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**SUBSTITUTE SENATE BILL 5278**

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**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Natural Resources, Ocean & Recreation  
(originally sponsored by Senators Jacobsen, Kline and Fraser)

READ FIRST TIME 03/07/05.

1       AN ACT Relating to the ocean policy review commission; adding a new  
2 section to chapter 43.143 RCW; creating new sections; providing an  
3 effective date; and declaring an emergency.

4       BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5       NEW SECTION.   **Sec. 1.** The legislature finds that Washington's  
6 coastal and ocean resources are among the most important of its natural  
7 resources and that the state holds these resources in trust for the  
8 people of Washington.   Ocean based activities, such as fishing,  
9 aquaculture, tourism, recreation, and marine transportation have  
10 historically played a vital role in Washington's economy and culture.  
11 New ocean uses are being proposed in such areas as renewable energy,  
12 marine biotechnology, and ocean observing.   A healthy ocean is an  
13 integral part of the high quality of life enjoyed in the state.  
14 Therefore, the people of Washington have an obligation to be good  
15 stewards of the ocean so that coastal and ocean resources are preserved  
16 for future generations.

17       Washington's coastal and ocean resources face significant  
18 challenges, including the preservation of water quality, fish  
19 populations, and fish and wildlife habitat, and the utilization of

1 opportunities offered by new sustainable use activities. Coordinated  
2 policy regarding Washington's coastal and ocean resources will improve  
3 the efficiency and effectiveness of the state's ocean related programs  
4 and activities. The coordination of Washington's scientific resources  
5 will increase the quality and quantity of information available to  
6 assess current and proposed use activities. Additionally, the movement  
7 of ocean currents, atmospheric winds, and marine fish and wildlife  
8 across state and national borders and the multijurisdictional reach of  
9 many users of the coast and sea make cooperation between Washington and  
10 adjacent jurisdictions necessary.

11 Between 2001 and 2004, two high level commissions, the United  
12 States commission on ocean policy and the Pew oceans commission,  
13 studied and issued reports documenting the state of our nation's oceans  
14 and provided ocean policy recommendations. In response to the final  
15 report of the United States commission on ocean policy, the president  
16 issued the United States ocean action plan and created the cabinet-  
17 level committee on ocean policy in December 2004. Through these  
18 actions, the federal government has evidenced an intent to facilitate  
19 coordination between federal, state, tribal, local governments, and  
20 other interested groups and to provide funding for ocean resources  
21 programs and activities.

22 An evaluation of the condition of the state's coastal and ocean  
23 resources and the development of options for addressing the  
24 opportunities and challenges facing these resources will facilitate the  
25 adoption of a more efficient and effective ocean policy.

26 NEW SECTION. **Sec. 2.** (1) The ocean policy review commission is  
27 established.

28 (2) The commission is composed of the following members:

29 (a) The governor or the governor's designee;

30 (b) One representative from each major caucus in the senate,  
31 appointed by the president of the senate;

32 (c) One representative from each major caucus in the house of  
33 representatives, appointed by the speaker of the house of  
34 representatives;

35 (d) The director of the department of fish and wildlife or the  
36 director's designee;

1 (e) The commissioner of public lands or the commissioner's  
2 designee; and

3 (f) Six individuals appointed by the governor possessing recognized  
4 expertise on ocean policy, program, or research issues. The governor  
5 shall consult with a wide range of sources when appointing commission  
6 members, including leaders from each major caucus of the senate and  
7 house of representatives.

8 (3) The ocean policy review commission shall be convened by the  
9 governor no later than June 1, 2005. Upon convening, the commission  
10 shall select a chair to preside over commission meetings and a vice-  
11 chair to preside in the chair's absence.

12 (4) The commission shall convene a working group to provide  
13 information, suggestions, and feedback to the commission as it carries  
14 out the requirements of sections 3 and 4 of this act. The commission  
15 shall determine the composition of the working group, which should  
16 include, but is not limited to, a representative or representatives of:

- 17 (a) The federal government;
- 18 (b) Tribal government;
- 19 (c) Local coastal government;
- 20 (d) Port districts;
- 21 (e) Organizations engaged in environmental protection;
- 22 (f) Businesses engaged in fishing; and
- 23 (g) Organizations engaged in ocean science or technology.

24 (5) Staff to the ocean policy review commission must be provided by  
25 the department of ecology, the department of fish and wildlife, and the  
26 department of natural resources. Upon request by the commission, any  
27 state agency must provide information within the scope of the  
28 commission's work. The commission may also contract for technical  
29 assistance on any topic or element of the commission's review with the  
30 University of Washington, where expertise in marine affairs and ocean  
31 and fishery sciences is extensive.

32 (6) Members of the ocean policy review commission and the working  
33 group shall be reimbursed for travel expenses under RCW 43.03.050 and  
34 43.03.060.

35 NEW SECTION. **Sec. 3.** The ocean policy review commission shall,  
36 upon convening, examine the findings and recommendations of the United  
37 States commission on ocean policy and the Pew oceans commission. The

1 commission shall identify ocean and coastal programs currently  
2 operating in the state. Additionally, the commission shall identify  
3 recommendations from the United States commission on ocean policy and  
4 the Pew oceans commission that could be implemented immediately or by  
5 December 31, 2006. The commission shall report these findings and  
6 recommendations to the governor and the appropriate policy and fiscal  
7 committees of the senate and house of representatives by December 31,  
8 2005.

9 NEW SECTION. **Sec. 4.** (1) In addition to the requirements in  
10 section 3 of this act, the ocean policy review commission shall:

11 (a) Review and summarize the condition of Washington's coastal and  
12 ocean resources and their contribution to the state's character,  
13 quality of life, and economic vitality;

14 (b) Review and summarize the various interests, roles, and  
15 responsibilities of public entities, tribal interests, and other  
16 stakeholders in the protection and management of Washington's coastal  
17 and ocean resources;

18 (c) Identify and recommend ways to more effectively protect and  
19 manage coastal and ocean resources and take advantage of appropriate  
20 new opportunities to use such resources;

21 (d) Identify and recommend ways to improve coordination between  
22 state agencies on coastal and ocean resources issues;

23 (e) Identify and recommend ways to improve the state's coordination  
24 with Oregon, British Columbia, the federal government, other states,  
25 and tribal and local governments on coastal and ocean resources issues;

26 (f) Identify and recommend ways to improve coordination of  
27 scientific and technological information and capabilities within the  
28 state; and

29 (g) Identify and recommend ways to finance coastal and ocean  
30 protection, management, and development programs.

31 (2) In carrying out this section, the ocean policy review  
32 commission shall provide for extensive public participation. The  
33 commission shall schedule its meetings in locations throughout the  
34 state, including meetings in at least five different coastal locations.  
35 Additionally, the commission shall attempt to schedule its meetings in  
36 locations and at times convenient for public attendance.

1 (3) The ocean policy review commission shall report these findings  
2 and recommendations to the governor and the appropriate policy and  
3 fiscal committees of the senate and house of representatives by  
4 December 31, 2006.

5 NEW SECTION. **Sec. 5.** The ocean policy review commission and its  
6 powers and duties terminate June 30, 2007.

7 NEW SECTION. **Sec. 6.** A new section is added to chapter 43.143 RCW  
8 to read as follows:

9 The coastal and ocean resources account is created in the custody  
10 of the state treasurer. All receipts from gifts or grants to the  
11 account, or legislative appropriations to the account, must be  
12 deposited in the account. Expenditures from the account may only be  
13 used for coastal and ocean resources programs or activities. Only the  
14 governor or the governor's designee may authorize expenditures from the  
15 account. The account is subject to allotment procedures under chapter  
16 43.88 RCW, but an appropriation is not required for expenditures.

17 NEW SECTION. **Sec. 7.** (1) The governor or the governor's designee  
18 shall work to secure federal grants and other sources of funding for  
19 inclusion in the coastal and ocean resources account during the  
20 existence of the ocean policy review commission.

21 (2) The governor or the governor's designee, with participation by  
22 the members of the ocean policy review commission, shall represent the  
23 state in coastal and ocean resources discussions with the federal  
24 government, other states, and tribal and local governments during the  
25 existence of the ocean policy review commission.

26 NEW SECTION. **Sec. 8.** This act is necessary for the immediate  
27 preservation of the public peace, health, or safety, or support of the  
28 state government and its existing public institutions, and takes effect  
29 June 1, 2005.

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