

HOUSE BILL REPORT

SSB 5278

As Reported by House Committee On:
Natural Resources, Ecology & Parks

Title: An act relating to the ocean policy review commission.

Brief Description: Establishing the ocean policy review commission.

Sponsors: Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Jacobsen, Kline and Fraser).

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 3/24/05, 3/31/05 [DPA].

**Brief Summary of Substitute Bill
(As Amended by House Committee)**

- Establishes the 14 member Ocean Policy Review Commission (Commission) to examine findings from the United States Commission on Ocean Policy and identify recommendations for early implementation.
- Directs the Commission to review, identify, and recommend policies and management of coastal and ocean resources.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: Do pass as amended. Signed by 6 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Dickerson, Eickmeyer, Hunt and Williams.

Minority Report: Do not pass. Signed by 5 members: Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, DeBolt and Orcutt.

Staff: Jeff Olsen (786-7157).

Background:

In 2000, Congress created the United States Commission on Ocean Policy (USCOP). The USCOP recommended in its 2004 final report to create a National Ocean Council within the Executive Office of the President and coordination of ocean policy at the regional and state levels. The Pew Oceans Commission issued a report in 2003 recommending the creation of an ocean policy agency and regional ocean policy councils. In response to the USCOP report, the President released an Ocean Action Plan in December 2004, creating a cabinet level

Committee on Ocean Policy and outlining a series of steps to improve the state of the nation's ocean waters.

The Coastal Zone Management Program (CZMP) is authorized by the federal Coastal Zone Management Act (CZMA) of 1972 and administered at the federal level by the National Oceanic and Atmospheric Administration. The CZMA establishes policies to preserve, protect, develop, and where possible, to restore or enhance the resources of the coastal zone. In addition, the act encourages and assists states to exercise their responsibilities in the coastal zone through the development and implementation of CZMPs. States prepare CZMPs that describe their coastal resources and how they are managed. Activities that affect land use, water use or natural resources in the coastal zone must comply with regulations identified in the CZMP, also known as enforceable polices. The Department of Ecology (Department) developed the state CZMP in 1976. The enforceable policies in the CZMP are based on six existing state laws including the Shoreline Management Act, the State Environmental Policy Act, the Clean Air Act, the Clean Water Act, the Energy Facility Site Evaluation Council, and the Ocean Resource Management Act.

Summary of Amended Bill:

The 14 member Ocean Policy Review Commission (Commission) is established. Members of the Commission include the Governor, Director of the Department of Fish and Wildlife, the Commissioner of Public Lands, the Director of the Department of Ecology, or their designees, and representatives from each major caucus in the Senate and the House of Representatives. The Commission also includes six individuals with expertise on ocean issues to be appointed by the Governor. A working group, representing a broad range of interests, will advise the Commission. Staff to the Commission will be provided by state agencies. Additionally, the Commission may contract with the University of Washington for additional technical assistance on marine affairs and fisheries issues.

The Commission is required to examine issues pertaining to Washington's coastal and ocean resources. The scope of the Commission's work includes evaluating the condition of the state's ocean resources, methods for improving coordination between federal, tribal, state, and local entities, methods for improving the use of scientific resources, and methods for funding ocean programs. The Commission will report immediate steps the state can take regarding ocean policy issues by December 31, 2005. The Commission will report its complete findings and recommendations by December 31, 2006.

The Coastal and Ocean Resources account is created to receive gifts, grants, and appropriations. Expenditures from the account may only be used for ocean related activities. Additionally, during the course of the Commission's work, the Governor shall represent the state on issues of ocean policy and seek federal grants and other sources of funding for Washington's ocean programs.

Amended Bill Compared to Substitute Bill:

The amended bill adds the Director of the Department of Ecology as a member of the Ocean Policy Review Commission. The amended bill removes reference to the Pew Oceans Commission report and the requirement for the Ocean Policy Review Commission to identify recommendations from the report that could be implemented. The amended bill directs the Ocean Policy Commission to review all existing laws, regulations, and programs for conserving, protecting and restoring fisheries. The amended bill adds recreational fishing interests and land development interests to the Ocean Policy Commission's working group to provide information and suggestions to the Commission.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill contains an emergency clause and takes effect June 1, 2005.

Testimony For: Washington needs to get organized, and an ocean commission would be the first step in addressing the ocean policy and resource issues facing Washington. A commission would put the state in a better position for federal funding for ocean related programs. The commission could build from recent federal action in the ocean policy area. It is important to note that this is not just a study, but also calls for implementing early actions. To address complex ocean issues, there needs to be more ecosystem management.

There should be representation from local government on the commission. There should be a representative from aquaculture on the commission. The Olympic Coast Marine Sanctuary, which is not mentioned in the bill, could be an important asset to include for developing ocean policy.

(With concerns) The Ocean Policy Commission could be the first step in establishing no-fishing zones. The Pew Report, which validates the use of no-fishing zones, should not be used by the Ocean Policy Commission. The Department of Ecology should be on the Ocean Policy Commission, and representation on the working group needs to be more diverse and include recreational fishing interests.

(Neutral) The Department of Ecology should be added to the Ocean Policy Commission.

Testimony Against: None.

Persons Testifying: (In support) Senator Jacobsen, prime sponsor; Fred Fellamen, Ocean Advocates; Marc Hershman, Committee on Ocean Policy; Kevin Ranker, San Juan County; and Bill Dewey, Taylor Shellfish Company.

(With concerns) Corey Freeman, Recreational Fishing Alliance.

(Neutral) Gordon White, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.