
SECOND SUBSTITUTE SENATE BILL 6263

State of Washington

62nd Legislature

2012 Regular Session

By Senate Ways & Means (originally sponsored by Senators Ranker, Hargrove, Delvin, Litzow, Swecker, Rolfes, Schoesler, Kilmer, Fraser, Kohl-Welles, Hobbs, and Hatfield)

READ FIRST TIME 02/07/12.

1 AN ACT Relating to facilitating marine management planning; and
2 amending RCW 43.372.020, 43.372.030, 43.372.040, and 43.372.070.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

18 (2) The team may not commence any activities authorized under RCW

1 43.372.030 and 43.372.040 until federal, private, or other ((nonstate))
2 funding is secured specifically for these activities.

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

5 (1) ~~((Concurrently or prior to the assessment and planning~~
6 ~~activities provided in section 4, chapter 145, Laws of 2010 and RCW~~
7 ~~43.372.040, and))~~ Subject to available federal, private, or other
8 ((nonstate)) funding for this purpose, all state agencies with marine
9 waters planning and management responsibilities are authorized to
10 include marine spatial data and marine spatial planning elements into
11 their existing plans and ongoing planning.

12 (2) The director of the Puget Sound partnership under the direction
13 of the leadership council created in RCW 90.71.220 must integrate
14 marine spatial information and planning provisions into the action
15 agenda. The information should be used to address gaps or improve the
16 effectiveness of the spatial planning component of the action agenda,
17 such as in addressing potential new uses such as renewable energy
18 projects.

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

33 (4) On an ongoing basis, the director of the department of ecology
34 shall work with other state agencies with marine management
35 responsibilities, tribal governments, marine resources committees,
36 local and federal agencies, and marine waters stakeholders to compile
37 marine spatial information and to incorporate this information into

1 ongoing plans. This work may be integrated with the comprehensive
2 marine management plan authorized under RCW 43.372.040 when that
3 planning process is initiated.

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

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

8 (1) Upon the receipt of federal, private, or other ((nonstate))
9 funding for this purpose, ~~((together with any required match of state
10 funding that may be specifically provided for this purpose,))~~ the
11 marine interagency team shall coordinate the development of a
12 comprehensive marine management plan for the state's marine waters. The
13 marine management plan must include marine spatial planning, as well as
14 recommendations to the appropriate federal agencies regarding the
15 exclusive economic zone waters.

16 (2) The comprehensive marine management plan may be developed in
17 geographic segments, and may incorporate or be developed as an element
18 of existing marine plans, such as the Puget Sound action agenda. If
19 the team exercises the option to develop the comprehensive marine
20 management plan in geographic segments, it may proceed with development
21 and adoption of marine management plans for these geographic segments
22 on different schedules.

23 (3) The chair of the team may designate a state agency with marine
24 management responsibilities to take the lead in developing and
25 recommending to the team particular segments or elements of the
26 comprehensive marine management plan.

27 ~~((+2))~~ (4) The marine management plan must be developed and
28 implemented in a manner that:

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

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

33 (c) Addresses potential impacts of climate change and sea level
34 rise upon current and projected marine waters uses and shoreline and
35 coastal impacts;

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

1 (e) Preserves and enhances public access;

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

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

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

9 ~~((+3))~~ (5) To ensure the effective stewardship of the state's
10 marine waters held in trust for the benefit of the people, the marine
11 management plan must rely upon existing data and resources, but also
12 identify data gaps and, as possible, procure missing data necessary for
13 planning.

14 ~~((+4))~~ (6) The marine management plan must include but not be
15 limited to:

16 (a) An ecosystem assessment that analyzes the health and status of
17 Washington marine waters including key social, economic, and ecological
18 characteristics and incorporates the best available scientific
19 information, including relevant marine data. This assessment should
20 seek to identify key threats to plan goals, analyze risk and management
21 scenarios, and develop key ecosystem indicators. In addition, the plan
22 should incorporate existing adaptive management strategies underway by
23 local, state, or federal entities and provide an adaptive management
24 element to incorporate new information and consider revisions to the
25 plan based upon research, monitoring, and evaluation;

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

31 (c) A series of maps that, at a minimum, summarize available data
32 on: The key ecological aspects of the marine ecosystem, including
33 physical and biological characteristics, as well as areas that are
34 environmentally sensitive or contain unique or sensitive species or
35 biological communities that must be conserved and warrant protective
36 measures; human uses of marine waters, particularly areas with high
37 value for fishing, shellfish aquaculture, recreation, and maritime

1 commerce; and appropriate locations with high potential for renewable
2 energy production with minimal potential for conflicts with other
3 existing uses or sensitive environments;

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

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

13 (f) A framework for coordinating state agency and local government
14 review of proposed renewable energy development uses requiring multiple
15 permits and other approvals that provide for the timely review and
16 action upon renewable energy development proposals while ensuring
17 protection of sensitive resources and minimizing impacts to other
18 existing or projected uses in the area.

19 ~~((+5))~~ (7) If the director of the department of fish and wildlife
20 determines that a fisheries management element is appropriate for
21 inclusion in the marine management plan, this element may include the
22 incorporation of existing management plans and procedures and standards
23 for consideration in adopting and revising fisheries management plans
24 in cooperation with the appropriate federal agencies and tribal
25 governments.

26 ~~((+6))~~ (8) Any provision of the marine management plan that does
27 not have as its primary purpose the management of commercial or
28 recreational fishing but that has an impact on this fishing must
29 minimize the negative impacts on the fishing. The team must accord
30 substantial weight to recommendations from the director of the
31 department of fish and wildlife for plan revisions to minimize the
32 negative impacts.

33 ~~((+7))~~ (9) The marine management plan must recognize and value
34 existing uses. All actions taken to implement this section must be
35 consistent with RCW 43.372.060.

36 ~~((+8))~~ (10) The marine management plan must identify any
37 provisions of existing management plans that are substantially
38 inconsistent with the plan.

1 ~~((9))~~ (11)(a) In developing the marine management plan, the team
2 shall implement a strong public participation strategy that seeks input
3 from throughout the state and particularly from communities adjacent to
4 marine waters. Public review and comment must be sought and
5 incorporated with regard to planning the scope of work as well as in
6 regard to significant drafts of the plan and plan elements.

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

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

14 ~~(11))~~ (12) The director of the department of ecology shall submit
15 the completed marine management plan to the appropriate federal agency
16 for its review and approval for incorporation into the state's
17 federally approved coastal zone management program.

18 ~~((12))~~ (13) Subsequent to the adoption of the marine management
19 plan, the team may periodically review and adopt revisions to the plan
20 to incorporate new information and to recognize and incorporate
21 provisions in other marine management plans. The team must afford the
22 public an opportunity to review and comment upon significant proposed
23 revisions to the marine management plan.

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

26 (1) The marine resources stewardship trust account is created in
27 the state treasury. All receipts from income derived from the
28 investment of amounts credited to the account, any grants, gifts, or
29 donations to the state for the purposes of marine management planning,
30 marine spatial planning, data compilation, research, or monitoring, and
31 any appropriations made to the account must be deposited in the
32 account. Moneys in the account may be spent only after appropriation.

33 (2) Expenditures from the account may only be used for the purposes
34 of marine management planning, marine spatial planning, research,
35 monitoring, and implementation of the marine management plan(~~(7 and for
36 the restoration or enhancement of marine habitat or resources)~~)).

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

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

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

10 (a) Conducting ecosystem assessment and mapping activities in
11 marine waters consistent with RCW 43.372.040(6) (a) and (c), with a
12 focus on assessment and mapping activities related to marine resource
13 uses and developing potential economic opportunities;

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

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

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