

# HOUSE BILL REPORT

## 2SSB 6263

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**As Reported by House Committee On:**  
Agriculture & Natural Resources  
General Government Appropriations & Oversight

**Title:** An act relating to facilitating marine management planning.

**Brief Description:** Facilitating marine management planning.

**Sponsors:** Senate Committee on Ways & Means (originally sponsored by Senators Ranker, Hargrove, Delvin, Litzow, Swecker, Rolfes, Schoesler, Kilmer, Fraser, Kohl-Welles, Hobbs and Hatfield).

**Brief History:**

**Committee Activity:**

Agriculture & Natural Resources: 2/15/12, 2/21/12 [DPA];  
General Government Appropriations & Oversight: 2/22/12, 2/23/12 [DPA(AGNR & APPG)].

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

- Creates direction on the allowable expenditures from the Marine Resources Stewardship Account.
- Relieves the marine management planning team of the restriction on using state funding and authorizes the development of marine management plans for different geographic areas on different schedules.
- Creates the Washington State Coastal Solutions Council.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** Do pass as amended. Signed by 13 members: Representatives Blake, Chair; Stanford, Vice Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Buys, Dunshee, Finn, Hinkle, Kretz, Lytton, Orcutt, Pettigrew and Van De Wege.

**Staff:** Jason Callahan (786-7117).

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*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.*

**Background:**

A process for marine management planning was initiated in 2010. The planning is conducted by the Marine Interagency Team (Team), consisting of the Office of the Governor and natural resources agencies with jurisdiction over marine issues. The Team was initially tasked with, and has completed, an assessment of existing marine planning efforts in the state and a recommended framework for integrating marine spatial planning into management planning efforts.

The Team was directed to coordinate the development of a comprehensive marine management plan (plan) for the state's marine waters. The Team is authorized to develop the plan in geographic segments, and may incorporate elements from an existing plan. The plan elements include an ecosystem assessment that analyzes the health and status of marine waters, a series of maps providing information on the marine ecosystem, human uses of marine waters, and areas with high potential for renewable energy production and low potential for conflicts with existing uses and sensitive environments, recommendations to the federal government for use priorities and limitations within the Exclusive Economic Zone, and a strategy for plan implementation using existing state and local authorities.

The Team has two years to complete the plan once it initiates the planning process. In developing the plan, the Team must seek input from specified stakeholders. The plan may not affect any project, use, or activity existing prior to completion of the plan. Upon completion, the Director of the Department of Ecology must submit the plan to the federal government for review, approval, and inclusion in the state's Coastal Zone Management Plan.

A dedicated account, the Marine Resources Stewardship Trust Account, exists to fund marine management planning and associated activities.

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**Summary of Amended Bill:**

Changes are made to the implementation of the Marine Resources Stewardship Trust Account (Account). The funds in the Account may no longer be used for the restoration or enhancement of marine habitats and resources. The long-term restrictions on the use of the Account are limited to marine management planning, marine spatial planning, research, monitoring, and plan implementation. In the short term, until July 1, 2016, the uses of the funds in the Account are further restricted. Until that date the funds in the Account may only be used for coordinating regional planning efforts, developing a marine management plan (plan), and conducting ecosystem assessment and mapping activities.

In addition to changes in the administration of the Account, the marine management planning team is relieved of its restriction on using state funding and it authorized to develop plans for different geographic areas on different schedules.

The Washington State Coastal Solutions Council (Council) is created in the Office of the Governor. The Council is composed of state agency representation and various stakeholders

with an interest in marine resource management. The Council is assigned a number of duties, including:

- serving as a forum for communication on marine resource issues;
- serving as an interagency resource for responding to coastal management issues;
- identifying funding opportunities; and
- providing policy recommendations regarding marine resource management issues.

**Amended Bill Compared to Second Substitute Bill:**

The committee striking amendment created the Washington State Coastal Solutions Council.

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**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested February 21, 2012.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Washington's open ocean coastal communities have a significant opportunity to plan ahead for the uses of their ocean in a way that secures the jobs tied to existing uses and prepares for new uses to come. A state planning process allows Washington to get ahead of any future federal processes and provides flexibility to the state. Coastal waters are busy with human activity and planning ahead allows the minimization of the inevitable conflicts. It is rare that such diverse interests all work together towards a common goal.

There was a fear when the marine management planning process started that the coastal communities would be left behind due to a focus on the Puget Sound. It turns out that the coast is able to move forward with planning before the Puget Sound communities will be allowed to move forward. A regional focus allows local, critical issues to receive due consideration.

There is private and federal money available to move the planning process forward. However, the process needs to be able to access state money so that the state can show its commitment. The state universities have assets that can be utilized in any planning processes.

(Opposed) None.

**Persons Testifying:** Senator Ranker, prime sponsor; Dale Beasley, Columbia River Crab Fishermen's Association; Dick Sheldon, Willapa Oyster Growers Association; Jennifer Hennessey, Washington State Department of Ecology; Bridget Moran, Department of Natural Resources; Jim Jesernig, Pacific Coast Shellfish Growers Association; Scott Sigmund, Coastal Conservation Association; Bruce Wishart, Sierra Club and People for Puget Sound;

Mo McBroom, Washington Environmental Council; Sherry Burkey, Western Washington University; and Bill Robinson, The Nature Conservancy.

**Persons Signed In To Testify But Not Testifying:** None.

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## **HOUSE COMMITTEE ON GENERAL GOVERNMENT APPROPRIATIONS & OVERSIGHT**

**Majority Report:** Do pass as amended by Committee on Agriculture & Natural Resources as further amended by Committee on General Government Appropriations & Oversight. Signed by 13 members: Representatives Hudgins, Chair; Miloscia, Vice Chair; Moscoso, Vice Chair; McCune, Ranking Minority Member; Taylor, Assistant Ranking Minority Member; Ahern, Armstrong, Blake, Fitzgibbon, Ladenburg, Pedersen, Van De Wege and Wilcox.

**Staff:** Michael Bennion (786-7118).

### **Summary of Recommendation of Committee On General Government Appropriations & Oversight Compared to Recommendation of Committee On Agriculture & Natural Resources:**

A null and void clause is added to the bill.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

### **Staff Summary of Public Testimony:**

(In support) There is an opportunity on the open ocean coast where critical planning is moving forward and is necessary which both legislative chambers recognized two years ago when the original bill was passed. There was a concern that the Puget Sound would take attention away from other places like the open coast and Strait of Juan de Fuca, but the opposite has happened and Puget Sound planning efforts have been more focused elsewhere. However, out on the coast there are other communities with private entities, citizen groups, local governments, and the federal government that are interested in doing this work. Under current law, state agencies would not be allowed to let that happen unless the rest of the state could have its planning completed within 24 months, which is unrealistic. One roadblock in the original bill was the disallowing of state moneys until private and/or federal money was identified and appropriated. The federal moneys have been appropriated to the West Coast and private money has been apportioned to some of this work. The state needs to demonstrate it is serious with regard to critical planning. The large fiscal note does not address the work that is going to be done because nobody has decided who would do the work, which would likely go to private entities or federal sources.

The traction effort being done on the outer coast with a small amount of money is substantial. The fiscal impact in regards to the Washington State Coastal Solutions Council will be lower because the Department of Ecology will transition an existing committee into this Council. The marine spatial planning process clarification would be very useful and would help to support that work in future years.

The Nature Conservancy has been involved in marine spatial planning for a couple years now and the work being done on the state's coast is really taking off. The local constituents, whether they be commercial fishermen, tribes, local governments, and many other people are endorsing this idea. The discussion is on forestalling any conflicts right now off of the coast, especially as new users to the waters arrive in the future for transportation or economic purposes, and how to best plan to allocate those scarce resources on the coast. It will take money to identify and collect the necessary data. There is fear that the federal government is going to tell coastal communities what to do and communities want to make sure they have locally developed plans. Narrowing the use of the money ensures accountability and what is expected of the moneys provided.

(Opposed) None.

**Persons Testifying:** Senator Ranker, prime sponsor; Tom Clingman, Department of Ecology; and Bill Robinson, The Nature Conservancy.

**Persons Signed In To Testify But Not Testifying:** None.