
SENATE BILL 6432

State of Washington

66th Legislature

2020 Regular Session

By Senators Rolfes, Carlyle, Randall, Takko, Stanford, Hunt, Lovelett, Darneille, Wilson, C., Das, Keiser, and Van De Wege

Read first time 01/16/20. Referred to Committee on Environment, Energy & Technology.

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 interest
13 while ensuring protection from economic and environmental risk from
14 oil spill and pollution brought by offshore oil extraction operations
15 and onshore industrialization associated with the extraction. This
16 policy contemplates protecting against adverse effects to the public
17 health, the land and its vegetation and wildlife, and the waters of
18 the state and their aquatic life, while protecting generally public
19 rights of navigation and corollary rights incidental thereto.

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

28 (1) Recognize and protect the statewide interest over local
29 interest;

30 (2) Preserve the natural character of the shoreline;

31 (3) Result in long term over short term benefit;

32 (4) Protect the resources and ecology of the shoreline;

33 (5) Increase public access to publicly owned areas of the
34 shorelines;

35 (6) Increase recreational opportunities for the public in the
36 shoreline;

37 (7) Provide for any other element as defined in RCW 90.58.100
38 deemed appropriate or necessary.

39 In the implementation of this policy the public's opportunity to
40 enjoy the physical and aesthetic qualities of natural shorelines of

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

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

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

31 Surface drilling for oil or gas is prohibited in:

32 (1) The waters of Puget Sound north to the Canadian boundary and
33 the Strait of Juan de Fuca seaward from the ordinary high water mark
34 and on all lands within one thousand feet landward from said mark;
35 and

36 (2) Outer coast waters to the limits of state jurisdiction.

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 seaward three miles along the
6 Washington coast from Cape Flattery south to Cape Disappointment, nor
7 in Grays Harbor, Willapa Bay, and the Columbia river downstream from
8 the Longview bridge, nor on aquatic lands, tidelands, or submerged
9 lands, within state waters associated with the outer continental
10 shelf, for purposes of oil or gas exploration, development, or
11 production, nor for infrastructure to handle extracted oil and gas
12 transported through state waters associated with the outer
13 continental shelf.

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

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

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

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

37 **Sec. 4.** RCW 43.143.020 and 1989 1st ex.s. c 2 s 10 are each
38 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, from mean
8 high tide seaward two hundred miles.

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

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