
HOUSE BILL 2710

State of Washington

58th Legislature

2004 Regular Session

By Representatives Kagi, Chase, Cooper, Morris, Sullivan, Linville, McIntire and Rockefeller

Read first time 01/20/2004. Referred to Committee on Fisheries, Ecology & Parks.

1 AN ACT Relating to regulation of underwater noise; and amending RCW
2 90.58.550.

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

4 **Sec. 1.** RCW 90.58.550 and 1983 c 138 s 1 are each amended to read
5 as follows:

6 (1) Within this section the following definitions apply:

7 (a) "Exploration activity" means reconnaissance or survey work
8 related to gathering information about geologic features and formations
9 underlying or adjacent to marine waters;

10 (b) "Marine waters" include the waters of Puget Sound north to the
11 Canadian border, the waters of the Strait of Juan de Fuca, the waters
12 between the western boundary of the state and the ordinary high water
13 mark, and related bays and estuaries;

14 (c) "Significant underwater noise" means underwater sound levels of
15 one hundred eighty decibels or more generated from vessels, sonar
16 devices, acoustic surveys, and other devices that have the potential to
17 harm marine life;

18 (d) "Vessel" includes ships, boats, barges, or any other floating
19 craft.

1 (2) A person desiring to perform oil or natural gas exploration
2 activities or activities that generate significant underwater noise by
3 a vessel located on or within marine waters of the state shall first
4 obtain a permit from the department of ecology. The department may
5 approve an application for a permit only if it determines that the
6 proposed activity will not:

7 (a) Interfere materially with the normal public uses of the marine
8 waters of the state;

9 (b) Interfere with activities authorized by a permit issued under
10 RCW 90.58.140(2);

11 (c) Injure the marine biota, beds, or tidelands of the waters;

12 (d) Violate water quality standards established by the department;

13 or

14 (e) Create a public nuisance.

15 (3) Decisions on an application under subsection (2) of this
16 section are subject to review only by the pollution control hearings
17 board under chapter 43.21B RCW.

18 (4) This section does not apply to activities conducted by an
19 agency of the United States (~~or the state of Washington~~) military
20 during times of war.

21 (5) This section does not lessen, reduce, or modify RCW 90.58.160.

22 (6) The department may adopt rules necessary to implement this
23 section.

24 (7) The attorney general shall enforce this section.

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