

SENATE BILL REPORT

SB 6536

As Reported By Senate Committee On:
Ecology & Parks, January 18, 1996

Title: An act relating to the protection and conservation of marine waters in Washington state.

Brief Description: Establishing the marine waters protection trust.

Sponsors: Senators Fraser, Fairley, McAuliffe, Spanel and Kohl.

Brief History:

Committee Activity: Ecology & Parks: 1/10/96, 1/18/96 [DPS, DNP].
Ways & Means: 1/30/96.

SENATE COMMITTEE ON ECOLOGY & PARKS

Majority Report: That Substitute Senate Bill No. 6536 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Fraser, Chair; Fairley, Vice Chair; McAuliffe and Spanel.

Minority Report: Do not pass.

Signed by Senators Hochstatter and Swecker.

Staff: Gary Wilburn (786-7453)

SENATE COMMITTEE ON WAYS & MEANS

Staff: Cathy Baker (786-7708)

Background: Currently, state responsibilities for protecting the quality of Washington's marine waters are shared among several agencies. The Puget Sound Water Quality Authority is charged with developing and implementing a comprehensive plan for the protection and restoration of Puget Sound. Under current law, the Authority's powers and duties are terminated on June 30, 1996.

The Department of Ecology administers the principal water quality regulatory functions at the state level, including issuance of water quality discharge permits, the cleanup of oil and other hazardous substance spills to state waters, and seeking to control nonpoint sources of water pollution. Both Ecology and the Authority assist local governments and others in developing watershed-based plans for water quality.

The Office of Marine Safety was created in 1991 and charged with oil spill prevention and planning as it relates to vessel transportation of oil and hazardous substances on the state's marine waters. Under current law, the Office of Marine Safety's functions will be transferred to the Department of Ecology on July 1, 1997.

In addition to the above agencies performing planning and regulatory functions, the Department of Natural Resources, the State Parks and Recreation Commission and the Department of Fish and Wildlife manage state-owned lands and tidelands under or adjacent to the state's marine waters.

Summary of Substitute Bill: Findings are made regarding the importance of the state's marine waters and the need for regional approaches to protect these waters. Three goals are specified for the protection of marine waters, relating to clean water and sediment quality sustaining shellfish, other fish and wildlife, and other resources, and maintaining healthy native fish and wildlife populations.

The Marine Waters Protection Trust is created. It is composed of 13 members, including 11 members appointed by the Governor, and the Public Lands Commissioner and Ecology Department Director serving as ex officio members. Members representing cities, counties and tribes on the Trust are specified. Geographic balance and representation of the various marine water interests are to be reflected in the appointments as well. The Governor is to accord strong consideration to the cities and counties associations in making the city and county appointments. Members are to serve staggered, three-year terms. The Trust members shall select a chair and an executive director, who shall not be a member of the Trust.

The Trust is to develop and implement management plans for Puget Sound, Grays Harbor, and Willapa Bay and may offer recommendations in the lower Columbia River Plan being developed under a bi-state water quality agreement. The Puget Sound plan is to be the existing Puget Sound water quality management plan adopted by the Puget Sound Authority in 1994, as amended periodically by the Trust. For the other estuaries, the Trust is to adopt initial plans by July 1, 1998. The plans are to be developed in consultation with regional water quality advisory committees with representatives from the area and state agencies. The regional committees are to include two members of the Trust.

In addition to developing the area management plans, the Trust is assigned the duty of monitoring and reporting on the health of these estuaries, providing technical assistance to local governments and others in implementing water quality programs, and perform coordination, public education and priority-setting functions relating to implementing the Puget Sound plan. The Trust is to be the principal state agency in coordinating with the province of British Columbia on shared marine waters concerns, and may coordinate with the state of Oregon in addressing water quality needs on the lower Columbia River. Typical administrative authorities are granted to the Trust, such as entering contracts, receiving grants, conducting studies, conducting public hearings, and adopting rules.

Specified future funding levels from the water quality account (also known as the Centennial Clean Water Fund) are to be provided: (1) to the Trust for public education and involvement projects by nongovernmental organizations; and (2) to the Trust to carry out its responsibilities under the legislation and to state agencies for implementation of plans. The Trust is to issue an annual state of the estuaries report on monitoring and progress toward achieving the goals specified in the legislation. Agencies are to carry out tasks identified in the management plans to the degree funding allows, and may not take actions inconsistent with the plans. The Trust shall ensure implementation and coordination of the Puget Sound ambient monitoring program, and develop monitoring programs for the other estuaries.

Substitute Bill Compared to Original Bill: Additional state agencies are added as nonvoting ex officio members of the trust and to the regional advisory committees. The duties of the regional committees are further specified. Estuary plans developed by the trust are to build upon existing plans for the estuary area. The trust may offer recommendations on the lower Columbia River plan being developed through the bi-state water quality program. Specific funding levels from the water quality account for the trust and other state agencies implementing estuary plans are provided.

Appropriation: None.

Fiscal Note: Requested on January 4, 1996.

Effective Date: The bill takes effect on July 1, 1996.

Testimony For: Increasing growth and uses of the state's marine waters indicate there is a need for a state agency like the Puget Sound Authority to develop, coordinate and implement management plans for other state estuaries.

Testimony Against: None.

Testified: PRO: Steve Robinson, NW Indian Fisheries Commission; Eric Johnson, WA Public Ports Assoc.; Bruce Wishart, Sierra Club; Tim Hatley, King County Council; Scott Merriman, WA Environmental Council; Tim Smith, Pacific Coast Oyster Growers Assoc.; Peggy Bruton, League of Women Voters; Roberta M. Gunn, Puget Soundkeeper Alliance; Fred Hellberg, Governor's Office.