

2SSB 6263 - H COMM AMD

By Committee on Agriculture & Natural Resources

NOT ADOPTED 03/01/2012

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

3 "Sec. 1. RCW 43.372.020 and 2010 c 145 s 3 are each amended to  
4 read as follows:

5 (1) The office of the governor shall chair a marine interagency  
6 team that is composed of representatives of each of the agencies in the  
7 governor's natural resources cabinet with management responsibilities  
8 for marine waters, including the independent agencies. A  
9 representative from a federal agency with lead responsibility for  
10 marine spatial planning must be invited to serve as a liaison to the  
11 team to help ensure consistency with federal actions and policy. The  
12 team must (~~conduct the assessment authorized in section 4, chapter~~  
13 ~~145, Laws of 2010,~~) assist state agencies under RCW 43.372.030 with  
14 the review and coordination of such planning with their existing and  
15 ongoing planning(~~(7)~~) and conduct the marine management planning  
16 authorized in RCW 43.372.040.

17 (2) The team may not commence any activities authorized under RCW  
18 43.372.030 and 43.372.040 until federal, private, or other (~~(nonstate)~~)  
19 funding is secured specifically for these activities.

20 **Sec. 2.** RCW 43.372.030 and 2010 c 145 s 5 are each amended to read  
21 as follows:

22 (1) (~~(Concurrently or prior to the assessment and planning~~  
23 ~~activities provided in section 4, chapter 145, Laws of 2010 and RCW~~  
24 ~~43.372.040, and)~~) Subject to available federal, private, or other  
25 (~~(nonstate)~~) funding for this purpose, all state agencies with marine  
26 waters planning and management responsibilities are authorized to  
27 include marine spatial data and marine spatial planning elements into  
28 their existing plans and ongoing planning.

1 (2) The director of the Puget Sound partnership under the direction  
2 of the leadership council created in RCW 90.71.220 must integrate  
3 marine spatial information and planning provisions into the action  
4 agenda. The information should be used to address gaps or improve the  
5 effectiveness of the spatial planning component of the action agenda,  
6 such as in addressing potential new uses such as renewable energy  
7 projects.

8 (3) The governor and the commissioner of public lands, working with  
9 appropriate marine management and planning agencies, should work  
10 cooperatively with the applicable west coast states, Canadian  
11 provinces, and with federal agencies, through existing cooperative  
12 entities such as the west coast governor's agreement on ocean health,  
13 the coastal and oceans task force, the Pacific coast collaborative, the  
14 Puget Sound federal caucus, and the United States and Canada  
15 cooperative agreement working group, to explore the benefits of  
16 developing joint marine spatial plans or planning frameworks in the  
17 shared waters of the Salish Sea, the Columbia river estuary, and in the  
18 exclusive economic zone waters. The governor and commissioner may  
19 approve the adoption of shared marine spatial plans or planning  
20 frameworks where they determine it would further policies of this  
21 chapter and chapter 43.143 RCW.

22 (4) On an ongoing basis, the director of the department of ecology  
23 shall work with other state agencies with marine management  
24 responsibilities, tribal governments, marine resources committees,  
25 local and federal agencies, and marine waters stakeholders to compile  
26 marine spatial information and to incorporate this information into  
27 ongoing plans. This work may be integrated with the comprehensive  
28 marine management plan authorized under RCW 43.372.040 when that  
29 planning process is initiated.

30 (5) All actions taken to implement this section must be consistent  
31 with RCW 43.372.060.

32 **Sec. 3.** RCW 43.372.040 and 2010 c 145 s 6 are each amended to read  
33 as follows:

34 (1) Upon the receipt of federal, private, or other ((nonstate))  
35 funding for this purpose, ((together with any required match of state  
36 funding that may be specifically provided for this purpose,)) the  
37 marine interagency team shall coordinate the development of a

1 comprehensive marine management plan for the state's marine waters. The  
2 marine management plan must include marine spatial planning, as well as  
3 recommendations to the appropriate federal agencies regarding the  
4 exclusive economic zone waters.

5 (2) The comprehensive marine management plan may be developed in  
6 geographic segments, and may incorporate or be developed as an element  
7 of existing marine plans, such as the Puget Sound action agenda. If  
8 the team exercises the option to develop the comprehensive marine  
9 management plan in geographic segments, it may proceed with development  
10 and adoption of marine management plans for these geographic segments  
11 on different schedules.

12 (3) The chair of the team may designate a state agency with marine  
13 management responsibilities to take the lead in developing and  
14 recommending to the team particular segments or elements of the  
15 comprehensive marine management plan.

16 ~~((+2))~~ (4) The marine management plan must be developed and  
17 implemented in a manner that:

18 (a) Recognizes and respects existing uses and tribal treaty rights;

19 (b) Promotes protection and restoration of ecosystem processes to  
20 a level that will enable long-term sustainable production of ecosystem  
21 goods and services;

22 (c) Addresses potential impacts of climate change and sea level  
23 rise upon current and projected marine waters uses and shoreline and  
24 coastal impacts;

25 (d) Fosters and encourages sustainable uses that provide economic  
26 opportunity without significant adverse environmental impacts;

27 (e) Preserves and enhances public access;

28 (f) Protects and encourages working waterfronts and supports the  
29 infrastructure necessary to sustain marine industry, commercial  
30 shipping, shellfish aquaculture, and other water-dependent uses;

31 (g) Fosters public participation in decision making and significant  
32 involvement of communities adjacent to the state's marine waters; and

33 (h) Integrates existing management plans and authorities and makes  
34 recommendations for aligning plans to the extent practicable.

35 ~~((+3))~~ (5) To ensure the effective stewardship of the state's  
36 marine waters held in trust for the benefit of the people, the marine  
37 management plan must rely upon existing data and resources, but also

1 identify data gaps and, as possible, procure missing data necessary for  
2 planning.

3 ~~((4))~~ (6) The marine management plan must include but not be  
4 limited to:

5 (a) An ecosystem assessment that analyzes the health and status of  
6 Washington marine waters including key social, economic, and ecological  
7 characteristics and incorporates the best available scientific  
8 information, including relevant marine data. This assessment should  
9 seek to identify key threats to plan goals, analyze risk and management  
10 scenarios, and develop key ecosystem indicators. In addition, the plan  
11 should incorporate existing adaptive management strategies underway by  
12 local, state, or federal entities and provide an adaptive management  
13 element to incorporate new information and consider revisions to the  
14 plan based upon research, monitoring, and evaluation;

15 (b) Using and relying upon existing plans and processes and  
16 additional management measures to guide decisions among uses proposed  
17 for specific geographic areas of the state's marine and estuarine  
18 waters consistent with applicable state laws and programs that control  
19 or address developments in the state's marine waters;

20 (c) A series of maps that, at a minimum, summarize available data  
21 on: The key ecological aspects of the marine ecosystem, including  
22 physical and biological characteristics, as well as areas that are  
23 environmentally sensitive or contain unique or sensitive species or  
24 biological communities that must be conserved and warrant protective  
25 measures; human uses of marine waters, particularly areas with high  
26 value for fishing, shellfish aquaculture, recreation, and maritime  
27 commerce; and appropriate locations with high potential for renewable  
28 energy production with minimal potential for conflicts with other  
29 existing uses or sensitive environments;

30 (d) An element that sets forth the state's recommendations to the  
31 federal government for use priorities and limitations, siting criteria,  
32 and protection of unique and sensitive biota and ocean floor features  
33 within the exclusive economic zone waters consistent with the policies  
34 and management criteria contained in this chapter and chapter 43.143  
35 RCW;

36 (e) An implementation strategy describing how the plan's management  
37 measures and other provisions will be considered and implemented  
38 through existing state and local authorities; and

1 (f) A framework for coordinating state agency and local government  
2 review of proposed renewable energy development uses requiring multiple  
3 permits and other approvals that provide for the timely review and  
4 action upon renewable energy development proposals while ensuring  
5 protection of sensitive resources and minimizing impacts to other  
6 existing or projected uses in the area.

7 ((+5+)) (7) If the director of the department of fish and wildlife  
8 determines that a fisheries management element is appropriate for  
9 inclusion in the marine management plan, this element may include the  
10 incorporation of existing management plans and procedures and standards  
11 for consideration in adopting and revising fisheries management plans  
12 in cooperation with the appropriate federal agencies and tribal  
13 governments.

14 ((+6+)) (8) Any provision of the marine management plan that does  
15 not have as its primary purpose the management of commercial or  
16 recreational fishing but that has an impact on this fishing must  
17 minimize the negative impacts on the fishing. The team must accord  
18 substantial weight to recommendations from the director of the  
19 department of fish and wildlife for plan revisions to minimize the  
20 negative impacts.

21 ((+7+)) (9) The marine management plan must recognize and value  
22 existing uses. All actions taken to implement this section must be  
23 consistent with RCW 43.372.060.

24 ((+8+)) (10) The marine management plan must identify any  
25 provisions of existing management plans that are substantially  
26 inconsistent with the plan.

27 ((+9+)) (11)(a) In developing the marine management plan, the team  
28 shall implement a strong public participation strategy that seeks input  
29 from throughout the state and particularly from communities adjacent to  
30 marine waters. Public review and comment must be sought and  
31 incorporated with regard to planning the scope of work as well as in  
32 regard to significant drafts of the plan and plan elements.

33 (b) The team must engage tribes and marine resources committees in  
34 its activities throughout the planning process. In particular, prior  
35 to finalizing the plan, the team must provide each tribe and marine  
36 resources committee with a draft of the plan and invite them to review  
37 and comment on the plan.

1       ~~((10) The team must complete the plan within twenty four months of~~  
2 ~~the initiation of planning under this section.~~

3       ~~(11))~~ (12) The director of the department of ecology shall submit  
4 the completed marine management plan to the appropriate federal agency  
5 for its review and approval for incorporation into the state's  
6 federally approved coastal zone management program.

7       ~~((12))~~ (13) Subsequent to the adoption of the marine management  
8 plan, the team may periodically review and adopt revisions to the plan  
9 to incorporate new information and to recognize and incorporate  
10 provisions in other marine management plans. The team must afford the  
11 public an opportunity to review and comment upon significant proposed  
12 revisions to the marine management plan.

13       **Sec. 4.** RCW 43.372.070 and 2011 c 250 s 2 are each amended to read  
14 as follows:

15       (1) The marine resources stewardship trust account is created in  
16 the state treasury. All receipts from income derived from the  
17 investment of amounts credited to the account, any grants, gifts, or  
18 donations to the state for the purposes of marine management planning,  
19 marine spatial planning, data compilation, research, or monitoring, and  
20 any appropriations made to the account must be deposited in the  
21 account. Moneys in the account may be spent only after appropriation.

22       (2) Expenditures from the account may only be used for the purposes  
23 of marine management planning, marine spatial planning, research,  
24 monitoring, and implementation of the marine management plan(~~(, and for~~  
25 ~~the restoration or enhancement of marine habitat or resources))~~).

26       ~~(3) ((When moneys are deposited into the marine resources~~  
27 ~~stewardship trust account, the governor must provide recommendations on~~  
28 ~~expenditures from the account to the appropriate committees of the~~  
29 ~~legislature prior to the next regular legislative session. The~~  
30 ~~recommended projects and activities must be consistent with:~~

31       ~~(a) The allowable uses of the marine resources stewardship trust~~  
32 ~~account; and~~

33       ~~(b) The priority areas identified in))~~ Until July 1, 2016,  
34 expenditures from the account may only be used for the purposes of:

35       (a) Conducting ecosystem assessment and mapping activities in  
36 marine waters consistent with RCW 43.372.040(6) (a) and (c), with a

1 focus on assessment and mapping activities related to marine resource  
2 uses and developing potential economic opportunities;

3 (b) Developing a marine management plan for the state's coastal  
4 waters as that term is defined in RCW 43.143.020; and

5 (c) Coordination under the west coast governors' agreement on ocean  
6 health, entered into on September 18, 2006, (~~and recognized in section~~  
7 1, ~~chapter 250, Laws of 2011~~) and other regional planning efforts  
8 consistent with RCW 43.372.030.

9 NEW SECTION. Sec. 5. A new section is added to chapter 43.143 RCW  
10 to read as follows:

11 (1)(a) The Washington state coastal solutions council is  
12 established in the executive office of the governor to fulfill the  
13 duties established in section 6 of this act. The council is composed  
14 of the following nonvoting members:

15 (i) The governor or the governor's designee;

16 (ii) The director or commissioner, or the director's or  
17 commissioner's designee, of the following agencies:

- 18 (A) The department of ecology;
- 19 (B) The department of natural resources;
- 20 (C) The department of fish and wildlife;
- 21 (D) The state parks and recreation commission; and
- 22 (E) The department of commerce.

23 (b) The following members of the coastal advisory body on ocean  
24 policy formed by the department of ecology in December 2011 are the  
25 initial voting members of the council:

- 26 (i) A citizen from a coastal community;
- 27 (ii) Two representatives from commercial fishing associations;
- 28 (iii) A representative from a coastal conservation group;
- 29 (iv) A representative from a coastal economic development group;
- 30 (v) A representative from an educational institution;
- 31 (vi) A person representing recreation;
- 32 (vii) A representative from a recreational fishing organization;
- 33 (viii) A person representing shellfish aquaculture;
- 34 (ix) A representative from the shipping industry;
- 35 (x) A representative from a science organization; and
- 36 (xi) A representative from each outer coast marine resources  
37 committee, to be selected by the marine resources committee.

1 (c) The council must adopt bylaws addressing future membership of  
2 the council as well as how vacancies in the membership will be filled.

3 (d) The council must adopt bylaws addressing future membership of  
4 the coastal advisory body on ocean policy as well as how vacancies in  
5 the membership will be filled.

6 (2) The council may invite state, tribal, local governments, and  
7 federal agencies with responsibility for the study and management of  
8 ocean resources or regulation of ocean activities to designate a  
9 liaison to the council to attend council meetings, respond to council  
10 requests for technical and policy information, and review any draft  
11 materials prepared by the council. The council may also invite  
12 representatives from other coastal states or Canadian provinces to  
13 participate when appropriate as nonvoting members.

14 (3) A voting member identified under subsection (1)(b) of this  
15 section must serve as the chair of the council. The term of the chair  
16 is one year. The initial chair of the council must be nominated and  
17 elected by a majority of voting councilmembers at the first meeting of  
18 the council. The chair's term begins on the effective date of this  
19 section. At the expiration of each chair's term, the next chair must  
20 be nominated and elected by a majority of voting councilmembers. The  
21 agenda for each meeting must be developed as a collaborative process by  
22 voting and nonvoting members.

23 (4) The council shall utilize a consensus approach to decision  
24 making among voting and nonvoting members. The council may put a  
25 decision to a vote among voting members only, in the event that  
26 consensus cannot be reached. The council must include in its bylaws  
27 guidelines describing how consensus works and when a lack of consensus  
28 among councilmembers will trigger a vote by voting members only.

29 (5) If nonstate funding is secured, the council may hire a neutral  
30 convener to assist it in the performance of its duties, including but  
31 not limited to establishing bylaws and setting meeting agenda.

32 (6) The department of ecology shall provide administrative and  
33 staff support for the council.

34 (7) The council shall meet at least twice each year.

35 (8) A majority of the voting members of the council constitutes a  
36 quorum for the transaction of business.

37 (9) 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  
2 for reappointment.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.143 RCW  
4 to read as follows:

5 The duties of the Washington state coastal solutions council  
6 created in section 5 of this act are to:

7 (1) Serve as a forum for communication in order to seek consistency  
8 in state, local, and tribal policies concerning marine waters issues,  
9 including issues relating to resource management, fisheries, shellfish  
10 aquaculture, marine and coastal hazards, ocean energy, and marine  
11 waters research and education issues;

12 (2) Serve as a point of contact for, and collaborate with, the  
13 federal government, regional entities, and other state governments,  
14 regarding marine waters issues;

15 (3) Provide a forum to discuss marine waters resource policy,  
16 planning, and management issues, and, when appropriate, mediate  
17 disagreements;

18 (4) Serve as an interagency resource to respond to issues facing  
19 coastal communities and marine waters resources in a collaborative  
20 manner;

21 (5) Identify and pursue public and private funding opportunities  
22 for the programs and activities of the council, and for relevant  
23 programs and activities of member entities;

24 (6) Provide policy recommendations to the governor, the  
25 legislature, and state and local agencies on specific marine waters  
26 resource management issues including:

27 (a) Principles and standards required for emerging new marine uses;

28 (b) Data gaps and opportunities for scientific research addressing  
29 coastal needs and concerns;

30 (c) Implementation of Washington's ocean action plan 2006;

31 (d) Development and implementation of coast-wide goals and  
32 strategies including marine spatial planning; and

33 (e) A coastal perspective regarding cross-boundary marine issues;

34 (7) Establish bylaws based on existing documents of the coastal  
35 advisory body on ocean policy referred to under section 5(1)(b) of this  
36 act."

1 Correct the title.

EFFECT: Creates the Washington state coastal solutions council, a group composed of state agency and stakeholder representation and convened as a forum and point of communication for marine water policy issues.

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