

2 SSB 6430 - S AMD - 124
3 By Senator Fraser

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that the marine
8 waters located in and adjacent to the Strait of Juan de Fuca between
9 the state of Washington and Canada are some of the most pristine and
10 diverse marine waters in the United States and include irreplaceable
11 natural resources. The area includes such national treasures as the
12 Olympic Coast National Marine Sanctuary and the Olympic National Park,
13 is home to five federally recognized Indian reservations, holds one of
14 the largest sea bird colonies on the west coast, and is the habitat for
15 several threatened and endangered species.

16 The legislature also finds that the marine waters are of great
17 environmental and economic importance to not only the state of
18 Washington, but also to the people of Canada and the United States.
19 The legislature also recognizes that the marine vessel traffic on these
20 waters presents risks of accidents and oil spills which would be
21 devastating to the environment and to the economy.

22 The legislature recognizes that transits by commercial vessels
23 through the Strait of Juan de Fuca are projected by the United States
24 coast guard to increase by fifty percent from the year 2000 to the year
25 2025. Volumes of petroleum movement, including cargo and bunker oil,
26 are conservatively projected to increase by nearly four billion gallons
27 by the year 2025. The legislature also recognizes that this growth in
28 commercial vessel transits, including increased transits by high risk
29 or priority 1 cargo vessels, and petroleum movement constitute a
30 significant and growing increase in projected oil spill frequency.

31 The legislature finds that the 1975 legislative requirement of tug
32 escorts for all laden, single-hull tank vessels operating east of New
33 Dungeness, as augmented by federal law, has greatly improved
34 navigational safety in the eastern Strait of Juan de Fuca and Rosario
35 Strait. Extension of this proven safety measure to other vessel
36 traffic that impacts tank vessel navigational safety and westward to

1 the mouth of the strait by locating a dedicated oil spill prevention
2 tug or implementation of other effective safety measures will similarly
3 improve navigational safety and correct a growing safety gap in the
4 marine navigation system.

5 NEW SECTION. **Sec. 2.** The legislature recognizes the important
6 work currently underway by the north Puget Sound oil spill risk
7 management panel that has been convened by the department of ecology
8 and the United States coast guard. The panel is presently reviewing
9 options such as oil spill prevention tugs stationed at the mouth of the
10 Strait of Juan de Fuca, escort tugs for tank vessels, traffic
11 management options, and other measures designed to reduce the risk of
12 powered groundings, drift groundings, and collisions. One of the
13 options considered by the panel is the use of the international tug of
14 opportunity system, known as ITOS, however, the United States coast
15 guard study of this system indicates that the ITOS will only be
16 effective in reducing drift groundings, and will only reduce that risk
17 by approximately three percent in the year 2000 and six percent by
18 2025. The legislature finds that the ITOS, although it offers some
19 benefit, does not adequately reduce the risks of oil spills.

20 The legislature intends that the provisions contained in this act
21 supplement the panel's efforts and specifically accommodate that
22 process by providing additional data to the panel as provided in
23 section 3 of this act, by including rule-making authority for the
24 department of ecology to provide a method of implementing the panel's
25 recommendations and other safety measures, and by allowing the
26 department of ecology to waive the provisions of RCW 88.16.190 (1)
27 through (3) (as recodified by this act) for a portion of the Strait of
28 Juan de Fuca based upon a consensus decision by the panel.

29 NEW SECTION. **Sec. 3.** The department of ecology shall make, or
30 otherwise acquire, monetary estimates of the natural resource damages,
31 urban and rural economic impacts, and private property damages
32 associated with potential oil spills in the Strait of Juan de Fuca and
33 associated waterways included in the north Puget Sound oil spill risk
34 management panel's study area. The estimates shall be done within
35 existing resources.

36 The estimates shall include multiple scenarios that include
37 variations of spill sites, volume of oil discharges, tidal movement,

1 and weather conditions. The study scenarios must include the following
2 variables: (1) Spill sites for the westward end of the Strait of Juan
3 de Fuca and the northern end of Haro Strait; and (2) crude oil or
4 bunker fuel oil volumes of ten thousand gallons, one hundred thousand
5 gallons, one million gallons, and ten million gallons. In establishing
6 the scenarios, the department shall consult with representatives of the
7 national oceanic and atmospheric administration and may consult with
8 other entities with scientific expertise.

9 The preliminary estimates shall be submitted to the governor, the
10 north Puget Sound oil spill risk management panel, and the legislature
11 by May 15, 2000. Final estimates shall be completed and submitted to
12 the governor and legislature by December 15, 2000.

13 **Sec. 4.** RCW 88.16.190 and 1994 c 52 s 1 are each amended to read
14 as follows:

15 (1) Any (~~oil tanker, whether enrolled or registered,~~) tank vessel
16 of greater than (~~one hundred and twenty-five~~) forty thousand
17 deadweight tons shall (~~be prohibited from proceeding~~) not proceed
18 beyond a point, within the internal waters of the state of Washington
19 and the United States, east of a line extending from (~~Discovery Island~~
20 light south to New Dungeness light) Bonilla Point light on Vancouver
21 Island to Cape Flattery light on Tatoosh Island, unless the conditions
22 set in subsection (2) of this section are met.

23 (2) (~~An oil tanker, whether enrolled or registered,~~) A tank
24 vessel of greater than forty (~~to one hundred and twenty-five~~)
25 thousand deadweight tons may proceed beyond the points enumerated in
26 subsection (1) of this section if (~~such tanker~~) the tank vessel is in
27 ballast or under the escort of a tug or tugs with the ability to
28 control the movement of or stop the tank vessel. A tank vessel is
29 exempt from this section if it possesses all of the following standard
30 safety features:

31 (a) (~~Shaft horsepower in the ratio of one horsepower to each two~~
32 ~~and one-half deadweight tons; and~~) A bow thruster with an independent
33 power source;

34 (b) Two rudders with separate steering systems;

35 (c) An independent source of electrical power for each rudder and
36 screw combination;

37 (d) Twin screws with an independent power source to each; (and

1 ~~(e)) (e) Double ((bottoms, underneath)) hulls for all oil, fuel,~~
2 and liquid cargo compartments; and

3 ~~((d) Two radars in working order and operating, one of which must~~
4 ~~be collision avoidance radar; and~~

5 ~~(e)) (f) Such other navigational position location systems as may~~
6 ~~be prescribed from time to time by the ((board of pilotage~~
7 ~~commissioners:~~

8 ~~PROVIDED, That, if such forty to one hundred and twenty five~~
9 ~~thousand deadweight ton tanker is in ballast or is under escort of a~~
10 ~~tug or tugs with an aggregate shaft horsepower equivalent to five~~
11 ~~percent of the deadweight tons of that tanker, subsection (2) of this~~
12 ~~section shall not apply: PROVIDED FURTHER, That additional tug shaft~~
13 ~~horsepower equivalencies may be required under certain conditions as~~
14 ~~established by rule and regulation of the Washington utilities and~~
15 ~~transportation commission pursuant to chapter 34.05 RCW: PROVIDED~~
16 ~~FURTHER, That tanker)) department.~~

17 (3) High risk or priority 1 covered vessels, as evaluated by the
18 United States coast guard or the department, shall not proceed beyond
19 a point, within the internal waters of the state of Washington and the
20 United States, east of a line extending from Bonilla Point light on
21 Vancouver Island to Cape Flattery light on Tatoosh Island, unless the
22 covered vessel is under the escort of a tug or tugs with the ability to
23 control the movement of or stop the covered vessel.

24 (4) The provisions of subsections (1) through (3) of this section
25 do not apply west of a line extending from Discovery Island light south
26 to New Dungeness light if:

27 (a) An oil spill prevention tug, of size and capacity as determined
28 by the department, is in continuous operation at or near the westward
29 end of the Strait of Juan de Fuca. The oil spill prevention tug shall,
30 to the extent the department determines feasible, include among its
31 operations the escorting of laden tank vessels through the traffic
32 convergence zone where tank vessels must cross the paths of other
33 vessels entering or exiting established vessel traffic lanes;

34 (b) The provisions are waived by the department following adoption
35 of rules that substantially reduce the risks of drift grounding,
36 powered grounding, and collision, for tank vessels and covered vessels;

37 (c) The department has waived provisions for an individual tank
38 vessel that has additional safety features that supersede the features

1 in subsection (2) of this section, based on the department's own risk
2 assessment; or

3 (d) The department has waived the provisions in an emergency
4 situation.

5 (5) A tank vessel assigned a deadweight of less than forty thousand
6 deadweight tons at the time of construction or reconstruction as
7 reported in Lloyd's Register of Ships is not subject to the provisions
8 of RCW 88.16.170 through 88.16.190 (as recodified by this act).

9 NEW SECTION. Sec. 5. A new section is added to chapter 88.46 RCW
10 to read as follows:

11 The department shall adopt a rule waiving the provisions of RCW
12 88.16.190 (1) through (3) (as recodified by this act) for the area west
13 of a line extending from Discovery Island light south to New Dungeness
14 light if there is a consensus decision made on or before June 30, 2000,
15 by the north Puget Sound oil spill risk management panel, that the
16 provisions are not necessary. For the purposes of this section,
17 "consensus decision" means not more than two votes less than unanimous.

18 NEW SECTION. Sec. 6. The following sections are each recodified
19 as new sections in chapter 88.46 RCW:

20 RCW 88.16.170

21 RCW 88.16.190

22 RCW 88.16.195

23 RCW 88.16.200

24 NEW SECTION. Sec. 7. Sections 4 and 5 of this act take effect
25 September 30, 2000.

26 NEW SECTION. Sec. 8. Sections 1 through 3 and 6 of this act are
27 necessary for the immediate preservation of the public peace, health,
28 or safety, or support of the state government and its existing public
29 institutions, and take effect immediately."

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4 On page 1, line 1 of the title, after "measures" strike the
5 remainder of the title and insert "; amending RCW 88.16.190; adding new
6 sections to chapter 88.46 RCW; creating new sections; recodifying RCW
7 88.16.170, 88.16.190, 88.16.195, and 88.16.200; providing an effective
8 date; and declaring an emergency."

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