

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1121**

65th Legislature  
2017 Regular Session

Passed by the House February 13, 2017  
Yeas 75 Nays 22

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**Speaker of the House of Representatives**

Passed by the Senate April 6, 2017  
Yeas 47 Nays 2

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1121** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1121**

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Passed Legislature - 2017 Regular Session

**State of Washington                      65th Legislature                      2017 Regular Session**

**By** House Environment (originally sponsored by Representatives Muri, Fitzgibbon, Short, Peterson, Fey, Smith, Kagi, Barkis, McBride, Farrell, Wilcox, Jenkins, Haler, Stanford, Gregerson, Kilduff, Tarleton, Tharinger, and Pollet; by request of Puget Sound Partnership)

READ FIRST TIME 02/06/17.

1            AN ACT Relating to the frequency of Puget Sound action agenda  
2            implementation strategy and science work plan updates; amending RCW  
3            90.71.010, 90.71.280, 90.71.290, and 90.71.310; and adding a new  
4            section to chapter 90.71 RCW.

5            BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            **Sec. 1.** RCW 90.71.010 and 2007 c 341 s 2 are each amended to  
7            read as follows:

8            Unless the context clearly requires otherwise, the definitions in  
9            this section apply throughout this chapter.

10           (1) "Action agenda" means the comprehensive schedule of projects,  
11           programs, and other activities designed to achieve a healthy Puget  
12           Sound ecosystem that is authorized and further described in RCW  
13           90.71.300 and 90.71.310.

14           (2) "Action area" means the geographic areas delineated as  
15           provided in RCW 90.71.260.

16           (3) "Benchmarks" means measurable interim milestones or  
17           achievements established to demonstrate progress towards a goal,  
18           objective, or outcome.

19           (4) "Board" means the ecosystem coordination board.

20           (5) "Council" means the leadership council.

1 (6) "Environmental indicator" means a physical, biological, or  
2 chemical measurement, statistic, or value that provides a proximate  
3 gauge, or evidence of, the state or condition of Puget Sound.

4 (7) "Implementation strategies" means the strategies incorporated  
5 on a (~~biennial~~) quadrennial basis in the action agenda developed  
6 under RCW 90.71.310.

7 (8) "Nearshore" means the area beginning at the crest of coastal  
8 bluffs and extending seaward through the marine photics zone, and to  
9 the head of tide in coastal rivers and streams. "Nearshore" also  
10 means both shoreline and estuaries.

11 (9) "Panel" means the Puget Sound science panel.

12 (10) "Partnership" means the Puget Sound partnership.

13 (11) "Puget Sound" means Puget Sound and related inland marine  
14 waters, including all salt waters of the state of Washington inside  
15 the international boundary line between Washington and British  
16 Columbia, and lying east of the junction of the Pacific Ocean and the  
17 Strait of Juan de Fuca, and the rivers and streams draining to Puget  
18 Sound as mapped by water resource inventory areas 1 through 19 in WAC  
19 173-500-040 as it exists on July 1, 2007.

20 (12) "Puget Sound partner" means an entity that has been  
21 recognized by the partnership, as provided in RCW 90.71.340, as  
22 having consistently achieved outstanding progress in implementing the  
23 2020 action agenda.

24 (13) "Watershed groups" means all groups sponsoring or  
25 administering watershed programs, including but not limited to local  
26 governments, private sector entities, watershed planning units,  
27 watershed councils, shellfish protection areas, regional fishery  
28 enhancement groups, marine (~~resource[s]~~) resources committees  
29 including those working with the Northwest straits commission,  
30 nearshore groups, and watershed lead entities.

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

36 **Sec. 2.** RCW 90.71.280 and 2009 c 99 s 2 are each amended to read  
37 as follows:

38 (1) The panel shall:

1 (a) Assist the council, board, and executive director in carrying  
2 out the obligations of the partnership, including preparing and  
3 updating the action agenda;

4 (b) As provided in RCW 90.71.290, assist the partnership in  
5 developing an ecosystem level strategic science program that:

6 (i) Addresses monitoring, modeling, data management, and  
7 research; and

8 (ii) Identifies science gaps and recommends research priorities;

9 (c) Develop and provide oversight of a competitive peer-reviewed  
10 process for soliciting, strategically prioritizing, and funding  
11 research and modeling projects;

12 (d) Develop and implement an appropriate process for peer review  
13 of monitoring, research, and modeling conducted as part of the  
14 strategic science program;

15 (e) Provide input to the executive director in developing  
16 (~~biennial~~) quadrennial implementation strategies; and

17 (f) Offer an ecosystem-wide perspective on the science work being  
18 conducted in Puget Sound and by the partnership.

19 (2) The panel should collaborate with other scientific groups and  
20 consult other scientists in conducting its work. To the maximum  
21 extent possible, the panel should seek to integrate the state-  
22 sponsored Puget Sound science program with the Puget Sound science  
23 activities of federal agencies, including working toward an  
24 integrated research agenda and Puget Sound science work plan.

25 (3) By July 31, 2008, the panel shall identify environmental  
26 indicators measuring the health of Puget Sound, and recommend  
27 environmental benchmarks that need to be achieved to meet the goals  
28 of the action agenda. The council shall confer with the panel on  
29 incorporating the indicators and benchmarks into the action agenda.

30 **Sec. 3.** RCW 90.71.290 and 2007 c 341 s 11 are each amended to  
31 read as follows:

32 (1) The strategic science program shall be developed by the panel  
33 with assistance and staff support provided by the executive director.  
34 The science program may include:

35 (a) Continuation of the Puget Sound assessment and monitoring  
36 program, as provided in RCW 90.71.060, as well as other monitoring or  
37 modeling programs deemed appropriate by the executive director;

38 (b) Development of a monitoring program, in addition to the  
39 provisions of RCW 90.71.060, including baselines, protocols,

1 guidelines, and quantifiable performance measures, to be recommended  
2 as an element of the action agenda;

3 (c) Recommendations regarding data collection and management to  
4 facilitate easy access and use of data by all participating agencies  
5 and the public; and

6 (d) A list of critical research needs.

7 (2) The strategic science program may not become an official  
8 document until a majority of the members of the council votes for its  
9 adoption.

10 (3) A Puget Sound science update shall be developed by the panel  
11 with assistance and staff support provided by the executive director.  
12 The panel shall submit the initial update to the executive director  
13 by April 2010, and subsequent updates as necessary to reflect new  
14 scientific understandings. The update shall:

15 (a) Describe the current scientific understanding of various  
16 physical attributes of Puget Sound;

17 (b) Serve as the scientific basis for the selection of  
18 environmental indicators measuring the health of Puget Sound; and

19 (c) Serve as the scientific basis for the status and trends of  
20 those environmental indicators.

21 (4) The executive director shall provide the Puget Sound science  
22 update to the Washington academy of sciences, the governor, and  
23 appropriate legislative committees, and include:

24 (a) A summary of information in existing updates; and

25 (b) Changes adopted in subsequent updates and in the state of the  
26 Sound reports produced pursuant to RCW 90.71.370.

27 (5) A (~~biennial~~) quadrennial science work plan shall be  
28 developed by the panel, with assistance and staff support provided by  
29 the executive director, and approved by the council. The (~~biennial~~)  
30 quadrennial science work plan shall include, at a minimum:

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

33 (b) A description of the Puget Sound science-related activities  
34 being conducted by various entities in the region, including studies,  
35 models, monitoring, research, and other appropriate activities;

36 (c) A description of whether the ongoing work addresses the  
37 recommendations and, if not, identification of necessary actions to  
38 fill gaps;

1 (d) Identification of specific (~~biennial~~) quadrennial science  
2 work actions to be done over the course of the work plan, and how  
3 these actions address science needs in Puget Sound; and

4 (e) Recommendations for improvements to the ongoing science work  
5 in Puget Sound.

6 **Sec. 4.** RCW 90.71.310 and 2008 c 329 s 926 are each amended to  
7 read as follows:

8 (1) The council shall develop a science-based action agenda that  
9 leads to the recovery of Puget Sound by 2020 and achievement of the  
10 goals and objectives established in RCW 90.71.300. The action agenda  
11 shall:

12 (a) Address all geographic areas of Puget Sound including upland  
13 areas and tributary rivers and streams that affect Puget Sound;

14 (b) Describe the problems affecting Puget Sound's health using  
15 supporting scientific data, and provide a summary of the historical  
16 environmental health conditions of Puget Sound so as to determine  
17 past levels of pollution and restorative actions that have  
18 established the current health conditions of Puget Sound;

19 (c) Meet the goals and objectives described in RCW 90.71.300,  
20 including measurable outcomes for each goal and objective  
21 specifically describing what will be achieved, how it will be  
22 quantified, and how progress towards outcomes will be measured. The  
23 action agenda shall include near-term and long-term benchmarks  
24 designed to ensure continuous progress needed to reach the goals,  
25 objectives, and designated outcomes by 2020. The council shall  
26 consult with the panel in developing these elements of the plan;

27 (d) Identify and prioritize the strategies and actions necessary  
28 to restore and protect Puget Sound and to achieve the goals and  
29 objectives described in RCW 90.71.300;

30 (e) Identify the agency, entity, or person responsible for  
31 completing the necessary strategies and actions, and potential  
32 sources of funding;

33 (f) Include prioritized actions identified through the assembled  
34 proposals from each of the seven action areas and the identification  
35 and assessment of ecosystem scale programs as provided in RCW  
36 90.71.260;

37 (g) Include specific actions to address aquatic rehabilitation  
38 zone one, as defined in RCW 90.88.010;

39 (h) Incorporate any additional goals adopted by the council; and

1 (i) Incorporate appropriate actions to carry out the (~~biennial~~)  
2 quadrennial science work plan created in RCW 90.71.290.

3 (2) In developing the action agenda and any subsequent revisions,  
4 the council shall, when appropriate, incorporate the following:

5 (a) Water quality, water quantity, sediment quality, watershed,  
6 marine resource, and habitat restoration plans created by  
7 governmental agencies, watershed groups, and marine and shoreline  
8 groups. The council shall consult with the board in incorporating  
9 these plans;

10 (b) Recovery plans for salmon, orca, and other species in Puget  
11 Sound listed under the federal endangered species act;

12 (c) Existing plans and agreements signed by the governor, the  
13 commissioner of public lands, other state officials, or by federal  
14 agencies;

15 (d) Appropriate portions of the Puget Sound water quality  
16 management plan existing on July 1, 2007.

17 (3) Until the action agenda is adopted, the existing Puget Sound  
18 management plan and the 2007-09 Puget Sound biennial plan shall  
19 remain in effect. The existing Puget Sound management plan shall also  
20 continue to serve as the comprehensive conservation and management  
21 plan for the purposes of the national estuary program described in  
22 section 320 of the federal clean water act, until replaced by the  
23 action agenda and approved by the United States environmental  
24 protection agency as the new comprehensive conservation and  
25 management plan.

26 (4) The council shall adopt the action agenda by December 1,  
27 2008. The council shall revise the action agenda as needed, and  
28 revise the implementation strategies every (~~two~~) four years using  
29 an adaptive management process informed by tracking actions and  
30 monitoring results in Puget Sound. In revising the action agenda and  
31 the implementation strategies, the council shall consult the panel  
32 and the board and provide opportunity for public review and comment.  
33 (~~Biennial~~) Quadrennial updates shall:

34 (a) Contain a detailed description of prioritized actions  
35 necessary in the (~~biennium~~) quadrennial time period to achieve the  
36 goals, objectives, outcomes, and benchmarks of progress identified in  
37 the action agenda;

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

1 (c) Establish (~~biennial~~) quadrennial benchmarks for near-term  
2 actions.

3 (5) The action agenda shall be organized and maintained in a  
4 single document to facilitate public accessibility to the plan.

5 NEW SECTION. **Sec. 5.** A new section is added to chapter 90.71  
6 RCW to read as follows:

7 Nothing in this chapter may be construed to relieve the  
8 partnership of the need to provide a written report to the  
9 legislature each biennium pursuant to RCW 90.71.370(3), which must  
10 also include references to ongoing science-related activities and  
11 monitoring efforts that inform the findings of the report.

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