
ENGROSSED SUBSTITUTE SENATE BILL 6432

State of Washington

66th Legislature

2020 Regular Session

By Senate Environment, Energy & Technology (originally sponsored by Senators Rolfes, Carlyle, Randall, Takko, Stanford, Hunt, Lovelett, Darneille, Wilson, C., Das, Keiser, and Van De Wege)

READ FIRST TIME 01/31/20.

1 AN ACT Relating to offshore oil extraction; and amending RCW
2 90.58.020, 90.58.160, 43.143.010, and 43.143.020.

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

4 **Sec. 1.** RCW 90.58.020 and 1995 c 347 s 301 are each amended to
5 read as follows:

6 The legislature finds that the shorelines of the state are among
7 the most valuable and fragile of its natural resources and that there
8 is great concern throughout the state relating to their utilization,
9 protection, restoration, and preservation. In addition it finds that
10 ever increasing pressures of additional uses are being placed on the
11 shorelines necessitating increased coordination in the management and
12 development of the shorelines of the state. The legislature further
13 finds that much of the shorelines of the state and the uplands
14 adjacent thereto are in private ownership; that unrestricted
15 construction on the privately owned or publicly owned shorelines of
16 the state is not in the best public interest; and therefore,
17 coordinated planning is necessary in order to protect the public
18 interest associated with the shorelines of the state while, at the
19 same time, recognizing and protecting private property rights
20 consistent with the public interest. In addition, the legislature
21 finds that expanding offshore drilling off the coastal ocean waters

1 has the very real potential to significantly damage Washington's
2 coastline and negatively impact the state's coastal resources. There
3 is, therefore, a clear and urgent demand for a planned, rational, and
4 concerted effort, jointly performed by federal, state, and local
5 governments, to prevent the inherent harm in an uncoordinated and
6 piecemeal development of the state's shorelines.

7 It is the policy of the state to provide for the management of
8 the shorelines of the state by planning for and fostering all
9 reasonable and appropriate uses. This policy is designed to
10 (~~insure~~) ensure the development of these shorelines in a manner
11 which, while allowing for limited reduction of rights of the public
12 in the navigable waters, will promote and enhance the public
13 interest. The policy is also designed to ensure protection from
14 economic and environmental risk from oil spill and pollution brought
15 by offshore oil extraction operations and onshore industrialization
16 associated with the extraction. This policy contemplates protecting
17 against adverse effects to the public health, the land and its
18 vegetation and wildlife, and the waters of the state and their
19 aquatic life, while protecting generally public rights of navigation
20 and corollary rights incidental thereto.

21 The legislature declares that the interest of all of the people
22 shall be paramount in the management of shorelines of statewide
23 significance. The department, in adopting guidelines for shorelines
24 of statewide significance, and local government, in developing master
25 programs for shorelines of statewide significance, shall give
26 preference to uses in the following order of preference which:

- 27 (1) Recognize and protect the statewide interest over local
28 interest;
- 29 (2) Preserve the natural character of the shoreline;
- 30 (3) Result in long term over short term benefit;
- 31 (4) Protect the resources and ecology of the shoreline;
- 32 (5) Increase public access to publicly owned areas of the
33 shorelines;
- 34 (6) Increase recreational opportunities for the public in the
35 shoreline;
- 36 (7) Provide for any other element as defined in RCW 90.58.100
37 deemed appropriate or necessary.

38 In the implementation of this policy the public's opportunity to
39 enjoy the physical and aesthetic qualities of natural shorelines of
40 the state shall be preserved to the greatest extent feasible

1 consistent with the overall best interest of the state and the people
2 generally. To this end uses shall be preferred which are consistent
3 with control of pollution and prevention of damage to the natural
4 environment, or are unique to or dependent upon use of the state's
5 shoreline. Alterations of the natural condition of the shorelines of
6 the state, in those limited instances when authorized, shall be given
7 priority for single-family residences and their appurtenant
8 structures, ports, shoreline recreational uses including but not
9 limited to parks, marinas, piers, and other improvements facilitating
10 public access to shorelines of the state, industrial and commercial
11 developments which are particularly dependent on their location on or
12 use of the shorelines of the state and other development that will
13 provide an opportunity for substantial numbers of the people to enjoy
14 the shorelines of the state. Alterations of the natural condition of
15 the shorelines and shorelands of the state shall be recognized by the
16 department. Shorelines and shorelands of the state shall be
17 appropriately classified and these classifications shall be revised
18 when circumstances warrant regardless of whether the change in
19 circumstances occurs through man-made causes or natural causes. Any
20 areas resulting from alterations of the natural condition of the
21 shorelines and shorelands of the state no longer meeting the
22 definition of "shorelines of the state" shall not be subject to the
23 provisions of chapter 90.58 RCW.

24 Permitted uses in the shorelines of the state shall be designed
25 and conducted in a manner to minimize, insofar as practical, any
26 resultant damage to the ecology and environment of the shoreline area
27 and any interference with the public's use of the water.

28 **Sec. 2.** RCW 90.58.160 and 1971 ex.s. c 286 s 16 are each amended
29 to read as follows:

30 Surface drilling for oil or gas, and infrastructure for handling
31 or transporting oil or gas extracted from the outer continental shelf
32 adjacent to Washington state waters, is prohibited in (~~the waters of~~
33 ~~Puget Sound north to the Canadian boundary and the Strait of Juan de~~
34 ~~Fuea~~) shorelines of the state seaward from the ordinary high water
35 mark (~~and on all lands within one thousand feet landward from said~~
36 ~~mark~~)).

37 **Sec. 3.** RCW 43.143.010 and 1997 c 152 s 2 are each amended to
38 read as follows:

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

4 (2) There shall be no leasing of Washington's tidal or submerged
5 lands extending from (~~mean high tide~~) the ordinary high water mark
6 seaward three miles along the Washington coast from Cape Flattery
7 south to (~~Cape Disappointment~~) Washington's southern boundary, nor
8 in Grays Harbor, Willapa Bay, and the Columbia river downstream from
9 the Longview bridge, for purposes of oil or gas exploration,
10 development, or production, nor for infrastructure to handle oil and
11 gas extracted from the outer continental shelf adjacent to Washington
12 state waters and transported through state waters.

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

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

20 (5) It is not currently the intent of the legislature to include
21 recreational uses or currently existing commercial uses involving
22 fishing or other renewable marine or ocean resources within the uses
23 and activities which must meet the planning and review criteria set
24 forth in RCW 43.143.030. It is not the intent of the legislature,
25 however, to permanently exclude these uses from the requirements of
26 RCW 43.143.030. If information becomes available which indicates that
27 such uses should reasonably be covered by the requirements of RCW
28 43.143.030, the permitting government or agency may require
29 compliance with those requirements, and appeals of that decision
30 shall be handled through the established appeals procedure for that
31 permit or approval.

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

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

1 (~~Unless the context clearly requires otherwise,~~) The
2 definitions in this section apply throughout this chapter(~~(+)~~) unless
3 the context clearly requires otherwise.

4 (1) "Coastal counties" means Clallam, Jefferson, Grays Harbor,
5 and Pacific counties.

6 (2) "Coastal waters" means the waters of the Pacific Ocean
7 seaward from Cape Flattery south to (~~Cape Disappointment~~)
8 Washington's southern boundary, from (~~mean high tide~~) the ordinary
9 high water mark seaward two hundred miles.

10 (3) "Outer continental shelf" means all submerged lands lying
11 seaward and outside of the area of lands beneath navigable waters, as
12 set forth by the federal submerged lands act (43 U.S.C. Sec. 1331),
13 and all of which appertain to the United States and are subject to
14 its jurisdiction and control.

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