
SENATE BILL 5213

State of Washington

60th Legislature

2007 Regular Session

By Senator Jacobsen

Read first time 01/12/2007. Referred to Committee on Natural Resources, Ocean & Recreation.

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

- 18 (a) The governor or governor's designee;
- 19 (b) The director or commissioner, or the director's or
20 commissioner's designee, of the following agencies:
 - 21 (i) The department of ecology;
 - 22 (ii) The department of natural resources;
 - 23 (iii) The department of fish and wildlife;
 - 24 (iv) The department of state parks and recreation; and
 - 25 (v) The department of community, trade, and economic development;
- 26 (c) A member of each of the governing bodies of the coastal
27 counties, to be appointed by a majority of the members of the governing
28 body of the respective county;
- 29 (d) An elected city official from a city located near the coastal
30 waters to be appointed by the governor;
- 31 (e) A tribal representative from each of the tribes located on the
32 coast bordering the coastal waters, if the tribe chooses to
33 participate;
- 34 (f) An elected official from a port district located near the
35 coastal waters to be appointed by the governor; and
- 36 (g) When the issue before the ocean policy advisory council
37 directly affects either Wahkiakum or San Juan county as determined by

1 a majority vote of the council, the council will also include either a
2 member of the governing body of Wahkiakum or San Juan county, or both,
3 to be appointed by the majority of the members of the governing bodies
4 of the respective county.

5 (2) The ocean policy advisory council shall also include a
6 representative from the University of Washington school of marine
7 affairs who shall serve an advisory role as a nonvoting member.

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

16 (4) The council shall meet at least twice each year.

17 (5) The term of office of each member appointed by the governor, or
18 the governing body of a county is four years. Members are eligible for
19 reappointment.

20 NEW SECTION. **Sec. 3.** The ocean policy advisory council shall adopt
21 the final report of the Washington state ocean policy work group
22 entitled "Washington's Ocean Action Plan: Enhancing Management of
23 Washington State's Ocean and Outer Coasts" and implement the priority
24 recommendations appropriate for immediate action. For those priority
25 recommendations that are not ready for immediate action, the ocean
26 policy advisory council shall develop an implementation plan that
27 includes the council's strategy for implementation by July 1, 2008.
28 The ocean policy advisory council shall identify, where necessary,
29 additional resources or legislation necessary for implementation.

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

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

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

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

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

8 (e) Identify and pursue public and private funding opportunities
9 for the programs and activities of the council, and for relevant
10 programs and activities of member entities; and

11 (f) Provide policy recommendations to the governor, the
12 legislature, and state and local agencies on specific ocean resource
13 management issues.

14 (2) The ocean policy advisory council may invite federal agencies
15 with responsibility for the study and management of ocean resources or
16 regulation of ocean activities to designate a liaison to the council to
17 attend council meetings, respond to council requests for technical and
18 policy information, and review any draft materials prepared by the
19 council.

20 NEW SECTION. **Sec. 5.** (1) The ocean policy advisory council shall
21 review the funding of state programs relating to ocean management,
22 policy coordination, research, and public education. The review must
23 identify current funding levels and projected funding needs to
24 implement recommendations of the 2006 ocean policy work group report.
25 The review must also include a review of existing and potential funding
26 sources, from state, federal, and local sources, for implementing ocean
27 programs.

28 (2) The ocean policy advisory council and the Puget Sound
29 partnership's leadership council, created in chapter . . .
30 ([House][Senate] Bill No. . . .), Laws of 2007 shall integrate the
31 review of funding needs for ocean programs and Puget Sound programs.
32 The review and recommendations may be consolidated into a single
33 report.

34 (3) The ocean policy advisory council shall provide a report of its
35 review and make recommendations regarding funding levels and funding
36 sources for ocean programs by December 31, 2008, or an earlier date as

1 may be provided for the funding review required by the Puget Sound
2 partnership's leadership council under chapter . . . ([House][Senate]
3 Bill No. . . .), Laws of 2007.

4 NEW SECTION. **Sec. 6.** Each biennium, the ocean policy advisory
5 council may select two ocean policy fellows to assist the council, and
6 its staff, in fulfilling the council's responsibilities under this
7 chapter. When selecting fellows, the ocean policy advisory council
8 shall select individuals who demonstrate exceptional knowledge of, and
9 interest in, the issues facing Washington state's coastal and ocean
10 resources and who, within two years of beginning the fellowship, have
11 received an advanced degree from a public or private college or
12 university located in the state of Washington.

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

19 (b) Therefore, it is the intent of this section to direct a review
20 of the state's existing program and the submission of additional state
21 and local government policies to the national oceanic and atmospheric
22 administration for inclusion in such a program, and to direct that
23 maximum state efforts be directed toward implementing the state's role
24 in federal consistency determinations to ensure that state and local
25 policies influence federal agency actions affecting the state's coastal
26 zone.

27 (2) The ocean policy advisory council shall review the state and
28 local policies included in the state's approved coastal zone program,
29 and other state and local policies not included in the program, which
30 if included would further the purposes of protecting the state's
31 coastal zone and influencing federal actions affecting the state's
32 coastal zone as expressed in section 1 of this act. This review must
33 be conducted collaboratively with the department of ecology, which is
34 the principal state agency for administering provisions of the federal
35 coastal zone management act by states as designated in section 8 of
36 this act. The ocean policy advisory council and the department of

1 ecology shall conduct this review with the participation of other state
2 agencies and local governments administering the policies and programs
3 under review, and, at a minimum, must include the departments of
4 natural resources, fish and wildlife, and community, trade, and
5 economic development, the Puget Sound partnership's leadership council
6 created in chapter . . . ([House][Senate] Bill No. . . .), Laws of
7 2007, and the governing bodies of the counties included within the
8 state's coastal zone.

9 (3) The ocean policy advisory council and the department of ecology
10 shall conclude their review of the state and local policies included in
11 the state's approved coastal zone program by July 1, 2009, and the
12 policies not included in the program, which if included would further
13 the purposes of protecting the state's coastal zone and influencing
14 federal actions affecting the state's coastal zone by July 1, 2011.
15 Upon concluding its review of a policy and concluding that all or
16 portions of the enforceable provisions in the policies would strengthen
17 the state's coastal zone management program and the benefits of federal
18 consistency requirements, the department of ecology shall expeditiously
19 thereafter apply to the appropriate federal agency to have those state
20 and local policies included in the federally approved state coastal
21 management program. The application must identify the state agencies
22 and local governments responsible for administering those policies.

23 NEW SECTION. **Sec. 8.** The department of ecology is designated as
24 the principal state agency for administering the provisions of the
25 federal coastal zone management act (16 U.S.C. Sec. 1451 et seq.), as
26 it exists on January 1, 2007, and is authorized to receive and
27 administer federal grants to implement the act. The department of
28 ecology, in the implementation of the network of state and local
29 policies and programs comprising the state coastal zone management
30 program, shall enter into agreements of administration with other state
31 agencies and local governments as appropriate to fully and effectively
32 implement all elements of the state's federally approved coastal zone
33 management program.

34 NEW SECTION. **Sec. 9.** Sections 2 through 8 of this act are each

1 added to chapter 43.143 RCW.

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