

# SENATE BILL REPORT

## SB 6068

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As Reported By Senate Committee On:  
Water, Energy & Environment, March 2, 2005

**Title:** An act relating to conservation of aquatic lands owned by the state.

**Brief Description:** Creating an aquatic reserve system.

**Sponsors:** Senator Poulsen.

**Brief History:**

**Committee Activity:** Water, Energy & Environment: 3/1/05, 3/2/05 [DP, w/oRec].

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### SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

**Majority Report:** Do pass.

Signed by Senators Poulsen, Chair; Rockefeller, Vice Chair; Morton, Ranking Minority Member; Fraser, Pridemore and Regala.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Mulliken.

**Staff:** Richard Rodger (786-7461)

**Background:** The Aquatic Reserve Program was created administratively at the Department of Natural Resources (DNR) to promote preservation, restoration, and enhancement of state-owned aquatic lands that provide direct and indirect benefits to the health of native aquatic habitat and species and other resources in the state of Washington.

The program enables DNR to establish Aquatic Reserves on selected state-owned aquatic lands throughout the state to protect important native aquatic ecosystems. These aquatic lands are of special educational or scientific interest, or lands of special environmental importance and are threatened by degradation.

Six sites were withdrawn from leasing by the Commissioner of Public Lands in 2000 with the intent of reviewing those sites for Aquatic Reserve Status. DNR officially established the Aquatic Reserve Program in September 2002, and in September 2003, the Commissioner of Public Lands accepted the recommendation that four of the six sites be further evaluated for Aquatic Reserve status: Maury Island, Cherry Point, Cypress Island, and Fidalgo Bay.

The Maury Island site was designated an official reserve on November 8, 2004. However, the Commissioner has elected to undertake a one year review of the potential economic considerations of this designation and includes a review of proposed mine barging operations located within the reserve.

**Summary of Bill:** A state aquatic reserve system is statutorily created. The system is comprised of state-owned aquatic lands that are designated by statute or by Lands Commissioner order. Four aquatic reserve areas are statutorily designated as follows:

- 1) surrounding Maury Island and including Quartermaster Harbor, in King County;
- 2) adjacent to Cherry Point in Whatcom County;
- 3) within Fidalgo Bay in Skagit County; and
- 4) surrounding Cypress Island in Skagit County.

The Lands Commissioner is provided guidance regarding the characteristics of state-owned aquatic lands that may be eligible for designation by administrative order for inclusion into the reserve system.

The aquatic land reserves are to be managed primarily for conserving the natural features of the lands, pursuant to a management plan for each reserve, to be developed by the Department of Natural Resources (DNR). Low-impact public uses of the lands are to be the preferred alternative.

Prior to July 1, 2009, DNR must not authorize any portion of reserve lands for industrial uses or transportation uses associated with industrial activities, while DNR is developing policies and management criteria regarding such uses. A report and recommendations are to be provided to legislative committees on December 31, 2008.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** Refugia, areas that have escaped ecological changes occurring elsewhere, are critical for the state to protect. The creation a system of protection for critical habitats is a necessary step, as the whole Puget Sound ecosystem is in decline. It is important to codify and move forward on the administrative work started by the Department of Natural Resources (DNR) five years ago.

**Testimony Against:** This bill will stop the gravel removal project that has been planned for Maury Island by Glacier Northwest. How will preexisting manufacturing facilities located at Cherry Point and Fidalgo Bay coexist with an aquatic reserve and how will they be able to undertake expansions when needed? The provisions in the DNR's administrative rules pose problems for businesses and those problems will continue with the passage of the bill. The restrictions on DNR's ability to issue leases conflicts with their existing statutory authorities.

**Other:** The DNR has been working on an extensive public process to develop this program for the last five years, have been developing management plans for those areas, and should be allowed to finish its work. The normal passage of cargo and oil tankers should be specifically allowed.

**Who Testified:** PRO: Josh Baldi, Washington Environmental Council; Bruce Wishart, People for Puget Sound. OTHER: Loren Stern, Department of Natural Resources.

CON: Steve Gano, Glacier Northwest; Greg Hanon, Western States Petroleum Association.