
SUBSTITUTE SENATE BILL 5213

State of Washington

60th Legislature

2007 Regular Session

By Senate Natural Resources, Ocean & Recreation (originally sponsored by Senator Jacobsen)

READ FIRST TIME 02/08/08.

1 AN ACT Relating to strengthening Washington's ocean management
2 policies; adding new sections to chapter 43.143 RCW; and creating a new
3 section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that Washington's
6 ocean resources are among the most important of its natural resources
7 and that the state holds these ocean resources in trust for the people
8 of Washington. Washington's character is largely defined by its
9 relationship with its ocean waters. Ocean-based activities, such as
10 fishing, tourism, recreation, and marine transportation have
11 historically played a vital role in Washington's economy and culture.
12 Additionally, new uses for ocean waters are being proposed in such
13 areas as renewable energy, marine aquaculture, and ocean observation.

14 Washington's coastal areas and ocean waters also face significant
15 challenges, including the preservation of water quality, fish
16 populations, and fish and wildlife habitat, and the utilization of
17 opportunities offered by new sustainable use activities. The movement
18 of ocean currents, atmospheric winds, and marine fish and wildlife
19 across state and national borders and the multijurisdictional reach of

1 many users of the coast and sea complicate policymaking and actions to
2 address these challenges. Over a number of years, in an attempt to
3 preserve our ocean resources and address these challenges, Washington
4 has adopted a myriad of laws that require implementation by both local
5 and state levels of government.

6 A healthy ocean is an integral part of the high quality of life
7 enjoyed in this state. The people of Washington have an obligation to
8 be good stewards of the ocean so that coastal and ocean resources are
9 preserved for future generations. In an effort to address this
10 obligation and the challenges posed by the implementation of laws that
11 cross local, state, and international boundaries, the legislature
12 intends to promote coordinated, interagency action on issues such as
13 marine resources stewardship, coastal hazards, coastal pollution, and
14 ocean research, observation, and education.

15 The legislature further finds that the goals developed by the ocean
16 policy work group which was created by the legislature and tasked with
17 summarizing the condition of the state's ocean resources and
18 recommending improvements in coordination among state agencies and
19 other jurisdictions are laudable goals that should serve as a guide for
20 any further state action developing ocean policy and managing
21 Washington's coastal areas. The goals, as follows, are to: (1) Manage
22 the state's ocean and coastal areas to protect valuable marine
23 resources and maintain ecosystem health while ensuring the vitality of
24 coastal communities; (2) protect the coastal environment and its
25 communities from the threats of marine hazards; (3) enhance the
26 sustainability and resiliency of outer coast communities; (4) increase
27 state attention on ocean-related scientific research and observation
28 practices; (5) inform all state citizens of the vital importance of the
29 state's ocean resources; and (6) coordinate state policy and consult
30 and collaborate with tribes, local government, ports, and interested
31 citizens.

32 NEW SECTION. **Sec. 2.** (1) The ocean policy advisory council is
33 established in the executive office of the governor. The ocean policy
34 advisory council is composed of the following voting members:

- 35 (a) The governor or governor's designee;
36 (b) The director or commissioner, or the director's or
37 commissioner's designee, of the following agencies:

- 1 (i) The department of ecology;
- 2 (ii) The department of natural resources;
- 3 (iii) The department of fish and wildlife;
- 4 (iv) The department of state parks and recreation; and
- 5 (v) The department of community, trade, and economic development;
- 6 (c) A member of each of the governing bodies of the coastal
- 7 counties, to be appointed by a majority of the members of the governing
- 8 body of the respective county;
- 9 (d) An elected city official from a city located near the coastal
- 10 waters to be appointed by the governor;
- 11 (e) A tribal representative from each of the tribes located on the
- 12 coast bordering the coastal waters, if the tribe chooses to
- 13 participate;
- 14 (f) An elected official from a port district located near the
- 15 coastal waters to be appointed by the governor; and
- 16 (g) When the issue before the ocean policy advisory council
- 17 directly affects either Wahkiakum or San Juan county as determined by
- 18 a majority vote of the council, the council will also include either a
- 19 member of the governing body of Wahkiakum or San Juan county, or both,
- 20 to be appointed by the majority of the members of the governing bodies
- 21 of the respective county.
- 22 (2) The ocean policy advisory council shall also include a
- 23 representative scholar from a university in Washington who demonstrates
- 24 exceptional knowledge of, and interest in, the issues facing Washington
- 25 state's coastal and ocean resources. The representative shall be
- 26 selected by the council and shall serve an advisory role as a nonvoting
- 27 member.
- 28 (3) An agency representative shall serve as the chair of the ocean
- 29 policy advisory council. The term of the chair is one year. The first
- 30 chair of the ocean policy advisory council is the representative from
- 31 the department of ecology, whose term begins on the effective date of
- 32 this section. At the expiration of each chair's term, the chair shall
- 33 rotate to the next agency listed under subsection (1)(b) of this
- 34 section. The chair shall schedule meetings and set meeting agendas for
- 35 the council.
- 36 (4) The council shall meet at least twice each year.
- 37 (5) The term of office of each member appointed by the governor, or

1 the governing body of a county is four years. Members are eligible for
2 reappointment.

3 NEW SECTION. **Sec. 3.** The ocean policy advisory council shall
4 adopt the final report of the Washington state ocean policy work group
5 entitled "Washington's Ocean Action Plan: Enhancing Management of
6 Washington State's Ocean and Outer Coasts" and shall work with state
7 and local governments to implement the priority recommendations
8 appropriate for immediate action. For those priority recommendations
9 that are not ready for immediate action, the ocean policy advisory
10 council shall develop an implementation plan that includes the
11 council's strategy for implementation by July 1, 2008. The ocean
12 policy advisory council shall identify, where necessary, additional
13 resources or legislation necessary for implementation.

14 NEW SECTION. **Sec. 4.** (1) The ocean policy advisory council's
15 duties are to:

16 (a) Serve as a forum for communication in order to seek consistency
17 of state, local, and tribal policies concerning ocean issues, including
18 issues relating to resource management, marine and coastal hazards,
19 ocean energy, and ocean research and education issues;

20 (b) Serve as a point of contact for, and collaborate with, the
21 federal government, regional entities, and other state governments,
22 regarding ocean issues;

23 (c) Provide a forum to discuss ocean resource policy, planning, and
24 management issues, and when appropriate, mediate disagreements;

25 (d) Serve as an interagency resource to respond to issues facing
26 coastal communities and ocean resources in a collaborative manner;

27 (e) Identify and pursue public and private funding opportunities
28 for the programs and activities of the council, and for relevant
29 programs and activities of member entities; and

30 (f) Provide policy recommendations to the governor, the
31 legislature, and state and local agencies on specific ocean resource
32 management issues.

33 (2) The ocean policy advisory council may invite federal agencies
34 with responsibility for the study and management of ocean resources or
35 regulation of ocean activities to designate a liaison to the council to
36 attend council meetings, respond to council requests for technical and

1 policy information, and review any draft materials prepared by the
2 council. The council may also invite representatives from other
3 coastal states or Canadian provinces to participate when appropriate.

4 NEW SECTION. **Sec. 5.** (1) The ocean policy advisory council shall
5 review the funding of state programs relating to ocean management,
6 policy coordination, research, and public education. The review must
7 identify current funding levels and projected funding needs to
8 implement recommendations of the 2006 ocean policy work group report.
9 The review must also include a review of existing and potential funding
10 sources, from state, federal, and local sources, for implementing ocean
11 programs.

12 (2) The ocean policy advisory council and the Puget Sound
13 partnership's leadership council, created in chapter . . . (Senate Bill
14 No. 5372), Laws of 2007 shall integrate the review of funding needs for
15 ocean programs and Puget Sound programs. The review and
16 recommendations may be consolidated into a single report.

17 (3) The ocean policy advisory council shall provide a report of its
18 review and make recommendations regarding funding levels and funding
19 sources for ocean programs by December 31, 2008, or an earlier date as
20 may be provided for the funding review required by the Puget Sound
21 partnership's leadership council under chapter . . . (Senate Bill No.
22 5372), Laws of 2007.

23 NEW SECTION. **Sec. 6.** Each biennium, the ocean policy advisory
24 council may select two ocean policy fellows to assist the council, and
25 its staff, in fulfilling the council's responsibilities under this
26 chapter. When selecting fellows, the ocean policy advisory council
27 shall select individuals who demonstrate exceptional knowledge of, and
28 interest in, the issues facing Washington state's coastal and ocean
29 resources and who, within two years of beginning the fellowship, have
30 received an advanced degree from a public or private college or
31 university.

32 NEW SECTION. **Sec. 7.** (1)(a) The legislature finds that Washington
33 state's coastal zone management program does not contain many existing
34 state and local government policies and programs that, if included,

1 would be the basis for exerting far greater influence upon the
2 permitting activities and direct undertakings of federal agencies in
3 areas within or affecting the state's expansive coastal zone.

4 (b) Therefore, it is the intent of this section to direct a review
5 of the state's existing program and the submission of additional state
6 and local government policies to the national oceanic and atmospheric
7 administration for inclusion in such a program, and to direct that
8 maximum state efforts be directed toward implementing the state's role
9 in federal consistency determinations to ensure that state and local
10 policies influence federal agency actions affecting the state's coastal
11 zone.

12 (2) The ocean policy advisory council shall review the state and
13 local policies included in the state's approved coastal zone program,
14 and other state and local policies not included in the program, which
15 if included would further the purposes of protecting the state's
16 coastal zone and influencing federal actions affecting the state's
17 coastal zone as expressed in section 1 of this act. This review must
18 be conducted collaboratively with the department of ecology, which is
19 the principal state agency for administering provisions of the federal
20 coastal zone management act by states as designated in section 8 of
21 this act. The ocean policy advisory council and the department of
22 ecology shall conduct this review with the participation of other state
23 agencies and local governments administering the policies and programs
24 under review, and, at a minimum, must include the departments of
25 natural resources, fish and wildlife, and community, trade, and
26 economic development, the Puget Sound partnership's leadership council
27 created in chapter . . . (Senate Bill No. 5372), Laws of 2007, and the
28 governing bodies of the counties included within the state's coastal
29 zone.

30 (3) The ocean policy advisory council and the department of ecology
31 shall conclude their review of the state and local policies included in
32 the state's approved coastal zone program by July 1, 2009, and the
33 policies not included in the program, which if included would further
34 the purposes of protecting the state's coastal zone and influencing
35 federal actions affecting the state's coastal zone by July 1, 2011.
36 Upon concluding its review of a policy and concluding that all or
37 portions of the enforceable provisions in the policies would strengthen
38 the state's coastal zone management program and the benefits of federal

1 consistency requirements, the department of ecology shall submit to the
2 appropriate committees of the legislature a report identifying the
3 policies. The department shall not apply to the appropriate federal
4 agency to have those state and local policies included in the federally
5 approved state coastal zone management program until the legislature
6 formally adopts those policies as an appropriate addition to the
7 state's program. Any application submitted to a federal agency that
8 proposes to amend the state's coastal zone management program must
9 identify the state agencies and local governments responsible for
10 administering those policies.

11 NEW SECTION. **Sec. 8.** The department of ecology is designated as
12 the principal state agency for administering the provisions of the
13 federal coastal zone management act (16 U.S.C. Sec. 1451 et seq.), as
14 it exists on January 1, 2007, and is authorized to receive and
15 administer federal grants to implement the act. The department of
16 ecology, in the implementation of the network of state and local
17 policies and programs comprising the state coastal zone management
18 program, shall enter into agreements of administration with other state
19 agencies and local governments as appropriate to fully and effectively
20 implement all elements of the state's federally approved coastal zone
21 management program.

22 NEW SECTION. **Sec. 9.** Sections 2 through 8 of this act are each
23 added to chapter 43.143 RCW.

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