

---

**Fisheries, Ecology & Parks  
Committee**

---

**HB 2241**

**Brief Description:** Providing for marine protection in Puget Sound.

**Sponsors:** Representatives Cooper, Linville and Upthegrove.

**Brief Summary of Bill**

- Creates the Marine Protection Account to support marine protection activities including vessel salvage, an oil spill prevention tug, and marine fire fighting activities.
- Dedicates funding from the federal government for marine protection, vessel oil spill penalties, and interest earnings from the Oil Spill Response Account to the Marine Protection Account.

**Hearing Date:** 4/10/03

**Staff:** Jeff Olsen (786-7157).

**Background:**

The Legislature enacted oil spill prevention and response measures in 1991 to promote the safety of marine transportation and protect state waters from oil spills. The Director of the Department of Ecology (DOE) has the primary authority to oversee prevention, abatement, response, containment and cleanup efforts for oil spills in state waters. The oil spill program requires oil spill prevention plans and contingency response plans for vessels and facilities that may discharge oil into navigable waters. Oil tankers wishing to navigate in certain state waters are required to meet safety measures and secure tug escorts.

Persons negligently discharging oil into state waters are subject to penalties in an amount up to \$20,000 for each violation. Civil penalties for negligently discharging oil are placed in the Coastal Protection Fund to restore natural resources damaged by the unlawful discharge of oil.

The Oil Spill Prevention Account and the Oil Spill Response Account provide funds for oil and hazardous substances spill prevention and response. Each account receives revenue from

a five cent per barrel tax on the first possession of petroleum imported into and consumed in Washington. Monies from the Oil Spill Prevention Account are used by the DOE to administer oil spill and hazardous substances programs.

The DOE has provided emergency response capability at the western entrance to the Strait of Juan de Fuca by contracting with Foss Maritime Services for commercial tug services. A tug has been stationed at Neah Bay each winter since 1999 for a season that extends approximately 200 days. Funding for the initial service was provided primarily from federal resources and the Tenyo Maru trust. Subsequent support has been provided by the state of Washington through the general fund and the water quality account.

The International Tug of Opportunity System (ITOS) is a voluntary industry effort of U.S. and Canadian interests formed as a response system for vessels in distress. The ITOS coverage area includes the Strait of Juan de Fuca and waters around the San Juan Islands, Puget Sound, and adjacent waters. The ITOS was initiated in 1997 and monitors the location, identification, activity and performance capability of the tugs in and around the Strait of Juan de Fuca. In the case of an incident, the system provides information on the availability of tugs in the vicinity.

**Summary of Bill:**

The DOE must complete an evaluation of tug escort requirements for tankers and report recommendations to the legislature by January 1, 2005. The report shall determine if any modifications are needed to current safety requirements for tankers in recognition of new safety enhancements including double hull tankers and the International Tug of Opportunity System.

The Marine Protection Account is created and may be used for marine protection activities including vessel salvage, an oil spill prevention tug, marine fire fighting activities, and other marine protection activities approved by the DOE. Revenues to the account include federal funds provided for marine protection, interest earnings from the Oil Spill Response Account, vessel oil spill penalties, and other monies appropriated by the legislature. Civil penalties for negligently oil spills assessed against an owner or operator of a ship shall be credited to the Marine Protection Account. The Marine Protection Account is non-appropriated and interest earnings are retained in the account. The State Treasurer must transfer interest earnings from the Oil Spill Response Account to the Marine Protection Account quarterly.

**Appropriation:** None.

**Fiscal Note:** Requested on April 7, 2003.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.