

MEETING MINUTES
STATE OF WASHINGTON ~ BOARD OF PILOTAGE COMMISSIONERS
June 5, 2025

SPECIAL MEETING – Call to Order

The Special Meeting of the Board of Pilotage Commissioners was convened by Chair Sheri Tonn at 10:00am online via Microsoft Teams.

Present via Teams:

Chair: Sheri Tonn

Vice Chair: Eleanor Kirtley (Marine Environment)

Commissioners: Lee Tyler (Foreign-Flag Shipping), Severin Knutsen (Pilot), Andrew Drennen (U.S.-Flag Shipping), Jason Hamilton (Public), Tim Farrell (Public), Tom Buroker (Ecology)

Administration: Jaimie Bever, Bettina Maki, Jolene Hamel

AAG: Albert Wang

Puget Sound Pilots: Travis McGrath, Matt Hannuksela, Jaime Galvin, Ivan Carlson & Scott Brewen

Port of Grays Harbor: Mike Folkers

USCG: John Robertson

Pacific Merchant Shipping Association: Mike Moore

Public: Adam Zielinski, Nick Ahrens, Rishi Luthra, Mason Reed, Jake Spink, Steve Kennedy, Petar Lolic, Lauren Jaech, Haley Kennard, Drummond Frasier, Brian Young, Megan Hillyard, Liam Hastings, Kris Faucett, Angela Deardorff-Zeigenfuse & Brian Kirk

Rulemaking: Amending WAC 363-116-500 and adding a new section to Chapter 363-116 WAC – Adopt Proposed Rulemaking Packet (CR102) for Filing. Chair Tonn and BPC Executive Director Jaimie Bever opened the meeting with the reminder that the Special Meeting is for two topics only and that any other business to come before the Board will wait for the June 26 Regular Public Meeting.

Jaimie explained that the proposed rule supports implementation of ESHB 1578, codified in Chapter 88.16 RCW, which directs the Board of Pilotage Commissioners, in consultation with the Department of Ecology, to adopt rules regarding tug escorts in Puget Sound by December 31, 2025.

The proposed rule will:

- Achieve best achievable protection, as defined in RCW 88.46.010. These requirements are designed to balance compliance costs with the goal of effectively reducing the risk of a catastrophic oil spill in Puget Sound. They are informed by insights from risk modeling, literature review, subject matter expertise, consultation with relevant entities, and other directives specified in ESHB 1578.

- Specify functional requirements for the tugs providing escorts to ensure they have sufficient horsepower and propulsion for maneuverability to effectively assist vessels during propulsion failures or navigational errors. These requirements balance environmental protection, technological feasibility, and operational practicality, and are consistent with industry standards and best practices in spill prevention.

- Specify operational requirements to ensure that both the escorted vessel and the escort tug conduct a pre-escort conference to ensure they share a clear understanding of the key elements of the escort operation, enhancing operational safety and coordination. Required discussion topics include active Tribal, commercial, and recreational fisheries and relevant local notices to mariners, helping ensure vessel operators are informed and potential impacts on Tribal resources are minimized. This low-cost measure aligns with practices in other jurisdictions and reflects industry best practice.

- Consider the existing tug escort requirements in Rosario Strait and connected waterways to the east, as established in RCW 88.16.190(2)(a)(ii), and propose expanding the geographic coverage northwest toward Patos Island. Risk modeling and maritime expert input support this expansion based on the area's high escort efficacy and navigational characteristics. The Draft Environmental Impact Statement found that this expansion of requirements does not increase harmful levels of underwater noise to marine mammals beyond current levels.

- Identify the geographic boundaries where tug escort requirements apply.

- Clarify language in WAC 363-116-500 to ensure consistency with Chapter 363-116 WAC.

The tug escort requirements in this rulemaking are intended to provide preventative measures to reduce the risk of a major oil spill that could cause damage to endangered Southern Resident Killer Whales and other species, damage tribal, commercial, and recreational fishing, and cause economic and public health consequences in Washington State. The rulemaking process is informed by insights from risk

modeling, literature review, and consultation with relevant stakeholders, the United States Coast Guard, and Tribal governments.

Jaimie reminded the Commissioners that they had previously been provided with high level results of the DEIS and Preliminary Regulatory Analysis (PRA), as well as the proposed rule language. A final approval is necessary for filing the documents on June 11, which will also start the public comment period and run through August 1. The public hearing schedule will be available on June 11 in the CR102 document. There are several ways to provide comments, which are also included on the CR102.

Motion: Drennen/Farrell – approve the CR102 package as drafted – Carried.

Further Consideration of the Interpretation and Implementation of RCW 88.16.180. Jaimie displayed the language of SB 5801 which holds a technical fix to RCW 88.16.180, was signed by Governor Ferguson and provides for language to continue current practice of not requiring Washington state licensed pilots on oil tankers going to or coming from Canadian ports while in Washington waters to be in place for the next two years. Agency Request Legislation (ARL) will be required in the 2027 Legislative Session regarding this issue. ARL for 2027 will be due to the Office of Financial Management in September 2026. There are many loose ends the BPC believes need to be worked out during this process, such as the definition of “at sea” and what is the limit of BPC regulatory jurisdiction.

The Board reviewed a draft charter for a new committee, which will meet over the next year to recommend statutory language to the Board. The new committee, called the Pilotage Act Advisory Committee (PAAC) is, like all BPC committees, advisory only. BPC committees do not adopt policy. Commissioner Knutsen asked to amend the draft charter, both to include the Strait of Georgia in the focused locations, as well as to add a subject matter expert in national maritime pilotage law to the membership of the committee. There was robust discussion on whether this expert should be allowed to be a voting member of the committee or subject matter expert to advise. Several suggestions were made, including making that role a non-member, a non-voting member or a voting member.

Motion: Knutsen/Farrell – approve the PAAC charter as amended to include the Strait of Georgia, an expert in national pilotage law as a member, and best practices for safe pilotage across multiple districts

Amendment: Drennen/Farrell – move the expert in national pilotage law to an advisor only position – 4 in favor and 4 opposed with 1 abstention – motion fails due to Chair’s vote creating a tie.

Amendment to the amendment: Farrell/ - add expert in national pilotage law as a non-voting member – failed due to lack of a second.

Amendment to original motion: Hamilton/Farrell – add expert in national pilotage law as a non-voting member – Carried.

Motion: Drennen/Farrell: invite BC Coast Pilots as advisors only – Carried.

Motion: Farrell/Tyler: approve the Pilotage Act Advisory Committee charter as revised – Carried.

The Board then considered the language of a memo to provide clarity for vessels leaving BPC regulated pilotage waters to transit to the BC Coast pilot station and then to Canadian ports.

Motion: Drennen/Farrell – approve the memo as drafted with one revision to include language to specify vessels leaving the westerly boundary of the Puget Sound Pilotage District as discussed – Carried.

Public Comment. Public comment was offered by Rishi Luthra, BC Chamber of Shipping, Captain Jake Spink, BC Coast Pilots, and Captain Ivan Carlson, Puget Sound Pilots.

Adjourn. The meeting was adjourned by Chair Tonn at 11:25am.

Respectfully submitted,

Jaimie C. Bever, Executive Director

Sheri J. Tonn, Chair

Eleanor Kirtley, Vice Chair

Commissioner Timothy J. Farrell

Commissioner Andrew Drennen

Commissioner Severin Knutsen

Commissioner Jason R. Hamilton

Commissioner Lee Tyler

Commissioner Michael Anthony

Commissioner Tom Buroker