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## Environment Committee

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### ESB 5603

**Brief Description:** Establishing the Washington coastal marine advisory council and the Washington marine resources advisory council.

**Sponsors:** Senators Hatfield, Kohl-Welles, Shin and Ranker.

#### Brief Summary of Engrossed Bill

- Establishes the Washington Coastal Marine Advisory Council within the Office of the Governor to serve as an advisory body and forum for communication on coastal marine waters issues.
- Establishes the Washington Marine Resources Advisory Council within the Office of the Governor to coordinate and implement certain activities pertaining to the impacts of ocean acidification through June, 2017.

**Hearing Date:** 3/26/13

**Staff:** Jacob Lipson (786-7196).

#### Background:

##### Marine Management and Planning Efforts in Washington.

The 2006 Ocean Action Plan ("Plan"), funded by a 2005 budget proviso, was the product of a work group comprising of state agencies and other stakeholders. The Plan included recommendations on a variety of ocean and coastal scientific and management topics. Per the recommendation of the Plan, the State Ocean Caucus was established as an interagency state group. The State Ocean Caucus is coordinated by the Department of Ecology and is charged with developing and carrying out a work plan to implement the Plan's recommendations and communicating with non-state governmental entities and other stakeholders regarding ocean and outer coast management.

In 2010, the Legislature passed a law directing the development of a comprehensive state marine management plan, including the use of marine spatial planning by an interagency team. Working

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in conjunction with representatives from tribal governments, federal agencies, and coastal Marine Resource Committees (volunteer citizen organizations coordinated by the Department of Fish and Wildlife), the State Ocean Caucus issued its marine spatial planning report to the Legislature in January, 2011.

The 2010 legislative action requiring the marine management and marine spatial planning activity also established the Marine Resources Stewardship Trust Account (MRSTA) within the State Treasury to be used for marine management planning, marine spatial planning, research, monitoring, implementation of the state's marine management plan, and for the restoration or enhancement of marine habitat or resources. Funds in the MRSTA may originate with state legislative appropriations, as well as grants, gifts, donations.

In 2011, the DOE established the Washington Coastal Marine Advisory Council as a stakeholder group to advise the State Ocean Caucus. Washington Coastal Marine Advisory Council members are appointed by the Director of DOE, and represent a variety of stakeholder interests, including commercial and recreational fishing, conservation, economic development, energy, recreation, and shellfish aquaculture.

In 2012, the Legislature passed additional legislation relevant to marine planning and management. This legislation, among other provisions, created a Washington State Coastal Solutions Council within the Office of the Governor. The Washington State Coastal Solutions Council consisted of the voting members of the DOE's Washington State Marine Advisory Council, as it existed on December 2011, with additional nonvoting state agency representation. The Governor vetoed the provisions which would have created the Washington State Coastal Solutions Council.

#### Ocean Acidification.

Ocean acidification is the term given to the changes in seawater chemistry resulting primarily from the world's oceans absorbing carbon dioxide (CO<sub>2</sub>) from the atmosphere. Local sources of acidification from wastewater discharges and runoff from land-based activities can also contribute to ocean acidification in marine waters.

In 2011, former Governor Gregoire convened the Washington State Blue Ribbon Panel ("Panel") on Ocean Acidification, whose membership included tribal, state, federal, and local policymakers, scientific experts, and industry representatives. The Panel was charged with developing recommendations to address ocean acidification, reviewing current scientific knowledge, and identifying needed research and monitoring to increase scientific understanding and improve resource management. In November 2012, the Panel submitted a report which assessed the vulnerability of the state's marine waters and associated economic activities, such as aquaculture, and issued a series of recommendations to mitigate negative impacts of ocean acidification. After the Panel's report was issued, former Governor Gregoire issued an Executive Order directing the DOE, among other agencies, to take certain actions including the coordination of the implementation of the Panel's recommendations.

#### **Summary of Bill:**

##### Washington Coastal Marine Advisory Council.

The Washington Coastal Marine Advisory Council (WCMAC) is created in statute and housed in the Governor's Office. The WCMAC membership and operating procedures are as follow:

- the membership of the WCMAC is appointed by the Governor, and specified to include representatives of several state agencies, as well as the membership of the Washington Coastal Marine Advisory Council established by the DOE, as it existed on January 15, 2013;
- members serve four year terms, and may be reappointed;
- additional entities, including tribal, local, and federal governments, may also designate liaisons to the WCMAC;
- the WCMAC chair must be nominated and elected by a majority of members;
- the term of the chair is one year, and the chair is eligible for reelection;
- WCMAC meeting agendas must be developed collaboratively, and decisions reached by consensus, or, failing that, by a vote of members; and
- WCMAC must develop bylaws, including g guidelines for consensus and voting procedures.

The WCMAC's duties include directives to:

- serve as a forum for communication concerning coastal waters issues;
- serve as a point of contact and collaboration with other governmental entities regarding coastal waters issues;
- provide a forum to discuss, mediate and recommend principles related to coastal waters resource policy, planning and management; and
- make recommendations to the Governor, the Legislature, and state and local agencies on coastal waters resource management issues, which may address expenditures from the Marine Resources Stewardship Trust Account (MRSTA), the implementation of Washington's 2006 Coastal Action Plan, and the development and implementation of coast-wide goals, including marine spatial planning.

The DOE must provide primary staff and support to the WCMAC. In addition, subject to the availability of resources, the WCMAC may hire a neutral convener to assist with facilitation, agendas, and other WCMAC duties.

#### Washington Coastal Marine Advisory Council Recommendation Alignment with Marine Resources Stewardship Trust Account Expenditures.

State expenditures from the MRSTA on projects and activities relating to the state's coastal waters must be made consistent with WCMAC's recommendations, to the maximum extent possible. If MRSTA expenditures are inconsistent with WCMAC recommendations, the responsible agency receiving the appropriation must provide WCMAC and appropriate legislative committees a written explanation.

#### Washington Marine Resources Advisory Council.

The Washington Marine Resources Advisory Council (WMRAC) is created within the Office of the Governor, and is to be chaired by the Governor or the Governor's designee. In addition to the Governor, the WMRAC is composed of a statutorily-specified membership list, including legislators, representatives of government agencies and other governmental entities, and Governor-appointed representatives from a variety of marine business sectors.

The WMRAC's first meeting must be scheduled by November 1, 2013. The WMRAC is directed to meet at least twice per calendar year, and meetings must include an opportunity for public comment on agenda items. The WMRAC's duties are:

- to coordinate the work of governmental and non-governmental bodies to address the impacts of ocean acidification;
- to advise and work with the University of Washington to conduct technical analysis of ocean acidification, and identify actions necessary to implement ocean acidification recommendations;
- to deliver recommendations, including minority reports if requested by a member of the WMRAC, to the Governor and appropriate legislative committees;
- to seek private and public funding and resources for technical analysis to support the council's recommendations; and
- to assist in public education about ocean acidification.

The WMRAC dissolves in June, 2017.

**Appropriation:** None.

**Fiscal Note:** Available.

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