

2 **ESHB 2875** - S AMD - 307

3 By Senators Fraser and Swecker

4 ADOPTED 3/7/96

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. Sec. 1. FINDINGS. (1) The legislature finds that:

8 (a) Puget Sound and related inland marine waterways of Washington  
9 state represent a unique and unparalleled resource. A rich and varied  
10 range of marine organisms, comprising an interdependent, sensitive  
11 communal ecosystem reside in these sheltered waters. Residents of this  
12 region enjoy a way of life centered around the waters of Puget Sound,  
13 featuring accessible recreational opportunities, world-class port  
14 facilities and water transportation systems, harvest of marine food  
15 resources, shoreline-oriented life styles, water-dependent industries,  
16 tourism, irreplaceable aesthetics, and other activities, all of which  
17 to some degree depend upon a clean and healthy marine resource;

18 (b) The Puget Sound water quality authority has done an excellent  
19 job in developing a comprehensive plan to identify actions to restore  
20 and protect the biological health and diversity of Puget Sound;

21 (c) The large number of governmental entities that now have  
22 regulatory programs affecting the water quality of Puget Sound have  
23 diverse interests and limited jurisdictions that cannot adequately  
24 address the cumulative, wide-ranging impacts that contribute to the  
25 degradation of Puget Sound; and

26 (d) Coordination of the regulatory programs, at the state and local  
27 level, is best accomplished through the development of interagency  
28 mechanisms that allow these entities to transcend their diverse  
29 interests and limited jurisdictions.

30 (2) It is therefore the policy of the state of Washington to  
31 coordinate the activities of state and local agencies by establishing  
32 a biennial work plan that clearly delineates state and local actions  
33 necessary to protect and restore the biological health and diversity of  
34 Puget Sound. It is further the policy of the state to implement the  
35 Puget Sound water quality management plan to the maximum extent  
36 possible.

1        NEW SECTION.    **Sec. 2.**    DEFINITIONS. Unless the context clearly  
2 requires otherwise, the definitions in this section apply throughout  
3 this chapter.

4        (1) "Action team" means the Puget Sound water quality action team.

5        (2) "Chair" means the chair of the action team.

6        (3) "Council" means the Puget Sound council created in section 4 of  
7 this act.

8        (4) "Puget Sound management plan" means the 1994 Puget Sound water  
9 quality management plan as it exists June 30, 1996, and as subsequently  
10 amended by the action team.

11       (5) "Support staff" means the staff to the action team.

12       (6) "Work plan" means the work plan and budget developed by the  
13 action team.

14       NEW SECTION.    **Sec. 3.**    PUGET SOUND ACTION TEAM. (1) The Puget  
15 Sound action team is created. The action team shall consist of: The  
16 directors of the departments of ecology; agriculture; natural  
17 resources; fish and wildlife; and community, trade, and economic  
18 development; the secretaries of the departments of health and  
19 transportation; the director of the parks and recreation commission;  
20 the director of the interagency committee for outdoor recreation; the  
21 administrative officer of the conservation commission designated in RCW  
22 89.08.050; one person representing cities, appointed by the governor;  
23 one person representing counties, appointed by the governor; and the  
24 chair of the action team. The members representing cities and counties  
25 shall each be reimbursed for travel expenses as provided in RCW  
26 43.03.050 and 43.03.060.

27       (2) The action team shall:

28       (a) Prepare a Puget Sound work plan and budget for inclusion in the  
29 governor's biennial budget;

30       (b) Coordinate monitoring and research programs as provided in  
31 section 7 of this act;

32       (c) Work under the direction of the action team chair as provided  
33 in section 5 of this act;

34       (d) Coordinate permitting requirements as necessary to expedite  
35 permit issuance for any local watershed plan developed pursuant to  
36 rules adopted under this chapter;

37       (e) Identify and resolve any policy or rule conflicts that may  
38 exist between one or more agencies represented on the action team;

- 1 (f) Periodically amend the Puget Sound management plan;
- 2 (g) Enter into, amend, and terminate contracts with individuals,  
3 corporations, or research institutions for the purposes of this  
4 chapter;
- 5 (h) Receive such gifts, grants, and endowments, in trust or  
6 otherwise, for the use and benefit of the purposes of the action team.  
7 The action team may expend the same or any income therefrom according  
8 to the terms of the gifts, grants, or endowments;
- 9 (i) Promote extensive public participation, and otherwise seek to  
10 broadly disseminate information concerning Puget Sound;
- 11 (j) Receive and expend funding from other public agencies;
- 12 (k) To reduce costs and improve efficiency, review by December 1,  
13 1996, all requirements for reports and documentation from state  
14 agencies and local governments specified in the plan for the purpose of  
15 eliminating and consolidating reporting requirements; and
- 16 (l) Beginning in December 1998, and every two years thereafter,  
17 submit a report to the appropriate policy and fiscal committees of the  
18 legislature that describes and evaluates the successes and shortcomings  
19 of the current work plan relative to the priority problems identified  
20 for each geographic area of Puget Sound.
- 21 (3) By July 1, 1996, the action team shall begin developing its  
22 initial work plan, which shall include the coordination of necessary  
23 support staff.
- 24 (4) The action team shall incorporate, to the maximum extent  
25 possible, the recommendations of the council regarding amendments to  
26 the Puget Sound plan and the work plan.
- 27 (5) All proceedings of the action team are subject to the open  
28 public meetings act under chapter 42.30 RCW.

29 NEW SECTION. **Sec. 4.** PUGET SOUND COUNCIL. (1) There is  
30 established the Puget Sound council composed of nine members. Seven  
31 members shall be appointed by the governor. In making these  
32 appointments, the governor shall include representation from business,  
33 the environmental community, agriculture, the shellfish industry,  
34 counties, cities, and the tribes. One member shall be a member of the  
35 senate selected by the president of the senate and one member shall be  
36 a member of the house of representatives selected by the speaker of the  
37 house of representatives. The legislative members shall be nonvoting  
38 members of the council. Appointments to the council shall reflect

1 geographical balance and the diversity of population within the Puget  
2 Sound basin. Members shall serve four-year terms. Of the initial  
3 members appointed to the council, two shall serve for two years, two  
4 shall serve for three years, and two shall serve for four years.  
5 Thereafter members shall be appointed to four-year terms. Vacancies  
6 shall be filled by appointment in the same manner as the original  
7 appointment for the remainder of the unexpired term of the position  
8 being vacated. Nonlegislative members shall be reimbursed for travel  
9 expenses as provided in RCW 43.03.050 and 43.03.060. Legislative  
10 members shall be reimbursed as provided in RCW 44.04.120.

11 (2) The council shall:

12 (a) Recommend to the action team projects and activities for  
13 inclusion in the biennial work plan;

14 (b) Recommend to the action team coordination of work plan  
15 activities with other relevant activities, including but not limited  
16 to, agencies' activities other than those funded through the plan,  
17 local plan initiatives, and governmental and nongovernmental watershed  
18 restoration and protection activities; and

19 (c) Recommend to the action team proposed amendments to the Puget  
20 Sound management plan.

21 (3) The chair of the action team shall convene the council at least  
22 four times per year and shall jointly convene the council and the  
23 action team at least two times per year.

24 NEW SECTION. **Sec. 5.** GOVERNOR'S OFFICE. (1) By June 1, 1996, the  
25 governor shall appoint a person in the governor's office to chair the  
26 action team. The chair shall serve at the pleasure of the governor.

27 (2) The chair shall be responsible for:

28 (a) Organizing the development of the council recommendations;

29 (b) Organizing the development of the work plan required under  
30 section 6 of this act;

31 (c) Presenting work plan and budget recommendations to the governor  
32 and the legislature;

33 (d) Overseeing the implementation of the elements of the work plan  
34 that receive funding through appropriations by the legislature; and

35 (e) Serving as chair of the council.

36 (3) The chair of the action team shall be a full-time employee  
37 responsible for the administration of all functions of the action team  
38 and the council, including hiring and terminating support staff, budget

1 preparation, contracting, coordinating with the governor, the  
2 legislature, and other state and local entities, and the delegation of  
3 responsibilities as deemed appropriate. The salary of the chair shall  
4 be fixed by the governor, subject to RCW 43.03.040.

5 NEW SECTION. **Sec. 6.** WORK PLANS. (1)(a) Each biennium, the  
6 action team shall prepare a Puget Sound work plan and budget for  
7 inclusion in the governor's biennial budget. The work plan shall  
8 prescribe the necessary federal, state, and local actions to maintain  
9 and enhance Puget Sound water quality, including but not limited to,  
10 enhancement of recreational opportunities, and restoration of a  
11 balanced population of indigenous shellfish, fish, and wildlife.

12 (b) In developing a work plan, the action team shall meet the  
13 following objectives:

14 (i) Use the plan elements of the Puget Sound management plan to  
15 prioritize local and state actions necessary to restore and protect the  
16 biological health and diversity of Puget Sound;

17 (ii) Consider the problems and priorities identified in local  
18 plans; and

19 (iii) Coordinate the work plan activities with other relevant  
20 activities, including but not limited to, agencies' activities that  
21 have not been funded through the plan, local plans, and governmental  
22 and nongovernmental watershed restoration activities.

23 (2) In addition to the requirements identified under section  
24 3(2)(a) of this act, the work plan and budget shall:

25 (a) Identify and prioritize the local and state actions necessary  
26 to address the water quality problems in the following locations:

27 (i) Area 1: Island and San Juan counties;

28 (ii) Area 2: Skagit and Whatcom counties;

29 (iii) Area 3: Clallam and Jefferson counties;

30 (iv) Area 4: Snohomish, King, and Pierce counties; and

31 (v) Area 5: Kitsap, Mason, and Thurston counties;

32 (b) Provide sufficient funding to characterize local watersheds,  
33 provide technical assistance, and implement state responsibilities  
34 identified in the work plan. The number and qualifications of staff  
35 assigned to each region shall be determined by the types of problems  
36 identified pursuant to (a) of this subsection;

37 (c) Provide sufficient funding to implement and coordinate the  
38 Puget Sound ambient monitoring plan pursuant to section 7 of this act;

1 (d) Provide funds to assist local jurisdictions to implement  
2 elements of the work plan assigned to local governments and to develop  
3 and implement local plans;

4 (e) Provide sufficient funding to provide support staff for the  
5 action team; and

6 (f) Describe any proposed amendments to the Puget Sound plan.

7 (3) The work plan shall be submitted to the appropriate policy and  
8 fiscal committees of the legislature by December 20th of each even-  
9 numbered year.

10 (4) The work plan shall be implemented consistent with the  
11 legislative provisos of the biennial appropriation acts.

12 NEW SECTION. **Sec. 7.** PUGET SOUND RESEARCH AND MONITORING. In  
13 addition to other powers and duties specified in this chapter, the  
14 action team shall ensure implementation and coordination of the Puget  
15 Sound ambient monitoring program established in the Puget Sound  
16 management plan. The program shall include, at a minimum:

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

20 (2) A monitoring program, including baselines, protocols,  
21 guidelines, and quantifiable performance measures. In consultation  
22 with state agencies, local and tribal governments, and other public and  
23 private interests, the action team shall develop and track quantifiable  
24 performance measures that can be used by the governor and the  
25 legislature to assess the effectiveness over time of programs and  
26 actions initiated under the plan to improve and protect Puget Sound  
27 water quality and biological resources. The performance measures shall  
28 be developed by June 30, 1997. The performance measures shall include,  
29 but not be limited to a methodology to track the progress of: Fish and  
30 wildlife habitat; sites with sediment contamination; wetlands;  
31 shellfish beds; and other key indicators of Puget Sound health. State  
32 agencies shall assist the action team in the development and tracking  
33 of these performance measures. The performance measures may be limited  
34 to a selected geographic area.

35 NEW SECTION. **Sec. 8.** WORK PLAN IMPLEMENTATION. (1) Local  
36 governments are required to implement local elements of the work plan

1 subject to the availability of appropriated funds or other funding  
2 sources.

3 (2) The council shall review the progress of work plan  
4 implementation. Where prescribed actions have not been accomplished in  
5 accordance with the work plan, the responsible agency shall submit to  
6 the council written explanations for the shortfalls, together with  
7 proposed remedies.

8 NEW SECTION. **Sec. 9.** PUBLIC PARTICIPATION. The chair of the  
9 action team shall hold public hearings to solicit public comment on the  
10 work plan.

11 NEW SECTION. **Sec. 10.** RULE MAKING. By January 1, 1997, the  
12 action team shall adopt chapter 400-12 WAC with revisions that:

13 (1) Direct counties to develop a prioritized list of watershed  
14 improvement projects; and

15 (2) Identify all funding sources that can be used to implement  
16 local plans.

17 NEW SECTION. **Sec. 11.** (1) The powers, duties, and functions of  
18 the Puget Sound water quality authority pertaining to the cleanup and  
19 protection of Puget Sound are transferred to the Puget Sound action  
20 team. All references to the executive director or the Puget Sound  
21 water quality authority in the Revised Code of Washington shall be  
22 construed to mean the chair of the action team or the action team when  
23 referring to the functions transferred in this section.

24 (2)(a) All reports, documents, surveys, books, records, files,  
25 papers, or written material in the possession of the authority  
26 pertaining to the powers, functions, and duties transferred shall be  
27 delivered to the custody of the action team. All cabinets, furniture,  
28 office equipment, motor vehicles, and other tangible property employed  
29 by the authority in carrying out the powers, functions, and duties  
30 transferred shall be made available to the action team. All funds,  
31 credits, or other assets held in connection with the powers, functions,  
32 and duties transferred shall be assigned to the action team.

33 (b) Any appropriations made to the authority for carrying out the  
34 powers, functions, and duties transferred shall, on the effective date  
35 of this section, be transferred and credited to the action team.

1 (c) Whenever any question arises as to the transfer of any  
2 personnel, funds, books, documents, records, papers, files, equipment,  
3 or other tangible property used or held in the exercise of the powers  
4 and the performance of the duties and functions transferred, the  
5 director of financial management shall make a determination as to the  
6 proper allocation and certify the same to the state agencies concerned.

7 (3) All rules and all pending business before the authority  
8 pertaining to the powers, functions, and duties transferred shall be  
9 continued and acted upon by the action team. All existing contracts  
10 and obligations shall remain in full force and shall be performed by  
11 the action team.

12 (4) The transfer of the powers, duties, functions, and personnel of  
13 the authority shall not affect the validity of any act performed before  
14 the effective date of this section.

15 (5) If apportionments of budgeted funds are required because of the  
16 transfers directed by this section, the director of financial  
17 management shall certify the apportionments to the agencies affected,  
18 the state auditor, and the state treasurer. Each of these shall make  
19 the appropriate transfer and adjustments in funds and appropriation  
20 accounts and equipment records in accordance with the certification.

21 NEW SECTION. **Sec. 12.** The following acts or parts of acts are  
22 each repealed:

23 (1) RCW 90.70.065 and 1995 c 269 s 3501, 1994 c 264 s 98, & 1990 c  
24 115 s 9;

25 (2) RCW 90.70.075 and 1990 c 115 s 10;

26 (3) RCW 90.70.090 and 1990 c 115 s 8; and

27 (4) RCW 90.70.100 and 1991 c 200 s 502.

28 NEW SECTION. **Sec. 13.** RCW 90.70.027 and 90.70.902 are each  
29 recodified as new sections in the new chapter created in section 16 of  
30 this act.

31 NEW SECTION. **Sec. 14.** CAPTIONS NOT LAW. Captions used in this  
32 chapter do not constitute any part of the law.

33 NEW SECTION. **Sec. 15.** This act may be known and cited as the  
34 Puget Sound water quality protection act.



