

SENATE BILL REPORT

SB 6263

As Reported by Senate Committee On:
Energy, Natural Resources & Marine Waters, January 30, 2012
Ways & Means, February 7, 2012

Title: An act relating to facilitating marine management planning.

Brief Description: Facilitating marine management planning.

Sponsors: Senators Ranker, Hargrove, Delvin, Litzow, Swecker, Rolfes, Schoesler, Kilmer, Fraser, Kohl-Welles, Hobbs and Hatfield.

Brief History:

Committee Activity: Energy, Natural Resources & Marine Waters: 1/19/12, 1/30/12 [DPS-WM].

Ways & Means: 2/06/12, 2/07/12 [DP2S].

SENATE COMMITTEE ON ENERGY, NATURAL RESOURCES & MARINE WATERS

Majority Report: That Substitute Senate Bill No. 6263 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin, Ranking Minority Member; Morton, Ranking Minority Member; Fraser, Hargrove, Stevens and Swecker.

Staff: Curt Gavigan (786-7437)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Second Substitute Senate Bill No. 6263 be substituted therefor, and the second substitute bill do pass.

Signed by Senators Murray, Chair; Kilmer, Vice Chair, Capital Budget Chair; Zarelli, Ranking Minority Member; Parlette, Ranking Minority Member Capital; Baumgartner, Brown, Conway, Fraser, Harper, Hatfield, Hewitt, Holmquist Newbry, Honeyford, Kastama, Keiser, Kohl-Welles, Padden, Pridemore, Regala, Schoesler and Tom.

Staff: Michael Bezanson (786-7449)

Background: Marine Management Planning. In 2010 the Legislature passed SSB 6350, which established a process for marine management planning in Washington. The bill

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created the Marine Interagency Team (team), consisting of the Governor's Office 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.

Subject to federal, private, or other nonstate funding, the Legislature also directed the team to coordinate development of a comprehensive marine management plan for the state's marine waters. The team may develop the plan in geographic segments, and may incorporate elements from an existing plan. Elements of the plan 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 marine management 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.

The 2010 bill created a dedicated account, the Marine Resources Stewardship Trust Account (MRSTA), to fund marine management planning and associated activities.

Summary of Bill (Recommended Second Substitute): Modifies Marine Management Planning Authorities. The statutes governing the marine management planning process are modified to:

- specifically authorize the team to develop the comprehensive marine management plan in geographic segments, moving forward with plans for geographic areas on different schedules;
- remove the requirement that the comprehensive marine management plan be completed within two years of the plan initiation; and
- remove the requirement that the availability of nonstate funding be a prerequisite to initiating the comprehensive planning process and other specified relevant actions.

Until July 1, 2016, the permissible uses of funding from the MRSTA are temporarily narrowed to:

- ecosystem assessments and mapping activities, with a focus on those that relate to marine resource uses and the development of potential economic opportunities;
- development of a marine management plan for the outer coast; and
- coordination of regional marine waters planning activities.

EFFECT OF CHANGES MADE BY WAYS & MEANS COMMITTEE (Recommended Second Substitute): Eliminated the diversion of revenue from the Aquatic Lands Enhancement Account for this purpose.

EFFECT OF CHANGES MADE BY ENERGY, NATURAL RESOURCES & MARINE WATERS COMMITTEE (Recommended First Substitute): Modifies the mechanism for providing a portion of revenue from state-owned aquatic lands to MRSTA in regards to the timing and percentage of the deduction. The original bill: provided revenue to MRSTA prior to its distribution to RMCA, as payments to towns, and to ALEA; and set the percentage at 4 percent of those revenues until July 1, 2016, and 2 percent after that date. The recommended substitute: provides revenue to MRSTA following statutory distributions to RMCA and as payments to towns; sets the percentage at 8 percent of those revenues, and 4 percent after that date; and provides remaining revenue to ALEA.

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 on Original Bill (Energy, Natural Resources & Marine Waters): PRO: The state is going through tough economic times, and preparation for marine spatial planning is preparation for the future. The planning process can help protect existing uses and address marine user conflicts. Coastal communities should have a direct voice in the process. Coastal Marine Resources Committees are already beginning to engage in some of this work. The outer coast is ready to proceed with the planning process, and this bill would allow them to move ahead. The planning process must account for local needs, but must be sure to consider the broader impacts of any actions.

OTHER: While supportive of the policy in the bill, there are concerns about using funds that would otherwise go to the DNR's management account to fund the planning work.

Persons Testifying (Energy, Natural Resources & Marine Waters): PRO: Dick Sheldon, Willapa Shellfish Growers; Dale Beasley, Columbia River Crab Fishermen's Assn.; Ray Toste, WA Dungeness Crab Fishermen's Assn.; Michael Nordin, Pacific County Marine Resources Committee; Bill Dewey, Taylor Shellfish Farms; Bill Robinson, The Nature Conservancy; Johan Hellman, WA Public Ports Assn.

OTHER: Bridget Moran, DNR.

Staff Summary of Public Testimony on Substitute as Passed by Energy, Natural Resources & Marine Waters (Ways & Means): PRO: All of the constituents on the coast are supportive of this bill. They want to develop a plan and reduce the conflict on our waters. It is getting crowded. We believe that his bill allows us to better manage our marine resources. The plan would develop a plan that would allow us to allocate our resources better

on the outer coast. Good work has been done, and now it will take resources. Funding is a key component to all of this.

We believe that the University of Washington (UW) has a lot of expertise to provide in this policy area. We believe that using funding derived from the marine waters is best spent on marine waters. We believe that this bill can put UW and the state in a competitive position to leverage significant federal funds.

OTHER: We were previously against this bill but we are supportive of an amendment that gets us to a position of support.

Persons Testifying (Ways & Means): PRO: Bill Robinson, The Nature Conservancy; Jim Jesernig, Pacific Coast Shellfish Growers Assn.; Scott Sigman, Coastal Conservation Commission; Margaret Shepherd, UW.

OTHER: Bridget Moran, DNR.