

**SSB 6231 - H AMD 1543**

By Representative Upthegrove

ADOPTED 03/11/2008

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

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that Washington  
4 contains an array of marine protected areas managed by state, federal,  
5 tribal, and local governments in both coastal areas and in the Puget  
6 Sound. The many entities managing marine protected areas have  
7 developed distinct goals for protected areas, criteria for protected  
8 area establishment, management practices, terminology, and monitoring  
9 practices for these areas. The legislature supports all efforts to  
10 protect, conserve, and sustainably manage marine life and resources.  
11 However, the legislature finds that additional coordination between  
12 marine protected areas managers will improve the collective resource  
13 protection capacity of marine protected areas in Washington. The  
14 legislature further finds that additional coordination between state  
15 agencies and local governments and citizens will increase local  
16 involvement in, and the success of, marine protected areas.

17 (2) The legislature further finds that many state agencies and  
18 local governments, in addition to marine protected areas, also  
19 administer aquatic preserves, conservation areas, and other similar  
20 geographically based area conservation designations that are a valuable  
21 means to protect and enhance Puget Sound's marine resources. Climate  
22 change impacts and increased population and development in the Puget  
23 Sound basin will place further stresses upon sustaining the biological  
24 diversity and ecosystem health of Puget Sound, underscoring the  
25 importance of conservation efforts.

26 (3) It is the intent of the legislature that state and local  
27 actions intended to protect, conserve, and manage marine life and  
28 resources be conducted in a coordinated manner, use the best available  
29 science, consider the projected impacts on Puget Sound's marine areas

1 from climate change, and contribute to the recovery of the Puget  
2 Sound's environmental health by 2020.

3 (4) It is the purpose of this act to:

4 (a) Create a strategic network of marine managed areas that  
5 contribute to conserving the biological diversity and ecosystem health  
6 of coastal areas and the Puget Sound and that contribute to the  
7 recovery of Puget Sound's health by 2020;

8 (b) Strengthen the coordination of marine managed areas among  
9 multiple state agencies and local governments and align these efforts  
10 with the work of the Puget Sound partnership to recover the Puget  
11 Sound's health by 2020;

12 (c) Provide for management and designation of marine managed areas  
13 programs on an ecosystem basis and incorporate the best available  
14 scientific information into these programs;

15 (d) Adopt a plan that builds a comprehensive system of marine  
16 managed areas in Washington's waters, adopts goals and benchmarks for  
17 maintaining the diversity of marine life and resources in Washington's  
18 waters, and is based upon anticipated threats and stressors such as  
19 climate change impacts and population growth;

20 (e) Recognize the interrelationship of the marine ecosystem  
21 throughout the Pacific Northwest, and the multiple entities, including  
22 local, state, provincial, and federal governments, as well as tribal  
23 governments and first nations, that are involved in managing marine  
24 managed areas; and

25 (f) Adopt codified criteria and procedures applicable to the  
26 aquatic reserve program on state-owned aquatic lands.

27 NEW SECTION. **Sec. 2.** (1) The coastal marine protected areas work  
28 group is established. The work group shall:

29 (a) Examine the current inventory and management of Washington's  
30 coastal marine protected areas;

31 (b) Develop recommendations to improve coordination and consistency  
32 among coastal marine protected areas and marine protected areas  
33 managers regarding goals for protected areas, criteria for protected  
34 area establishment, management practices, terminology, and monitoring  
35 practices;

36 (c) Develop recommendations to improve the integration of science

1 into the establishment and management of coastal marine protected  
2 areas;

3 (d) Develop recommendations to further integrate local governments  
4 and nongovernmental organizations into the establishment and management  
5 of coastal marine protected areas; and

6 (e) Provide any other recommendations to improve the effectiveness  
7 of coastal marine protected areas in Washington.

8 (2)(a) The director of the department of fish and wildlife, or the  
9 director's designee, shall chair the work group created in this  
10 section. The chair is responsible for convening the work group and for  
11 directing the process of the work group.

12 (b) The chair of the work group shall invite a balanced composition  
13 of representatives from state agencies and local governments with  
14 jurisdiction over, or that manage, coastal marine protected areas in  
15 Washington to participate in the work group. These entities must  
16 include, but are not limited to:

- 17 (i) The department of fish and wildlife;
- 18 (ii) The department of natural resources;
- 19 (iii) The state parks and recreation commission;
- 20 (iv) Any appropriate marine resources committees; and
- 21 (v) Appropriate federal agencies and tribal governments.

22 (c) State agencies invited to participate in the work group must  
23 participate and work cooperatively with the department of fish and  
24 wildlife to carry out the requirements and purposes of this act.

25 (3) For the purposes of this section, "marine protected area" means  
26 a geographic marine or estuarine area located in coastal waters, as  
27 that term is defined in RCW 43.143.020, designated by a state, federal,  
28 tribal, or local government in order to provide long-term protection  
29 for part or all of the resources within that area.

30 (4) By December 1, 2009, the work group must provide the  
31 appropriate committees of the legislature with:

32 (a) An inventory of coastal marine protected areas in Washington;  
33 and

34 (b) A summary of the issues and recommendations identified under  
35 subsection (1)(b) through (e) of this section.

36 (5) The coastal marine protected areas work group established under  
37 this section shall coordinate with the marine managed areas work group

1 established in section 6 of this act. The two work groups may share  
2 resources and expertise when appropriate.

3 **Sec. 3.** RCW 90.71.010 and 2007 c 341 s 2 are each amended to read  
4 as follows:

5 (~~Unless the context clearly requires otherwise,~~) The definitions  
6 in this section apply throughout this chapter unless the context  
7 clearly requires otherwise.

8 (1) "Action agenda" means the comprehensive schedule of projects,  
9 programs, and other activities designed to achieve a healthy Puget  
10 Sound ecosystem that is authorized and further described in RCW  
11 90.71.300 and 90.71.310.

12 (2) "Action area" means the geographic areas delineated as provided  
13 in RCW 90.71.260.

14 (3) "Benchmarks" means measurable interim milestones or  
15 achievements established to demonstrate progress towards a goal,  
16 objective, or outcome.

17 (4) "Board" means the ecosystem coordination board.

18 (5) "Council" means the leadership council.

19 (6) "Environmental indicator" means a physical, biological, or  
20 chemical measurement, statistic, or value that provides a proximate  
21 gauge, or evidence of, the state or condition of Puget Sound.

22 (7) "Implementation strategies" means the strategies incorporated  
23 on a biennial basis in the action agenda developed under RCW 90.71.310.

24 (8) "Marine managed area" means a named, discrete geographic marine  
25 or estuarine area designated by statute, ordinance, resolution, or  
26 administrative action, whose designation is intended to protect,  
27 conserve, or otherwise manage the marine life and resources within the  
28 area.

29 (9) "Nearshore" means the area beginning at the crest of coastal  
30 bluffs and extending seaward through the marine photics zone, and to  
31 the head of tide in coastal rivers and streams. "Nearshore" also means  
32 both shoreline and estuaries.

33 (~~(9)~~) (10) "Panel" means the Puget Sound science panel.

34 (~~(10)~~) (11) "Partnership" means the Puget Sound partnership.

35 (~~(11)~~) (12) "Plan" means the Puget Sound marine managed areas  
36 plan developed under section 4 of this act.

1        (13) "Puget Sound" means Puget Sound and related inland marine  
2 waters, including all salt waters of the state of Washington inside the  
3 international boundary line between Washington and British Columbia,  
4 and lying east of the junction of the Pacific Ocean and the Strait of  
5 Juan de Fuca, and the rivers and streams draining to Puget Sound as  
6 mapped by water resource inventory areas 1 through 19 in WAC  
7 173-500-040 as it exists on July 1, 2007.

8        ~~((12))~~ (14) "Puget Sound partner" means an entity that has been  
9 recognized by the partnership, as provided in RCW 90.71.340, as having  
10 consistently achieved outstanding progress in implementing the 2020  
11 action agenda.

12        ~~((13))~~ (15) "Watershed groups" means all groups sponsoring or  
13 administering watershed programs, including but not limited to local  
14 governments, private sector entities, watershed planning units,  
15 watershed councils, shellfish protection areas, regional fishery  
16 enhancement groups, marine ~~((resource[s]))~~ resources committees  
17 including those working with the Northwest straits commission,  
18 nearshore groups, and watershed lead entities.

19        ~~((14))~~ (16) "Watershed programs" means and includes all  
20 watershed-level plans, programs, projects, and activities that relate  
21 to or may contribute to the protection or restoration of Puget Sound  
22 waters. Such programs include jurisdiction-wide programs regardless of  
23 whether more than one watershed is addressed.

24        NEW SECTION. Sec. 4. A new section is added to chapter 90.71 RCW  
25 to read as follows:

26        (1) The partnership shall prepare a Puget Sound marine managed  
27 areas plan to coordinate and strengthen all of the marine managed areas  
28 programs managed by state agencies and local governments. The plan  
29 must be incorporated into the Puget Sound action agenda adopted under  
30 RCW 90.71.310.

31        (2) The plan required by this section must include, but not be  
32 limited to:

33        (a) Guidelines for identifying key species of concern, threats to  
34 these species, and threshold levels of protected habitat needed to  
35 recover these species and Puget Sound as a whole to health by 2020;

36        (b) Guidelines for incorporating the best available scientific  
37 information when designating and managing marine managed areas;

1 (c) Guidelines for managing areas on an ecosystem basis and for  
2 coordinating multiple programs and areas within the same  
3 biogeographical regions to achieve ecosystem-based management;

4 (d) Benchmarks to measure progress toward the recovery of species  
5 and protected habitat;

6 (e) Recommendations for adequate levels of funding for the  
7 designation, long-term management, and monitoring of the marine managed  
8 areas in the network;

9 (f) Strategies to address the projected impacts to marine managed  
10 areas from population growth, existing and proposed upland and aquatic  
11 lands development, and storm water discharges to Puget Sound;

12 (g) Strategies to prepare for and manage the impacts of climate  
13 change, including impacts due to sea level changes, salinity changes,  
14 water temperature, increased acidification, and changes in frequency  
15 and intensity of precipitation events affecting storm water discharges  
16 to marine waters;

17 (h) An adaptive management component in which new information on  
18 the progress of implementing management goals for the individual marine  
19 managed areas and overall goals for all marine managed areas, including  
20 the consideration and integration of the contribution these areas are  
21 making toward the goals of recovering the health of Puget Sound by  
22 2020, and climate change impacts; and

23 (i) Methodologies for synthesizing monitoring results with  
24 programmatic goals to inform decision making on subsequent designation  
25 and marine managed areas strategies and any necessary changes in  
26 implementation strategies to increase the effectiveness of the marine  
27 managed areas program in achieving the goal of recovering the Puget  
28 Sound's health by 2020.

29 (3) The plan required by this section must also include  
30 comprehensive objectives for coordinating existing marine managed areas  
31 and designating additional areas to achieve a network of marine managed  
32 areas contributing to long-term conservation of important biota and  
33 marine ecosystems and recovery of Puget Sound by and consider  
34 activities and uses within or adjacent to marine managed areas that are  
35 allowed under existing leases of state-owned aquatic lands issued under  
36 chapter 79.105 RCW.

37 (4) The plan required by this section must be completed by July 1,  
38 2010, and submitted to the council for its review and approval. The

1 council shall provide for public review and comment on the plan in a  
2 manner comparable to the other provisions of the Puget Sound action  
3 agenda. The council may amend the plan from time to time using public  
4 review and comment procedures comparable to those that apply when other  
5 elements of the Puget Sound action agenda are revised.

6 NEW SECTION. **Sec. 5.** The Puget Sound partnership shall provide  
7 the plan required by section 4 of this act to the appropriate  
8 committees of the legislature by December 1, 2010, together with its  
9 recommendations for further policy legislation and budget  
10 recommendations to enhance Puget Sound marine managed areas programs.

11 NEW SECTION. **Sec. 6.** (1) The Puget Sound marine managed areas  
12 plan required by section 4 of this act must be developed with the  
13 assistance of a work group on marine managed areas. The chair of the  
14 Puget Sound partnership leadership council is responsible for convening  
15 the work group, inviting participation on the work group, and for  
16 directing the process of the work group.

17 (2)(a) The work group created in this section must include one or  
18 more members of the Puget Sound science panel, one of whom must serve  
19 as chair of the work group.

20 (b) The chair of the Puget Sound partnership leadership council  
21 must also invite the participation of the following:

22 (i) State agencies and local governments with regulatory  
23 jurisdiction over, or that manage, marine managed areas including, but  
24 not limited to, the department of natural resources, the department of  
25 fish and wildlife, the parks and recreation commission, and the  
26 department of ecology;

27 (ii) The state biodiversity council, created by executive order 04-  
28 02, or the biodiversity council's successor entity;

29 (iii) Representatives of tribal governments, federal agencies,  
30 cities, counties, marine resources committees, and nongovernmental  
31 organizations that have designated or have significant interests in the  
32 management of Puget Sound marine managed areas; and

33 (iv) Any other individuals or representatives of entities with  
34 expertise, perspective, or knowledge deemed beneficial by the chair of  
35 the Puget Sound partnership leadership council in assisting the work  
36 group to achieve its goals and responsibilities.

1 (c) The chair of the Puget Sound partnership leadership council may  
2 also invite representatives from other states, provinces, first  
3 nations, and tribal governments with interests in marine managed areas  
4 in the Pacific Northwest to participate on the work group as observers.

5 (3) In developing the objectives required by section 4(3) of this  
6 act, the work group must rely primarily upon existing plans and  
7 objectives relating to the conservation of marine life in Puget Sound  
8 and the program plans prepared by state agencies and local governments  
9 administering marine managed areas programs.

10 (4) The marine managed areas work group established under this  
11 section shall coordinate with the coastal marine protected areas work  
12 group established in section 2 of this act. The two work groups may  
13 share resources and expertise when appropriate.

14 **Sec. 7.** RCW 79.105.210 and 2005 c 155 s 143 are each amended to  
15 read as follows:

16 (1) The management of state-owned aquatic lands shall preserve and  
17 enhance water-dependent uses. Water-dependent uses shall be favored  
18 over other uses in state-owned aquatic land planning and in resolving  
19 conflicts between competing lease applications. In cases of conflict  
20 between water-dependent uses, priority shall be given to uses which  
21 enhance renewable resources, water-borne commerce, and the navigational  
22 and biological capacity of the waters, and to statewide interests as  
23 distinguished from local interests.

24 (2) Nonwater-dependent use of state-owned aquatic lands is a low-  
25 priority use providing minimal public benefits and shall not be  
26 permitted to expand or be established in new areas except in  
27 exceptional circumstances where it is compatible with water-dependent  
28 uses occurring in or planned for the area.

29 (3)(a) The department shall consider the natural values of state-  
30 owned aquatic lands as wildlife habitat, natural area preserve,  
31 representative ecosystem, or spawning area prior to issuing any initial  
32 lease or authorizing any change in use.

33 (b) The department may withhold from leasing lands which it finds  
34 to have significant natural values, or may provide within any lease for  
35 the protection of such values. When withdrawing lands from leasing for  
36 the purposes of managing an aquatic reserve, the department shall be

1 guided by the procedures and criteria of sections 8 through 14 of this  
2 act.

3 (4) The power to lease state-owned aquatic lands is vested in the  
4 department, which has the authority to make leases upon terms,  
5 conditions, and length of time in conformance with the state  
6 Constitution and chapters 79.105 through 79.140 RCW.

7 (5) State-owned aquatic lands shall not be leased to persons or  
8 organizations which discriminate on the basis of race, color, creed,  
9 religion, sex, age, or physical or mental handicap.

10 NEW SECTION. Sec. 8. A new section is added to chapter 79.105 RCW  
11 under a new subchapter heading of "aquatic reserve system" to read as  
12 follows:

13 The aquatic reserve system is established for the purpose of aiding  
14 Washington with its goals of supporting and coordinating marine  
15 protected areas. The aquatic reserve system is comprised of those  
16 areas of state-owned aquatic lands designated by the department prior  
17 to the effective date of this section and any areas added to the system  
18 under this chapter by order of the commissioner after the effective  
19 date of this section.

20 NEW SECTION. Sec. 9. A new section is added to chapter 79.105 RCW  
21 under a new subchapter heading of "aquatic reserve system" to read as  
22 follows:

23 State-owned aquatic lands that have one or more of the following  
24 characteristics may be included by order of the commissioner as an  
25 aquatic reserve:

26 (1) The lands have been identified as having high priority for  
27 conservation, natural systems, wildlife, or low-impact public use  
28 values;

29 (2) The lands have flora, fauna, geological, recreational,  
30 archaeological, cultural, scenic, or similar features of critical  
31 importance and have retained to some degree or reestablished its  
32 natural character;

33 (3) The lands provide significant examples of native ecological  
34 communities;

35 (4) The lands have significant sites or features threatened with  
36 conversion to incompatible uses; and

1 (5) The lands have been identified by the Puget Sound science panel  
2 created in RCW 90.71.270 as critical to achieving recovery of Puget  
3 Sound by 2020.

4 NEW SECTION. **Sec. 10.** A new section is added to chapter 79.105  
5 RCW under a new subchapter heading of "aquatic reserve system" to read  
6 as follows:

7 (1) The commissioner shall adopt procedures for submission of  
8 aquatic reserve nominations and for public participation in the review  
9 of proposed aquatic reserves.

10 (2) If, consistent with the best available scientific information,  
11 an aquatic reserve no longer meets the goals and objectives for which  
12 it was designated, and adaptive management has not been successful to  
13 meet the goals and objectives, the commissioner may by order modify the  
14 aquatic reserve boundaries or remove the area from aquatic reserve  
15 status.

16 (3) The commissioner shall provide public participation procedures  
17 for proposals relating to the nomination, designation, and removal of  
18 aquatic reserve status.

19 NEW SECTION. **Sec. 11.** A new section is added to chapter 79.105  
20 RCW under a new subchapter heading of "aquatic reserve system" to read  
21 as follows:

22 In the designation and management of aquatic reserves within Puget  
23 Sound, as geographically defined in RCW 90.71.010, the commissioner  
24 shall be guided by the marine managed areas plan adopted under section  
25 4 of this act. The commissioner shall accord substantial weight to any  
26 recommendations provided by the Puget Sound partnership regarding the  
27 designation and management of aquatic reserves within Puget Sound.

28 NEW SECTION. **Sec. 12.** A new section is added to chapter 79.105  
29 RCW under a new subchapter heading of "aquatic reserve system" to read  
30 as follows:

31 Where the commissioner determines that management of the taking of  
32 fish, shellfish, or wildlife within or adjacent to an aquatic reserve  
33 would enhance the objectives for which the aquatic reserve has been  
34 created, the commissioner shall request that the fish and wildlife

1 commission act pursuant to section 16 of this act to adopt supporting  
2 rules.

3 NEW SECTION. **Sec. 13.** A new section is added to chapter 79.105  
4 RCW under a new subchapter heading of "aquatic reserve system" to read  
5 as follows:

6 The aquatic reserve system must be coordinated with other marine  
7 managed areas, federally recognized marine protected areas, and related  
8 regulatory programs. To further this goal, the department shall:

9 (1) Cooperate with other state agencies and local governments to  
10 manage state-owned aquatic lands consistently with the management of  
11 uses and activities in the same geographic areas by the state parks and  
12 recreation commission, the department of fish and wildlife, the  
13 department of ecology, and other appropriate state agencies; and

14 (2) Provide recommendations to local governments in updating their  
15 shoreline master programs under chapter 90.58 RCW and in sponsoring  
16 local marine park reserves or voluntary stewardship areas to seek  
17 consistent planning and management activities in areas adjacent to  
18 designated reserves.

19 NEW SECTION. **Sec. 14.** A new section is added to chapter 79.105  
20 RCW under a new subchapter heading of "aquatic reserve system" to read  
21 as follows:

22 (1) State agencies with authority over construction activities or  
23 water discharges in state waters or that otherwise implement programs  
24 that affect a designated aquatic reserve shall give special  
25 consideration to increasing protection and reducing and preventing  
26 pollution of these areas, consistent with the management objectives of  
27 the aquatic reserve.

28 (2) The department should participate in any public processes  
29 regarding water discharge or construction permitting affecting aquatic  
30 reserves to aid other agencies in their understanding of the provisions  
31 of this subsection.

32 NEW SECTION. **Sec. 15.** Within twenty-four months of the adoption  
33 of the marine managed areas plan under section 4 of this act, the  
34 department of natural resources shall complete a review of existing

1 management plans and pending aquatic reserve nominations for  
2 consistency with the guidelines and recommendations in the marine  
3 managed areas plan.

4 NEW SECTION. **Sec. 16.** A new section is added to chapter 77.12 RCW  
5 to read as follows:

6 (1) The commission may adopt rules governing the taking of fish,  
7 shellfish, or wildlife within or adjacent to an aquatic reserve  
8 designated by the department of natural resources under section 12 of  
9 this act, or other marine managed areas, as that term is defined in RCW  
10 90.71.010. The commission shall give consideration within sixty days  
11 to any rule changes requested by the commissioner of public lands to  
12 support the purposes of an aquatic reserve.

13 (2) This section is in addition to and does not limit the  
14 commission's authority to establish rules governing the taking of fish,  
15 shellfish, or wildlife under any other authority.

16 **Sec. 17.** RCW 90.71.300 and 2007 c 341 s 12 are each amended to  
17 read as follows:

18 (1) The action agenda shall consist of the goals and objectives in  
19 this section, implementation strategies to meet measurable outcomes,  
20 benchmarks, ~~((and))~~ identification of responsible entities, and the  
21 marine managed areas plan adopted under section 4 of this act. By  
22 2020, the action agenda shall strive to achieve the following goals:

23 (a) A healthy human population supported by a healthy Puget Sound  
24 that is not threatened by changes in the ecosystem;

25 (b) A quality of human life that is sustained by a functioning  
26 Puget Sound ecosystem;

27 (c) Healthy and sustaining populations of native species in Puget  
28 Sound, including a robust food web;

29 (d) A healthy Puget Sound where freshwater, estuary, nearshore,  
30 marine, and upland habitats are protected, restored, and sustained;

31 (e) An ecosystem that is supported by ground water levels as well  
32 as river and stream flow levels sufficient to sustain people, fish, and  
33 wildlife, and the natural functions of the environment;

34 (f) Fresh and marine waters and sediments of a sufficient quality  
35 so that the waters in the region are safe for drinking, swimming,

1 shellfish harvest and consumption, and other human uses and enjoyment,  
2 and are not harmful to the native marine mammals, fish, birds, and  
3 shellfish of the region.

4 (2) The action agenda shall be developed and implemented to achieve  
5 the following objectives:

- 6 (a) Protect existing habitat and prevent further losses;
- 7 (b) Restore habitat functions and values;
- 8 (c) Significantly reduce toxics entering Puget Sound fresh and  
9 marine waters;
- 10 (d) Significantly reduce nutrients and pathogens entering Puget  
11 Sound fresh and marine waters;
- 12 (e) Improve water quality and habitat by managing storm water  
13 runoff;
- 14 (f) Provide water for people, fish and wildlife, and the  
15 environment;
- 16 (g) Protect ecosystem biodiversity and recover imperiled species;  
17 and
- 18 (h) Build and sustain the capacity for action.

19 **Sec. 18.** RCW 90.71.310 and 2007 c 341 s 13 are each amended to  
20 read as follows:

21 (1) The council shall develop a science-based action agenda that  
22 leads to the recovery of Puget Sound by 2020 and achievement of the  
23 goals and objectives established in RCW 90.71.300. The action agenda  
24 shall:

- 25 (a) Address all geographic areas of Puget Sound including upland  
26 areas and tributary rivers and streams that affect Puget Sound;
- 27 (b) Describe the problems affecting Puget Sound's health using  
28 supporting scientific data, and provide a summary of the historical  
29 environmental health conditions of Puget Sound so as to determine past  
30 levels of pollution and restorative actions that have established the  
31 current health conditions of Puget Sound;
- 32 (c) Meet the goals and objectives described in RCW 90.71.300,  
33 including measurable outcomes for each goal and objective specifically  
34 describing what will be achieved, how it will be quantified, and how  
35 progress towards outcomes will be measured. The action agenda shall  
36 include near-term and long-term benchmarks designed to ensure

1 continuous progress needed to reach the goals, objectives, and  
2 designated outcomes by 2020. The council shall consult with the panel  
3 in developing these elements of the plan;

4 (d) Identify and prioritize the strategies and actions necessary to  
5 restore and protect Puget Sound and to achieve the goals and objectives  
6 described in RCW 90.71.300;

7 (e) Identify the agency, entity, or person responsible for  
8 completing the necessary strategies and actions, and potential sources  
9 of funding;

10 (f) Include prioritized actions identified through the assembled  
11 proposals from each of the seven action areas and the identification  
12 and assessment of ecosystem scale programs as provided in RCW  
13 90.71.260;

14 (g) Include specific actions to address aquatic rehabilitation zone  
15 one, as defined in RCW 90.88.010;

16 (h) Incorporate any additional goals adopted by the council; and

17 (i) Incorporate appropriate actions to carry out the biennial  
18 science work plan created in RCW 90.71.290.

19 (2) In developing the action agenda and any subsequent revisions,  
20 the council shall, when appropriate, incorporate the following:

21 (a) Water quality, water quantity, sediment quality, watershed,  
22 marine resource, and habitat restoration plans created by governmental  
23 agencies, watershed groups, and marine and shoreline groups. The  
24 council shall consult with the board in incorporating these plans;

25 (b) Recovery plans for salmon, orca, and other species in Puget  
26 Sound listed under the federal endangered species act;

27 (c) Existing plans and agreements signed by the governor, the  
28 commissioner of public lands, other state officials, or by federal  
29 agencies;

30 (d) Appropriate portions of the Puget Sound water quality  
31 management plan existing on July 1, 2007.

32 (3) Until the action agenda is adopted, the existing Puget Sound  
33 management plan and the 2007-09 Puget Sound biennial plan shall remain  
34 in effect. The existing Puget Sound management plan shall also  
35 continue to serve as the comprehensive conservation and management plan  
36 for the purposes of the national estuary program described in section  
37 320 of the federal clean water act, until replaced by the action agenda

1 and approved by the United States environmental protection agency as  
2 the new comprehensive conservation and management plan.

3 (4) The council shall adopt the action agenda by (~~September~~)  
4 December 1, 2008. The council shall revise the action agenda as  
5 needed, and revise the implementation strategies every two years using  
6 an adaptive management process informed by tracking actions and  
7 monitoring results in Puget Sound. In revising the action agenda and  
8 the implementation strategies, the council shall consult the panel and  
9 the board and provide opportunity for public review and comment.

10 Biennial updates shall:

11 (a) Contain a detailed description of prioritized actions necessary  
12 in the biennium to achieve the goals, objectives, outcomes, and  
13 benchmarks of progress identified in the action agenda;

14 (b) Identify the agency, entity, or person responsible for  
15 completing the necessary action; and

16 (c) Establish biennial benchmarks for near-term actions.

17 (5) The action agenda shall be organized and maintained in a single  
18 document to facilitate public accessibility to the plan.

19 **Sec. 19.** RCW 90.71.370 and 2007 c 341 s 19 are each amended to  
20 read as follows:

21 (1) By (~~September 1st~~) December 1, 2008, and by the first weekday  
22 in September of each even-numbered year beginning in (~~2008~~) 2010, the  
23 council shall provide to the governor and the appropriate fiscal  
24 committees of the (~~senate and house of representatives~~) legislature  
25 its recommendations for the funding necessary to implement the action  
26 agenda in the succeeding biennium. The recommendations shall:

27 (a) Identify the funding needed by action agenda element;

28 (b) Address funding responsibilities among local, state, and  
29 federal governments, as well as nongovernmental funding; and

30 (c) Address funding needed to support the work of the partnership,  
31 the panel, the ecosystem work group, and entities assisting in  
32 coordinating local efforts to implement the plan.

33 (2) In the 2008 report required under subsection (1) of this  
34 section, the council shall include recommendations for projected  
35 funding needed through 2020 to implement the action agenda; funding  
36 needs for science panel staff; identify methods to secure stable and  
37 sufficient funding to meet these needs; and include proposals for new

1 sources of funding to be dedicated to Puget Sound protection and  
2 recovery. In preparing the science panel staffing proposal, the  
3 council shall consult with the panel.

4 (3) By the first weekday in November (~~(1st)~~) of each odd-numbered  
5 year beginning in 2009, the council shall produce a state of the Sound  
6 report that includes, at a minimum:

7 (a) An assessment of progress by state and nonstate entities in  
8 implementing the action agenda, including accomplishments in the use of  
9 state funds for action agenda implementation;

10 (b) A description of actions by implementing entities that are  
11 inconsistent with the action agenda and steps taken to remedy the  
12 inconsistency;

13 (c) The comments by the panel on progress in implementing the plan,  
14 as well as findings arising from the assessment and monitoring program;

15 (d) A review of citizen concerns provided to the partnership and  
16 the disposition of those concerns;

17 (e) A review of the expenditures of funds to state agencies for the  
18 implementation of programs affecting the protection and recovery of  
19 Puget Sound, and an assessment of whether the use of the funds is  
20 consistent with the action agenda; and

21 (f) An identification of all funds provided to the partnership, and  
22 recommendations as to how future state expenditures for all entities,  
23 including the partnership, could better match the priorities of the  
24 action agenda.

25 (4)(a) The council shall review state programs that fund facilities  
26 and activities that may contribute to action agenda implementation. By  
27 November 1, 2009, the council shall provide initial recommendations  
28 regarding program changes to the governor and appropriate fiscal and  
29 policy committees of the (~~(senate and house of representatives)~~)  
30 legislature. By November 1, 2010, the council shall provide final  
31 recommendations regarding program changes, including proposed  
32 legislation to implement the recommendation, to the governor and  
33 appropriate fiscal and policy committees of the (~~(senate and house of~~  
34 ~~representatives)~~) legislature.

35 (b) The review in this subsection shall be conducted with the  
36 active assistance and collaboration of the agencies administering these  
37 programs, and in consultation with local governments and other entities  
38 receiving funding from these programs:

1 (i) The water quality account, chapter 70.146 RCW;  
2 (ii) The water pollution control revolving fund, chapter 90.50A  
3 RCW;  
4 (iii) The public works assistance account, chapter 43.155 RCW;  
5 (iv) The aquatic lands enhancement account, RCW 79.105.150;  
6 (v) The state toxics control account and local toxics control  
7 account and clean-up program, chapter 70.105D RCW;  
8 (vi) The acquisition of habitat conservation and outdoor recreation  
9 land, chapter 79A.15 RCW;  
10 (vii) The salmon recovery funding board, RCW 77.85.110 through  
11 77.85.150;  
12 (viii) The community economic revitalization board, chapter 43.160  
13 RCW;  
14 (ix) Other state financial assistance to water quality-related  
15 projects and activities; and  
16 (x) Water quality financial assistance from federal programs  
17 administered through state programs or provided directly to local  
18 governments in the Puget Sound basin.  
19 (c) The council's review shall include but not be limited to:  
20 (i) Determining the level of funding and types of projects and  
21 activities funded through the programs that contribute to  
22 implementation of the action agenda;  
23 (ii) Evaluating the procedures and criteria in each program for  
24 determining which projects and activities to fund, and their  
25 relationship to the goals and priorities of the action agenda;  
26 (iii) Assessing methods for ensuring that the goals and priorities  
27 of the action agenda are given priority when program funding decisions  
28 are made regarding water quality-related projects and activities in the  
29 Puget Sound basin and habitat-related projects and activities in the  
30 Puget Sound basin;  
31 (iv) Modifying funding criteria so that projects, programs, and  
32 activities that are inconsistent with the action agenda are ineligible  
33 for funding;  
34 (v) Assessing ways to incorporate a strategic funding approach for  
35 the action agenda within the outcome-focused performance measures  
36 required by RCW 43.41.270 in administering natural resource-related and  
37 environmentally based grant and loan programs.

1           **Sec. 20.** RCW 36.125.030 and 2007 c 344 s 4 are each amended to  
2 read as follows:

3           (1) The Puget Sound (~~(action team, or its successor organization,)~~)  
4 partnership shall serve as the regional coordinating entity for marine  
5 resources committees created in the southern Puget Sound and the  
6 department of fish and wildlife shall serve as the regional  
7 coordinating entity for marine resources committees created for the  
8 outer coast.

9           (2) The regional coordinating entity shall serve as a resource to,  
10 at a minimum:

11           (a) Coordinate and pool grant applications and other funding  
12 requests for marine resources committees;

13           (b) Coordinate communications and information among marine  
14 resources committees;

15           (c) Assist marine resources committees to measure themselves  
16 against regional performance benchmarks;

17           (d) Assist marine resources committees with coordinating local  
18 projects to complement regional priorities;

19           (e) Assist marine resources committees to interact with and  
20 complement other marine resources committees, and other similar groups,  
21 constituted under a different authority; and

22           (f) Coordinate with the Northwest Straits commission on issues  
23 common to marine resources committees statewide.

24           **Sec. 21.** RCW 36.125.020 and 2007 c 344 s 3 are each amended to  
25 read as follows:

26           (1) A marine resources committee, as described in RCW 36.125.010,  
27 may be created by the legislative authority of any county bordering the  
28 marine waters of the outer coast or Puget Sound, in cooperation with  
29 all appropriate cities and special districts within their boundaries.  
30 Adjacent county legislative authorities shall coordinate their efforts  
31 whenever there is a mutual interest in creating a marine resources  
32 committee.

33           (2) A county may delegate the management and oversight of a marine  
34 resources committee created by the county under RCW 36.125.010 to a  
35 city, or cities, within its jurisdiction, if the city or cities are  
36 located on the marine waters of the outer coast or southern Puget Sound  
37 and are willing to accept the delegation.

1 (3)(a) Participating county legislative authorities must select  
2 members of the marine resources committee, ensuring balanced  
3 representation from: Local government; local residents; scientific  
4 experts; affected economic interests; affected recreational interests;  
5 and environmental and conservation interests. Additionally,  
6 participating county legislative authorities must invite tribal  
7 representatives to participate in the marine resources committee.

8 (b) In lieu of creating a new entity, participating county  
9 legislative authorities may designate a lead entity created under RCW  
10 77.85.050 to also serve as a marine resources committee. County  
11 legislative authorities may only make this designation where the lead  
12 entity consents in writing to also serve as a marine resources  
13 committee.

14 (c) An initiating county may delegate its appointment authority to  
15 a city or cities that have received from the county the delegated  
16 responsibilities of managing and overseeing the marine resources  
17 committee.

18 (4) County residents may petition the county legislative authority  
19 to create a marine resources committee. Upon receipt of a petition,  
20 the county legislative authority must respond in writing within sixty  
21 days as to whether they will authorize the creation of a marine  
22 resources committee as well as the reasons for their decision.

23 NEW SECTION. Sec. 22. A new section is added to chapter 36.125  
24 RCW to read as follows:

25 (1) The outer coast marine resources committee program is created  
26 to provide support for the development, administration, and  
27 coordination of outer coast marine resources committees and their  
28 projects, including projects relating to marine protected areas.

29 (2) The director of the department of fish and wildlife, pursuant  
30 to section 23 of this act, shall serve as the administrator of the  
31 outer coast marine resources committee program. As the administrator  
32 of the program, the director of the department of fish and wildlife  
33 shall:

34 (a) Provide each outer coast marine resources committee with a  
35 coordinator to support the administration and work of the committee;  
36 and

1 (b) Distribute grants to outer coast marine resources committees  
2 for projects that benefit Washington's coastal marine resources. The  
3 director of the department of fish and wildlife shall develop  
4 procedures and criteria for allocating funds for projects, which may  
5 include annual allocation of funding to each committee.

6 (3) Each outer coast marine resources committee shall prepare and  
7 deliver an annual report to the director of the department of fish and  
8 wildlife by October 31st of each year. The report must include, but is  
9 not limited to, a summary of actions taken that year and prioritized  
10 recommendations for future action. The director of the department of  
11 fish and wildlife shall compile the individual outer coast marine  
12 resources committee reports into a consolidated biennial report, and  
13 provide the consolidated report to the governor and appropriate  
14 committees of the legislature by December 31st of every other year.

15 NEW SECTION. **Sec. 23.** A new section is added to chapter 77.12 RCW  
16 to read as follows:

17 To support the goals of outer coast marine protected areas, the  
18 department shall serve as the administrator of the outer coast marine  
19 resources committee program established in section 22 of this act.

20 NEW SECTION. **Sec. 24.** (1) Sections 2, 5, and 6 of this act expire  
21 July 1, 2011.

22 (2) Section 15 of this act expires July 1, 2013.

23 NEW SECTION. **Sec. 25.** If specific funding for the purposes of  
24 this act, referencing this act by bill or chapter number, is not  
25 provided by June 30, 2008, in the omnibus appropriations act, this act  
26 is null and void."

27 Correct the title.

EFFECT: Requires the Puget Sound Partnership to incorporate into  
the Puget Sound Action Agenda a plan to coordinate and strengthen the  
various marine managed areas maintained by state and local governments,  
provides the Department of Natural Resources with specific authority  
and guidance over the creation and management of aquatic reserves on

state-owned aquatic lands, directs permitting and rule-making decisions by the Department of Ecology and the Department of Fish and Wildlife over areas designated as a marine managed area, changes certain dates relating to the work products of the Puget Sound Partnership, and directs the Department of Fish and Wildlife to further marine protected areas by serving as the administrator of an outer coast marine resources committees program.

--- END ---