

ESHB 2097 - S AMD TO S AMD (S3204.1) **482**
By Senators Fraser, Jacobsen

PULLED 04/11/2005

1 On page 3, line 6 of the amendment, after "act" insert ", and shall
2 coordinate the implementation of the program with the activities of the
3 Puget Sound recovery partnership provided in sections 4 through 14 of
4 this act"

5 On page 4, after line 13 of the amendment, insert the following:

6 "Sec. 4. RCW 90.71.010 and 1996 c 138 s 2 are each amended to read
7 as follows:

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

10 (1) "Action team" means the (~~Puget Sound water quality action~~
11 ~~team~~) staff to the partnership.

12 (2) "Chair" means the chair of the partnership, who also serves as
13 the executive director of the action team.

14 (3) "Council" means the Puget Sound council created in RCW
15 90.71.030.

16 (4) "Partnership" means the Puget Sound recovery partnership
17 described in RCW 90.71.020.

18 (5) "Plan" or "Puget Sound recovery management plan" means the
19 ((1994)) 2000 Puget Sound water quality management plan ((as it exists
20 June 30, 1996, and)) described in section 5 of this act, as
21 subsequently amended by the ((action team)) partnership.

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

23 (6) "Puget Sound" means Puget Sound and related inland marine
24 waterways including all salt waters of the state of Washington inside
25 the international boundary line between Washington and British
26 Columbia, and lying east of the junction of the Pacific Ocean and the
27 Strait of Juan de Fuca.

28 (7) "Work plan" means the work plan and budget developed by the
29 action team and the partnership.

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

3 (1) The Puget Sound recovery management plan adopted by the
4 partnership shall be a comprehensive document that describes the
5 problems and priority areas for action to achieve the goals of the
6 maintenance and enhancement of Puget Sound water quality, protection
7 and restoration of habitat, and maintenance of Puget Sound's biological
8 resources. The plan shall provide a clear and compelling case
9 statement of the problems affecting Puget Sound's health and the
10 actions needed to conserve and recover Puget Sound. The plan shall
11 further describe the roles and responsibilities of the various federal,
12 state, and local agencies in undertaking the necessary actions. The
13 plan shall address all the waters of Puget Sound and related inland
14 marine waters, including portions of the Strait of Juan de Fuca and the
15 Strait of Georgia within the state, and, to the extent that they affect
16 water quality and habitat in Puget Sound, all waters flowing into Puget
17 Sound and related inland marine waters and adjacent lands. The
18 partnership may define specific geographic boundaries within which the
19 plan applies. The plan shall incorporate to the extent feasible
20 existing planning and research efforts and conservation and recovery
21 initiatives of state agencies and local government related to Puget
22 Sound, and shall seek to avoid duplication of existing efforts. The
23 plan shall:

24 (a) Be organized around the long-term goals for Puget Sound of
25 protecting and restoring Puget Sound's water quality; protecting and
26 restoring habitat for all native species in Puget Sound; and protecting
27 the biological resources of Puget Sound and recovering species at risk;

28 (b) Be organized by priority areas for attention and action;

29 (c) Provide detail on the strategies to be used to advance progress
30 in each priority area, set explicit objectives in each priority area,
31 and delineate clear and quantifiable measures of success;

32 (d) Include timelines for actions in conjunction with the Puget
33 Sound council as provided in subsection (2) of this section;

34 (e) Assign responsibilities for action in each of the priority
35 areas to federal, state, local, and tribal governments;

36 (f) Delineate a pathway to success in each priority area within a
37 fifteen-year time frame; and

1 (g) Include by reference applicable sections of related plans,
2 which shall be included by the partnership only as already approved by
3 the appropriate authorities. Referenced plans must be subject to
4 future changes as provided for by the appropriate authorities.

5 (2) The council shall work with the partnership to incorporate into
6 the Puget Sound recovery management plan overall timeline goals for
7 accomplishing all elements of the plan. Except for conditions that
8 involve an extraordinary degradation or complexity in restoration, the
9 goals shall establish a restoration timeline of not more than fifteen
10 years from the effective date of this section.

11 (3) The management plan developed pursuant to this section has no
12 regulatory authority and shall not be the basis of any regulatory
13 action by entities represented on the partnership.

14 **Sec. 6.** RCW 90.71.020 and 1998 c 246 s 14 are each amended to read
15 as follows:

16 (1)(a) The Puget Sound (~~(action team)~~) recovery partnership is
17 created. The (~~(action team)~~) partnership shall define, coordinate, and
18 implement the state's conservation and recovery agenda for Puget Sound.
19 The partnership shall consist of: The directors of the departments of
20 ecology; agriculture; natural resources; fish and wildlife; and
21 community, trade, and economic development; the (~~(secretaries)~~)
22 secretary of the department(~~(s)~~) of health (~~(and transportation; the~~
23 ~~director of the parks and recreation commission; the director of the~~
24 ~~interagency committee for outdoor recreation; the administrative~~
25 ~~officer of the conservation commission designated in RCW 89.08.050; one~~
26 ~~person)~~); the administrative officer of the conservation commission;
27 two people representing cities, appointed by the governor; one person
28 representing special purpose governments, appointed by the governor;
29 two people representing counties, appointed by the governor; (~~(one~~
30 ~~person)~~) two people representing federally recognized tribes, appointed
31 by the governor; and the (~~(chair)~~) executive director of the action
32 team, who shall also serve as the chair of the partnership.
33 Gubernatorial appointees shall serve two-year terms. In making the
34 appointments for city, county, and special purpose government
35 representatives, the governor is encouraged to select individuals with
36 experience in local government and expertise in the areas of water

1 quality, habitat, growth management, public health, and transportation,
2 as they relate to conditions and activities affecting the water quality
3 and habitat of Puget Sound.

4 (b) The following ad hoc, nonvoting members shall serve on the
5 partnership: The secretary of the department of transportation, the
6 director of the parks and recreation commission, the director of the
7 interagency committee for outdoor recreation, and the chair of the
8 Puget Sound council.

9 (c) The ((action team)) partnership shall also ((include)) invite
10 the following ex officio nonvoting members, among others as deemed
11 appropriate in the future: The regional director of the United States
12 environmental protection agency; the regional administrator of the
13 national marine fisheries service; ((and)) the regional supervisor of
14 the United States fish and wildlife service; the Seattle district
15 commander of the United States army corps of engineers; the regional
16 administrator of the United States geological survey; the executive
17 director of the northwest straits commission; the chair of the Puget
18 Sound shared strategy; and the executive director of the Hood Canal
19 coordinating council.

20 (d) The members representing nongovernmental organizations, tribes,
21 cities ((and)), counties, and special purpose governments shall each be
22 reimbursed for travel expenses as provided in RCW 43.03.050 and
23 43.03.060.

24 (2) The ((action team)) partnership shall:

25 (a) Periodically update and amend the Puget Sound recovery
26 management plan, in consultation with the council;

27 (b) Prepare a Puget Sound work plan and budget ((for inclusion in
28 the governor's biennial budget)), in consultation with the council;

29 ((+b)) (c) Coordinate actions, programs, and initiatives across
30 and among the partner agencies to achieve the objectives of the plan;

31 (d) Coordinate monitoring and research programs ((as provided in
32 RCW 90.71.060));

33 ((+e)) (e) Consult with local governments in implementing the
34 Puget Sound recovery management plan and biennial work plans, and
35 prioritize attention by the action team upon assisting local
36 governments in obtaining state and federal funding for carrying out
37 local government programs and in effectively coordinating local

1 government programs with those of neighboring local governments and
2 state and federal programs;
3 ~~(f)~~ Work ~~((under the direction of))~~ in cooperation with the
4 ~~((action team))~~ partnership chair ~~((as provided in RCW 90.71.040));~~
5 ~~((d) Coordinate permitting requirements as necessary to expedite~~
6 ~~permit issuance for any local watershed plan developed pursuant to~~
7 ~~rules adopted under this chapter;~~
8 ~~(e))~~ (g) Identify and resolve any policy or rule conflicts that
9 may exist between one or more agencies represented ~~((on the action~~
10 ~~team))~~ in the partnership;
11 ~~((f) Periodically amend the Puget Sound management plan;~~
12 ~~(g) Enter into, amend, and terminate contracts with individuals,~~
13 ~~corporations, or research institutions for the purposes of this~~
14 ~~chapter;~~
15 ~~(h) Receive such gifts, grants, and endowments, in trust or~~
16 ~~otherwise, for the use and benefit of the purposes of the action team.~~
17 ~~The action team may expend the same or any income therefrom according~~
18 ~~to the terms of the gifts, grants, or endowments;~~
19 ~~(i))~~ (h) Appoint advisory committees as needed to manage efforts
20 on particular issues in Puget Sound and to obtain information regarding
21 conservation efforts around Puget Sound;
22 (i) Promote extensive public participation, and otherwise seek to
23 broadly disseminate information concerning Puget Sound;
24 (j) Receive and expend funding from other public agencies; and
25 ~~(k) ((To reduce costs and improve efficiency, review by December 1,~~
26 ~~1996, all requirements for reports and documentation from state~~
27 ~~agencies and local governments specified in the plan for the purpose of~~
28 ~~eliminating and consolidating reporting requirements; and~~
29 ~~(l) Beginning in December 1998, and every two years thereafter,))~~
30 Submit a biennial report to the appropriate policy ~~((and fiscal))~~
31 committees of the legislature that provides an update on the overall
32 health of Puget Sound and describes and evaluates the ~~((successes and~~
33 ~~shortcomings of))~~ efforts and actions of the partnership in
34 implementing the current work plan ~~((relative to the priority problems~~
35 ~~identified for each geographic area of Puget Sound))~~ and recommends
36 responsive actions needed to be taken by the legislature.
37 ~~(3) ((By July 1, 1996, the action team shall begin developing its~~

1 ~~initial work plan, which shall include the coordination of necessary~~
2 ~~support staff))~~ The partnership may appoint from among its members a
3 team to manage the collaborative work of the partnership.

4 (4) The ~~((action team))~~ partnership shall incorporate, to the
5 maximum extent possible, the recommendations of the Puget Sound council
6 regarding amendments to the Puget Sound management plan and the work
7 plan.

8 (5) All proceedings of the ~~((action team))~~ partnership are subject
9 to the open public meetings act under chapter 42.30 RCW.

10 **Sec. 7.** RCW 90.71.030 and 1999 c 241 s 3 are each amended to read
11 as follows:

12 (1) There is established the Puget Sound council composed of
13 ~~((eleven))~~ thirteen members. ~~((Seven))~~ Nine members shall be appointed
14 by the governor. In making these appointments, the governor shall
15 include representation from business, the environmental community,
16 agriculture, the shellfish industry, counties, cities, conservation
17 districts, and the tribes. Two members shall be members of the senate
18 selected by the president of the senate with one member selected from
19 each caucus in the senate, and two members shall be members of the
20 house of representatives selected by the speaker of the house of
21 representatives with one member selected from each caucus in the house
22 of representatives. The legislative members shall be nonvoting members
23 of the council. The executive director of the action team shall be an
24 ex officio, nonvoting member. Appointments to the council shall
25 reflect geographical balance and the diversity of population within the
26 Puget Sound basin. Members shall serve four-year terms. ~~((Of the~~
27 ~~initial members appointed to the council, two shall serve for two~~
28 ~~years, two shall serve for three years, and two shall serve for four~~
29 ~~years. Thereafter members shall be appointed to four year terms.))~~
30 Vacancies shall be filled by appointment in the same manner as the
31 original appointment for the remainder of the unexpired term of the
32 position being vacated. Nonlegislative members shall be reimbursed for
33 travel expenses as provided in RCW 43.03.050 and 43.03.060.
34 Legislative members shall be reimbursed as provided in RCW 44.04.120.

35 (2) The council shall:

36 (a) Recommend to the ~~((action team))~~ partnership priorities,
37 projects, and activities for inclusion in the biennial work plan;

1 (b) Recommend to the (~~action team~~) partnership coordination of
2 work plan activities with other relevant activities, including but not
3 limited to, agencies' activities other than those funded through the
4 plan, (~~local~~) plan (~~initiatives~~) elements being implemented by
5 local governments, and governmental and nongovernmental watershed
6 restoration and protection activities; (~~and~~)

7 (c) Recommend to the (~~action team~~) partnership proposed
8 amendments to the Puget Sound management plan; and

9 (d) Oversee the implementation of the elements of the work plan
10 that receive funding through legislative provisos of the biennial and
11 supplemental appropriations acts, monitor progress of the partnership
12 agencies in carrying out the work plan, and produce an annual report to
13 the legislature on progress.

14 (3) (~~The chair of the action team shall convene the council at~~
15 ~~least four times per year and shall jointly convene the council and the~~
16 ~~action team at least two times per year~~) The executive director of the
17 action team shall provide staff support of at least one full-time
18 equivalent to the council to meet these requirements. The council
19 shall select a chair from among its voting members who will convene the
20 council at least four times a year. Two of these meetings shall be
21 planned in conjunction with the chair of the partnership and shall
22 coincide with meetings of the partnership. The chair of the council
23 shall serve a two-year term, renewable for one term if selected by the
24 council.

25 **Sec. 8.** RCW 90.71.040 and 1996 c 138 s 5 are each amended to read
26 as follows:

27 (1) (~~By June 1, 1996,~~) The governor shall appoint a person (~~in~~
28 the governor's office) to chair the partnership and serve as the
29 executive director of the action team. The chair shall serve at the
30 pleasure of the governor.

31 (2) The chair shall be responsible for:

32 (a) (~~Organizing~~) Providing administrative support to the council,
33 and working with the chair of the council to organize the development
34 of the council recommendations;

35 (b) (~~Organizing~~) Administering all the work of the partnership
36 and the action team described in RCW 90.71.020, including the
37 development of the work plan required under RCW 90.71.050;

1 (c) Presenting a work plan and budget (~~recommendations~~) to the
2 governor and the legislature;

3 (d) Overseeing the implementation of the elements of the work plan
4 that receive funding (~~through appropriations~~) by the legislature;
5 (~~and~~)

6 (e) (~~Serving as chair of the council.~~) Entering into, amending,
7 and terminating contracts and grants with individuals, corporations, or
8 research institutions for the purposes of this chapter; and

9 (f) Receiving such gifts, grants, and endowments, in trust or
10 otherwise, for the use and benefit of the purposes of this chapter, and
11 making expenditures, including any income therefrom, according to the
12 terms of the gifts, grants, or endowments.

13 (3) The chair of the (~~action team~~) partnership shall be a full-
14 time employee responsible for the administration of all functions of
15 the partnership, the action team, and the council(~~, including~~).
16 Responsibilities include hiring and terminating support staff, budget
17 preparation, contracting, managing grants, coordinating with the
18 governor, the legislature, and other state and local entities, and the
19 delegation of responsibilities as deemed appropriate. The salary of
20 the chair shall be fixed by the governor, subject to RCW 43.03.040.

21 **Sec. 9.** RCW 90.71.050 and 1998 c 246 s 15 are each amended to read
22 as follows:

23 (1)(a) Each biennium, the (~~action team~~) partnership shall prepare
24 a Puget Sound work plan and budget for inclusion in the governor's
25 biennial budget and for submission to the legislature. The work plan
26 shall (~~prescribe~~): (i) Describe the conservation and restoration
27 priorities in Puget Sound, and (ii) describe the necessary federal,
28 state, and local actions to maintain and enhance Puget Sound water
29 quality, (~~including but not limited to, enhancement of recreational~~
30 ~~opportunities, and restoration~~) protect and restore important habitat,
31 and ensure the viability of a balanced population of indigenous
32 shellfish, fish, and wildlife. The work plan (~~and budget~~) shall
33 include specific actions and projects pertaining to salmon recovery
34 plans.

35 (b) In developing a work plan, the (~~action team~~) partnership
36 shall meet the following objectives:

1 (i) Use the plan elements of the Puget Sound management plan to
2 prioritize (~~local and~~) state actions necessary to restore and protect
3 the biological health and diversity of Puget Sound;

4 (ii) (~~Consider the problems and priorities identified in local~~
5 ~~plans~~) Represent significant activities of the state agencies that
6 contribute to Puget Sound conservation and recovery; and

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

11 (~~(c) In developing a budget, the action team shall identify:~~

12 ~~(i) The total funds to implement local projects originating from~~
13 ~~the planning process developed for nonpoint pollution; and~~

14 ~~(ii) The total funds to implement any other projects designed~~
15 ~~primarily to restore salmon habitat.)~~)

16 (2) In addition to the requirements identified under RCW
17 90.71.020(2)(~~(a)~~) (b), the work plan and budget shall:

18 (a) Identify and prioritize (~~the local and~~) state actions
19 necessary to address (~~the~~) Puget Sound's water quality problems (~~in~~
20 ~~the following locations:~~

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

22 ~~(ii) Area 2: Skagit and Whatcom counties;~~

23 ~~(iii) Area 3: Clallam and Jefferson counties;~~

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

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

26 ~~(b) Provide sufficient~~), habitat protection and restoration, and
27 species recovery;

28 (b) Identify funding (~~to characterize local watersheds, provide~~
29 ~~technical assistance, and implement state responsibilities identified~~
30 ~~in the work plan. The number and qualifications of staff assigned to~~
31 ~~each region shall be determined by the types of problems identified~~
32 ~~pursuant to (a) of this subsection~~) needed to address high priority
33 problems;

34 ~~(c) (Provide sufficient)~~ Recommend actions to local governments;

35 (d) Identify funding (~~to implement~~) needs for implementation and
36 (~~coordinate~~) coordination of the Puget Sound ambient monitoring plan
37 pursuant to RCW 90.71.060; and

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))~~ (e) Describe any proposed amendments to the Puget Sound
7 management plan.

8 (3) The work plan shall be submitted to the governor by September
9 15th of each even-numbered year and to the appropriate policy ~~((and~~
10 ~~fiscal))~~ committees of the legislature by December 20th of each even-
11 numbered year.

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

14 **Sec. 10.** RCW 90.71.060 and 1996 c 138 s 7 are each amended to read
15 as follows:

16 In addition to other powers and duties specified in this chapter,
17 the action team and the partnership shall ensure implementation and
18 coordination of the Puget Sound ambient monitoring program established
19 in the Puget Sound management plan. The program shall include, at a
20 minimum:

21 (1) A research program, including but not limited to methods to
22 provide current research information to managers and scientists, and to
23 establish priorities based on the needs of the partnership members and
24 the action team;

25 (2) A monitoring program, including baselines, protocols,
26 guidelines, and quantifiable performance measures. In consultation
27 with state agencies, local and tribal governments, and other public and
28 private interests, the action team, working with the council, shall
29 develop and track quantifiable performance measures that can be used by
30 the governor and the legislature to assess the effectiveness over time
31 of programs and actions initiated under the plan to improve and protect
32 Puget Sound water quality, habitat, and biological resources. ~~((The~~
33 ~~performance measures shall be developed by June 30, 1997.))~~ The
34 performance measures shall include, but not be limited to a methodology
35 to track the progress of: Fish and wildlife habitat; sites with
36 sediment contamination; wetlands; shellfish beds; and other key
37 indicators of Puget Sound's health. The performance measures should,

1 to the extent possible, be consistent with those developed by state
2 agencies for their reporting requirements to the office of financial
3 management and the legislature. State agencies shall, and local
4 governments are encouraged to, assist the action team in the
5 development and tracking of these performance measures. The
6 performance measures may be limited to a selected geographic area.

7 NEW SECTION. **Sec. 11.** A new section is added to chapter 90.71 RCW
8 to read as follows:

9 The council shall conduct a review of the partnership's proposed
10 biennial work plan in October of each even-numbered year and shall
11 include a budget review and recommendation cover letter to the document
12 when it is presented to the appropriate policy and fiscal committees of
13 the legislature in December. This letter shall specify, among other
14 items, the council's recommendations on appropriate allocations among
15 priorities in the work plan, on the overall levels of funding proposed,
16 and on their adequacy in meeting the timelines established in section
17 5 of this act.

18 **Sec. 12.** RCW 90.71.070 and 1996 c 138 s 8 are each amended to read
19 as follows:

20 (1) Local governments are (~~required~~) encouraged to implement
21 local elements of the biennial work plan (~~(subject to the availability~~
22 ~~of appropriated funds or other funding sources))~~ and management plan.

23 (2) The council shall review the progress of work plan
24 implementation(~~(. Where prescribed actions have not been accomplished~~
25 ~~in accordance with the work plan, the))~~ and work cooperatively with
26 responsible (~~(agency shall submit to the council written explanations~~
27 ~~for the shortfalls, together with proposed remedies))~~ local governments
28 and state agencies to address delays or shortfalls in plan
29 implementation.

30 **Sec. 13.** RCW 90.71.080 and 1996 c 138 s 9 are each amended to read
31 as follows:

32 The chairs of the (~~action team~~) partnership and council shall
33 jointly hold public hearings to solicit public comment on the work
34 plan.

1 NEW SECTION. **Sec. 14.** It is the intent of the legislature for at
2 least one of the two members of the house of representatives assigned
3 to serve on the Puget Sound council under RCW 90.71.030 for the years
4 2005 through 2007 to be selected from the membership of the house of
5 representatives' select committee on Hood Canal."

6 Renumber the remaining sections consecutively and correct any
7 internal references accordingly.

ESHB 2097 - S AMD TO S AMD (S3204.1) **482**
By Senators Fraser, Jacobsen

PULLED 04/11/2005

8 On page 5, line 2 of the title amendment, after "insert" strike the
9 remainder of the title amendment and insert "amending RCW 90.71.010,
10 90.71.020, 90.71.030, 90.71.040, 90.71.050, 90.71.060, 90.71.070, and
11 90.71.080; adding new sections to chapter 90.-- RCW; adding new
12 sections to chapter 90.71 RCW; creating new sections; and declaring an
13 emergency."

--- END ---