6 exists on the effective date of this section.

7 (7) "Water pollution control facility" or "water pollution control
8 facilities" means any facilities or systems owned or operated by a
9 public body for the control, collection, storage, treatment, disposal,
10 or recycling of wastewater, including but not limited to sanitary
11 sewage, storm water, combined sewer overflows, residential, commercial,
12 industrial, and agricultural wastes, which are causing water quality
13 degradation due to concentrations of conventional, nonconventional, or
14 toxic pollutants. Water pollution control facilities include all
15 equipment, utilities, structures, real property, and interests in and
16 improvements on real property necessary for or incidental to such
17 purpose. Water pollution control facilities also include such
18 facilities, equipment, and collection systems as are necessary to
19 protect federally designated sole source aquifers. "Water pollution
20 control facilities" also includes facilities or systems that treat
21 storm water discharges or delay peak storm water runoff, such as low-
22 impact development projects.

23 ~~((+5))~~ (8) "Water pollution control activities" means actions
24 taken by a public body for the following purposes: (a) To control
25 nonpoint sources of water pollution; (b) to develop and implement a
26 comprehensive management plan for estuaries; and (c) to maintain or
27 improve water quality through the use of water pollution control
28 facilities or other means.

29 ~~((+6))~~ (9) "Public body" means the state of Washington or any
30 agency, county, city or town, other political subdivision, municipal
31 corporation or quasi-municipal corporation, and those Indian tribes now
32 or hereafter recognized as such by the federal government.

33 ~~((+7))~~ (10) "Water pollution" means such contamination, or other
34 alteration of the physical, chemical, or biological properties of any
35 waters of the state, including change in temperature, taste, color,
36 turbidity, or odor of the waters, or such discharge of any liquid,
37 gaseous, solid, radioactive, or other substance into any waters of the
38 state as will or is likely to create a nuisance or render such waters

1 harmful, detrimental, or injurious to the public health, safety, or
2 welfare, or to domestic, commercial, industrial, agricultural,
3 recreational, or other legitimate beneficial uses, or to livestock,
4 wild animals, birds, fish, or other aquatic life.

5 ~~((+8))~~ (11) "Nonpoint source water pollution" means pollution that
6 enters any waters of the state from any dispersed water-based or land-
7 use activities, including, but not limited to, atmospheric deposition,
8 surface water runoff from agricultural lands, urban areas, and forest
9 lands, subsurface or underground sources, and discharges from boats or
10 other marine vessels.

11 ~~((+9))~~ (12) "Federal capitalization grants" means grants from the
12 federal government provided by the water quality act of 1987 (P.L. 100-
13 4).

14 NEW SECTION. **Sec. 209.** A new section is added to chapter 90.50A
15 RCW to read as follows:

16 (1) The department shall include at least one evaluator from the
17 council staff to participate in the department's evaluator work group
18 for the evaluation of Puget Sound applications and the award of loans
19 to such applicants.

20 (2) The department and council shall collaborate in reviewing the
21 department's eligibility and rating criteria to ensure consistency with
22 the goals and objectives of the Puget Sound action agenda.

23 (3) The department shall provide the evaluator work group
24 evaluations and award proposals to the council for review. If the
25 council determines that the award proposals are inconsistent with the
26 priorities and provisions of the action agenda, the council shall
27 provide its recommendations to the department for its consideration
28 before making final award decisions. If the board determines to fund
29 a proposal that the council has found inconsistent with the priorities
30 of the action agenda, the board shall provide the council its reasons.

31 **PART 3**

32 **MISCELLANEOUS PROVISIONS**

33 NEW SECTION. **Sec. 301.** (1) The Puget Sound partnership's
34 leadership council, created in section 103 of this act, shall review

1 the following state funding programs that provide state funding for
2 facilities and activities that may contribute to the implementation of
3 the Puget Sound agenda:

4 (a) The water quality account, chapter 70.146 RCW;

5 (b) The water pollution control revolving fund, chapter 90.50A RCW;

6 (c) The public works assistance account, chapter 43.155 RCW;

7 (d) The aquatic lands enhancement account, RCW 79.105.150;

8 (e) The state toxics control account and local toxics control
9 account and clean-up program, chapter 70.105D RCW;

10 (f) The acquisition of habitat conservation and outdoor recreation
11 land, chapter 79A.15 RCW;

12 (g) The salmon recovery funding board, RCW 77.85.110 through
13 77.85.150;

14 (h) The community economic revitalization board, chapter 43.160
15 RCW;

16 (i) Other state financial assistance to water quality-related
17 projects and activities; and

18 (j) Water quality financial assistance from federal programs
19 administered through state programs or provided directly to local
20 governments in the Puget Sound basin.

21 (2) The review shall be conducted in collaboration with the state
22 agencies that administer these programs.

23 (3) The council's review shall include but not be limited to:

24 (a) Conducting an overview of the program governing laws and
25 policies, the timelines of application processes and projects, existing
26 performance measures used, and the programming limitations and
27 restrictions;

28 (b) Determining the level of funding and types of projects and
29 activities funded through the programs that contribute to
30 implementation of the Puget Sound agenda;

31 (c) Evaluating the procedures and criteria in each program for
32 determining which projects and activities to fund, and their
33 relationship to the goals and priorities of the Puget Sound agenda;

34 (d) Assessing methods for ensuring that the goals and priorities of
35 the Puget Sound agenda are given priority when program funding
36 decisions are made regarding water quality-related projects and
37 activities in the Puget Sound basin and habitat-related projects and
38 activities in the Puget Sound basin;

1 (e) Modifying funding criteria so that projects, programs, and
2 activities that are inconsistent with the action agenda are ineligible
3 for funding;

4 (f) Assessing ways to incorporate a strategic funding approach for
5 the Puget Sound agenda within the outcome-focused performance measures
6 required by RCW 43.41.270 in administering natural resource-related and
7 environmentally based grant and loan programs;

8 (g) Assessing ways through the funding allocations for Puget Sound
9 to reflect the geographic areas of Puget Sound for cleanup emphasis
10 identified in the Puget Sound agenda;

11 (h) Evaluating the form of the assistance provided, such as low-
12 interest and no-interest loans, grants, and technical assistance, and
13 which forms of assistance are more appropriate in accomplishing
14 different types of projects and activities needed for implementing the
15 Puget Sound agenda;

16 (i) Whether entities that are private or quasi-public in nature and
17 not now eligible to receive funding from the programs should be made
18 eligible to seek funding, and what conditions upon funding would ensure
19 that the public's interest in fiscal accountability and transparency in
20 the use of public funds is protected;

21 (j) Whether additional types of projects or activities should be
22 made eligible for funding where the projects or activities are
23 consistent with the primary purposes of the program and will also
24 contribute to implementation of the Puget Sound agenda;

25 (k) Whether state policies for the disposal, acquisition, or
26 development of state lands are compatible or contrary to the goals and
27 priorities of the Puget Sound agenda;

28 (l) The rigor of evaluation of project application in each program
29 regarding assumptions and estimations of project benefits, including
30 contributions toward implementation of the Puget Sound agenda; and

31 (m) Recommendations for improving the programs to further the Puget
32 Sound action agenda and to integrate the Puget Sound partnership in
33 project awards relating to or contributing to Puget Sound restoration
34 and protection.

35 (4) In addition to the review required in subsection (2) of this
36 section, the salmon recovery funding board and the council shall review
37 the roles of the board and the council in funding salmon recovery
38 projects and activities in Puget Sound. The board and council shall

1 include recommendations for integrating these activities to reduce
2 administrative costs of grant monitoring and to ensure that the
3 priorities for salmon recovery projects funded by the board and the
4 priorities of the 2020 plan and action agenda are aligned.

5 (5) The state agencies and boards administering the programs
6 specified in subsection (1) of this section shall cooperate in
7 providing to the council information as required for the council's
8 review. The council shall provide its recommendations in draft form to
9 each of the administering agencies and consider their comments prior to
10 finalizing the council's review and recommendations.

11 (6) By November 1, 2008, the council shall provide a preliminary
12 summary of its review and recommendations to the governor and
13 appropriate fiscal and policy committees of the senate and house of
14 representatives. By November 1, 2009, the council shall provide final
15 summary and recommendations, including proposed legislation to
16 implement the recommendation, to the governor and appropriate fiscal
17 and policy committees of the senate and house of representatives.

18 NEW SECTION. Sec. 302. RCW 90.71.005, 90.71.902, and 90.71.903
19 are each decodified.

20 NEW SECTION. Sec. 303. RCW 90.71.100 is recodified as a new
21 section in chapter 70.118 RCW.

22 NEW SECTION. Sec. 304. The following acts or parts of acts are
23 each repealed:

- 24 (1) RCW 90.71.010 (Definitions) and 1996 c 138 s 2;
- 25 (2) RCW 90.71.015 (Environmental excellence program agreements--
26 Effect on chapter) and 1997 c 381 s 30;
- 27 (3) RCW 90.71.020 (Puget Sound action team) and 1998 c 246 s 14 &
28 1996 c 138 s 3;
- 29 (4) RCW 90.71.030 (Puget Sound council) and 1999 c 241 s 3 & 1996
30 c 138 s 4;
- 31 (5) RCW 90.71.040 (Chair of action team) and 1996 c 138 s 5;
- 32 (6) RCW 90.71.050 (Work plans) and 1998 c 246 s 15 & 1996 c 138 s
33 6;
- 34 (7) RCW 90.71.070 (Work plan implementation) and 1996 c 138 s 8;
- 35 (8) RCW 90.71.080 (Public participation) and 1996 c 138 s 9;

1 (9) RCW 90.71.900 (Short title--1996 c 138) and 1996 c 138 s 15;
2 and
3 (10) RCW 90.71.901 (Captions not law) and 1996 c 138 s 14.

4 NEW SECTION. **Sec. 305.** Sections 101 through 105 and 107 through
5 122 of this act are each added to chapter 90.71 RCW.

6 NEW SECTION. **Sec. 306.** Sections 201 through 209 of this act take
7 effect July 1, 2008.

8 NEW SECTION. **Sec. 307.** Sections 101 through 131 and 301 through
9 304 of this act are necessary for the immediate preservation of the
10 public peace, health, or safety, or support of the state government and
11 its existing public institutions, and take effect July 1, 2007."

SSB 5372 - S AMD
By Senator Rockefeller

ADOPTED AS AMENDED 03/10/2007

12 On page 1, line 1 of the title, after "partnership;" strike the
13 remainder of the title and insert "amending RCW 90.71.060, 90.71.100,
14 43.17.010, 43.17.020, 42.17.2401, 77.85.090, 43.155.020, 43.155.070,
15 70.146.020, 70.146.070, and 90.50A.010; adding new sections to chapter
16 90.71 RCW; adding a new section to chapter 41.06 RCW; adding a new
17 section to chapter 36.01 RCW; adding a new section to chapter 35.21
18 RCW; adding a new section to chapter 53.08 RCW; adding a new section to
19 chapter 43.155 RCW; adding a new section to chapter 70.146 RCW; adding
20 a new section to chapter 90.50A RCW; adding a new section to chapter
21 70.118 RCW; creating new sections; recodifying RCW 90.71.100;
22 decodifying RCW 90.71.005, 90.71.902, and 90.71.903; repealing RCW
23 90.71.010, 90.71.015, 90.71.020, 90.71.030, 90.71.040, 90.71.050,
24 90.71.070, 90.71.080, 90.71.900, and 90.71.901; providing effective
25 dates; providing an expiration date; and declaring an emergency."

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