

HOUSE BILL REPORT

HB 2618

As Reported by House Committee On:
Agriculture & Natural Resources
Capital Budget

Title: An act relating to facilitating marine management planning.

Brief Description: Facilitating marine management planning.

Sponsors: Representatives Van De Wege, Dunshee, Blake and Stanford.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/24/12, 1/31/12 [DP];
Capital Budget: 2/2/12 [DPS].

Brief Summary of Substitute Bill

- Makes a few procedural changes to the ongoing marine management planning process.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: Do pass. Signed by 8 members: Representatives Blake, Chair; Chandler, Ranking Minority Member; Wilcox, Assistant Ranking Minority Member; Finn, Kretz, Lytton, Pettigrew and Van De Wege.

Minority Report: Do not pass. Signed by 4 members: Representatives Buys, Dunshee, Hinkle and Orcutt.

Staff: Jason Callahan (786-7117).

Background:

Marine Management Planning.

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

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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 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.

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

Revenues from State-Owned Aquatic Lands.

When the state receives revenue from state-owned aquatic lands, funds are first distributed to the Resource Management Cost Account for the Department of Natural Resources' management costs and for any payments owed to towns. The remainder of the revenue is deposited into the Aquatic Lands Enhancement Account, which is generally used for purposes such as aquatic lands enhancement projects, protection of aquatic lands for public purposes, and providing and improving access to aquatic lands.

Summary of Bill:

Modifies Marine Management Planning Authorities.

The statutes governing the marine management planning process are modified to:

- specifically authorize the Marine Interagency Team to develop the comprehensive marine management plan (plan) in geographic segments, moving forward with plans for geographic areas on different schedules;
- remove the requirement that the 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.

Provides Funding for Marine Management Planning Using Revenue from State-Owned Aquatic Lands.

A portion of revenue from state-owned aquatic lands must be deposited in the Marine Resources Stewardship Trust Account (MRSTA) prior to being distributed to the Resource Management Cost Account, as payments to towns, and to the Aquatic Lands Enhancement Account. Until July 1, 2016, the MRSTA receives 4 percent of these revenues. After July 1, 2016, the amount is 2 percent.

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.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The process of marine spatial planning will define the use of the outer coast, as well as the culture of the coastal communities, for many years to come. It is the single most important process the coast has seen in decades. Failure for the state to engage in the process will lead to a default management plan that will cost coastal communities jobs.

Marine spatial planning creates a new way for traditional ocean users and new users to peacefully coexist. The primary planning goal should be to support existing ocean uses and then only expand uses with caution if the new uses impact public access to ocean resources. Conflicts among ocean users cause limitations when businesses want to expand.

Funding for the process is critical if Washington is going to stay ahead of national trends and define for itself how its ocean will be used. However, that funding must be dedicated to the marine spatial planning effort and not diverted to other needs of the various agencies.

The technical corrections are important to ensure that the marine spatial planning efforts are undertaken well. Having different plan completion dates for different ocean regions allows

areas that are close to finishing their plan to move forward without having to wait for the other regions to catch up.

(In support with concerns) Taking money out of the revenues generated on state-owned aquatic lands impacts the Department of Natural Resources' ability to manage the aquatic lands program and increase revenue for the Aquatic Lands Enhancement Account.

(Opposed) None.

Persons Testifying: (In support) Representative Van De Wege, prime sponsor; Dick Sheldon, Willapa Shell Fish Growers; Dale Beasley, Columbia River Crab Fishermen's Association; Ray Toste, Washington Dungeness Crab Fishers Association and the Coalition of Coastal Fisheries; Bill Robinson, Nature Conservancy; and Bill Dewey, Taylor Shellfish Farms.

(In support with concerns) Bridget Moran, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON CAPITAL BUDGET

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives Dunshee, Chair; Ormsby, Vice Chair; Warnick, Ranking Minority Member; Asay, Jinkins, Lytton, Smith, Tharinger and Wylie.

Minority Report: Do not pass. Signed by 2 members: Representatives Zeiger, Assistant Ranking Minority Member; Pearson.

Staff: Susan Howson (786-7142).

Summary of Recommendation of Committee On Capital Budget Compared to Recommendation of Committee On Agriculture & Natural Resources:

The substitute bill removes language requiring a portion of revenue from state-owned aquatic lands to be deposited in the Marine Resources Stewardship Trust Account.

Appropriation: None.

Fiscal Note: Preliminary fiscal note available. New fiscal note requested on February 2, 2012.

Effective Date of Substitute 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) On Washington's coast, there has been a huge coordination effort by commercial fishers, crabbers, shellfish growers, county commissioners, communities, conservation

organizations, tribes, and others to begin planning for resources on the coast. The next step is developing data to identify all of the different uses, such as fisheries, conservation, shipping lanes, recreation, energy development, as well as other uses and determine how to best allocate all of these uses in a non-conflicting way. Mapping these uses in a geographic way would then identify where these activities should take place. Collecting and mapping the data is expensive. The funding mechanism provided in this bill is an elegant way to pay for these activities. Other foundation and federal funds have been brought to the table, but state matching money is also needed to support this effort.

(Opposed) The bill as introduced reduces the Department of Natural Resources' ability to manage state-owned aquatic lands and increase revenue for the Aquatic Lands Enhancement Account. The proposed amendment alleviates this concern.

Persons Testifying: (In support) Bill Robinson, The Nature Conservancy.

(Opposed) Bridget Moran, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.