

SSB 6307 - H COMM AMD

By Appropriations Subcommittee on General Government & Audit Review

1       Strike everything after the enacting clause and insert the  
2 following:

3       "NEW SECTION.   **Sec. 1.** (1) The legislature finds that many state  
4 agencies and local governments administer marine protected areas,  
5 preserves, conservation areas, and other similar geographically based  
6 area designations that are a valuable means to protect and enhance  
7 Puget Sound's marine resources. The legislature further finds that  
8 climate change impacts and increased population and development in the  
9 Puget Sound basin will place further stresses upon sustaining the  
10 biological diversity and ecosystem health of Puget Sound.

11       (2) It is the intent of the legislature that state and local  
12 actions intended to protect, conserve, and manage marine life and  
13 resources be conducted in a coordinated manner, use the best available  
14 science, consider the projected impacts on Puget Sound's marine areas  
15 from climate change, and contribute to the recovery of the Puget  
16 Sound's environmental health by 2020.

17       (3) It is the purpose of this act to:

18       (a) Create a strategic network of marine managed areas that  
19 contribute to conserving the biological diversity and ecosystem health  
20 of Puget Sound and that maximizes the effectiveness of the role of  
21 marine managed areas in achieving the recovery of Puget Sound's health  
22 by 2020;

23       (b) Strengthen the coordination of marine managed areas among  
24 multiple state agencies and local governments and align these efforts  
25 with the work of the Puget Sound partnership to recover the Puget  
26 Sound's health by 2020;

27       (c) Provide for management and designation of marine managed areas  
28 programs on an ecosystem basis and incorporate the best available  
29 scientific information into these programs;

1 (d) Adopt a plan that builds a comprehensive system of marine  
2 managed areas, adopts goals and benchmarks for maintaining the  
3 diversity of marine life and resources in Puget Sound, and is based  
4 upon anticipated threats and stressors such as climate change impacts;

5 (e) Recognize the interrelationship of the marine ecosystem  
6 throughout the Pacific Northwest, and the multiple entities, including  
7 local, state, provincial, and federal governments, as well as tribal  
8 governments and first nations, that are involved in managing marine  
9 managed areas; and

10 (f) Adopt codified criteria and procedures applicable to the  
11 aquatic reserve program on state-owned aquatic lands.

12 **Sec. 2.** RCW 90.71.010 and 2007 c 341 s 2 are each amended to read  
13 as follows:

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

17 (1) "Action agenda" means the comprehensive schedule of projects,  
18 programs, and other activities designed to achieve a healthy Puget  
19 Sound ecosystem that is authorized and further described in RCW  
20 90.71.300 and 90.71.310.

21 (2) "Action area" means the geographic areas delineated as provided  
22 in RCW 90.71.260.

23 (3) "Benchmarks" means measurable interim milestones or  
24 achievements established to demonstrate progress towards a goal,  
25 objective, or outcome.

26 (4) "Board" means the ecosystem coordination board.

27 (5) "Council" means the leadership council.

28 (6) "Environmental indicator" means a physical, biological, or  
29 chemical measurement, statistic, or value that provides a proximate  
30 gauge, or evidence of, the state or condition of Puget Sound.

31 (7) "Implementation strategies" means the strategies incorporated  
32 on a biennial basis in the action agenda developed under RCW 90.71.310.

33 (8) "Marine managed area" means a named, discrete geographic marine  
34 or estuarine area designated by statute, ordinance, resolution, or  
35 administrative action, whose designation is intended to protect,  
36 conserve, or otherwise manage the marine life and resources within the  
37 area.

1        (9) "Nearshore" means the area beginning at the crest of coastal  
2 bluffs and extending seaward through the marine photics zone, and to  
3 the head of tide in coastal rivers and streams. "Nearshore" also means  
4 both shoreline and estuaries.

5        ~~((9))~~ (10) "Panel" means the Puget Sound science panel.

6        ~~((10))~~ (11) "Partnership" means the Puget Sound partnership.

7        ~~((11))~~ (12) "Plan" means the Puget Sound marine managed areas  
8 plan developed under section 3 of this act.

9        (13) "Puget Sound" means Puget Sound and related inland marine  
10 waters, including all salt waters of the state of Washington inside the  
11 international boundary line between Washington and British Columbia,  
12 and lying east of the junction of the Pacific Ocean and the Strait of  
13 Juan de Fuca, and the rivers and streams draining to Puget Sound as  
14 mapped by water resource inventory areas 1 through 19 in WAC  
15 173-500-040 as it exists on July 1, 2007.

16        ~~((12))~~ (14) "Puget Sound partner" means an entity that has been  
17 recognized by the partnership, as provided in RCW 90.71.340, as having  
18 consistently achieved outstanding progress in implementing the 2020  
19 action agenda.

20        ~~((13))~~ (15) "Watershed groups" means all groups sponsoring or  
21 administering watershed programs, including but not limited to local  
22 governments, private sector entities, watershed planning units,  
23 watershed councils, shellfish protection areas, regional fishery  
24 enhancement groups, marine ~~((resource[s]))~~ resources committees  
25 including those working with the Northwest straits commission,  
26 nearshore groups, and watershed lead entities.

27        ~~((14))~~ (16) "Watershed programs" means and includes all  
28 watershed-level plans, programs, projects, and activities that relate  
29 to or may contribute to the protection or restoration of Puget Sound  
30 waters. Such programs include jurisdiction-wide programs regardless of  
31 whether more than one watershed is addressed.

32        NEW SECTION. Sec. 3. A new section is added to chapter 90.71 RCW  
33 to read as follows:

34        (1) The partnership shall prepare a Puget Sound marine managed  
35 areas plan to coordinate and strengthen all of the marine managed areas  
36 programs managed by state agencies and local governments.

1 (2) The chair of the council shall designate a work group to  
2 prepare the plan. The work group shall include one or more members of  
3 the Puget Sound science panel, one of whom must chair the work group.  
4 The work group must include, but not be limited to, state agencies and  
5 local governments with regulatory jurisdiction over or that manage  
6 marine managed areas including, but not limited to, the department of  
7 natural resources, the department of fish and wildlife, the parks and  
8 recreation commission, and the department of ecology. The work group  
9 shall also include the state biodiversity council, created by executive  
10 order 04-02, or the biodiversity council's successor entity. The chair  
11 of the council shall also invite representatives of tribal governments,  
12 federal agencies, cities, counties, and nongovernmental organizations  
13 that have designated or have significant interests in the management of  
14 Puget Sound marine managed areas. The chair of the council may also  
15 invite representatives from other states and provinces and first nation  
16 and tribal governments with interests in marine managed areas in the  
17 Pacific Northwest to participate on the work group as observers.

18 (3) The plan must include, but not be limited to:

19 (a) Guidelines for identifying key species of concern, threats to  
20 these species, and threshold levels of protected habitat needed to  
21 recover these species and Puget Sound as a whole to health by 2020;

22 (b) Guidelines for incorporating the best available scientific  
23 information when designating and managing marine managed areas;

24 (c) Guidelines for managing areas on an ecosystem basis and for  
25 coordinating multiple programs and areas within the same  
26 biogeographical regions to achieve ecosystem-based management;

27 (d) Benchmarks to measure progress toward the recovery of species  
28 and protected habitat;

29 (e) Recommendations for adequate levels of funding for the  
30 designation, long-term management, and monitoring of the marine managed  
31 areas in the network;

32 (f) Strategies to address the projected impacts to marine managed  
33 areas from population growth, existing and proposed upland and aquatic  
34 lands development, and storm water discharges to Puget Sound;

35 (g) Strategies to prepare for and manage the impacts of climate  
36 change, including impacts due to sea level changes, salinity changes,  
37 water temperature, increased acidification, and changes in frequency

1 and intensity of precipitation events affecting storm water discharges  
2 to marine waters;

3 (h) An adaptive management component in which new information on  
4 the progress of implementing management goals for the individual marine  
5 managed areas and overall goals for all such areas, the contribution  
6 these areas are making toward the goals of recovering the health of  
7 Puget Sound by 2020, and climate change impacts may be considered and  
8 integrated into the designation and management of marine managed areas;  
9 and

10 (i) Methodologies for synthesizing monitoring results with  
11 programmatic goals to inform decision making on subsequent designation  
12 and marine managed areas strategies and any necessary changes in  
13 implementation strategies to increase the effectiveness of the marine  
14 managed areas program in achieving the goal of recovering the Puget  
15 Sound's health by 2020.

16 (4) The plan must also include comprehensive objectives for  
17 coordinating existing marine managed areas and designating additional  
18 areas to achieve a network of marine managed areas contributing to  
19 long-term conservation of important biota and marine ecosystems and  
20 recovery of Puget Sound by 2020. In developing the objectives the work  
21 group shall rely primarily upon existing plans and objectives relating  
22 to conservation of marine life in Puget Sound, and the program plans  
23 prepared by state agencies and local governments administering marine  
24 managed areas programs. The plan must also consider activities and  
25 uses within or adjacent to marine managed areas that are allowed under  
26 existing leases of state-owned aquatic lands issued under chapter  
27 79.105 RCW.

28 (5) The plan must be completed by July 1, 2010, and submitted to  
29 the council for its review and approval. The plan must be incorporated  
30 into the Puget Sound action agenda adopted under RCW 90.71.310. The  
31 council shall provide for public review and comment on the plan in a  
32 manner comparable to the other provisions of the Puget Sound action  
33 agenda. The council may, with the assistance of the work group, amend  
34 the plan from time to time using public review and comment procedures  
35 comparable to those that apply when other elements of the Puget Sound  
36 action agenda are revised.

1           **Sec. 4.** RCW 79.105.210 and 2005 c 155 s 143 are each amended to  
2 read as follows:

3           (1) The management of state-owned aquatic lands shall preserve and  
4 enhance water-dependent uses. Water-dependent uses shall be favored  
5 over other uses in state-owned aquatic land planning and in resolving  
6 conflicts between competing lease applications. In cases of conflict  
7 between water-dependent uses, priority shall be given to uses which  
8 enhance renewable resources, water-borne commerce, and the navigational  
9 and biological capacity of the waters, and to statewide interests as  
10 distinguished from local interests.

11           (2) Nonwater-dependent use of state-owned aquatic lands is a low-  
12 priority use providing minimal public benefits and shall not be  
13 permitted to expand or be established in new areas except in  
14 exceptional circumstances where it is compatible with water-dependent  
15 uses occurring in or planned for the area.

16           (3) The department shall consider the natural values of state-owned  
17 aquatic lands as wildlife habitat, natural area preserve,  
18 representative ecosystem, or spawning area prior to issuing any initial  
19 lease or authorizing any change in use. The department may withhold  
20 from leasing lands which it finds to have significant natural values,  
21 or may provide within any lease for the protection of such values.  
22 When withdrawing lands from leasing for the purposes of managing an  
23 aquatic reserve, the department shall be guided by the procedures and  
24 criteria of section 5 of this act.

25           (4) The power to lease state-owned aquatic lands is vested in the  
26 department, which has the authority to make leases upon terms,  
27 conditions, and length of time in conformance with the state  
28 Constitution and chapters 79.105 through 79.140 RCW.

29           (5) State-owned aquatic lands shall not be leased to persons or  
30 organizations which discriminate on the basis of race, color, creed,  
31 religion, sex, age, or physical or mental handicap.

32           NEW SECTION. **Sec. 5.** A new section is added to chapter 79.105 RCW  
33 under a new subchapter heading of "aquatic reserve system" to read as  
34 follows:

35           (1) The aquatic reserve system is established. The aquatic reserve  
36 system is comprised of those areas of state-owned aquatic lands

1 designated by the department prior to the effective date of this  
2 section and any areas added to the system by order of the commissioner  
3 thereafter.

4 (2) State-owned aquatic lands that have one or more of the  
5 following characteristics may be included by order of the commissioner  
6 in the system as an aquatic reserve:

7 (a) The lands have been identified as having high priority for  
8 conservation, natural systems, wildlife, or low-impact public use  
9 values;

10 (b) The lands have flora, fauna, geological, recreational,  
11 archaeological, cultural, scenic, or similar features of critical  
12 importance and have retained to some degree or reestablished its  
13 natural character;

14 (c) The lands provide significant examples of native ecological  
15 communities;

16 (d) The lands have significant sites or features threatened with  
17 conversion to incompatible uses; and

18 (e) The lands have been identified by the Puget Sound science panel  
19 created in RCW 90.71.270 as critical to achieving recovery of Puget  
20 Sound by 2020.

21 (3)(a) The commissioner shall adopt procedures for submission of  
22 reserve nominations and for public participation in the review of  
23 proposed reserves.

24 (b) If, consistent with the best available scientific information,  
25 a reserve no longer meets the goals and objectives for which it was  
26 designated, and adaptive management has not been successful to meet the  
27 goals and objectives, the commissioner may by order modify the reserve  
28 boundaries or remove the area from reserve status. The commissioner  
29 shall provide public participation procedures for the proposals.

30 (4) In the designation and management of reserves within Puget  
31 Sound, as geographically defined in RCW 90.71.010, the commissioner  
32 shall be guided by the marine managed areas plan adopted under section  
33 3 of this act. Within twenty-four months of the adoption of the marine  
34 managed areas plan under section 3 of this act, the department shall  
35 complete a review of existing management plans and pending reserve  
36 nominations for consistency with the guidelines and recommendations in  
37 the marine managed areas plan. The commissioner shall accord

1 substantial weight to any recommendations provided by the Puget Sound  
2 partnership regarding the designation and management of reserves within  
3 Puget Sound.

4 (5) Where the commissioner determines that management of the taking  
5 of fish, shellfish, or wildlife within or adjacent to the reserve would  
6 enhance the objectives for which the reserve has been created, the  
7 commissioner shall request that the fish and wildlife commission act  
8 pursuant to section 6 of this act to adopt supporting rules.

9 (6) The aquatic reserve system must be coordinated with other  
10 marine managed areas and related regulatory programs. The department  
11 shall cooperate with other state agencies and local governments to  
12 manage state-owned aquatic lands consistently with the management of  
13 uses and activities in the same geographic areas by state parks, the  
14 department of fish and wildlife, the department of ecology, and other  
15 state agencies. The department shall also provide recommendations to  
16 local governments in updating their shoreline master programs and in  
17 sponsoring local marine park reserves or voluntary stewardship areas to  
18 seek consistent planning and management activities in areas adjacent to  
19 designated reserves.

20 (7) State agencies with authority over construction activities or  
21 water discharges in state waters or that otherwise implement programs  
22 that affect a designated reserve shall give special consideration to  
23 increasing protection and reducing and preventing pollution of these  
24 areas, consistent with the management objectives of the reserve.

25 NEW SECTION. **Sec. 6.** A new section is added to chapter 77.12 RCW  
26 to read as follows:

27 (1) The commission may adopt rules governing the taking of fish,  
28 shellfish, or wildlife within or adjacent to a designated aquatic  
29 reserve, or other marine managed areas. The commission shall give  
30 consideration within sixty days to any rule changes requested by the  
31 commissioner of public lands to support the purposes of an aquatic  
32 reserve designated by the department of natural resources under section  
33 5 of this act.

34 (2) This section is in addition to and does not limit the  
35 commission's authority to establish rules governing the taking of fish,  
36 shellfish, or wildlife under any other authority.



1        NEW SECTION.    **Sec. 7.** The Puget Sound partnership shall provide  
2 the plan required by section 3 of this act to the appropriate  
3 committees of the legislature by December 1, 2010, together with its  
4 recommendations for further policy legislation and budget  
5 recommendations to enhance Puget Sound marine managed areas programs.

6        **Sec. 8.** RCW 90.71.300 and 2007 c 341 s 12 are each amended to read  
7 as follows:

8        (1) The action agenda shall consist of the goals and objectives in  
9 this section, implementation strategies to meet measurable outcomes,  
10 benchmarks, (~~and~~) identification of responsible entities, and the  
11 marine managed areas plan adopted under section 3 of this act. By  
12 2020, the action agenda shall strive to achieve the following goals:

13        (a) A healthy human population supported by a healthy Puget Sound  
14 that is not threatened by changes in the ecosystem;

15        (b) A quality of human life that is sustained by a functioning  
16 Puget Sound ecosystem;

17        (c) Healthy and sustaining populations of native species in Puget  
18 Sound, including a robust food web;

19        (d) A healthy Puget Sound where freshwater, estuary, nearshore,  
20 marine, and upland habitats are protected, restored, and sustained;

21        (e) An ecosystem that is supported by ground water levels as well  
22 as river and stream flow levels sufficient to sustain people, fish, and  
23 wildlife, and the natural functions of the environment;

24        (f) Fresh and marine waters and sediments of a sufficient quality  
25 so that the waters in the region are safe for drinking, swimming,  
26 shellfish harvest and consumption, and other human uses and enjoyment,  
27 and are not harmful to the native marine mammals, fish, birds, and  
28 shellfish of the region.

29        (2) The action agenda shall be developed and implemented to achieve  
30 the following objectives:

31        (a) Protect existing habitat and prevent further losses;

32        (b) Restore habitat functions and values;

33        (c) Significantly reduce toxics entering Puget Sound fresh and  
34 marine waters;

35        (d) Significantly reduce nutrients and pathogens entering Puget  
36 Sound fresh and marine waters;

- 1 (e) Improve water quality and habitat by managing storm water
- 2 runoff;
- 3 (f) Provide water for people, fish and wildlife, and the
- 4 environment;
- 5 (g) Protect ecosystem biodiversity and recover imperiled species;
- 6 and
- 7 (h) Build and sustain the capacity for action.

8 **Sec. 9.** RCW 36.125.030 and 2007 c 344 s 4 are each amended to read  
9 as follows:

10 (1) The Puget Sound (~~(action team, or its successor organization,)~~)  
11 partnership shall serve as the regional coordinating entity for marine  
12 resources committees created in the southern Puget Sound and the  
13 department of fish and wildlife shall serve as the regional  
14 coordinating entity for marine resources committees created for the  
15 outer coast.

16 (2) The regional coordinating entity shall serve as a resource to,  
17 at a minimum:

18 (a) Coordinate and pool grant applications and other funding  
19 requests for marine resources committees;

20 (b) Coordinate communications and information among marine  
21 resources committees;

22 (c) Assist marine resources committees to measure themselves  
23 against regional performance benchmarks;

24 (d) Assist marine resources committees with coordinating local  
25 projects to complement regional priorities;

26 (e) Assist marine resources committees to interact with and  
27 complement other marine resources committees, and other similar groups,  
28 constituted under a different authority; and

29 (f) Coordinate with the Northwest Straits commission on issues  
30 common to marine resources committees statewide.

31 NEW SECTION. **Sec. 10.** If specific funding for the purposes of  
32 this act, referencing this act by bill or chapter number, is not  
33 provided by June 30, 2008, in the omnibus appropriations act, this act  
34 is null and void."

35 Correct the title.