

# SENATE BILL REPORT

## SB 5372

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As of January 16, 2007

**Title:** An act relating to the Puget Sound partnership.

**Brief Description:** Creating the Puget Sound partnership.

**Sponsors:** Senators Rockefeller, Swecker, Poulsen, Marr, Fraser, Keiser, Kilmer, Kline, McAuliffe, Murray and Shin; by request of Governor Gregoire.

**Brief History:**

**Committee Activity:** Water, Energy & Telecommunications: 1/17/07.

### **Brief Summary of Bill**

- Creates a new Puget Sound governance entity, the Puget Sound Partnership, as an independent state agency with powers transferred from the Puget Sound Action Team, which is abolished.
- The Partnership, led by a seven-member Leadership Council and Executive Director appointed by the Governor, will establish and implement a Puget Sound management plan known as the Action Agenda.
- The Action Agenda will set goals, measurable outcomes, and benchmarks to reach a healthy Puget Sound by 2020. The Council must adopt the initial Action Agenda by September 1, 2008.
- The Partnership will be advised by an Implementation Advisory Board (including representatives of local, state and federal agencies, tribes, businesses, and environmental organizations) and Science Advisory Committee (including scientists).
- Entities receiving funding will be subject to agreements setting performance measures and accountability requirements.
- The Partnership must periodically issue reports regarding progress under the Action Agenda and recommendations.

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### **SENATE COMMITTEE ON WATER, ENERGY & TELECOMMUNICATIONS**

**Staff:** Sam Thompson (786-7413)

**Background:** The Puget Sound Partnership (Partnership), a gubernatorial advisory body created in 2005, worked for a year to develop a strategy to protect and restore the health of Puget Sound by the year 2020. Among other recommendations, the Partnership recommended creating a new, ongoing Puget Sound Partnership to actively manage that task.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Summary of Bill:** An independent state agency, the Puget Sound Partnership (Partnership), is created, effective July 1, 2007. The Puget Sound Action Team (PSAT) is abolished and its powers, duties, and functions are transferred to the Partnership. Several statutory provisions concerning the PSAT are repealed, and PSAT's authority regarding shellfish on-site sewage grant programs is transferred to the state Department of Health.

Leadership Council. The Partnership will be led by a seven-member Leadership Council (Council) appointed by the Governor, with the advice and consent of the Senate. The Governor will designate one member to serve as chair. Initially, three members will be appointed to two-year terms, two to three-year terms, and two to four-year terms. Successors will be appointed to four-year terms, unless they fill unexpired terms. Members are eligible for reappointment. Any member may be removed by the Governor.

Leadership Council: Authority. The Council will:

- provide overall leadership and responsibility for Partnership functions and decisions;
- set, implement, and manage the Puget Sound management plan, known as the Action Agenda;
- allocate funds appropriated to the Partnership;
- adopt procedural rules;
- apply accountability and performance standards;
- provide annual progress reports to the Governor and Legislature;
- appoint Implementation Advisory Board and Science Advisory Committee members, and create appropriate subcommittees, advisory committees, and non-profit corporations;
- contract with individuals, corporations, or research institutions;
- make grants to governmental and nongovernmental entities;
- receive gifts, grants, and endowments and make expenditures according to their terms;
- promote public awareness, education, and participation;
- receive and expend funding from other public agencies;
- facilitate accountability and reporting obligations;
- develop a process to review and address citizen concerns;
- participate in a private-public partnership for public education, awareness, and fund-raising;
- ensure tracking and accounting of funds received and expended;
- serve as the regional recovery organization for Puget Sound salmon recovery;
- work with existing government organizations to ensure that the Action Agenda is scientifically sound, efficient, and achieves necessary results; and
- follow 1989 Centennial Accord standards when working with Indian tribes.

The council may delegate certain functions to the Chair and Executive Director. Council members will be compensated on a per diem basis and reimbursed for travel expenses.

Executive Director and Staff. The Partnership will be administered by an Executive Director appointed by and serving at the Governor's pleasure, in consultation with the Council. The Governor will set the Executive Director's salary.

The Executive Director will:

- supervise administrative operations, staff, programs, and budget;
- prepare and update the Action Agenda, as established by Council goals and guidelines;

- develop a strategic science program, work plans, and updates in consultation with the Science Advisory Committee;
- represent and promote state interests on recovery issues and further the Partnership's mission;
- upon Council approval, enter into contracts and agreements with private nonprofit corporations;
- appoint technical and other committees;
- create and maintain an information repository and encourage information exchange;
- encourage and provide for cooperation between public and private entities; and
- employ a staff of state employees and prescribe staff duties.

The Executive Director, one confidential secretary, and all professional staff are exempted from the state civil service law. The Executive Director is subject to Public Disclosure Commission financial reporting requirements.

Implementation Advisory Board. By October 1, 2007, the Council will appoint an Implementation Advisory Board (Board) with:

- at least 12 representatives selected by local governments in each of the 12 Puget Sound counties;
- representatives of state and federal agencies;
- at least three tribal government representatives selected by Puget Sound tribes; and
- representatives from business, environmental organizations, and others deemed necessary.

In developing and implementing the Action Agenda, the Council and Executive Director must solicit Board input and, to the extent possible, incorporate Board recommendations. Board members will be reimbursed for travel expenses.

Science Advisory Committee. By January 31, 2008, the Council must create the Puget Sound Science Advisory Committee (Science Committee) to advise the Council and Executive Director. The Science Committee will consist of no more than 15 members appointed by the Council based on Board nominations. One member will be appointed as chair. Membership will be representative of necessary technical experience and scientific disciplines.

The Science Committee will assist the Council and Executive Director in developing and updating the Action Agenda, and collaborate with other scientific groups and scientists in conducting its work.

Science Committee members employed by governments will serve without additional pay. Other members will be compensated up to \$50 per day and receive reimbursement for travel expenses.

The Council may consult the Washington Academy of Sciences for independent scientific review.

Strategic Science Program. The Science Committee will assist the Executive Director in developing a Strategic Science Program that includes continuing the Puget Sound assessment and monitoring program, additional research and modeling provisions, and a monitoring program including performance measures.

Biennial Science Work Plan. The Science Committee will assist the Executive Director in developing a Biennial Science Work Plan that:

- identifies recommendations from scientific and technical reports;
- describes science-related activities conducted by entities in the region;
- describes whether ongoing work addresses recommendations and identifies actions to fill gaps;
- identifies specific actions and how those actions address science needs; and
- recommends improvements to ongoing science work.

Science Update. The Science Committee will assist the Executive Director in developing a Science Update at least every four years. The Science Update will describe current scientific understanding of various physical attributes of Puget Sound and serve as the basis for refining key environmental health indicators and status and trends of those indicators.

Action Agenda: Goals. The Action Agenda will strive to achieve:

- a healthy human population supported by a healthy Puget Sound that is not threatened by ecosystem changes;
- a quality of human life sustained by a functioning ecosystem;
- healthy native species populations;
- protected, restored, and sustained freshwater, estuary, nearshore, marine, and upland habitats;
- an ecosystem supported by water flow levels sufficient to sustain people, fish, wildlife, and natural environmental functions; and
- fresh and marine waters and sediments safe for drinking and other human uses and enjoyment, and not harmful to native marine species.

Action Agenda: Development. The Action Agenda will include comprehensive actions necessary to achieve the foregoing goals.

The existing Puget Sound Water Quality Management Plan will:

- with the 2007-2009 Puget Sound Biennial Plan, remain in effect until the Action Agenda is adopted;
- be used, in appropriate portions, in the Action Agenda; and
- continue to serve as the comprehensive conservation and management plan for the national estuary program under the federal Clean Water Act, until replaced by the Action Agenda and approved by the U.S. Environmental Protection Agency as the new plan.

The Council will work with local governments and watershed, marine, and shoreline groups to foster community level commitment and accountability, ensuring local clear organizational structures to:

- oversee development and implementation of local salmon, shoreline, water quality and water quantity plans in accordance with the Action Agenda;
- refine and implement actions, measure results, and make adjustments to local plans;
- expand public understanding and coordinate educational efforts; and
- support and coordinate volunteer opportunities.

The Council will involve the Board in developing the Action Agenda and subsequent revisions, and jointly develop a schedule for Board review of proposals.

Action Agenda: Content. The Action Agenda will:

- describe problems affecting Puget Sound's health using scientific data;
- set overall goals, measurable outcomes, and time-bound benchmarks to reach a healthy Puget Sound by 2020;
- identify and prioritize strategies and necessary actions;
- identify agencies, entities, or persons responsible for completing necessary actions;
- establish deadlines for completing necessary actions for goals beyond 2020;
- address all geographic areas including upland areas and tributary rivers and streams affecting Puget Sound — specific provisions may address specific geographic areas;
- evaluate effectiveness and efficiency of the overall management system for improving and maintaining health of the Puget Sound ecosystem;
- review, revise, and incorporate the Science Committee's ecosystem goals and measures;
- establish benchmarks demonstrating progress in achieving Action Agenda goals and describe progress tracking measures;
- integrate recovery plans for salmon, orca, and other species listed under the federal Endangered Species Act;
- integrate, where appropriate, water quantity, watershed, marine resource, and other watershed plans; and
- incorporate appropriate actions to carry out the Science Work Plan.

When a government entity identifies a law or regulation that conflicts with or impedes the Action Agenda, the Council will evaluate the conflict or impediment and make necessary recommendations to the appropriate entity for addressing and resolving it.

Action Agenda: Deadline. The Council will adopt the Action Agenda by September 1, 2008, and revise it every four years using an adaptive management process informed by tracking actions and monitoring results. The Council will provide opportunity for public review and comment. The Action Agenda will be organized and maintained in a single document to facilitate public accessibility.

Action Agenda: Performance Agreements. State agencies implementing elements of the Action Agenda will:

- provide to the Partnership by June 1 of each even-numbered year their biennial estimates of actions and efforts needed to meet Action Agenda goals and outcomes; and
- work with the Partnership in developing biennial budget requests to be submitted to the Governor for consideration, and seek Partnership concurrence.

Legislatively appropriated funds identified by proviso for implementing the Action Agenda may not be expended before the Partnership and agency to whom the funds are appropriated enter into agreements establishing performance measures and reporting and tracking requirements. State agencies must incorporate performance requirements in their grant and loan programs to nonstate agencies or organizations as they deem necessary.

By September 1, 2008, the Council must provide to the Governor and Legislature its Action Agenda funding recommendations, and:

- identify funding needs by plan element and time periods in which specific funding is needed;

- address funding responsibilities among government entities and nongovernmental funding; and
- identify stable and sufficient funding for plan implementation, including proposals for new funding sources.

Accountability and Reporting Obligations. The Legislature intends for all local, state, and federal governmental entities to act in conformance with the Action Agenda. Good cause for nonconformance exists if there is a lack of legal authority or lack of funding despite documented efforts to obtain necessary funding.

Any entity receiving state funds pursuant to a performance agreement must annually report to the Council on its progress and whether expected results have been achieved. Where the Council determines that an entity has taken actions inconsistent with or failed to take actions required by its performance agreement, the Partnership may recommend to the Governor and Legislature that further funding be withheld or redirected pending compliance. The Governor may withhold or rescind allotments to state agencies found to be out of compliance with performance agreements.

Beginning November 1, 2008, the Council will annually report to the Governor, Legislature, and public on progress under the Action Agenda. The report will include an assessment of whether entities receiving state funds have accomplished expected results. If expected results have not been achieved, the Partnership must recommend other options to achieve results with the same funds.

The Council will review actions, where appropriate, of any nonstate entity performing Puget Sound-related actions that are not subject to a performance agreement. If the Partnership determines that an entity's actions are inconsistent with the plan, the Partnership must offer technical assistance to bring the entity into conformance. The Council will include in the progress report nonperformance of any entity and those refusing technical assistance, and describe how an entity is not in conformance, and the actions the Council took, to try to bring it into conformance.

In consultation with the Science Committee, the Council will select at least one of the existing programs in every progress report and assess that program's efficacy and expenditures for consistency with the Action Agenda.

**Appropriation:** None.

**Fiscal Note:** Requested on January 16, 2007.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect on July 1, 2007.