

SSB 6307 - H COMM AMD

By Committee on Ecology & Parks

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 Correct the title.

EFFECT: Adds language that directs the marine managed area plan to be linked closely to the action agenda being developed by the Puget

Sound partnership and makes technical changes.

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