
HOUSE BILL 2990

State of Washington 59th Legislature 2006 Regular Session

By Representatives Appleton, Rodne, Kilmer, Woods, Strow, Eickmeyer,
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Read first time 01/17/2006. Referred to Committee on Economic
Development, Agriculture & Trade.

1 AN ACT Relating to promoting underwater viewing; amending RCW
2 43.330.090, 77.12.065, 79.105.050, 79A.05.360, and 79A.25.005; and
3 creating new sections.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that Puget Sound and
6 the other waters of Washington state contain an abundance of varied and
7 unique marine life and other natural attractions that are of interest
8 to divers and other recreationalists from all over the world. The
9 legislature further finds that in addition to the usual benefits from
10 tourism, the promotion of underwater viewing tourism in the waters of
11 Washington state will enhance efforts to protect Puget Sound by
12 assisting in educating residents and nonresidents as to the value of
13 the marine environment. The legislature therefore finds that
14 Washington state's efforts to promote nature-based tourism should
15 include the natural wonder of underwater Washington.

16 **Sec. 2.** RCW 43.330.090 and 2005 c 136 s 14 are each amended to
17 read as follows:

18 (1) The department shall work with private sector organizations,

1 local governments, local associate development organizations, and
2 higher education and training institutions to assist in the development
3 of strategies to diversify the economy, facilitate technology transfer
4 and diffusion, and increase value-added production by focusing on
5 targeted sectors. The targeted sectors may include, but are not
6 limited to, software, forest products, biotechnology, environmental
7 industries, recycling markets and waste reduction, aerospace, food
8 processing, tourism, film and video, microelectronics, new materials,
9 robotics, and machine tools. The department shall, on a continuing
10 basis, evaluate the potential return to the state from devoting
11 additional resources to a targeted sector's approach to economic
12 development and including additional sectors in its efforts. The
13 department shall use information gathered in each service delivery
14 region in formulating its sectoral strategies and in designating new
15 targeted sectors.

16 (2) The department shall pursue a coordinated program to expand the
17 tourism industry throughout the state in cooperation with the public
18 and private tourism development organizations. The department, in
19 operating its tourism program, shall:

20 (a) Promote Washington as a tourism destination to national and
21 international markets to include nature-based and wildlife and
22 underwater viewing tourism;

23 (b) Provide information to businesses and local communities on
24 tourism opportunities that could expand local revenues;

25 (c) Assist local communities to strengthen their tourism
26 partnerships, including their relationships with state and local
27 agencies;

28 (d) Provide leadership training and assistance to local communities
29 to facilitate the development and implementation of local tourism
30 plans;

31 (e) Coordinate the development of a statewide tourism and marketing
32 plan. The department's tourism planning efforts shall be carried out
33 in conjunction with public and private tourism development
34 organizations including the department of fish and wildlife, the
35 department of natural resources, the state parks and recreation
36 commission, the interagency committee for outdoor recreation, and other
37 appropriate agencies. The plan shall specifically address mechanisms

1 for: (i) Funding national and international marketing and nature-based
2 tourism efforts; (ii) interagency cooperation; and (iii) integrating
3 the state plan with local tourism plans.

4 (3) The department may, in carrying out its efforts to expand the
5 tourism industry in the state:

6 (a) Solicit and receive gifts, grants, funds, fees, and endowments,
7 in trust or otherwise, from tribal, local or other governmental
8 entities, as well as private sources, and may expend the same or any
9 income therefrom for tourism purposes. All revenue received for
10 tourism purposes shall be deposited into the tourism development and
11 promotion account created in RCW 43.330.094;

12 (b) Host conferences and strategic planning workshops relating to
13 the promotion of nature-based and wildlife and underwater viewing
14 tourism;

15 (c) Conduct or contract for tourism-related studies;

16 (d) Contract with individuals, businesses, or public entities to
17 carry out its tourism-related activities under this section;

18 (e) Provide tourism-related organizations with marketing and other
19 technical assistance;

20 (f) Evaluate and make recommendations on proposed tourism-related
21 policies.

22 (4)(a) The department shall promote, market, and encourage growth
23 in the production of films and videos, as well as television
24 commercials within the state; to this end the department is directed to
25 assist in the location of a film and video production studio within the
26 state.

27 (b) The department may, in carrying out its efforts to encourage
28 film and video production in the state, solicit and receive gifts,
29 grants, funds, fees, and endowments, in trust or otherwise, from
30 tribal, local, or other governmental entities, as well as private
31 sources, and may expend the same or any income therefrom for the
32 encouragement of film and video production. All revenue received for
33 such purposes shall be deposited into the film and video promotion
34 account created in RCW 43.330.092.

35 (5) In assisting in the development of a targeted sector, the
36 department's activities may include, but are not limited to:

37 (a) Conducting focus group discussions, facilitating meetings, and

1 conducting studies to identify members of the sector, appraise the
2 current state of the sector, and identify issues of common concern
3 within the sector;

4 (b) Supporting the formation of industry associations, publications
5 of association directories, and related efforts to create or expand the
6 activities or industry associations;

7 (c) Assisting in the formation of flexible networks by providing
8 (i) agency employees or private sector consultants trained to act as
9 flexible network brokers and (ii) funding for potential flexible
10 network participants for the purpose of organizing or implementing a
11 flexible network;

12 (d) Helping establish research consortia;

13 (e) Facilitating joint training and education programs;

14 (f) Promoting cooperative market development activities;

15 (g) Analyzing the need, feasibility, and cost of establishing
16 product certification and testing facilities and services; and

17 (h) Providing for methods of electronic communication and
18 information dissemination among firms and groups of firms to facilitate
19 network activity.

20 **Sec. 3.** RCW 77.12.065 and 2003 c 183 s 1 are each amended to read
21 as follows:

22 The department shall manage wildlife and habitat programs,
23 including underwater wildlife and habitat programs, in a manner that
24 provides for public opportunities to view wildlife and underwater life
25 and supports wildlife and underwater viewing tourism without impairing
26 the state's wildlife resources or their natural habitats.

27 **Sec. 4.** RCW 79.105.050 and 2005 c 155 s 141 are each amended to
28 read as follows:

29 The department shall foster the commercial and recreational use of
30 the aquatic environment for production of food, fibre, income, and
31 public enjoyment from state-owned aquatic lands and from associated
32 waters, including opportunities for underwater viewing in naturally
33 occurring aquatic habitat, and to this end the department may develop
34 and improve production and harvesting of seaweeds and sealife attached
35 to or growing on aquatic land or contained in aquaculture containers,

1 but nothing in this section alters the responsibility of other state
2 agencies for their normal management of fish, shellfish, game, and
3 water.

4 **Sec. 5.** RCW 79A.05.360 and 1999 c 249 s 1301 are each amended to
5 read as follows:

6 The commission may establish a system of underwater parks to
7 provide for diverse recreational diving opportunities and to conserve
8 and protect unique marine resources of the state of Washington. In
9 establishing and maintaining an underwater park system, the commission
10 may:

- 11 (1) Plan, construct, and maintain underwater parks;
- 12 (2) Acquire property and enter management agreements with other
13 units of state government for the management of lands, tidelands, and
14 bedlands as underwater parks;
- 15 (3) Construct artificial reefs and other underwater features to
16 enhance marine life and recreational uses of an underwater park;
- 17 (4) Accept gifts and donations for the benefit of underwater parks;
- 18 (5) Facilitate private efforts to construct artificial reefs and
19 underwater parks;
- 20 (6) Work with the federal government, local governments and other
21 appropriate agencies of state government, including but not limited to:
22 The department of natural resources, the department of fish and
23 wildlife and the natural heritage council to carry out the purposes of
24 this chapter; and
- 25 (7) Contract with other state agencies or local governments for the
26 management of an underwater park unit.

27 The commission may also take such actions as appropriate to support
28 underwater viewing tourism.

29 **Sec. 6.** RCW 79A.25.005 and 1989 c 237 s 1 are each amended to read
30 as follows:

31 (1) As Washington begins its second century of statehood, the
32 legislature recognizes that renewed efforts are needed to preserve,
33 conserve, and enhance the state's recreational resources. Rapid
34 population growth and increased urbanization have caused a decline in
35 suitable land for recreation and resulted in overcrowding and
36 deterioration of existing facilities. Lack of adequate recreational

1 resources directly affects the health and well-being of all citizens of
2 the state, reduces the state's economic viability, and prevents
3 Washington from maintaining and achieving the quality of life that it
4 deserves.

5 It is therefore the policy of the state and its agencies to
6 preserve, conserve, and enhance recreational resources and open space.
7 In carrying out this policy, the mission of the interagency committee
8 for outdoor recreation and its staff is to (a) create and work actively
9 for the implementation of a unified statewide strategy for meeting the
10 recreational needs of Washington's citizens, (b) represent and promote
11 the interests of the state on recreational issues in concert with other
12 state and local agencies and the governor, (c) encourage and provide
13 interagency and regional coordination, and interaction between public
14 and private organizations, (d) administer recreational grant-in-aid
15 programs and provide technical assistance, and (e) serve as a
16 repository for information, studies, research, and other data relating
17 to recreation.

18 It is also the policy of the state and its agencies to support
19 wildlife and underwater viewing tourism. In carrying out this policy,
20 the interagency committee for outdoor recreation and its staff shall,
21 whenever appropriate, include support for wildlife and underwater
22 viewing tourism in its programs and work cooperatively with other
23 entities to enhance wildlife and underwater viewing tourism.

24 (2) Washington is uniquely endowed with fresh and salt waters rich
25 in scenic and recreational value. This outdoor heritage enriches the
26 lives of citizens, attracts new residents and businesses to the state,
27 and is a major support of its expanding tourist industry. Rising
28 population, increased income and leisure time, and the rapid growth of
29 boating and other water sports have greatly increased the demand for
30 water related recreation, while waterfront land is rapidly rising in
31 value and disappearing from public use. There is consequently an
32 urgent need for the acquisition or improvement of waterfront land on
33 fresh and salt water suitable for marine recreational use by Washington
34 residents and visitors. To meet this need, it is necessary and proper
35 that the portion of motor vehicle fuel taxes paid by boat owners and
36 operators on fuel consumed in their watercraft and not reclaimed as
37 presently provided by law should be expended for the acquisition or

1 improvement of marine recreation land on the Pacific Ocean, Puget
2 Sound, bays, lakes, rivers, reservoirs and other fresh and salt waters
3 of the state.

4 NEW SECTION. **Sec. 7.** (1) The department of community, trade, and
5 economic development; the department of fish and wildlife; the
6 department of natural resources; the state parks and recreation
7 commission; and the interagency committee for outdoor recreation shall
8 host a working conference on promoting underwater viewing tourism. The
9 objective of the conference shall be to adopt a strategic plan and
10 specific implementing actions to promote underwater viewing tourism in
11 Washington in a manner that provides sustainable economic development
12 in the state's rural and urban areas, enhances underwater recreational
13 opportunity, and supports maintaining the state's underwater diversity
14 and health of the natural marine environment.

15 (2) The agencies shall work with interested local governments,
16 other state agencies, tribes, visitor and convention bureaus, the
17 hospitality industry, tourism development organizations, tour operators
18 and other private sector interests, marine and underwater recreation
19 interests, educators, and conservation organizations in preparing for
20 and conducting the conference. The conference should be held in
21 conjunction with an annual conference on promoting wildlife viewing
22 tourism. The agencies shall guide preparation for the conference by
23 surveying programs and activities in other states and compiling
24 information on current programs, infrastructure, and promotional
25 activities regarding wildlife and underwater viewing tourism in
26 Washington. To enhance the effectiveness of the conference and its
27 products, the agencies shall seek to frame issues and outline options
28 for improvement through discussion papers and preliminary meetings with
29 interest groups.

30 (3) Among the topics that the departments and interest groups
31 should address at the conference are:

32 (a) Strategies to increase revenues and benefits to Washington
33 communities with underwater viewing resources that have identified
34 tourism as part of their economic development strategy;

35 (b) Strengthening the underwater viewing tourism elements of
36 gateway community partnerships among state and local transportation,
37 economic development, and parks and natural resource agencies;

1 (c) Providing leadership and services by state agencies to assist
2 local communities to assess their local underwater viewing resources
3 and to market tourism centered upon such resources;

4 (d) Assessing the carrying capacity of underwater viewing sites and
5 facilities that support underwater viewing activity; and

6 (e) Developing proposals to increase use of state funding available
7 to local communities to implement local underwater viewing tourism
8 plans, including assessing resources, providing infrastructure specific
9 to underwater viewing tourism, festival development, and marketing.

10 (4) The agencies shall prepare a summary of the conference
11 proceedings and proposals for the legislature to be submitted to the
12 appropriate committees of the legislature no later than December 15,
13 2007.

14 NEW SECTION. **Sec. 8.** (1) In several locations throughout the
15 world, the use of ships as artificial reefs has helped promote
16 underwater viewing tourism. The department of community, trade, and
17 economic development; the department of fish and wildlife; the
18 department of natural resources; the state parks and recreation
19 commission; and the department of ecology shall establish a work group
20 on the use of ships as artificial reefs. To the extent funds are made
21 available, the department of community, trade, and economic development
22 may commission an independent study to assist the agencies' work group
23 in its deliberations. The objectives of the work group shall be to:

24 (a) Review the best available information regarding the
25 environmental, economic, funding, liability, and other issues involved
26 in the use of ships as artificial reefs; and

27 (b) Consider the appropriate roles for each agency and the roles of
28 other federal, state, and local agencies in the planning, permitting,
29 construction, maintenance, and operation of ships as artificial reefs.

30 (2) The agencies shall work with interested local governments,
31 other state agencies, tribes, visitor and convention bureaus, the
32 hospitality industry, tourism development organizations, tour operators
33 and other private sector interests, marine and underwater recreation
34 interests, educators, and conservation organizations in conducting this
35 review.

36 (3) Among the topics that the departments should address are:

1 (a) Assessing the availability of appropriate locations in Puget
2 Sound at the appropriate depths after the elimination of existing areas
3 reserved for shipping lanes, shellfish beds, areas with water quality
4 concerns that would preclude placement of a vessel, commercial fishing
5 areas, and areas with restrictions due to national security concerns or
6 national defense activity;

7 (b) What are the possible long-term environmental consequences,
8 including those to habitat and marine life, of the use of ships as
9 artificial reefs, and what steps would need to be taken prior to the
10 state allowing the sinking of a ship to be used as an artificial reef.
11 At a minimum, this should include an assessment of:

12 (i) Water quality impacts and the residual impacts to the
13 underlying land, over time, as the vessel breaks down, such as
14 accumulation of contaminants in the sediment;

15 (ii) Potential impacts that sinking a ship would have on predation
16 of juvenile salmonid and other state or federally listed species;

17 (c) What are the possible long-term economic consequences and what
18 are the costs, both capital and operating, of the use of ships as
19 artificial reefs, including the costs of cleaning a ship to appropriate
20 environmental standards;

21 (d) What funding would need to be secured prior to the state
22 allowing the sinking of a ship to be used as an artificial reef and
23 what sources of funding are, or can be made, available for this
24 purpose; and

25 (e) What are the legal liabilities and exposures for the state in
26 using ships as artificial reefs.

27 (4) The agencies shall prepare a summary of the work group findings
28 to be submitted to the appropriate committees of the legislature no
29 later than December 15, 2007.

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