

---

HOUSE BILL 1189

---

State of Washington

55th Legislature

1997 Regular Session

By Representatives K. Schmidt, Chandler, DeBolt, Zellinsky, Buck, McMorris, Mastin, Carlson, Radcliff, Talcott, D. Schmidt, Carrell, Cairnes, Ballasiotes, Huff, Robertson, Hickel, Mitchell, Wolfe, Chopp, Kessler, H. Sommers, Cody, Murray, Doumit, Gardner, Regala, Morris, Wensman, Butler, Hatfield, Fisher, Ogden, Wood, Keiser, Conway, Kenney, Anderson, O'Brien, Cooper, Romero, Poulsen, Mason and Blalock

Read first time 01/16/97. Referred to Committee on Natural Resources.

1 AN ACT Relating to the moratorium on oil and gas exploration and  
2 production off the Washington coast; amending RCW 43.143.005 and  
3 43.143.010; and repealing RCW 43.143.040.

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

5 **Sec. 1.** RCW 43.143.005 and 1989 1st ex.s. c 2 s 8 are each amended  
6 to read as follows:

7 (1) Washington's coastal waters, seabed, and shorelines are among  
8 the most valuable and fragile of its natural resources.

9 (2) Ocean and marine-based industries and activities, such as  
10 fishing, aquaculture, tourism, and marine transportation have played a  
11 major role in the history of the state and will continue to be  
12 important in the future. (~~Other industries and activities, such as~~  
13 ~~those based on the development and extraction of minerals and other~~  
14 ~~nonrenewable resources, can provide social and economic benefits as~~  
15 ~~well.~~)

16 (3) Washington's coastal waters, seabed, and shorelines are faced  
17 with conflicting use demands. Some uses may pose unacceptable  
18 environmental or social risks at certain times.

1       (4) (~~At present, there is not enough information available to~~  
2 ~~adequately assess the potential adverse effects of oil and gas~~  
3 ~~exploration and production off Washington's coast.~~

4       (5)) The state of Washington has primary jurisdiction over the  
5 management of coastal and ocean natural resources within three miles of  
6 its coastline. From three miles seaward to the boundary of the two  
7 hundred mile exclusive economic zone, the United States federal  
8 government has primary jurisdiction. Since protection, conservation,  
9 and development of the natural resources in the exclusive economic zone  
10 directly affect Washington's economy and environment, the state has an  
11 inherent interest in how these resources are managed.

12       **Sec. 2.** RCW 43.143.010 and 1995 c 339 s 1 are each amended to read  
13 as follows:

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

17       (2) There shall be no leasing of Washington's tidal or submerged  
18 lands extending from mean high tide seaward three miles along the  
19 Washington coast from Cape Flattery south to Cape Disappointment, nor  
20 in Grays Harbor, Willapa Bay, and the Columbia river downstream from  
21 the Longview bridge, for purposes of oil or gas exploration,  
22 development, or production (~~until at least July 1, 2000. During the~~  
23 ~~2000 legislative session, the legislature shall determine whether the~~  
24 ~~moratorium on leasing should be extended past July 1, 2000. This~~  
25 ~~determination shall be based on the information available at that time,~~  
26 ~~including the analysis described in RCW 43.143.040. If the legislature~~  
27 ~~does not extend the moratorium on leasing, the moratorium will end on~~  
28 ~~July 1, 2000. At any time that oil or gas leasing, exploration, and~~  
29 ~~development are allowed to occur, these activities shall be required to~~  
30 ~~meet or exceed the standards and criteria contained in RCW~~  
31 ~~43.143.030)).~~

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

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

1 (5) It is not currently the intent of the legislature to include  
2 recreational uses or currently existing commercial uses involving  
3 fishing or other renewable marine or ocean resources within the uses  
4 and activities which must meet the planning and review criteria set  
5 forth in RCW 43.143.030. It is not the intent of the legislature,  
6 however, to permanently exclude these uses from the requirements of RCW  
7 43.143.030. If information becomes available which indicates that such  
8 uses should reasonably be covered by the requirements of RCW  
9 43.143.030, the permitting government or agency may require compliance  
10 with those requirements, and appeals of that decision shall be handled  
11 through the established appeals procedure for that permit or approval.

12 (6) The state shall participate in federal ocean and marine  
13 resource decisions to the fullest extent possible to ensure that the  
14 decisions are consistent with the state's policy concerning the use of  
15 those resources.

16 NEW SECTION. **Sec. 3.** RCW 43.143.040 and 1995 c 399 s 83 & 1989  
17 1st ex.s. c 2 s 12 are each repealed.

--- END ---