
SECOND SUBSTITUTE SENATE BILL 5213

State of Washington

60th Legislature

2008 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; amending RCW 43.143.020; adding new sections to chapter
3 43.143 RCW; and creating a new 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 council is
34 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 state parks and recreation commission; 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;
16 (g) A representative from a conservation or environmental
17 organization;
18 (h) A representative from each outer coast marine resources
19 committee, to be appointed by the marine resources committee;
20 (i) A representative from a commercial fishing association, to be
21 appointed by the governor; and
22 (j) When the issue before the council directly affects either
23 Wahkiakum or San Juan county as determined by a majority vote of the
24 council, the council will also include either a member of the governing
25 body of Wahkiakum or San Juan county, or both, to be appointed by the
26 majority of the members of the governing bodies of the respective
27 county.
28 (2) The council shall also include a representative scholar from a
29 university in Washington who demonstrates exceptional knowledge of, and
30 interest in, the issues facing Washington state's coastal and ocean
31 resources. The representative shall be selected by the council and
32 shall serve an advisory role as a nonvoting member.
33 (3) The council may invite federal agencies with responsibility for
34 the study and management of ocean resources or regulation of ocean
35 activities to designate a liaison to the council to attend council
36 meetings, respond to council requests for technical and policy
37 information, and review any draft materials prepared by the council.

1 The council may also invite representatives from other coastal states
2 or Canadian provinces to participate when appropriate.

3 (4) An agency representative shall serve as the chair of the
4 council. The term of the chair is one year. The first chair of the
5 council is the representative from the department of ecology, whose
6 term begins on the effective date of this section. At the expiration
7 of each chair's term, the chair shall rotate to the next agency listed
8 under subsection (1)(b) of this section. The chair shall schedule
9 meetings and set meeting agendas for the council.

10 (5) The council shall meet at least twice each year.

11 (6) The term of office of each member appointed by the governor, or
12 the governing body of a county is four years. Members are eligible for
13 reappointment.

14 NEW SECTION. **Sec. 3.** The council shall adopt the final report of
15 the Washington state ocean policy work group entitled "Washington's
16 Ocean Action Plan: Enhancing Management of Washington State's Ocean
17 and Outer Coasts" and shall work with state and local governments to
18 implement the priority recommendations appropriate for immediate
19 action. For those priority recommendations that are not ready for
20 immediate action, the council shall develop an implementation plan that
21 includes the council's strategy for implementation by July 1, 2009.
22 The council shall identify, where necessary, additional resources or
23 legislation necessary for implementation.

24 NEW SECTION. **Sec. 4.** The council's duties are to:

25 (1) Serve as a forum for communication in order to seek consistency
26 of state, local, and tribal policies concerning ocean issues, including
27 issues relating to resource management, marine and coastal hazards,
28 ocean energy, and ocean research and education issues;

29 (2) Serve as a point of contact for, and collaborate with, the
30 federal government, regional entities, and other state governments,
31 regarding ocean issues;

32 (3) Provide a forum to discuss ocean resource policy, planning, and
33 management issues, and when appropriate, mediate disagreements;

34 (4) Serve as an interagency resource to respond to issues facing
35 coastal communities and ocean resources in a collaborative manner;

1 (5) Identify and pursue public and private funding opportunities
2 for the programs and activities of the council, and for relevant
3 programs and activities of member entities; and

4 (6) Provide policy recommendations to the governor, the
5 legislature, and state and local agencies on specific ocean resource
6 management issues.

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

14 (2) The council and the Puget Sound partnership's leadership
15 council, created in chapter 90.71 RCW shall seek, to the maximum extent
16 possible, to integrate the review of funding needs for ocean programs
17 and Puget Sound programs. The review and recommendations may be
18 consolidated into a single report. The council shall provide a report
19 of its review and make initial recommendations regarding funding levels
20 and funding sources for ocean programs by September 1, 2008.

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

29 NEW SECTION. **Sec. 7.** (1)(a) The legislature finds that Washington
30 state's coastal zone management program does not contain many existing
31 state and local government policies and programs that, if included,
32 would be the basis for exerting far greater influence upon the
33 permitting activities and direct undertakings of federal agencies in
34 areas within or affecting the state's expansive coastal zone.

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

9 (2) The council shall review the state and local policies included
10 in the state's approved coastal zone program, and other state and local
11 policies not included in the program, which if included would further
12 the purposes of protecting the state's coastal zone and influencing
13 federal actions affecting the state's coastal zone as expressed in
14 section 1 of this act. This review must be conducted collaboratively
15 with the department of ecology, which is the principal state agency for
16 administering provisions of the federal coastal zone management act by
17 states as designated in section 8 of this act. The council and the
18 department of ecology shall conduct this review with the participation
19 of other state agencies and local governments administering the
20 policies and programs under review, and, at a minimum, must include the
21 departments of natural resources, fish and wildlife, and community,
22 trade, and economic development, the Puget Sound partnership's
23 leadership council created in chapter 90.71 RCW, and the governing
24 bodies of the counties included within the state's coastal zone.

25 (3) The council and the department of ecology shall conclude their
26 review of the state and local policies included in the state's approved
27 coastal zone management program by July 1, 2010, and the policies not
28 included in the program, which if included would further the purposes
29 of protecting the state's coastal zone and influencing federal actions
30 affecting the state's coastal zone by July 1, 2012. If the council and
31 department of ecology conclude that the addition of an enforceable
32 policy or policies would strengthen the state's coastal zone management
33 program, the department of ecology shall submit to the appropriate
34 committees of the legislature a report identifying the policies that
35 should be included in an amendment to the state's federally approved
36 coastal zone management program. The department shall not submit such
37 an amendment to the appropriate federal agency until it has provided an

1 entire regular session for legislative review of the proposed
2 amendment.

3 NEW SECTION. **Sec. 8.** The department of ecology is designated as
4 the principal state agency for administering the provisions of the
5 federal coastal zone management act (16 U.S.C. Sec. 1451 et seq.), as
6 it exists on January 1, 2008, and is authorized to receive and
7 administer federal grants to implement the act. The department of
8 ecology, in the implementation of the network of state and local
9 policies and programs comprising the state coastal zone management
10 program, shall enter into agreements of administration with other state
11 agencies and local governments as appropriate to fully and effectively
12 implement all elements of the state's federally approved coastal zone
13 management program.

14 **Sec. 9.** RCW 43.143.020 and 1989 1st ex.s. c 2 s 10 are each
15 amended to read as follows:

16 (~~Unless the context clearly requires otherwise,~~) The definitions
17 in this section apply throughout this chapter((+)) unless the context
18 clearly requires otherwise.

19 (1) "Coastal counties" means Clallam, Jefferson, Grays Harbor, and
20 Pacific counties.

21 (2) "Coastal waters" means the waters of the Pacific Ocean seaward
22 from Cape Flattery south to Cape Disappointment, from mean high tide
23 seaward two hundred miles.

24 (3) "Council" means the ocean policy advisory council created in
25 section 2 of this act.

26 NEW SECTION. **Sec. 10.** Sections 2 through 8 of this act are each
27 added to chapter 43.143 RCW.

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