

SENATE BILL REPORT

SB 6169

As of February 13, 2012

Title: An act relating to the ocean policy advisory council.

Brief Description: Establishing the ocean policy advisory council.

Sponsors: Senators Ranker, Litzow, Hargrove and Chase.

Brief History:

Committee Activity: Energy, Natural Resources & Marine Waters: 1/26/12.

SENATE COMMITTEE ON ENERGY, NATURAL RESOURCES & MARINE WATERS

Staff: Angeline Thomas (786-7470)

Background: Following several national level efforts, the 2005 Washington State Legislature directed the Governor's Office to investigate state ocean resources and report back with recommendations for improving management of Washington's ocean resources. The Governor's Office formed the Washington State Ocean Policy Work Group made up of representatives from state agencies and commissions, county commissioners, members of the State Legislature, stakeholder groups, and city, county, and port associations. In addition, tribal representatives served as observers.

The final report, entitled Washington's Ocean Action Plan, was issued in 2007. Acting on the recommendations from Washington's Ocean Action Plan, the Governor's Office and numerous state agencies have formed the state ocean caucus (SOC) to address ocean issues. The SOC sought advice via online forums through an informal ocean policy advisory group open to the general public.

In December of last year, the SOC revised its approach to getting input on ocean policy issues based on recommendations from Coastal Marine Resource Committees (MRCs) and stakeholders. The new approach sought nominations from various stakeholders to be considered for an appointment to the newly formed advisory group for the coast called Coastal Advisory Board on Ocean Policy. The director of the Department of Ecology (DOE) appointed representatives from several interests including: commercial fishing, coastal Marine Resource Committees (MRCs), conservation, economic development, ports, recreation and shellfish aquaculture among others.

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.

State, federal, tribal, and local governments are invited to serve in a nonvoting liaison capacity.

The purpose of the new advisory group includes providing input on ocean policy to the state, advocating for coastal communities and their interest, participation in the development of coast-wide strategies, and collaboration with coastal MRCs.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed First Substitute): The Washington Coastal Solutions Council is established in the Office of the Governor.

Membership Delineated. Membership is made up of voting and nonvoting members to be appointed by the Governor. Voting members include the existing Coastal Advisory Board on Ocean Policy. Nonvoting members include representatives from the following agencies: the Governor's Office, DOE, the Department of Natural Resources, the Department of Fish and Wildlife, the State Parks and Recreation Commission, and the Department of Commerce. In addition, the council may invite federal agencies, representatives from other coastal states, or representatives from Canadian provinces to participate as nonvoting members. The council must establish bylaws that determine future membership in this group and how vacancies are to be filled. The chair must be nominated and elected from among the voting members and serves for a term of one year.

The council must use a consensus approach to decision making and reserve decision making by vote to limited circumstances. How consensus works and the circumstances that trigger a vote by voting members must be included in the council's bylaws.

Dependent upon the securing of non-state funding, the council may also hire a neutral convener to assist it in the performance of its duties.

DOE must provide staff.

Duties Defined. The council must serve as a forum for communication in order to seek consistency between federal, state, local, and tribal policies concerning marine issues. The council must identify and pursue public and private funding opportunities for its activities, provide recommendations to the Governor on various marine issues, and establish bylaws.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: The substitute bill is a strong vehicle to carry forward the tradition that the coastal MRCs, affected stakeholders, and Interagency Team have been working on over the past year in establishing the Coastal Advisory Body. We

believe the council created in this bill will complete the third geographic leg necessary to move Coastal Marine Spatial Planning (CMSP) forward on the coast, though we realize that this bill does not address CMSP directly.

This bill is a bottom up approach that gives coastal communities a seat at the table to ensure their long-term survival. Specifically, in allowing coastal communities to preserve existing coastal uses, promote conservation of healthy ecosystems in marine waters, and to have a voice in future efforts to move forward on the CMSP process. This bill is about keeping resources sustainable.

OTHER: DOE fully supports the need for an advisory group and has already initiated a process to provide the benefits that an advisory group would offer through the Coastal Advisory Body (CAB) that was recently convened at a lower cost than the proposed governor appointed council. There were consensus recommendations developed by a broad group of coastal stakeholders on the structure, operations, and purpose of the existing CAB that are not fully reflected in the bill.

As an alternative, we suggest having the Legislature authorize and confirm the need for the advisory body that has already been established by DOE. If this bill moves forward, we would be happy to work with committee staff to provide additional language suggestions that will ensure better alignment with the structure, purposes, and operations of the coastal advisory body to better reflect the consensus recommendations reached across the entire coast.

Persons Testifying: PRO: Dick Sheldon, Northern Oyster Co., Willapa Oyster Growers; Dale Beasley, CRCFA; Brenda White, Snohomish PUD; Michael Nordin, Mike Johnson, Pacific County Marine Resource Committee; Steve Robinson, Tulalip and Umatilla Tribes; David Steele, Jim Jesernig, Pacific Coast Shellfish Grower's Assn.; Ray Toste, WA Dungeness Crab Fishers Assn., Coalition of Ocean Fishers; Bill Robinson; the Nature Conservancy; Jim Gibbont, Seattle Shellfish.

OTHER: Jennifer Hennessey, DOE; Heather Barlett, WDFW.