

HOUSE BILL REPORT

HJM 4031

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

Brief Description: Preserving section 5 of the Marine Mammal Protection Act to protect Puget Sound.

Sponsors: Representatives Appleton, B. Sullivan, Green, Takko, McCoy, Hunt, Darneille, Flannigan, Kessler, Chase, Eickmeyer, Morris, McIntire, Murray, Woods, O'Brien, Ericks, Pettigrew, Moeller, Dunshee, Lantz, Schual-Berke, Lovick, Morrell, Kenney, Clibborn, Sommers, Walsh, Strow, Haler, Talcott, Jarrett, Wallace, Dickerson, Conway, P. Sullivan, Hasegawa, Upthegrove, Rodne, Hankins, Williams, Springer, Cody, McDermott, Sells, Miloscia, Kagi, Campbell, Simpson, Roberts and Kilmer.

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 1/20/06 [DP].

Brief Summary of Bill

- Joint Memorial to Congress and the President requesting to preserve Section 5 of the Marine Mammal Protection Act to continue protecting Puget Sound by limiting tanker traffic.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: Do pass. Signed by 10 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; Blake, Dickerson, Eickmeyer, Hunt, Kagi and Orcutt.

Minority Report: Do not pass. Signed by 1 member: Representative Chandler.

Staff: Jeff Olsen (786-7157).

Background:

Congress enacted the Marine Mammal Protection Act in 1972 in response to concerns that some marine mammal species may be in danger of extinction as a result of human activities, and that species should not be permitted to fall below sustainable population levels.

Section 5 of the Marine Mammal Protection Act contains findings that the navigable waters in Puget Sound are a fragile and important national asset. It further finds that increased oil tanker traffic is a threat to those waters and shorelines, and tanker traffic restrictions are

necessary to protect Puget Sound. After October 18, 1977, Section 5 also restricted the federal government from approving permits for any facility in Puget Sound east of Port Angeles that would result in any increase in crude oil being handled at that facility. The restriction allows for increases in oil that is refined for consumption in Washington.

On November 8, 2005, S.1977 was introduced in the Senate of the United States that would repeal Section 5 of the Marine Mammal Protection Act.

Summary of Bill:

The President of the United States, Congress, and the Secretary of the U.S. Department of Commerce are petitioned to preserve Section 5 of the Marine Mammal Protection Act to continue protecting Puget Sound by limiting tanker traffic. The joint memorial includes the following findings:

- Puget Sound provides significant economic and natural resource benefits;
- 40 species, including orcas and salmon, are listed on state and federal threatened, endangered, or candidate species lists;
- approximately 600 tankers per year enter Washington waters, and additional tanker traffic would significantly increase the likelihood of oil spills in Puget Sound; and
- Senator Warren Magnuson declared that the waters of Puget Sound ought to be protected and that there should not be an expansion of tanker traffic.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: Puget Sound is on the verge of a collapse, and a major oil spill would be devastating. Currently, Puget Sound is home to 40 species on threatened and endangered species lists, including the orca. Preserving Section 5 of the Marine Mammal Protection Act protects Puget Sound into the future by limiting tanker traffic. Oil spills are the largest single threat to the health of Puget Sound. Tourism is an important component of the economy for the Olympic Peninsula, and the area would be greatly affected by a major oil spill. Protection of Puget Sound preserves treaty protected resources. Washington should have control over the protection of its resources.

(With concerns) The current challenges to the Magnuson Amendment have been raised due to recent litigation. The findings in the resolution should reflect that tanker traffic has increased and that Section 5 of the Marine Mammal Protection Act has not been enforced.

Testimony Against: None.

Persons Testifying: (In support) Representative Appleton, prime sponsor; Kathy Fletcher, People for Puget Sound; Mike Doherty, Board of Clallam County Commissioners; Stephen Robinson, Northwest Indian Fisheries Commission; Jerry Joyce, Audubon Society; Dale

Jensen, Department of Ecology; John Dohrmann, Puget Sound Action Team; and Jim Davis, Olympic Coast Alliance.

(With concerns) Fred Felleman, Ocean Advocates.

Persons Signed In To Testify But Not Testifying: None.