
SENATE BILL 6013

State of Washington

52nd Legislature

1992 Regular Session

By Senator Conner

Read first time 01/13/92. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to archaeological resources; and amending RCW
2 90.56.005, 90.56.060, 90.56.210, 88.46.060, 90.48.366, 90.48.368, and
3 90.48.400.

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

5 **Sec. 1.** RCW 90.56.005 and 1991 c 200 s 101 are each amended to
6 read as follows:

7 (1) The legislature declares that the increasing reliance on water
8 borne transportation as a source of supply for oil and hazardous
9 substances poses special concern for the state of Washington. Each
10 year billions of gallons of crude oil and refined petroleum products
11 are transported by vessel on the navigable waters of the state. These
12 shipments are expected to increase in the coming years. Vessels
13 transporting oil into Washington travel on some of the most unique and
14 special marine environments in the United States. These marine

1 environments are a source of natural beauty, recreation, and economic
2 livelihood for many residents of this state. As a result, the state
3 has an obligation to assure the citizens of the state that the waters
4 of the state will be protected from oil spills.

5 (2) The legislature finds that prevention is the best method to
6 protect the unique and special marine environments in this state. The
7 technology for containing and cleaning up a spill of oil or hazardous
8 substances is in the early stages of development. Preventing spills is
9 more protective of the environment and more cost-effective when all the
10 costs associated with responding to a spill are considered.

11 (3) The legislature also finds that:

12 (a) Recent accidents in Washington, Alaska, southern California,
13 Texas, and other parts of the nation have shown that the
14 transportation, transfer, and storage of oil have caused significant
15 damage to the marine environment;

16 (b) Even with the best efforts, it is nearly impossible to remove
17 all oil that is spilled into the water;

18 (c) Washington's navigable waters are treasured environmental and
19 economic resources that the state cannot afford to place at undue risk
20 from an oil spill; and

21 (d) The state has a fundamental responsibility, as the trustee of
22 the state's natural resources and the protector of public health and
23 the environment to prevent the spill of oil.

24 (4) In order to establish a comprehensive prevention and response
25 program to protect Washington's waters, archaeological resources, and
26 natural resources from spills of oil, it is the purpose of this
27 chapter:

28 (a) To establish state agency expertise in marine safety and to
29 centralize state activities in spill prevention and response
30 activities;

1 (b) To prevent spills of oil and to promote programs that reduce
2 the risk of both catastrophic and small chronic spills;

3 (c) To ensure that responsible parties are liable, and have the
4 resources and ability, to respond to spills and provide compensation
5 for all costs and damages;

6 (d) To provide for state spill response and wildlife rescue
7 planning and implementation;

8 (e) To support and complement the federal oil pollution act of 1990
9 and other federal law, especially those provisions relating to the
10 national contingency plan for cleanup of oil spills and discharges,
11 including provisions relating to the responsibilities of state agencies
12 designated as natural resource trustees. The legislature intends this
13 chapter to be interpreted and implemented in a manner consistent with
14 federal law;

15 (f) To provide broad powers of regulation to the department of
16 ecology relating to spill prevention and response;

17 (g) To provide for an independent oversight board to review the
18 adequacy of spill prevention and response activities in this state; and

19 (h) To provide an adequate funding source for state response and
20 prevention programs.

21 **Sec. 2.** RCW 90.56.060 and 1991 c 200 s 107 are each amended to
22 read as follows:

23 (1) The department shall prepare and annually update a state-wide
24 master oil and hazardous substance spill prevention and contingency
25 plan. In preparing the plan, the department shall consult with an
26 advisory committee representing diverse interests concerned with oil
27 and hazardous substance spills, including the office of marine safety,
28 the United States coast guard, the federal environmental protection
29 agency, state agencies, local governments, port districts, private

1 facilities, environmental organizations, oil companies, shipping
2 companies, containment and cleanup contractors, tow companies, and
3 hazardous substance manufacturers.

4 (2) The state master plan prepared under this section shall at a
5 minimum:

6 (a) Take into consideration the elements of oil spill prevention
7 and contingency plans approved or submitted for approval pursuant to
8 this chapter and chapter 88.46 RCW and oil and hazardous substance
9 spill contingency plans prepared pursuant to other state or federal law
10 or prepared by federal agencies and regional entities;

11 (b) State the respective responsibilities as established by
12 relevant statutes and rules of each of the following in the prevention
13 of and the assessment, containment, and cleanup of a worst case spill
14 of oil or hazardous substances into the environment of the state: (i)
15 State agencies; (ii) local governments; (iii) appropriate federal
16 agencies; (iv) facility operators; (v) property owners whose land or
17 other property may be affected by the oil or hazardous substance spill;
18 and (vi) other parties identified by the department as having an
19 interest in or the resources to assist in the containment and cleanup
20 of an oil or hazardous substance spill;

21 (c) State the respective responsibilities of the parties identified
22 in (b) of this subsection in an emergency response;

23 (d) Identify actions necessary to reduce the likelihood of spills
24 of oil and hazardous substances;

25 (e) Identify and obtain mapping of environmentally and
26 archaeologically sensitive areas at particular risk to oil and
27 hazardous substance spills; and

28 (f) Establish an incident command system for responding to oil and
29 hazardous substances spills.

1 (3) In preparing and updating the state master plan, the department
2 shall:

3 (a) Consult with federal, provincial, municipal, and community
4 officials, other state agencies, the state of Oregon, and with
5 representatives of affected regional organizations;

6 (b) Submit the draft plan to the public for review and comment;

7 (c) Submit to the appropriate standing committees of the
8 legislature for review, not later than November 1 of each year, the
9 plan and any annual revision of the plan; and

10 (d) Require or schedule unannounced oil spill drills as required by
11 RCW 90.56.260 to test the sufficiency of oil spill contingency plans
12 approved under RCW 90.56.210.

13 **Sec. 3.** RCW 90.56.210 and 1991 c 200 s 202 are each amended to
14 read as follows:

15 (1) Each onshore and offshore facility shall have a contingency
16 plan for the containment and cleanup of oil spills from the facility
17 into the waters of the state and for the protection of fisheries and
18 wildlife, natural resources, and public and private property from such
19 spills. The department shall by rule adopt and periodically revise
20 standards for the preparation of contingency plans. The department
21 shall require contingency plans, at a minimum, to meet the following
22 standards:

23 (a) Include full details of the method of response to spills of
24 various sizes from any facility which is covered by the plan;

25 (b) Be designed to be capable in terms of personnel, materials, and
26 equipment, of promptly and properly, to the maximum extent practicable,
27 as defined by the department removing oil and minimizing any damage to
28 the environment resulting from a worst case spill;

1 (c) Provide a clear, precise, and detailed description of how the
2 plan relates to and is integrated into relevant contingency plans which
3 have been prepared by cooperatives, ports, regional entities, the
4 state, and the federal government;

5 (d) Provide procedures for early detection of oil spills and timely
6 notification of such spills to appropriate federal, state, and local
7 authorities under applicable state and federal law;

8 (e) State the number, training preparedness, and fitness of all
9 dedicated, prepositioned personnel assigned to direct and implement the
10 plan;

11 (f) Incorporate periodic training and drill programs to evaluate
12 whether personnel and equipment provided under the plan are in a state
13 of operational readiness at all times;

14 (g) Describe important features of the surrounding environment,
15 including fish and wildlife habitat, environmentally sensitive areas,
16 archaeological resources, and public facilities. The departments of
17 ecology, fisheries, wildlife, and natural resources, and office of
18 archaeology and historic preservation, upon request, shall provide
19 information that they have available to assist in preparing this
20 description;

21 (h) State the means of protecting and mitigating effects on the
22 environment, including fish, marine mammals, and other wildlife, and
23 ensure that implementation of the plan does not pose unacceptable risks
24 to the public or the environment;

25 (i) Provide arrangements for the prepositioning of oil spill
26 containment and cleanup equipment and trained personnel at strategic
27 locations from which they can be deployed to the spill site to promptly
28 and properly remove the spilled oil;

29 (j) Provide arrangements for enlisting the use of qualified and
30 trained cleanup personnel to implement the plan;

1 (k) Provide for disposal of recovered spilled oil in accordance
2 with local, state, and federal laws;

3 (l) Until a spill prevention plan has been submitted pursuant to
4 RCW 90.56.200, state the measures that have been taken to reduce the
5 likelihood that a spill will occur, including but not limited to,
6 design and operation of a facility, training of personnel, number of
7 personnel, and backup systems designed to prevent a spill;

8 (m) State the amount and type of equipment available to respond to
9 a spill, where the equipment is located, and the extent to which other
10 contingency plans rely on the same equipment; and

11 (n) If the department has adopted rules permitting the use of
12 dispersants, the circumstances, if any, and the manner for the
13 application of the dispersants in conformance with the department's
14 rules.

15 (2)(a) The following shall submit contingency plans to the
16 department within six months after the department adopts rules
17 establishing standards for contingency plans under subsection (1) of
18 this section:

19 (i) Onshore facilities capable of storing one million gallons or
20 more of oil; and

21 (ii) Offshore facilities.

22 (b) Contingency plans for all other onshore and offshore facilities
23 shall be submitted to the department within eighteen months after the
24 department has adopted rules under subsection (1) of this section. The
25 department may adopt a schedule for submission of plans within the
26 eighteen-month period.

27 (3)(a) The owner or operator of a facility shall submit the
28 contingency plan for the facility.

29 (b) A person who has contracted with a facility to provide
30 containment and cleanup services and who meets the standards

1 established pursuant to RCW 90.56.240, may submit the plan for any
2 facility for which the person is contractually obligated to provide
3 services. Subject to conditions imposed by the department, the person
4 may submit a single plan for more than one facility.

5 (4) A contingency plan prepared for an agency of the federal
6 government or another state that satisfies the requirements of this
7 section and rules adopted by the department may be accepted by the
8 department as a contingency plan under this section. The department
9 shall assure that to the greatest extent possible, requirements for
10 contingency plans under this section are consistent with the
11 requirements for contingency plans under federal law.

12 (5) In reviewing the contingency plans required by this section,
13 the department shall consider at least the following factors:

14 (a) The adequacy of containment and cleanup equipment, personnel,
15 communications equipment, notification procedures and call down lists,
16 response time, and logistical arrangements for coordination and
17 implementation of response efforts to remove oil spills promptly and
18 properly and to protect the environment;

19 (b) The nature and amount of vessel traffic within the area covered
20 by the plan;

21 (c) The volume and type of oil being transported within the area
22 covered by the plan;

23 (d) The existence of navigational hazards within the area covered
24 by the plan;

25 (e) The history and circumstances surrounding prior spills of oil
26 within the area covered by the plan;

27 (f) The sensitivity of fisheries and wildlife and other natural
28 resources within the area covered by the plan;

29 (g) Relevant information on previous spills contained in on-scene
30 coordinator reports prepared by the department; and

1 (h) The extent to which reasonable, cost-effective measures to
2 prevent a likelihood that a spill will occur have been incorporated
3 into the plan.

4 (6) The department shall approve a contingency plan only if it
5 determines that the plan meets the requirements of this section and
6 that, if implemented, the plan is capable, in terms of personnel,
7 materials, and equipment, of removing oil promptly and properly and
8 minimizing any damage to the environment.

9 (7) The approval of the contingency plan shall be valid for five
10 years. Upon approval of a contingency plan, the department shall
11 provide to the person submitting the plan a statement indicating that
12 the plan has been approved, the facilities or vessels covered by the
13 plan, and other information the department determines should be
14 included.

15 (8) An owner or operator of a facility shall notify the department
16 in writing immediately of any significant change of which it is aware
17 affecting its contingency plan, including changes in any factor set
18 forth in this section or in rules adopted by the department. The
19 department may require the owner or operator to update a contingency
20 plan as a result of these changes.

21 (9) The department by rule shall require contingency plans to be
22 reviewed, updated, if necessary, and resubmitted to the department at
23 least once every five years.

24 (10) Approval of a contingency plan by the department does not
25 constitute an express assurance regarding the adequacy of the plan nor
26 constitute a defense to liability imposed under this chapter or other
27 state law.

28 **Sec. 4.** RCW 88.46.060 and 1991 c 200 s 419 are each amended to
29 read as follows:

1 (1) Each covered vessel shall have a contingency plan for the
2 containment and cleanup of oil spills from the covered vessel into the
3 waters of the state and for the protection of fisheries and wildlife,
4 natural resources, and public and private property from such spills.
5 The office shall by rule adopt and periodically revise standards for
6 the preparation of contingency plans. The office shall require
7 contingency plans, at a minimum, to meet the following standards:

8 (a) Include full details of the method of response to spills of
9 various sizes from any vessel which is covered by the plan;

10 (b) Be designed to be capable in terms of personnel, materials, and
11 equipment, of promptly and properly, to the maximum extent practicable,
12 as defined by the office removing oil and minimizing any damage to the
13 environment resulting from a worst case spill;

14 (c) Provide a clear, precise, and detailed description of how the
15 plan relates to and is integrated into relevant contingency plans which
16 have been prepared by cooperatives, ports, regional entities, the
17 state, and the federal government;

18 (d) Provide procedures for early detection of spills and timely
19 notification of such spills to appropriate federal, state, and local
20 authorities under applicable state and federal law;

21 (e) State the number, training preparedness, and fitness of all
22 dedicated, prepositioned personnel assigned to direct and implement the
23 plan;

24 (f) Incorporate periodic training and drill programs to evaluate
25 whether personnel and equipment provided under the plan are in a state
26 of operational readiness at all times;

27 (g) Describe important features of the surrounding environment,
28 including fish and wildlife habitat, environmentally sensitive areas,
29 archaeological resources, and public facilities. The departments of
30 ecology, fisheries, wildlife, and natural resources, upon request,

1 shall provide information that they have available to assist in
2 preparing this description;

3 (h) State the means of protecting and mitigating effects on the
4 environment, including fish, marine mammals, (~~and~~) other wildlife,
5 and archaeological resources, and ensure that implementation of the
6 plan does not pose unacceptable risks to the public or the environment;

7 (i) Establish guidelines for the use of equipment by the crew of
8 a vessel to minimize vessel damage, stop or reduce any spilling from
9 the vessel, and, only when appropriate and only when vessel safety is
10 assured, contain and clean up the spilled oil;

11 (j) Provide arrangements for the repositioning of spill
12 containment and cleanup equipment and trained personnel at strategic
13 locations from which they can be deployed to the spill site to promptly
14 and properly remove the spilled oil;

15 (k) Provide arrangements for enlisting the use of qualified and
16 trained cleanup personnel to implement the plan;

17 (l) Provide for disposal of recovered spilled oil in accordance
18 with local, state, and federal laws;

19 (m) Until a spill prevention plan has been submitted pursuant to
20 RCW 88.46.040, state the measures that have been taken to reduce the
21 likelihood that a spill will occur, including but not limited to,
22 design and operation of a vessel, training of personnel, number of
23 personnel, and backup systems designed to prevent a spill;

24 (n) State the amount and type of equipment available to respond to
25 a spill, where the equipment is located, and the extent to which other
26 contingency plans rely on the same equipment; and

27 (o) If the department of ecology has adopted rules permitting the
28 use of dispersants, the circumstances, if any, and the manner for the
29 application of the dispersants in conformance with the department's
30 rules.

1 (2)(a) The owner or operator of a tank vessel of three thousand
2 gross tons or more shall submit a contingency plan to the office within
3 six months after the office adopts rules establishing standards for
4 contingency plans under subsection (1) of this section.

5 (b) Contingency plans for all other covered vessels shall be
6 submitted to the office within eighteen months after the office has
7 adopted rules under subsection (1) of this section. The office may
8 adopt a schedule for submission of plans within the eighteen-month
9 period.

10 (3)(a) The owner or operator of a tank vessel or of the facilities
11 at which the vessel will be unloading its cargo shall submit the
12 contingency plan for the tank vessel. Subject to conditions imposed by
13 the office, the owner or operator of a facility may submit a single
14 contingency plan for tank vessels of a particular class that will be
15 unloading cargo at the facility.

16 (b) The contingency plan for a cargo vessel or passenger vessel may
17 be submitted by the owner or operator of the cargo vessel or passenger
18 vessel, by the agent for the vessel resident in this state, or by the
19 Washington state maritime commission pursuant to RCW 88.44.020.
20 Subject to conditions imposed by the office, the owner, operator, or
21 agent may submit a single contingency plan for cargo vessels or
22 passenger vessels of a particular class.

23 (c) A person who has contracted with a covered vessel to provide
24 containment and cleanup services and who meets the standards
25 established pursuant to RCW 90.56.240, may submit the plan for any
26 covered vessel for which the person is contractually obligated to
27 provide services. Subject to conditions imposed by the office, the
28 person may submit a single plan for more than one covered vessel.

29 (4) A contingency plan prepared for an agency of the federal
30 government or another state that satisfies the requirements of this

1 section and rules adopted by the office may be accepted by the office
2 as a contingency plan under this section. The office shall assure that
3 to the greatest extent possible, requirements for contingency plans
4 under this section are consistent with the requirements for contingency
5 plans under federal law.

6 (5) In reviewing the contingency plans required by this section,
7 the office shall consider at least the following factors:

8 (a) The adequacy of containment and cleanup equipment, personnel,
9 communications equipment, notification procedures and call down lists,
10 response time, and logistical arrangements for coordination and
11 implementation of response efforts to remove oil spills promptly and
12 properly and to protect the environment;

13 (b) The nature and amount of vessel traffic within the area covered
14 by the plan;

15 (c) The volume and type of oil being transported within the area
16 covered by the plan;

17 (d) The existence of navigational hazards within the area covered
18 by the plan;

19 (e) The history and circumstances surrounding prior spills of oil
20 within the area covered by the plan;

21 (f) The sensitivity of fisheries and wildlife and other natural
22 resources within the area covered by the plan;

23 (g) Relevant information on previous spills contained in on-scene
24 coordinator reports prepared by the director; and

25 (h) The extent to which reasonable, cost-effective measures to
26 prevent a likelihood that a spill will occur have been incorporated
27 into the plan.

28 (6) The office shall approve a contingency plan only if it
29 determines that the plan meets the requirements of this section and
30 that, if implemented, the plan is capable, in terms of personnel,

1 materials, and equipment, of removing oil promptly and properly and
2 minimizing any damage to the environment.

3 (7) The approval of the contingency plan shall be valid for five
4 years. Upon approval of a contingency plan, the office shall provide
5 to the person submitting the plan a statement indicating that the plan
6 has been approved, the vessels covered by the plan, and other
7 information the office determines should be included.

8 (8) An owner or operator of a covered vessel shall notify the
9 office in writing immediately of any significant change of which it is
10 aware affecting its contingency plan, including changes in any factor
11 set forth in this section or in rules adopted by the office. The
12 office may require the owner or operator to update a contingency plan
13 as a result of these changes.

14 (9) The office by rule shall require contingency plans to be
15 reviewed, updated, if necessary, and resubmitted to the office at least
16 once every five years.

17 (10) Approval of a contingency plan by the office does not
18 constitute an express assurance regarding the adequacy of the plan nor
19 constitute a defense to liability imposed under this chapter or other
20 state law.

21 **Sec. 5.** RCW 90.48.366 and 1991 c 200 s 812 are each amended to
22 read as follows:

23 By July 1, 1991, the department, in consultation with the
24 departments of fisheries, wildlife, and natural resources, and the
25 parks and recreation commission, shall adopt rules establishing a
26 compensation schedule for the discharge of oil in violation of this
27 chapter and chapter 90.56 RCW. The department shall establish a
28 scientific advisory board to assist in establishing the compensation
29 schedule. The amount of compensation assessed under this schedule

1 shall be no less than one dollar per gallon of oil spilled and no
2 greater than fifty dollars per gallon of oil spilled. The compensation
3 schedule shall reflect adequate compensation for unquantifiable damages
4 or for damages not quantifiable at reasonable cost for any adverse
5 environmental, recreational, aesthetic, or other effects caused by the
6 spill and shall take into account:

7 (1) Characteristics of any oil spilled, such as toxicity,
8 dispersibility, solubility, and persistence, that may affect the
9 severity of the effects on the receiving environment, living organisms,
10 and recreational and aesthetic resources;

11 (2) The sensitivity of the affected area as determined by such
12 factors as: (a) The location of the spill; (b) habitat and living
13 resource sensitivity; (c) seasonal distribution or sensitivity of
14 living resources; (d) areas of recreational use or aesthetic
15 importance; (e) the proximity of the spill to important habitats for
16 birds, aquatic mammals, fish, or to species listed as threatened or
17 endangered under state or federal law; ~~((and))~~ (f) other areas of
18 special ecological or recreational importance, as determined by the
19 department; and (g) significant archaeological resources as determined
20 by the office of archaeology and historic preservation; and

21 (3) Actions taken by the party who spilled oil or any party liable
22 for the spill that: (a) Demonstrate a recognition and affirmative
23 acceptance of responsibility for the spill, such as the immediate
24 removal of oil and the amount of oil removed from the environment; or
25 (b) enhance or impede the detection of the spill, the determination of
26 the quantity of oil spilled, or the extent of damage, including the
27 unauthorized removal of evidence such as injured fish or wildlife.

28 **Sec. 6.** RCW 90.48.368 and 1991 c 200 s 814 are each amended to
29 read as follows:

1 (1) The department shall adopt rules establishing a formal process
2 for preassessment screening of damages resulting from spills to the
3 waters of the state causing the death of, or injury to, fish, animals,
4 vegetation, archaeological resources, or other resources of the state.
5 The rules shall specify the conditions under which the department shall
6 convene a preassessment screening committee. The preassessment
7 screening process shall occur concurrently with reconnaissance
8 activities. The committee shall use information obtained from
9 reconnaissance activities as well as any other relevant resource and
10 resource use information. For each incident, the committee shall
11 determine whether a damage assessment investigation should be
12 conducted, or, whether the compensation schedule authorized under RCW
13 90.48.366 and 90.48.367 should be used to assess damages. The
14 committee may accept restoration or enhancement projects or studies
15 proposed by the liable parties in lieu of some or all of: (a) The
16 compensation schedule authorized under RCW 90.48.366 and 90.48.367; or
17 (b) the claims from damage assessment studies authorized under RCW
18 90.48.142.

19 (2) A preassessment screening committee may consist of
20 representatives of the departments of ecology, fisheries, wildlife,
21 natural resources, social and health services, and emergency
22 management, the parks and recreation commission, the office of
23 archaeology and historic preservation, as well as other federal, state,
24 and local agencies, and tribal and local governments whose presence
25 would enhance the reconnaissance or damage assessment aspects of spill
26 response. The department shall chair the committee and determine which
27 representatives will be needed on a spill-by-spill basis.

28 (3) The committee shall consider the following factors when
29 determining whether a damage assessment study authorized under RCW
30 90.48.367 should be conducted: (a) Whether evidence from

1 reconnaissance investigations suggests that injury has occurred or is
2 likely to occur to publicly owned resources; (b) the potential loss in
3 services provided by resources injured or likely to be injured and the
4 expected value of the potential loss; (c) whether a restoration project
5 to return lost services is technically feasible; (d) the accuracy of
6 damage quantification methods that could be used and the anticipated
7 cost-effectiveness of applying each method; (e) the extent to which
8 likely injury to resources can be verified with available
9 quantification methods; and (f) whether the injury, once quantified,
10 can be translated into monetary values with sufficient precision or
11 accuracy.

12 (4) When a resource damage assessment is required for an oil spill
13 in the navigable waters of the state, as defined in RCW 90.56.010, the
14 state trustee agency responsible for the resource and habitat damaged
15 shall conduct the damage assessment and pursue all appropriate remedies
16 with the responsible party.

17 (5) Oil spill damage assessment studies authorized under RCW
18 90.48.367 may only be conducted if the committee, after considering the
19 factors enumerated in subsection (3) of this section, determines that
20 the damages to be investigated are quantifiable at a reasonable cost
21 and that proposed assessment studies are clearly linked to
22 quantification of the damages incurred.

23 (6) As new information becomes available, the committee may
24 reevaluate the scope of damage assessment using the factors listed in
25 subsection (3) of this section and may reduce or expand the scope of
26 damage assessment as appropriate.

27 (7) The preassessment screening process shall provide for the
28 ongoing involvement of persons who may be liable for damages resulting
29 from an oil spill. The department may negotiate with a potentially
30 liable party to perform restoration and enhancement projects or studies

1 which may substitute for all or part of the compensation authorized
2 under RCW 90.48.366 and 90.48.367 or the damage assessment studies
3 authorized under RCW 90.48.367.

4 (8) For the purposes of this section and RCW 90.48.367, the cost of
5 a damage assessment shall be considered "reasonable" when the
6 anticipated cost of the damage assessment is expected to be less than
7 the anticipated damage that may have occurred or may occur.

8 **Sec. 7.** RCW 90.48.400 and 1991 c 200 s 816 are each amended to
9 read as follows:

10 (1) Moneys in the coastal protection fund shall be disbursed for
11 the following purposes and no others:

12 (a) Environmental restoration and enhancement projects intended to
13 restore or enhance environmental, recreational, archaeological, or
14 aesthetic resources for the benefit of Washington's citizens;

15 (b) Investigations of the long-term effects of oil spills; and

16 (c) Development and implementation of an aquatic land geographic
17 information system.

18 (2) The director may allocate a portion of the fund to be devoted
19 to research and development in the causes, effects, and removal of
20 pollution caused by the discharge of oil or other hazardous substances.

21 (3) A steering committee consisting of representatives of the
22 department of ecology, fisheries, wildlife, and natural resources, and
23 the parks and recreation commission shall authorize the expenditure of
24 the moneys collected under RCW 90.48.366 through 90.48.368, after
25 consulting impacted local agencies and local and tribal governments.

26 (4) Agencies may not be reimbursed from the coastal protection fund
27 for the salaries and benefits of permanent employees for routine
28 operational support. Agencies may only be reimbursed under this
29 section if money for reconnaissance and damage assessment activities is

1 unavailable from other sources.