Chapter 173-15 WAC

PERMITS FOR OIL OR NATURAL GAS EXPLORATION ACTIVITIES CONDUCTED FROM STATE MARINE WATERS

WAC 173-15-010 Authority and purpose.
WAC 173-15-030 Exploration activity permit system.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

WAC 173-15-010 Authority and purpose. These rules are adopted under RCW 90.58.550(6) for the purpose of establishing the basic requirements for the exploration activity permit system.


WAC 173-15-020 Definitions. The following definitions apply:

1. "Department" means the department of ecology.
2. "Exploration activity" means reconnaissance or survey work related to gathering information about geologic features and formations underlying or adjacent to marine waters. Those activities include sonic, ultrasonic, seismic, sparker, side-scan sonar, infrared, heat sensor, chemical analysis (sniffer), or other remote sensing techniques that do not disturb the surface of the aquatic lands, as well as drilling, core sampling, or other exploratory techniques that penetrate the beds underlying or adjacent to marine waters.
3. "Marine waters" includes the waters of Puget Sound north to the Canadian border, the waters of the Strait of Juan de Fuca, the waters between the western boundary of the state and the ordinary high water mark, and related bays and estuaries. RCW 90.58.550 (1)(b).
4. "Normal public use of the marine waters of the state" means those activities generally enjoyed by members of the public including, but not limited to, recreation, fishing (commercial and sports), navigation and commerce.
5. "Vessel" includes ships, boats, barges, or any other floating craft. RCW 90.58.550 (1)(c).
6. "Director" means the director of the department of ecology.
7. "Person" means any individual, public or private corporation, agency, or other entity, except for state or federal agencies.

Notice is hereby given that _company name or institution_ has filed an application for an exploration activity permit for oil and/or natural gas survey and reconnaissance work in _list major bodies of water_.

The exploration activity consists of _describe survey gear, vessel, and other equipment in sufficient detail to inform public of the nature of the operation_.

The exploration activity is proposed to begin on _date_ and end _date_.

Any person desiring to express views or to be notified of the action taken on this application should notify the department of ecology in writing of his or her interest within fifteen days of the final date of publication of this notice, which is _date_. Written comments should be mailed or delivered to the Washington Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600. (360) 407-6000. Comment period deadline is _date_.

(e) The applicant shall provide an affidavit to the department of ecology that the notice has been properly published in accordance with this section.

(5) Public hearing. A public hearing on the proposed exploration activity permit will be held by the department if it determines, upon consideration of factors such as location, timing, duration, method of operation, and public comments, that a hearing would assist it in implementing the intent of RCW 90.58.550(2).

(6) Department exploration activity permit decision.

(a) The department will approve an exploration activity permit application if it determines that the proposed activity meets the criteria set forth in RCW 90.58.550(2). Exploration activities may not:

(i) Interfere materially with the normal public uses of the marine waters of the state;

(ii) Interfere with activities authorized by a permit issued under RCW 90.58.140(2);

(iii) Injure the marine biota or other fish and wildlife, beds, or tidelands of the waters;

(iv) Violate water quality standards established by the department;

(v) Create a public nuisance; or

(vi) Conflict with a shoreline master program approved by the department under RCW 90.58.090 or 90.58.190.

(b) The department, as lead agency, will comply with the provisions of the State Environmental Policy Act as governed by the procedures established under chapter 43.21 RCW and its implementing rules.

(7) Exploration activity permit terms and conditions.

(a) The department shall place terms and conditions in the exploration activity permit as necessary to assure that the permitted activity meets the requirements of RCW 90.58.550 (2).

(b) The terms and conditions may include, but are not limited to:

(i) Geographic limits on the area of operation;

(ii) Timing of the operation;

(iii) Limitations on hours of operation;

(iv) Placement of on-board observers;

(v) Use of lead boats;

(vi) Insurance or bond;

(vii) Fishermen (or other users group) notification procedures; or

(viii) Any combination of the terms and conditions in (b)(i) through (vii) of this subsection.

(8) Modifications of exploration activity permits. When a permittee seeks to modify an exploration activity permit, detailed maps or charts and text describing the nature of the modification must be submitted to the department. Modifications to the permit may be made by the department when the department determines that the changes are of a minor nature.

(9) Request for review. All requests for review of any final permit decision under RCW 90.58.550(2) and these rules are governed by the procedures established in chapter 43.21B RCW and its implementing rules.