

SENATE BILL REPORT

ESB 5603

As Passed Senate, March 13, 2013

Title: An act relating to establishing the Washington coastal marine advisory council and the Washington marine resources advisory council.

Brief Description: Establishing the Washington coastal marine advisory council and the Washington marine resources advisory council.

Sponsors: Senators Hatfield, Kohl-Welles, Shin and Ranker.

Brief History:

Committee Activity: Energy, Environment & Telecommunications: 2/20/13 [DP-WM, w/oRec].

Ways & Means: 2/27/13, 3/01/13 [DP, DNP, w/oRec].

Passed Senate: 3/13/13, 40-9.

SENATE COMMITTEE ON ENERGY, ENVIRONMENT & TELECOMMUNICATIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Ericksen, Chair; Sheldon, Vice Chair; Ranker, Ranking Member; Brown, Chase, Cleveland and Honeyford.

Minority Report: That it be referred without recommendation.

Signed by Senator Billig.

Staff: William Bridges (786-7416)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Hill, Chair; Baumgartner, Vice Chair; Hargrove, Ranking Member; Nelson, Assistant Ranking Member; Bailey, Conway, Dammeier, Fraser, Hasegawa, Hatfield, Hewitt, Keiser, Kohl-Welles, Murray, Ranker, Schoesler and Tom.

Minority Report: Do not pass.

Signed by Senator Rivers.

Minority Report: That it be referred without recommendation.

Signed by Senators Honeyford, Capital Budget Chair; Becker, Braun and Padden.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Staff: Sherry McNamara (786-7402)

Background: Washington Coastal Marine Advisory Council (WCMAC). In 2011, the Department of Ecology (Ecology) established WCMAC, a stakeholder group that provides Ecology with a local, coastal perspective when implementing the state's coastal and ocean policy. Representatives serve three-year terms and may be reappointed. Funding to support a neutral convener and logistics for WCMAC is secured through June 30, 2013.

2012 Legislation and Governor's Veto. In 2012, the Legislature passed 2SSB 6263, which among other things, created a Washington State Coastal Solutions Council within the Office of the Governor. The council consisted of the voting members of WCMAC, as it existed on December 2011, with additional nonvoting state agency representation. The Governor vetoed the provisions creating the Washington State Coastal Solutions Council, explaining that it was unclear how the council would exercise its duties in relation to the agencies with jurisdiction over marine and coastal issues, and questioning the accountability of an autonomous body that determines its own membership.

Marine Resources Stewardship Trust Account. The Marine Resources Stewardship Trust Account is used for marine management planning, marine spatial planning, research, monitoring, implementation of the state's marine management plan, and for the restoration or enhancement of marine habitat or resources. The projected fund balance is \$982,000 as of December 2012.

Washington State Blue Ribbon Panel (Panel) on Ocean Acidification. Former Governor Gregoire convened the Panel on Ocean Acidification in February 2012, and charged it with developing recommendations to address ocean acidification by reviewing the current scientific knowledge. The Panel issued a report in November 2012, which outlined a strategy to reduce and respond to ocean acidification.

Funding to Implement the Ocean Acidification Strategy. Former Governor Gregoire submitted a proposed 2013-15 budget that would provide \$3.31 million to the University of Washington (UW), Ecology, and the Department of Natural Resources to begin implementing the Panel's recommendations.

Summary of Engrossed Bill: Establishing WCMAC in Statute. WCMAC is created in statute, housed in the Governor's Office, with the Governor appointing voting representatives from the groups represented by WCMAC on January 15, 2013. In addition, voting representatives from the following offices or departments are added to WCMAC: Governor, Ecology, Natural Resources, Fish & Wildlife, Parks, and Commerce. Representatives serve four-year terms.

WCMAC must serve as a forum for communication concerning coastal waters issues, such as resource management, fisheries, shellfish aquaculture, and ocean energy. It must also provide recommendations on a variety of specific coastal management and funding issues. WCMAC must adopt bylaws and operating procedures. It may hire a neutral convener to assist with facilitation, agendas, and other WCMAC duties, consistent with available resources, although Ecology must provide primary staff and administrative support to WCMAC.

Funding WCMAC. State expenditures from the Marine Resources Stewardship Trust Account on projects and activities relating to the state's coastal waters must be made, to the maximum extent possible, consistent with WCMAC's recommendations. If they are not, the responsible agency receiving the appropriation must provide WCMAC and appropriate legislative committees a written explanation.

Creating the Washington Marine Resources Protection Council (Council). The Council is created within the Office of the Governor, with specified membership that includes legislators. Among other things, the Council's duties are to advise and work with UW and others to conduct ongoing technical analysis on the effects and sources of ocean acidification. The Council expires June 30, 2017.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: Yes.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony (Energy, Environment & Telecommunications):

PRO: The people who live, work, and raise their families on the coast deserve an equal say in how state agencies manage marine spatial planning. The Governor's veto of 2SSB 6263 in 2012 greatly diminished the influence of coastal communities. Funding of coastal issues should be controlled locally. WCMAC has no regulatory or enforcement power and is a bottom-up approach to inform the Legislature and Governor. This bill will protect coastal jobs for the next generation. Tribes are not stakeholders but are sovereign governments that collaborate on a government-to-government basis. The coast is becoming increasingly important to our state economy and as new national ocean policy is being implemented, local residents and industries need to have a voice in an ongoing forum to interact with state regulators and resource managers. WCMAC will provide the coast with a voice to balance the Puget Sound perspective on marine and ocean issues. A big part of the efforts around marine spatial planning is to identify the current and future uses of the resource to appropriately resolve potential conflicts in a constructive science-based way. All the stakeholders participating in the marine spatial planning support this effort and it can only be completed with continued funding.

OTHER: Some of the powers of WCMAC as contemplated in the bill are beyond the authority of an advisory group and may even interfere with the authority of other state agencies. Tribes are not participating in the current process and this bill may not change that.

Persons Testifying (Energy, Environment & Telecommunications): PRO: Senator Hatfield, prime sponsor; Tom Echols, Ray Toste, Dale Beasley, Coalition of Coastal Fisheries; Mike Cassinelli, City of Ilwaco; Steve Robinson, Quinalt Indian Nation.

OTHER: Jennifer Hennessey, Ecology; Michele Culver, WA Dept. of Fish and Wildlife; Carl Burke, Fish NW, NW Sportsfishing Industry Assn.

Signed in, Unable to Testify & Submitted Written Testimony: PRO: Bill Robinson, The Nature Conservancy.

Staff Summary of Public Testimony (Ways & Means): PRO: This bill provides the citizens of the Pacific coast to participate in a bottom-up process for self determination for ocean policy. One of the goals of this bill is to advise in the spending of marine spatial planning. This bill would codify our current WCMAC in the Office of the Governor. There shouldn't be a fiscal impact to this bill; citizen members are not asking for any reimbursement. The primary priority of WCMAC is to protect traditional uses of marine areas which include some of the best fishing grounds on the west coast of the United States. This bill is about financial issues. This bill is about jobs and the economic well-being of the coastal communities. This bill is a tax paying job retention bill. The future of coastal industries are dependent on marine spatial planning and have a say their future. The purpose of WCMAC is to provide a coordinated response on marine spatial planning to allocate the resources.

OTHER: There is concern with the word fisheries on page three of this bill. There are 12 advisory groups at Fish and Wildlife, there is no need to add another level of governance and redundancy.

Persons Testifying (Ways & Means): PRO: Jim Jesernig, Pacific Coast Shellfish Growers; Mark Cedergreen, Tom Echols, Dale Beasley, Coalition of Coastal Fisheries; Bill Robinson, The Nature Conservancy.

OTHER: Carl Burke, Fish NW, NW Sportsfishing Industry Assn., Puget Sound Anglers, Assn. of NW Steelheaders.