

SENATE BILL REPORT

SSB 6231

As Amended by House, March 11, 2008

Title: An act relating to improving the coordination of marine protected areas in Washington.

Brief Description: Improving the coordination of marine protected areas.

Sponsors: Senate Committee on Ways & Means (originally sponsored by Senators Jacobsen and Shin).

Brief History:

Committee Activity: Natural Resources, Ocean & Recreation: 1/31/08, 2/06/08 [DP-WM].
Ways & Means: 2/11/08, 2/12/08 [DPS].
Passed Senate: 2/19/08, 49-0.

SENATE COMMITTEE ON NATURAL RESOURCES, OCEAN & RECREATION

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

Signed by Senators Jacobsen, Chair; Hatfield, Vice Chair; Morton, Ranking Minority Member; Fraser, Hargrove, Rockefeller, Spanel, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Bill No. 6231 be substituted therefor, and the substitute bill do pass.

Signed by Senators Prentice, Chair; Fraser, Vice Chair, Capital Budget Chair; Pridemore, Vice Chair, Operating Budget; Zarelli, Ranking Minority Member; Brandland, Hatfield, Hewitt, Hobbs, Keiser, Kohl-Welles, Oemig, Parlette, Rasmussen, Regala, Roach, Rockefeller, Schoesler and Tom.

Staff: Elise Greef (786-7708)

Background: The federal government, through Executive Order, has defined the term "marine protected area" (MPA) as any area of the marine environment that has been reserved by federal, state, tribal, territorial, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein.

Washington State contains 74 areas identified in the federal marine managed areas (MMA) database, including federal, state, and locally managed areas. An MMA refers to areas

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established for some conservation purpose in the marine environment and is more inclusive than the term MPA.

Several state agencies have authorities relevant to establishing marine protected areas. The Department of Natural Resources (DNR) has the authority to establish aquatic reserves, allowing it to withhold from leasing aquatic lands with significant natural values. Through the Natural Areas Program, DNR manages sites with significant natural resource features, such as areas that have retained their natural character or contain important plant or geological features, as Natural Area Preserves or Natural Resource Conservation Areas.

The Department of Fish and Wildlife (DFW) manages the state's fish and wildlife resources. Specifically, DFW may adopt rules specifying the areas and waters in which the taking and possession of fish and wildlife is lawful or unlawful.

The Legislature has set aside the Seashore Conservation Area along Washington's coast for the recreation and enjoyment of the public. The Seashore Conservation Area is managed by the State Parks and Recreation Commission (State Parks), which also has the duty to manage parks and parkways for the benefit and enjoyment of all the people of the state.

Summary of Substitute Bill: The MPA work group (work group) is established. The Director of DFW must chair the group. The group must consist of representatives of state agencies and local governments with jurisdiction over MPAs, including DFW, DNR, State Parks, and appropriate marine resources' committees. The Chair must also invite representatives of appropriate federal agencies and tribal governments, and may invite other appropriate state agencies, to participate.

The work group must:

- examine the current inventory and management of Washington's MPAs;
- develop recommendations to improve coordination and consistency regarding MPA management goals, criteria for establishment, management practices, terminology, and monitoring;
- develop recommendations to improve the integration of science into MPA establishment and management;
- develop recommendations to further integrate local governments and nongovernmental organizations into the establishment and management of MPAs; and
- provide any other recommendations to improve the effectiveness of MPAs.

By December 1, 2009, the work group must report its findings and recommendations to the Legislature.

If SSB 6307 or subsequent version passes, which directs the Puget Sound Partnership (PSP) to write a marine management area plan for the Puget Sound, and for state agencies that manage marine environments to incorporate the plan in its activities, then the Marine Protected Areas work group, established in this bill, is to focus its efforts on the outer coast to avoid duplication of work. If SSB 6307 does not pass, the work group must work with the PSP on issues relating to Puget Sound marine protected areas to ensure coordination.

The term MPA is defined as a geographic marine or estuarine area designated by a state, federal, tribal, or local government in order to provide long-term protection for part or all of the resources within that area.

Appropriation: None.

Fiscal Note: Requested on January 9, 2008.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill (Natural Resources, Ocean & Recreation): PRO: An examination of the management of marine protected areas is in the best interest of all Washington's citizens. These areas provide habitat opportunities, and recreation as well. Any conversations that encourage cooperate land management among state agencies, local governments, and nongovernmental organizations are valuable.

Persons Testifying (Natural Resources, Ocean & Recreation): PRO: Craig Burley, Department of Fish and Wildlife; Fran McNair, Department of Natural Resources.

Staff Summary of Public Testimony (Ways & Means): None.

Persons Testifying (Ways & Means): No one.

House Amendment(s): Requires the MPA work group established in the underlying bill and the MMA work group established in the amendment to coordinate and share resources as appropriate; requires the MPA work group to focus on the outer coast, while the MMA work group must focus on Puget Sound; provides specific authority and guidance for the management of aquatic reserves on state-owned aquatic lands; and includes provisions relating to the support of Marine Resources Committees (MRCs).

Marine Managed Areas Plan. By December 1, 2010, the PSP must produce a plan to coordinate and strengthen the various MMA programs managed by state and local governments. The plan must be developed with the assistance of the MMA work group assembled by the PSP. A member of the PSP science panel must chair the work group, which may include membership from federal, state, local, and tribal governments, MRCs, non-governmental organizations, and other invited participants.

The plan must include such items as guidelines for identifying key habitat areas, for managing areas on an ecosystem basis, and for coordinating multiple programs. Once developed, the plan must be included in the Puget Sound Action Agenda and can be amended over time using the procedures in place for amending the Action Agenda.

Aquatic Reserves. Establishes specific statutory authorization and guidance for the aquatic reserve system administered by DNR on state-owned aquatic lands. The aquatic reserve system includes all aquatic reserves designated through an order of the Commissioner of Public Lands (Commissioner) both before and after the act's effective date. Aquatic lands must have certain characteristics in order for the Commissioner to include them in an aquatic reserve, such as containing critically important geological, biological, recreational, scenic, or cultural attributes. DNR must coordinate the management of aquatic reserves with other MMAs and public land and resource managers. For aquatic reserves located in the Puget Sound, management decisions must be guided by the elements of the MMA plan developed by the PSP. The public may provide input into decisions regarding aquatic reserves through procedures developed by the Commissioner.

The Commissioner must request rulemaking from DFW if the Commissioner determines that management changes to the taking of fish, shellfish, or wildlife within or adjacent to an aquatic reserve would enhance the objectives of the aquatic reserve. State agencies exercising specified regulatory functions must give consideration to increasing protections consistent with the management objectives of an aquatic reserve.

Outer Coast Marine Resources Committee Program. The outer coast marine resource committee program is created to support outer coast MRCs. As director of the program, DFW must provide each outer coast MRC with a coordinator to support the committee's work and distribute grants to outer coast MRCs to support projects that benefit coastal marine resources. Directs MRCs and DFW to report the activities of and recommendations from MRCs to the Governor and Legislature. Requires that MRC membership include representation from local residents. In lieu of creating a new entity to serve as an outer coast or Puget Sound MRC, a county legislative authority may designate a willing salmon recovery lead entity organization to also serve as the MRC.

Other. Delays the date by which PSP must adopt the Puget Sound Action Agenda from September 1 to December 1, 2008. Makes technical changes to the sections setting out the Action Agenda and related reporting requirements.

Adds a null and void clause.