
ENGROSSED SECOND SUBSTITUTE SENATE BILL 5138

State of Washington

61st Legislature

2009 Regular Session

By Senate Ways & Means (originally sponsored by Senators Rockefeller, Ranker, Jacobsen, Shin, Kohl-Welles, Kline, and Pridemore)

READ FIRST TIME 03/02/09.

1 AN ACT Relating to an integrated climate change response strategy;
2 and adding a new chapter to Title 43 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** (1) The legislature recognizes that climate
5 change poses a significant threat to Washington's economy, the health
6 and welfare of its population, and its natural resources. Washington's
7 water supply and natural resources are particularly vulnerable to
8 temperature changes and shifts in precipitation patterns and could
9 suffer devastating consequences if adaptive measures are not taken.
10 Even with effective mitigation of climate changing activities, the
11 region will experience inevitable impacts from climate change.

12 (2) The science and information on the effects and impacts of
13 climate change is continually improving and this scientific information
14 provides the basis for planning and developing preparation and
15 adaptation actions for climate change to ensure the economic, health,
16 safety, and environmental well-being of the state and its citizens. It
17 is in the public interest for the state to address the effects of
18 climate change and to be able to plan for future climate change

1 impacts. These impacts will affect individuals, public and private
2 businesses, state and local agencies, as well as natural resources and
3 the environment.

4 (3) It is the purpose of this chapter to create an integrated
5 climate change response strategy with prioritized and coordinated
6 climate change preparation and adaptation actions that state and local
7 agencies, public and private businesses, tribes, and individuals can
8 use to plan and prepare for the impacts of climate change through a
9 collaborative process of on-going research, analysis, collection, and
10 distribution of data and information.

11 (4) The legislature recognizes that the effort required to assess,
12 gather, and compile information and data to develop adaptation and
13 preparation activities for an integrated climate change response
14 strategy will take significant resources and time. The legislature
15 also recognizes that the departments of ecology, fish and wildlife,
16 natural resources, and transportation are uniquely positioned to
17 address many of these issues given the mission of their respective
18 agencies. Therefore, in an effort to reduce costs and streamline the
19 process while achieving the goals of this chapter, the legislature
20 designates the departments of ecology, fish and wildlife, natural
21 resources, and transportation as leaders in assessing and gathering the
22 necessary information and data to develop a comprehensive, integrated,
23 and coordinated climate change adaptation strategy.

24 NEW SECTION. **Sec. 2.** (1) The departments of ecology, fish and
25 wildlife, natural resources, and transportation shall develop an
26 integrated climate change response strategy to better enable state and
27 local agencies, public and private businesses, nongovernmental
28 organizations, and individuals to prepare for, address, and adapt to
29 the impacts of climate change.

30 (2) The department of ecology shall serve as a central
31 clearinghouse for relevant scientific and technical information about
32 the impacts of climate change on Washington state's ecology, economy,
33 and society, as well as serve as a central convener for the development
34 of vital programs and necessary policies to help the state adapt to a
35 rapidly changing climate.

36 (3) The department of ecology shall consult and collaborate with
37 the departments of fish and wildlife, natural resources, and

1 transportation in developing an integrated climate change response
2 strategy and plans of actions to prepare for and adapt to climate
3 change impacts.

4 (4) The department of fish and wildlife shall focus on issues
5 relating to biodiversity, resiliency, and vulnerability of the natural
6 environment, and other areas as requested by the department of ecology.

7 (5) The department of natural resources shall focus on the
8 vulnerability and resiliency of forests, forest fires, and forest
9 health.

10 (6) The department of transportation shall focus on gathering and
11 assessing information relating to infrastructure projects,
12 vulnerability of the built environment, and other concerns, as
13 requested by the department of ecology.

14 However, the department of transportation's obligations under this
15 section are subject to availability of amounts appropriated for the
16 specific purpose identified in this section.

17 NEW SECTION. **Sec. 3.** (1) The departments of ecology, fish and
18 wildlife, natural resources, and transportation may seek assistance
19 from a science advisory group.

20 (2) The departments of ecology, fish and wildlife, natural
21 resources, and transportation may consult with other state, federal,
22 and local agencies that have expertise in matters relating to climate
23 change, or information and data regarding impacts from climate change,
24 as necessary to develop an integrated climate change response strategy.

25 (3) The departments of ecology, fish and wildlife, natural
26 resources, and transportation shall, to the extent possible, use
27 teleconferencing for meetings and electronic messaging for gathering
28 data and information to reduce meeting and travel expenditures.

29 NEW SECTION. **Sec. 4.** (1) The integrated climate change response
30 strategy shall include recommendations conveyed and communicated so
31 that policymakers, public and private businesses, and individuals can
32 easily understand and recognize the implications of the climate change
33 response strategy. The integrated climate change response strategy
34 should address the impact of and adaptation to climate change, as well
35 as the regional capacity to undertake actions, existing ecosystem and
36 resource management concerns, and health and economic risks. In

1 addition, the departments of ecology, fish and wildlife, natural
2 resources, and transportation should include a range of scenarios for
3 the purposes of planning in order to assess project vulnerability and,
4 to the extent feasible, reduce expected risks and increase resiliency
5 to the impacts of climate change.

6 (2) The integrated climate change response strategy must include
7 climate change preparation and adaptation actions that ensure
8 collaborative and cooperative activities.

9 (a) By December 1, 2011, the department of ecology shall compile an
10 initial climate change response strategy, including information and
11 data from the departments of fish and wildlife, natural resources, and
12 transportation that: Summarizes the best known science on climate
13 change impacts to Washington; assesses Washington's vulnerability to
14 the identified climate change impacts; prioritizes solutions that can
15 be implemented within and across state agencies; and identifies
16 recommended funding mechanisms and technical and other essential
17 resources for implementing solutions.

18 (b) The initial strategy must include:

19 (i) Efforts to identify priority planning areas for action, based
20 on vulnerability and risk assessments;

21 (ii) Barriers challenging state and local governments to take
22 action, such as laws, policies, regulations, rules, and procedures that
23 require revision to adequately address adaptation to climate change;

24 (iii) Opportunities to integrate climate science and projected
25 impacts into planning and decision making; and

26 (iv) Methods to increase public awareness of climate change, its
27 projected impacts on the community, and to build support for meaningful
28 adaptation policies and strategies.

29 (c) The department of ecology shall, in collaboration with the
30 departments of fish and wildlife, natural resources, and
31 transportation, complete an initial climate impacts assessment report
32 that includes the status of the integrated climate change response
33 strategy and provide it to the appropriate committees of the
34 legislature by December 1, 2012.

35 (3) By December 1, 2013, the department of ecology, in
36 collaboration with the departments of fish and wildlife, natural
37 resources, and transportation, must complete an integrated climate
38 change response strategy, which must include:

1 (a) Adaptation plans of action to address:

2 (i) Water resources;

3 (ii) Ocean and coastal resources;

4 (iii) Infrastructure requirements;

5 (iv) Biodiversity;

6 (v) Public health risks and consequences; and

7 (vi) Working landscapes, such as forest and agricultural lands.

8 (b) Information about the latest research and projects, such as:

9 (i) Risk assessment models and data, including evaluations of the
10 consequences, magnitude, and probability of climate change impacts;

11 (ii) Comprehensive impact assessments that examine how climate
12 change is likely to affect the natural environment and physical
13 infrastructure, as well as the economic impacts on municipal and rural
14 operations; and

15 (iii) Methods to strengthen community partnerships that reduce
16 vulnerabilities and risks to climate change.

17 NEW SECTION. **Sec. 5.** (1) The science advisory group shall provide
18 independent, nonrepresentational scientific advice to the department of
19 ecology. The science advisory group members shall assist the
20 department of ecology in: (a) Identifying the timing and extent of
21 impacts from climate change; (b) assessing the effects of climate
22 variability and change in the context of multiple interacting stressors
23 or impacts; (c) developing forecasting models; (d) determining the
24 resilience of the environment, natural systems, communities, and
25 organizations to deal with potential or actual impacts of climate
26 change and the vulnerability to which a natural or social system is
27 susceptible to sustaining damage from climate change impacts; and (e)
28 identifying other issues, as determined by the department of ecology,
29 necessary to develop policies and actions for the integrated climate
30 change response strategy.

31 (2) The chair of the science advisory group must be a scientist
32 with recognized expertise in a field or fields of science essential to
33 preparing for and adapting to climate change. The chair serves for a
34 term of three years. The chair shall: (a) Select experts from
35 scientific disciplines as needed to assist the department of ecology
36 with developing an integrated climate change response strategy; and (b)

1 coordinate the science advisory group activities to ensure the
2 priorities and goals of the department of ecology are met.

3 (3) The governor or the governor's designee shall appoint the chair
4 of the science advisory group or appoint a successor to assume the
5 duties of the chair after the initial term.

6 (4) In establishing the science advisory group, the department of
7 ecology shall request that the Washington academy of sciences provide
8 a list of candidates to the chair of the science advisory group. The
9 list of candidates should reflect the full range of scientific
10 disciplines involved in climate change, including scientists associated
11 with federal, state, and local agencies, tribes, business and
12 environmental communities, colleges, and university communities. The
13 chair of the science advisory group may also seek advice from the
14 scientific community to develop membership for the science advisory
15 group.

16 NEW SECTION. **Sec. 6.** State agencies shall strive to incorporate
17 adaptation plans of action as priority activities when planning or
18 designing agency policies and programs. Agencies shall consider: The
19 integrated climate change response strategy when designing, planning,
20 and funding infrastructure projects; and incorporating natural resource
21 adaptation actions and alternative energy sources when designing and
22 planning infrastructure projects.

23 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act constitute
24 a new chapter in Title 43 RCW.

25 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this
26 act, referencing this act by bill or chapter number, is not provided by
27 June 30, 2009, in the omnibus appropriations act, this act is null and
28 void.

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