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SENATE BILL 5446

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State of Washington

52nd Legislature

1991 Regular Session

By Senators Owen, Metcalf and Pelz.

Read first time January 31, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to moratorium on leases for oil and gas  
2 exploration, development, or production; amending RCW 43.143.010 and  
3 43.143.020; and repealing RCW 43.143.040.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 43.143.010 and 1989 1st ex.s. c 2 s 9 are each amended  
6 to read as follows:

7 (1) The purpose of this chapter is to articulate policies and  
8 establish guidelines for the exercise of state and local management  
9 authority over Washington's coastal waters, seabed, and shorelines.

10 (2) There shall be no leasing of Washington's tidal or submerged  
11 lands extending from mean high tide seaward three miles along the  
12 Washington coast from Cape Flattery south to Cape Disappointment, nor  
13 in Grays Harbor, Willapa Bay, and the Columbia river downstream from  
14 the Longview bridge, for purposes of oil or gas exploration,  
15 development, or production until at least July 1, ((1995)) 2000. During

1 the ((1995)) 2000 legislative session, the legislature shall determine  
2 whether the moratorium on leasing should be extended past July 1,  
3 ((1995)) 2000. This determination shall be based on the information  
4 available at that time, including the analysis described in RCW  
5 43.143.040. If the legislature does not extend the moratorium on  
6 leasing, the moratorium will end on July 1, ((1995)) 2000. At any time  
7 that oil or gas leasing, exploration, and development are allowed to  
8 occur, these activities shall be required to meet or exceed the  
9 standards and criteria contained in RCW 43.143.030.

10 (3) When conflicts arise among uses and activities, priority shall  
11 be given to resource uses and activities that will not adversely impact  
12 renewable resources over uses which are likely to have an adverse  
13 impact on renewable resources.

14 (4) It is the policy of the state of Washington to actively  
15 encourage the conservation of liquid fossil fuels, and to explore  
16 available methods of encouraging such conservation.

17 (5) It is not currently the intent of the legislature to include  
18 recreational uses or currently existing commercial uses involving  
19 fishing or other renewable marine or ocean resources within the uses  
20 and activities which must meet the planning and review criteria set  
21 forth in RCW 43.143.030. It is not the intent of the legislature,  
22 however, to permanently exclude these uses from the requirements of RCW  
23 43.143.030. If information becomes available which indicates that such  
24 uses should reasonably be covered by the requirements of RCW  
25 43.143.030, the permitting government or agency may require compliance  
26 with those requirements, and appeals of that decision shall be handled  
27 through the established appeals procedure for that permit or approval.

28 (6) The state shall participate in federal ocean and marine  
29 resource decisions to the fullest extent possible to ensure that the

1 decisions are consistent with the state's policy concerning the use of  
2 those resources.

3 **Sec. 2.** RCW 43.143.020 and 1989 1st ex.s. c 2 s 10 are each  
4 amended to read as follows:

5 Unless the context clearly requires otherwise, the definitions in  
6 this section apply throughout this chapter:

7 (1) "Coastal counties" means Clallam, Jefferson, Grays Harbor, and  
8 Pacific counties.

9 (2) "Coastal waters" means the waters of the Pacific Ocean seaward  
10 from Cape Flattery south to Cape Disappointment, from mean high tide  
11 seaward two hundred miles.

12 (3) "Exploration" means reconnaissance, seismic, or survey work  
13 related to gathering information about geologic features and formations  
14 underlying or adjacent to marine waters.

15 NEW SECTION. **Sec. 3.** RCW 43.143.040 and 1989 1st ex.s. c 2 s 12  
16 are each repealed.