



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: March 10, 2020

TIME: 9:57 AM

WSR 20-07-043

Agency: Board of Pilotage Commissioners

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR 20-03-149

- Preproposal Statement of Inquiry was filed as WSR 19-21-106 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or
- Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) WAC 363-116-082 Limitations on new pilots

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 21, 2020	10:00am	2901 3 rd Avenue, 1 st Floor Agate Conference Room	

Date of intended adoption: May 21, 2020 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Sheri Tonn, Chair
 Address: 2901 3rd Avenue, Suite 500, Seattle, WA 98121
 Email: BeverJ@wsdot.wa.gov
 Fax: (206) 515-3906
 Other:
 By (date) May 14, 2020

Assistance for persons with disabilities:

Contact Jolene Hamel
 Phone: (206) 515-3904
 Fax: (206) 515-3906
 TTY:
 Email: HamelJ@wsdot.wa.gov
 Other:
 By (date) May 14, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Due to limited training opportunities in the Puget Sound Pilotage District, the Board will limit the license for first-year pilots in the Duwamish Waterway. The license restriction will prohibit first-year pilots from piloting vessels greater than 3,000 gross tons in the Duwamish Waterway. The restriction will be lifted through the license upgrade program developed by the Board's Trainee Evaluation Committee (TEC) for second year pilots.

The Purpose of this filing is to continue the March 19, 2020 public hearing to May 21, 2020 and extend the public comment period to May 14, 2020.

Reasons supporting proposal: This WAC change is necessary due to the advanced level of piloting skill required to navigate the Duwamish Waterway and lack of opportunities to obtain the required number of observation, training, and evaluation trips, as required by the Board's pilot training program.

Statutory authority for adoption: Chapter 88.16 RCW

Statute being implemented: Chapter 88.16 RCW

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: The Board received a recommendation from the Trainee Evaluation Committee (TEC) favoring the implementation of this license restriction based on a review of traffic patterns in the Duwamish Waterway.

Name of proponent: (person or organization) Board of Pilotage Commissioners

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jaimie C. Bever	2901 3 rd Avenue, Suite 500, Seattle, WA 98121	(206) 515-3887
Implementation:	Jaimie C. Bever	2901 3 rd Avenue, Suite 500, Seattle, WA 98121	(206) 515-3887
Enforcement:	Board of Pilotage Commissioners	2901 3 rd Avenue, Suite 500, Seattle, WA 98121	(206) 515-3904

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: RCW 34.05.328 does not apply to the adoption of these rules. The Washington State Board of Pilotage Commissioners is not a listed agency in RCW 34.05.328(5)(a)(i).

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW ____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: March 10, 2020

Name: Jaimie C. Bever

Title: Executive Director

Signature:



WAC 363-116-082 Limitations on new pilots. (1) The following limitations and pilot license upgrade requirements shall apply to a newly licensed pilot during his/her first five years of active service. For purposes of this section, the term "tank vessel" shall, in addition to tank ships, include any articulated or integrated tug and tank barge combinations, and any tonnage restrictions thereon shall be calculated by including the gross tonnage of the tug and tank barge combined. For purposes of this section, the term "petroleum products" shall include crude oil, refined products, liquefied natural gas, and liquefied petroleum gas. GT (ITC) as used in this section refers to gross tonnages measured in accordance with the requirements of the 1969 International Convention on Tonnage Measurement of Ships.

(2) Puget Sound pilotage district - License limitation periods. Except for trips being made for pilot license upgrades, licenses issued in the Puget Sound pilotage district shall have the following limitations:

License Year	Maximum Size of Tank Vessels Carrying Petroleum Products as Bulk Cargo	Maximum Size of Other Vessels	Waterways
1	Piloting on vessels of any size prohibited	38,000 GT (ITC) except for passenger vessels which may only have a maximum size of 5000 GT (ITC)	<u>Prohibited in the Duwamish Waterway on vessels greater than 3,000 GT</u>
2	32,000 GT (ITC)	48,000 GT (ITC)	<u>No restrictions</u>
3	40,000 GT (ITC)	60,000 GT (ITC)	<u>No restrictions</u>
4	50,000 GT (ITC)	70,000 GT (ITC)	<u>No restrictions</u>
5	65,000 GT (ITC)	95,000 GT (ITC)	<u>No restrictions</u>

(3) Puget Sound pilotage district - Pilot license upgrade requirements. Progressive lifting of tonnage limitations requires a newly licensed pilot to satisfactorily pilot vessels on the trips specified in this section. The trainee evaluation committee shall recommend to the board a series of eight trips to be made by each pilot in the last one hundred twenty days of each year of the license limitation periods specified in subsection (2) of this section. As to these trips, the trainee evaluation committee shall specify the size and type of the vessel; origin and destination, whether the transit is to include a docking, waterway transit or other particular maneuvering requirement, whether any tank vessel trips are to be made while in ballast or loaded and whether the trip shall be taken with training pilots, trainee evaluation committee member pilots or pilots with a specified experience level. To the extent practical, the trips shall be on vessels of at least a size that falls between the upper limit in the expiring license limitation and the upper limit in the upcoming license limitation period. All of these trips shall be complete trips between one port and another port, or between the pilot station and a port. The supervising pilots shall complete and submit to the board an evaluation form provided by the board for each trip a new pilot performs.

(4) Grays Harbor pilotage district - License limitation periods. Pilots licensed in the Grays Harbor pilotage district shall not pilot

vessels in violation of the restrictions set forth in the table below during the indicated license year.

License Year	Maximum Size of Tank Vessels Carrying Petroleum Products as Bulk Cargo	Maximum Size of Other Vessels
1	Piloting on vessels of any size prohibited	32,000 GT (ITC) except that piloting on vessels of any size is prohibited through the Chehalis River Bridge unless vessel is in ballast and does not exceed 25,000 GT (ITC)
2	15,000 GT (ITC)	42,000 GT (ITC)
3	32,000 GT (ITC)	52,000 GT (ITC)
4	42,000 GT (ITC)	62,000 GT (ITC)
5	52,000 GT (ITC)	72,000 GT (ITC)

Notwithstanding subsection (7) of this section, upon determination that a bona fide safety concern may result from no pilot without license restrictions being available within a reasonable time to pilot a vessel requiring pilotage services, the chairperson or acting chairperson of the board, on a single trip basis, may authorize a newly licensed pilot holding a restricted license to provide pilotage services to the vessel, irrespective of the tonnage, service or location of the assigned berth of the vessel.

(5) Grays Harbor pilotage district - Pilot license upgrade requirements.

(a) Prior to the expiration of the first license year, a new pilot must make five license upgrade trips. Three of these trips shall be through the Chehalis River Bridge on loaded or partially loaded vessels. The other trips shall be on vessels in excess of 32,000 GT (ITC) and involve docking and passage to or from the sea buoy; and one of these trips shall involve turning the vessel in the waterway.

(b) Prior to the expiration of the second license year, a new pilot must make two license upgrade trips on tank vessels in excess of 15,000 GT (ITC) and two trips on other vessels in excess of 42,000 GT (ITC). Two of these trips shall involve docking and passage to or from the sea buoy; and two of these trips shall involve turning the vessel in the waterway. Upon satisfactory completion of the two upgrade trips upon tank vessels and completion of the second license year, the pilot will be authorized to pilot tank vessels in accordance with the limitations specified in subsection (4) of this section. Upon satisfactory completion of the two upgrade trips upon other vessels in excess of 42,000 GT (ITC) and completion of the second license year, the pilot will be authorized to pilot vessels in accordance with the limitations specified in subsection (4) of this section.

(c) Prior to the expiration of the third license year, a new pilot must make two license upgrade trips on tank vessels in excess of 32,000 GT (ITC) and two trips on other vessels in excess of 52,000 GT (ITC). Two of these trips shall involve docking and passage to or from the sea buoy; and two of these trips shall involve turning the vessel in the waterway.

(d) Prior to the expiration of the fourth license year, a new pilot must make two license upgrade trips on tank vessels in excess of 42,000 GT (ITC) and two trips on other vessels in excess of 62,000 GT (ITC).

(e) Prior to the expiration of the fifth license year, a new pilot must make two license upgrade trips on tank vessels in excess of 52,000 GT (ITC) and two trips on other vessels in excess of 72,000 GT (ITC).

(f) If vessels are not available in the Grays Harbor pilotage district to allow a pilot to comply with (a) through (e) of this subsection in a timely manner, the board may designate substitute trips in the Puget Sound pilotage district as allowed by law and in so doing may specify the size of the vessel and any other characteristics of the trips that the board deems appropriate. Such designation shall be considered a modification of the pilot's state license to authorize the specified trips in the Puget Sound pilotage district.

(6) The initial license shall contain the limitations contained above and list the date of commencement and expiration of such periods. If a newly licensed pilot is unable to pilot for forty-five days or more in any one of the five years, he/she shall notify the board and request a revised schedule of limitations.

(7) Except as provided in subsection (4) of this section, no pilot shall be dispatched to, or accept an assignment on, any vessel which exceeds the limitations of his/her license. On vessels in which there is more than one pilot assigned, the license limitations shall apply only to the pilot in charge.

(8) All limitations on a pilot's license shall be lifted at the beginning of the sixth year of piloting provided he/she has submitted to the board a statement attesting to the fact that he/she has completed all the required license upgrade trips and the vessel simulator courses.



3010

MARINE SAFETY INFORMATION BULLETIN

These bulletins are purely informational for the maritime community within this Captain of the Port zone. They advise you of emerging information & situations that may impact our Marine Transportation System. As important, they help to manage expectations & facilitate cooperation regarding actions that we may be taking and/or that you may need to employ in the interest of safety/security. Increased vigilance in our maritime world hinges significantly upon proactive engagement & information sharing with the private sector, which has the primary responsibility for security & safety at their waterfront facilities & vessels.

BULLETIN NO: 02-20

Date: 04 May 2020

SUBJECT: WEST SEATTLE HIGH RISE BRIDGE – RECOMMENDATIONS FOR DUWAMISH WATERWAY USERS

1. **Background:** The Seattle Department of Transportation (SDOT) identified significant structural cracking on the West Seattle High Rise Bridge (“the bridge”) and immediately closed the bridge to vehicle traffic on March 23, 2020. Based on SDOT’s daily inspections, cracks continue to propagate on the bridge, but at a slower rate than before the bridge was closed.
2. **Current Situation:** The bridge is inspected multiple times a day by SDOT engineers. As of this date, SDOT has determined the bridge safe for workers and safe for vessels to pass below it. SDOT is currently installing sensors to actively monitor the bridge’s structural status and serve as an early warning system in the event of a catastrophic structural failure. However, it is essential for waterway users and marine terminal operators to be aware that the condition of the bridge is dynamic and there is a potential for the bridge’s safety status to change on short notice. If the bridge becomes unsafe, the waterway may be closed to all marine traffic by the U.S. Coast Guard. The U.S. Coast Guard is actively supporting SDOT, the lead agency, with emergency planning, alert notification, and evacuation procedures. Both the City of Seattle Office of Emergency Management and the U.S. Coast Guard have established Alert Warning System protocols to immediately communicate changes to the bridge and/or waterway status. **The safety of waterway users and unobstructed use of this vital Marine Transportation System hub is a top regional priority.** The U.S. Coast Guard is working closely with Federal, State, and Local partners to ensure the waterway is cleared as soon as possible in the event of an unforeseen obstruction.
3. **Recommendations:** Commercial vessel and marine terminal operators, recreational vessel owners, and Tribal nations who operate south of the West Seattle High Rise Bridge should consider the following voluntary Standards of Care:
 - a. Prepare contingency plans in the event of an extended waterway closure.
 - b. Determine alternative operation sites north of the bridge.
 - c. Limit navigating the Duwamish waterway south of the bridge to essential operations only.
 - d. Streamline shore to ship cargo handling procedures to reduce time south of the bridge.
 - e. Make alternate arrangements to layup or moor inactive vessels north of the bridge.
 - f. Do not station-keep or linger underneath the bridge waiting for the Lower Spokane Street Swing Bridge to open or close.

BULLETIN NO: 02-20

Date: 04 May 2020

**WEST SEATTLE HIGH RISE BRIDGE –
RECOMMENDATIONS FOR DUWAMISH WATERWAY USERS**

4. **Communication:** These recommendations will remain active until the bridge is determined sufficiently stabilized by SDOT. The U.S. Coast Guard will continue to be actively involved in SDOT and other key stakeholder meetings and will update this Marine Safety Information Bulletin as appropriate. To obtain the latest and most accurate information on the West Seattle High Rise Bridge:
 - a. Sign up for the Coast Guard Alert & Warning System alerts. Please e-mail SectorPugetSoundWWM@uscg.mil.
 - b. Sign up for SDOT/City of Seattle alerts (<https://alert.seattle.gov/>).
 - c. Follow updates via the SDOT Bridge Project website: (<http://www.seattle.gov/transportation/westseattlebridge>).
 - d. All vessels underway in the vicinity of Harbor Island and the Duwamish Waterway should monitor VHF Marine Band Radio Channel 16 and/or VHF Marine Band Radio Channel 14 (Vessel Traffic Service).
5. For more information, please contact SectorPugetSoundWWM@uscg.mil or the Sector Puget Sound Command Center at (206) 217-6002.

Sincerely,

LAS

L. A. Sturgis
Captain, U.S. Coast Guard
Captain of the Port, Sector Puget Sound

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First Glimpse at the March Port Tallies

Everyone has been bracing for dreadful March numbers. The Global Port Tracker’s outlook of March 9 expected container import traffic to be down 18.3% from March of last year. By its April 7 update, the GPT outlook for March was revised downward to a minus 21.3%.

The numbers we’ve been seeing so far from the ports we routinely monitor have certainly been dispiriting. Inbound loads at the Port of Los Angeles in March were down 25.9% year-over-year, but the numbers were better (okay, less bad) next door at the Port of Long Beach, where inbound loads were off just 5.0%. Together, the year-over-year drop in inbound loads at the two San Pedro Bay ports – the nation’s largest port complex – was 16.4%. One arresting factoid in the March numbers was that, for the first time since September 2016, Long Beach recorded a higher volume of inbound loads than its generally busier neighbor.

Elsewhere on the West Coast, inbound loads declined by 10.3% at the Port of Oakland, while import loads plunged by 28.2% at the Northwest Seaport Alliance Ports of Tacoma and Seattle. Collectively, the five major U.S. West Coast container ports recorded a 17.7% fall-off in inbound loads from a year earlier.

Perhaps remarkably, things were even worse at the Gulf and East Coast ports that have already posted their March numbers. The Port of Houston handled 19.4% fewer inbound loads than a year earlier, while Charleston sustained an 18.1% slump and Savannah’s inbound laden traffic tumbled by 21.1%.

We don’t expect to see less ghastly numbers for April. Although manufacturing activity has been ramping back up in China, the pandemic’s arrival in the U.S. has crippled America’s demand for imported goods. With broad swaths of the economy shut down, non-essential stores closed, and tens of millions of U.S. consumers unemployed, depressed levels of import activity are likely to persist for at least several months. Indeed, Global Port Tracker foresees double-digit declines in every month through August.

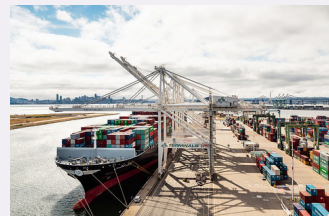
March 2020 Year-over-Year Inbound Loads



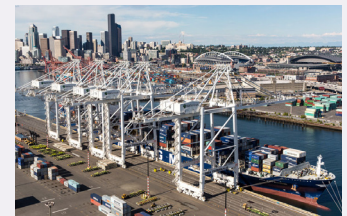
↓ 25.9%
Los Angeles



↓ 5.0%
Long Beach



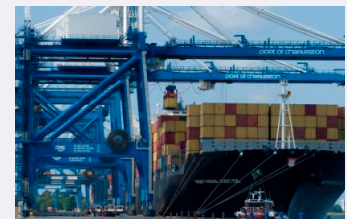
↓ 10.3%
Oakland



↓ 28.2%
NWSA



↓ 19.4%
Houston



↓ 18.1%
Charleston



↓ 21.1%
Savannah

Photo Sources: Port of Los Angeles; Port of Long Beach, Port of Oakland; Northwest Seaport Alliance; Carol M. Highsmith - Library of Congress; South Carolina Ports Authority; Kcida10 (talk)



Parsing the February 2020 TEU Numbers

Please note: The numbers here are not derived from forecasting algorithms or the partial information available from U.S. Customs and Border Protection but instead represent the actual TEU counts as reported by the major North American seaports we survey each month. The U.S. mainland ports we monitor collectively handle over 90% of the container movements at continental U.S. ports. Unless otherwise stated, the numbers in this portion of our analysis do not include empty containers.

Import Traffic

The extraordinary measures the Chinese government took to contain the spread of the coronavirus epidemic beyond its original epicenter in Wuhan resulted in a sharp contraction in factory output in February and March. Among the results were container trade statistics for the month of February that were occasionally misused to herald the triumph of U.S. East Coast ports over their West Coast rivals. One influential maritime industry publication, for example, ran a story on March 24 headlined "East coast ports outperform west during COVID-19 pandemic". The proof? That container traffic at the Port of Savannah had increased by 17% in February as "it joined South Carolina in succeeding despite the COVID-19, or coronavirus, pandemic, in a growing trend of east coast ports outperforming those on the west."

Well, nonsense.

As in the case of far too many port performance comparisons, the numbers in the article were not handicapped to account for voyage

Exhibit 1	February 2020 - Inbound Loaded TEUs at Selected Ports					
	Feb 2020	Feb 2019	% Change	Feb 2020 YTD	Feb 2019 YTD	% Change
Los Angeles	270,025	348,316	-22.5%	684,756	778,239	-12.0%
Long Beach	248,592	302,865	-17.9%	558,553	626,703	-10.9%
San Pedro Bay Totals	518,617	651,181	-20.4%	1,243,309	1,404,942	-11.5%
Oakland	63,568	69,977	-9.2%	151,439	151,870	-0.3%
NWSA	91,660	99,669	-8.0%	194,538	228,284	-14.8%
USWC Totals	673,845	820,827	-17.9%	1,589,286	1,785,096	-11.0%
Boston	11,622	12,057	-3.6%	25,024	23,785	5.2%
NYNJ	300,445	295,523	1.7%	623,088	622,868	0.0%
Maryland	36,879	42,287	-12.8%	82,173	86,156	-4.6%
Virginia	97,559	105,357	-7.4%	206,443	215,114	-4.0%
South Carolina	88,178	77,667	13.5%	178,843	165,774	7.9%
Georgia	170,007	149,685	13.6%	358,769	359,268	-0.1%
Jaxport	26,075	25,702	1.5%	52,773	56,023	-5.8%
Port Everglades	27,651	27,361	1.1%	54,102	55,091	-1.8%
Miami	37,556	32,125	16.9%	72,781	71,411	1.9%
USEC Totals	795,972	767,764	3.7%	1,653,996	1,655,490	-0.1%
New Orleans	9,050	7,393	22.4%	21,854	20,244	8.0%
Houston	89,923	86,953	3.4%	194,970	182,271	7.0%
USGC Totals	98,973	94,346	4.9%	216,824	202,515	7.1%
Vancouver	114,201	129,494	-11.8%	257,807	299,864	-14.0%
Prince Rupert	55,753	34,758	60.4%	104,901	89,239	17.6%
BC Totals	169,954	164,252	3.5%	362,708	389,103	-6.8%
US/BC Totals	1,738,744	1,847,189	-5.9%	3,822,814	4,032,204	-5.2%
US Total	1,568,790	1,682,937	-6.8%	3,460,106	3,643,101	-5.0%
USWC/BC	843,799	985,079	-14.3%	1,951,994	2,174,199	-10.2%

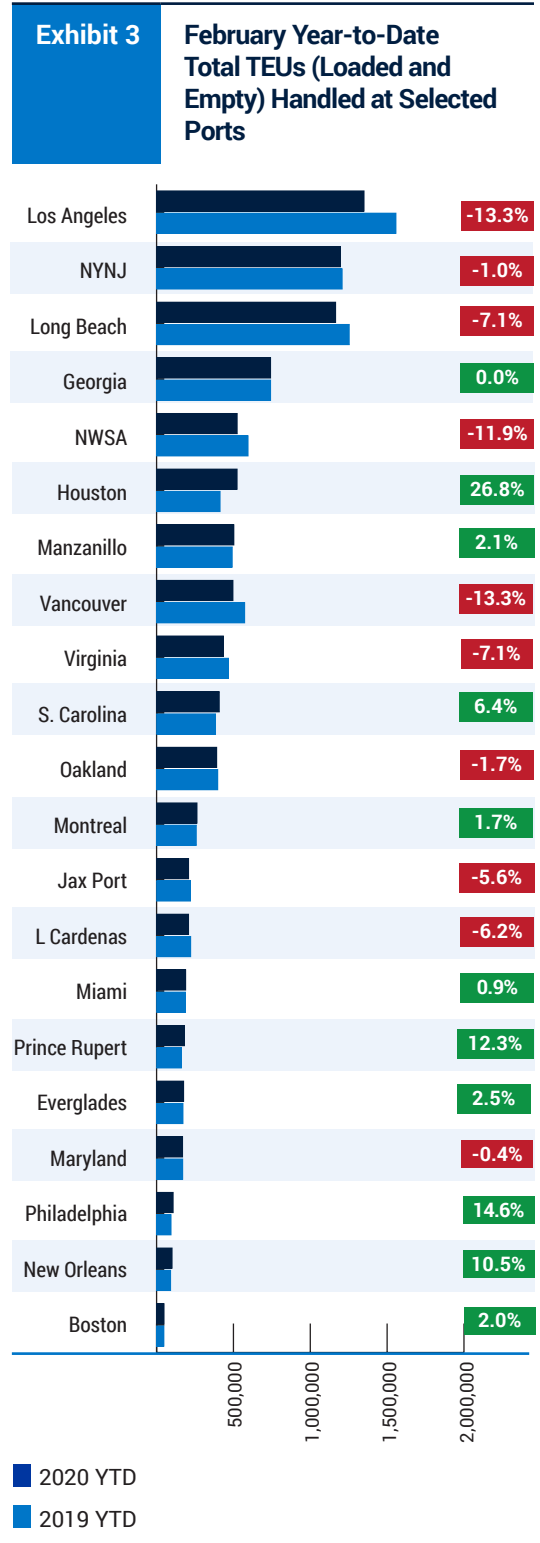
Source Individual Ports



Parsing the February 2020 Loaded TEU Numbers Continued

	Feb 2020	Feb 2019	% Change	Feb 2020 YTD	Feb 2019 YTD	% Change
	Los Angeles	134,469	142,555	-5.7%	282,675	287,548
Long Beach	125,559	105,287	19.3%	234,183	222,574	5.2%
San Pedro Bay Totals	260,028	247,842	4.9%	516,858	510,122	1.3%
Oakland	78,280	67,837	15.4%	156,122	143,187	9.0%
NWSA	68,553	65,610	4.5%	134,964	138,469	-2.5%
USWC Totals	406,861	381,289	6.7%	807,944	791,778	2.0%
Boston	5,767	5,858	-1.6%	12,732	11,581	9.9%
NYNJ	113,801	113,358	0.4%	232,289	225,191	3.2%
Maryland	20,049	18,556	8.0%	40,410	34,503	17.1%
Virginia	80,834	76,642	5.5%	160,162	154,590	3.6%
South Carolina	74,235	62,086	19.6%	142,740	125,835	13.4%
Georgia	125,953	105,260	19.7%	247,913	229,633	8.0%
Jaxport	38,061	38,837	-2.0%	80,002	79,582	0.5%
Port Everglades	34,613	32,664	6.0%	68,096	66,326	2.7%
Miami	34,043	30,627	11.2%	69,367	69,479	-0.2%
USEC Totals	527,356	483,888	9.0%	1,053,711	996,720	5.7%
New Orleans	23,522	18,718	25.7%	49,675	44,593	11.4%
Houston	110,854	86,460	28.2%	229,636	174,421	31.7%
USGC Totals	134,376	105,178	27.8%	279,311	219,014	27.5%
Vancouver	84,918	92,689	-8.4%	163,074	184,267	-11.5%
Prince Rupert	19,380	11,677	66.0%	29,115	28,833	1.0%
British Columbia Totals	104,298	104,366	-0.1%	192,189	213,100	-9.8%
US/Canada Total	1,172,891	1,074,721	9.1%	2,333,155	2,220,612	5.1%
US Total	1,068,593	970,355	10.1%	2,140,966	2,007,512	6.6%
USWC/BC	511,159	485,655	5.3%	1,000,133	1,004,878	-0.5%

Source: Individual Ports



Source: Individual Ports



Parsing the February 2020 Loaded TEU Numbers *Continued*

time. Frankly, it's surprising how often, even in normal times, journalists have to be reminded that a ship sailing from Ningbo to Los Angeles by the middle of any given month could be discharging containers in San Pedro Bay by the end of that month, while a ship that left Ningbo the same day bound for Savannah or Charleston would still be at sea. Conversely, in this most abnormal of times, the impact of that cascade of blank sailings from Chinese ports in February would have been felt at West Coast ports long before Savannah and Charleston and other East Coast ports would be reporting that they, too, were seeing fewer vessel calls.

So what do we know about February? Apparently, it was not as bad as some had feared. The National Retail Federation's widely-referenced Global Port Tracker posted its first outlook for February 2020 way back in October. Then, GPT projected inbound loads in February would be down just 1.8% from the same month in 2019. In its subsequent monthly forecast revisions, GPT maintained its expectation that February would see a relatively modest fall-off from a year earlier. That belief persisted until it became apparent that an outbreak of a lethal virus in China would suppress that country's manufacturing capacity and therefore sharply curtail its exports. So, in its February 10 update, GPT estimated that U.S. ports would eventually report significant declines in imports. In its last update on March 9, GPT's forecast looked for a 12.6% drop. That update, of course, was before ports began posting their hard counts of February TEU traffic. In the end, as GPT duly reported in its April 7 update, inbound loads in February had actually fallen by a much less dramatic 6.8% from a year earlier.

As might be expected, the nosedive in inbound loads was more pronounced at the Big Five USWC ports, which collectively handled 146,982 fewer TEUs (-17.9%) than in February 2019. On the other hand, import loads discharged at the nine USEC ports this newsletter monitors were actually up 3.7% (+28,208 TEUs). Along the Gulf Coast, the Ports of Houston and New Orleans posted a combined 4.9% increase in inbound loads in February. Altogether, import loads at the U.S. mainland ports we survey were down 6.8% from the same month a year earlier, while up 3.5% at the two British Columbia ports we track. (Vancouver, hampered by a prolonged interruption in rail service due to pipeline protesters, saw inbound loads

decline by 11.8%. While some interference with Canadian National Railway's freight service to Prince Rupert was also reported, it seemingly had little impact as that port's import loads soared by 60.4% over February 2019.)

Not surprisingly, the Big Five USWC ports saw their combined share of inbound loads through the mainland U.S. ports we monitor fall to 43.0% in February from 48.8% a year earlier. Similarly, the Big Five's share of inbound loads via the major USWC and British Columbia ports slipped to 79.9% in February from 83.3% a year earlier.

Export Traffic

On the export side, Long Beach and Los Angeles went in different directions. At the Port of LA, outbound loads fell by 5.7% (-8,086 TEUs), while Long Beach posted a strong 19.3% (+20,272 TEUs) gain over February 2019. Together, outbound loads at the two Southern California ports rose by 4.9% (+12,186 TEUs). Meanwhile, at the Port of Oakland, outbound loads in February jumped by 15.4% (+10,443 TEUs). With the 4.5% increase (+2,942 TEUs) reported at the two NWSA ports, outbound loads through the Big Five USWC ports in February grew by 6.7% (+25,572 TEUs) over the same month a year earlier.

Along the USEC, outbound loads were up 9.0% (43,468 TEUs), while the two Gulf Coast ports we monitor saw outbound loads leap by 27.8% (+29,198 TEUs). In British Columbia, outbound loads at Vancouver and Prince Rupert slipped by a fraction (-68 TEUs) owing to interruptions in rail service to Vancouver.

Altogether, outbound loads from the U.S. mainland and two British Columbia ports we track rose 9.1% (+98,170 TEUs) from last February.

Despite year-over-year growth in outbound loads, the Big Five USWC ports saw their share of outbound loads sailing from the U.S. mainland ports we track slip to 38.1% from 39.3%. On the other hand, rail service problems in British Columbia did enable the Big Five to improve their collective share of outbound loads from U.S. and Canadian Pacific Coast ports to 79.6% from 78.5%.

Weights and Values

Even though the TEU is the shipping industry's preferred unit of measurement, we offer two alternative metrics – the declared weight and value of the goods contained in those TEUs – in hopes of further illuminating recent



Parsing the February Loaded TEU Numbers *Continued*

Exhibit 4 USWC Ports Shares of Worldwide U.S. Mainland, February 2020

	Feb 2020	Jan 2020	Feb 2019
Shares of U.S. Mainland Ports Containerized Import Tonnage			
LA/LB	23.4%	27.7%	27.5%
Oakland	3.8%	4.3%	3.6%
NWSA	4.5%	5.2%	5.4%
Shares of U.S. Mainland Ports Containerized Import Value			
LA/LB	30.5%	35.5%	35.7%
Oakland	3.4%	3.7%	3.5%
NWSA	6.2%	5.8%	6.9%
Shares of U.S. Mainland Containerized Export Tonnage			
LA/LB	19.6%	21.2%	21.9%
Oakland	6.6%	6.3%	6.7%
NWSA	7.4%	7.1%	8.2%
Shares of U.S. Mainland Containerized Export Value			
LA/LB	19.8%	20.1%	21.4%
Oakland	7.9%	7.4%	6.7%
NWSA	4.2%	4.3%	4.1%

Source: U.S. Commerce Department.

trends in the container trade along the USWC. For the most part, these numbers contain little good news for USWC port officials.

Exhibit 4: USWC Ports and the Worldwide Container Trade. Exhibit 4 illustrates the almost relentless decline in the overall USWC share of containerized imports (regardless of point of origin) entering mainland U.S. ports. The two San Pedro Bay ports saw their combined percentage of containerized import tonnage tumble in February to 23.4% from 27.5% a year earlier. The two also experienced a sharp drop in the declared value of containerized imports to 30.5% from 35.7%. Although the Port of Oakland saw its share of import tonnage rise over February 2019, its value share slipped slightly. Meanwhile, the two NWSA ports saw significant declines in their shares of both tonnage and value of containerized imports.

Exhibit 5 USWC Ports Shares of U.S. Mainland Trade With East Asia, February 2020

	Feb 2020	Jan 2020	Feb 2019
Shares of U.S. Mainland Ports' East Asian Container Import Tonnage			
LA/LB	38.4%	44.0%	43.3%
Oakland	4.7%	5.1%	4.3%
NWSA	7.1%	6.7%	8.3%
Shares of U.S. Mainland Ports' East Asian Container Import Value			
LA/LB	45.9%	51.4%	51.3%
Oakland	4.3%	4.4%	4.3%
NWSA	9.3%	8.2%	9.9%
Shares of U.S. Mainland Ports' East Asian Container Export Tonnage			
LA/LB	34.0%	34.9%	36.6%
Oakland	10.1%	9.0%	9.4%
NWSA	12.7%	11.1%	13.5%
Shares of U.S. Mainland Ports' East Asian Container Export Value			
LA/LB	39.8%	39.0%	44.0%
Oakland	13.6%	11.8%	11.5%
NWSA	8.5%	8.5%	8.5%

Source: U.S. Commerce Department.

On the export side, the Southern California ports continued to lose market share, whether measured in tonnage or dollar value. Oakland had mixed results, with a year-over-year gain in export value but a drop in its share of the export tonnage. The NWSA ports' export shares trended downward in tonnage terms but edged up slightly in terms of value.

Exhibit 5: USWC Ports and the East Asia Trade. The numbers that most cause anxiety for USWC port officials – the figures on containerized imports arriving at U.S. mainland ports from East Asia – were of comfort only to the Port of Oakland. In February, the Ports of Los Angeles and Long Beach saw their combined share of containerized import tonnage from East Asia slide to 38.4% from 43.3% a year earlier. Meanwhile, their collective share of containerized import value slid to



Parsing the February Loaded TEU Numbers *Continued*

45.9% from 51.3%. Elsewhere along the coast, Oakland improved its tonnage share and stayed even in terms of value. But the NWSA ports saw declines in both measures.

On the outbound side, the San Pedro Bay ports' share of containerized export tonnage to East Asia slipped to 34.0% from 36.6% a year earlier, while their combined share of the value of those containerized imports slipped to 39.8% from 44.0%. Oakland experienced a year-over-year bump in both its import tonnage and value tonnage shares. Meanwhile, the NWSA ports saw a drop in their share of export tonnage but held even their share of the value of U.S. containerized exports going to the Far East.

Soybeans

Prior to the outbreak of the COVID-19 pandemic, soybeans were much in the news. Certainly to growers in the Upper Midwest and to ports in the Pacific Northwest, the trade deal with China promised to provide a major boost in business. So what do the latest trade figures indicate? Actually, the latest numbers reveal little, if China's sincerity about increasing purchases of American agricultural products is what you're looking to test. (See the aforementioned plague.) However, they do tell us something about the key role USWC ports play in that trade. In the first two months of this year, U.S. soybean exports to China totaled 2,612,076 metric tons. That was

down by 24.7% from the same period last year. But just over half (53.9%) of those soybeans were shipped from ports in the Pacific Northwest, with Kalama leading the way with 664,804 metric tons. Nationally, only the Port of New Orleans shipped more soybeans to China in the year's first two months.

Who's #1?

Since last spring, we have been watching closely as the Port of New York/New Jersey threatened to topple the Port of Long Beach from the latter's customary perch as the nation's second busiest container port. However, February brought an interesting development. Due primarily to the virus-caused distortion of shipping schedules, PNYNJ not only eclipsed Long Beach as the nation's second busiest container port, it also leapfrogged into first place over the Port of Los Angeles.

For the month, a total of 579,124 loaded and empty TEUs crossed PNYNJ's docks as opposed to the 538,428 TEUs handled by the Port of Long Beach and the 544,037 TEUs at LA.

Even if you insist that only loaded boxes count in ranking the ports, PNYNJ was still the country's busiest container port in February, with 414,246 loaded TEUs as opposed to 404,494 loaded TEUs at Los Angeles and 374,151 loaded TEUs at Long Beach.

Jock O'Connell's Commentary:

Port Budgeting: On a Wing and a Prayer

It is difficult these days to find news that does not in some way involve the COVID-19 pandemic. Even newspaper food columns seem largely devoted to simple recipes for families sheltering in place. Fashion columns are all about working-at-home attire. And sports reporters may just as well file for unemployment...although some of us think it would be interesting to watch them pinch hit for the White House press corps.

So you can imagine how thrilled I was the weekend before last to find in the *Wall Street Journal* a lengthy review of a new biography of the eminent American philosopher, Lawrence Peter Berra, better known as Yogi.

One of the more cogent entries in the Berra canon is his sage observation that "you can observe a lot by just watching."

Well, something I observed a lot of last month while hopscotching my way back from an abbreviated trip to Majorca was the great abundance of aircraft parked at the airports serving Palma, Barcelona, Amsterdam, and San Francisco. With cowling-clad engines, these planes clearly weren't going anywhere soon. Government-ordered restrictions on personal movement had collapsed the demand for air transportation. Cavernous airports had become echo chambers. By the end of March, the number



Commentary Continued

of passengers screened at TSA checkpoints at airports throughout the United States was down by more than 90%.

Great, you say, but why bring this up in the monthly newsletter of the Pacific Merchant Shipping Association? Aren't there more pressing maritime issues to discuss? Like, what's going to happen to all those orphaned containers full of goods no one seems to want anymore? Or will a major shipping line go the way of Hanjin? Or what's the future of globalization?

Granted that these are all compelling topics of conversation, but the point I wish to make here is that many of America's largest ports – including some of the West Coast – are actually airports masquerading as seaports.

More specifically, it's the revenue generated by aviation operations that often provides most of the financing for port authorities from Boston to Seattle. And since the collapse of air travel has been much steeper than the fall-offs in maritime trade volumes, the governing bodies of a number of ports across the country are seeing their revenue flows slowing to a trickle, a situation that is unlikely to be quickly alleviated.

In New England, the Massachusetts Port Authority (Massport) runs one of the smaller of the top container ports in the nation. In FY 2019, its Conley Terminal handled 307,000 TEUs and produced \$102,774,000 in operating revenue. But Logan International Airport is Massport's core. In FY 2019, 41,863,411 passengers flew through Logan, which generated \$756,415,000 in operating revenue for the port authority. Even if travel restrictions are lifted by summer, it is doubtful passenger levels will return to pre-plague levels within the next year or two.

The country's largest example of a port authority that is more in the aviation business than in the business of loading and unloading ships is, of course, the Port Authority of New York-New Jersey. PANYNJ, which will celebrate its centenary next April, is really a regional transportation agency that manages the Port of New York and New Jersey, but also four airports (JFK, LaGuardia, Newark Liberty International, Stewart International, and Teterboro Airport) as well as sundry bridges, tunnels and rail services – responsibilities so sprawling that PANYNJ has its own police force numbering over 2,000 officers. PANYNJ's 2020 budget projects total revenue of \$5.79

billion, with just over half (\$2.96 billion) stemming from its aviation activities. PANYNJ's maritime operations actually yield less revenue (\$335,013,000) than does its management of the World Trade Center (\$353,286,000).

Out here on the West Coast, while our two largest seaports – the Ports of Los Angeles and Long Beach – are not formally in the aviation business, the picture is much different elsewhere.

The Port of Seattle. In 2015, the Port of Seattle partnered with the Port of Tacoma to create the Northwest Seaport Alliance. Together, they are the nation's fifth largest gateway for containerized trade with the rest of the world. Last year, the NWSA ports handled 3,775,303 TEUs. The alliance of the two ports did not, however, affect the governance status of the Seattle-Tacoma International Airport, which remained under the administrative auspices of the Port of Seattle.

Seattle-Tacoma International Airport (SEA) is ranked 8th among U. S. airports in terms of passenger traffic and 21st in terms of air cargo tonnage. Prior to the Great Lockdown, SEA was home to 31 airlines serving domestic and international destinations.

In its 2020 budget, the Port of Seattle's Aviation Division was expected to produce operating revenues of \$684.5 million, a \$59.4 million or 9.5% increase from its 2019 budget. By contrast, the Port of Seattle's current budget assumed the Maritime Division would generate operating revenues of \$62.9 million. Those numbers are no longer viable, but the drop in aviation-related revenue through the remainder of the year should be particularly precipitous.

The **Port of Portland** (Oregon) is not just four marine terminals on the Columbia River; it's PDX, Portland International Airport. With total passenger traffic last year of 19.9 million, PDX ranks as the nation's 30th busiest airport. The Port of Portland's 2019-2020 Adopted Budget shows total operating revenues of \$338,049,965, of which PDX accounted for \$270,826,379 or 80.1%.

Port of Oakland. Through the end of its last fiscal year on June 30, 2019, operating revenue at the Port of Oakland totaled \$396,997,000. Of that, Oakland International Airport (OAK) generated \$208,022,000 or 52.4% of the total. Passenger traffic had increased to 13.6 million from 13.4 million in fiscal year 2018. Meanwhile, the Port's



Commentary Continued

Maritime Division produced \$170,976,000 or 43.1% of the Port's total operating revenues in FY2019. Maritime's operating revenues had increased by 7.2% from the prior year. The third element of the Port's revenue stream, its Commercial Real Estate Division, yielded \$17,999,000 or 4.5% of the Port's total operating revenues in FY2019.

Even before the virtual collapse of domestic air travel this spring, Oakland had seen an important loss of air service when Norwegian Air Shuttle transferred its long-haul European flights to San Francisco International. That hurt. As the Port's Director of Aviation told the *San Francisco Chronicle* last July: "Over one million travelers have flown in or out of OAK on Norwegian." Earlier this year, JetBlue also announced it would be ending its service to OAK. Still, the suspension of most air traffic will leave a gaping hole in the Port of Oakland's financing for what is likely to be an extended period of time.

A formal decision to re-open the economy by suspending current restrictions on personal movement will not in itself bring passenger loads back to pre-pandemic levels. That will take time and will be influenced by a variety of factors, mostly economic but also psychological. Namely, how eager will travelers be to sit among strangers in the confined space of an airplane so soon after a deadly virus has swept across the globe? Certainly, the prospects for filling the massive loss of revenue from depressed aviation operations are not especially encouraging.

The state's other major seaports are stand-alone operations. Although both are departments of the City of Los Angeles, the **Port of Los Angeles** is independent of Los Angeles World Airports, which owns and operates LAX and Van Nuys airports. Similarly, the **Port of Long Beach** and Long Beach Airport are separate departments of the City of

Long Beach. It's the respective city governments that will have to deal with the sudden drop in revenue.

The **Port of San Diego**, established in 1962 by state legislation, does not run San Diego's Lindbergh Field, although it does provide a police presence at the airport. But the Port of San Diego, like the **Port of San Francisco** to the north, is existentially vulnerable to any loss of revenue from travel, tourism, and conventions. San Diego's FY2020 budget expects total operating revenue to be \$192,780,500. Of that, its maritime operations were expected to generate just \$40,175,700 (20.8%).

From Seattle and Tacoma down to San Diego, ports including San Francisco, Los Angeles, and Long Beach have all invested heavily in cruise ship operations, convention centers, and hotels. Travel restrictions have carved a deep slice from the revenues derived from those investments. Longer term, though, there are few assurances that businesses associated with tourism and conventions will bounce back to former levels. Especially with unemployment rates expected to be persistently high through the next few quarters, it is unlikely that pre-plague consumer and business spending practices will resume within the next few quarters.

So, as grim as projected container trade and other cargo statistics may look, West Coast ports are going to be facing severe financial crises, all because of metrics to which the market-share obsessed maritime industry hasn't given sufficient thought.

***Disclaimer:** The views expressed in Jock's commentaries are his own and may not reflect the positions of the Pacific Merchant Shipping Association.*

\$14 Million Dollar Rate Increase Proposed by Puget Sound Pilots

The schedule for consideration of a \$14 million rate increase proposal by the Puget Sound Pilots has been delayed due to COVID-19 concerns and the Washington state "stay at home" order. Assuming no further delays due to the impacts of the pandemic, a rate hearing is expected in August. This is the first petition for a rate change being considered under the jurisdiction of the Washington Utilities and Transportation Commission, which assumed pilotage tariff-setting authority in 2018. PMSA is opposed to this proposal and has intervened as a party in the proceeding representing the interests of its membership.



Observations of a New World

By John McLaurin, President, Pacific Merchant Shipping Association

Over two million people in the world have been diagnosed with the COVID-19 virus and tens of thousands have died from the disease. These numbers are undoubtedly low given the current lack of testing capability. Although we do not know the extent of the problem, we do know that our world has changed dramatically. Until treatments and vaccines are developed, the virus will continue to impact our lives for years.

Prior to the pandemic, the public expected that goods would magically appear on store shelves. Now that expectation has been replaced with different feelings, such as hope and at times disappointment.

But during these challenging times, the supply chain has reacted well and been fairly strong – grocery stores and pharmacies are receiving the necessities of life and making those products available to the public.

That isn't to say that the movement of goods has been without hiccups. There have been plenty of challenges that range from finding hotel space for long distance truck drivers and rail crews, to sanitizing counters at your local grocery store or cargo handling equipment at a marine terminal – all in a world of limited disinfectants and personal protective equipment. While we eat in the comfort of our homes, restaurant closures are a genuine problem for those far away from home, moving goods at all hours of the day and night. And social distancing requires that work teams be divided, isolated and work in separate spaces, buildings and perhaps on separate days.

But the supply chain is adapting on a shift by shift basis. Challenges arise, solutions are put forward, adaptation takes place and the consumer knows little of what has

happened behind the scenes. We continue to work as a team – only this time it is done separately and remotely.

Just as the COVID-19 virus is growing and spreading, the world of logistics is changing and evolving at an exponential rate. We have to. There are no other options.

What will be interesting to see is if our political system will change and adapt as quickly as the supply chain. Some of our public officials have displayed leadership and compassion. Others have not. Some have recognized the new world order while others are oblivious to the changing world and economic hardship surrounding them.

When so much is at stake, leadership is displayed in many ways – there are heroes and people who display extraordinary dedication to their job. We certainly appreciate and pray for all those heroes – the medical professionals, first responders, research scientists, clergy and others who are working to protect, comfort, cure and bring peace to those impacted by this deadly virus. But there are other people with similar dedication. They aren't as well known or appreciated by the general public. They work on a dock, drive a truck, unload a plane, navigate a ship, manage a marine terminal, operate a train, deliver food or our prescriptions to our mail box or front door and restock the food in our stores at the risk of infection. Some are paid minimum wage, all to allow the consumer the opportunity to buy food and everyday products that families need.

The next time you are in a grocery store or pharmacy, see a ship along the coast, receive a delivery at home, give a silent thank you to the women and men who make your life easier.

Interested in membership in PMSA?

Contact Laura Germany for details at: lgermany@pmsaship.com or 510-987-5000.

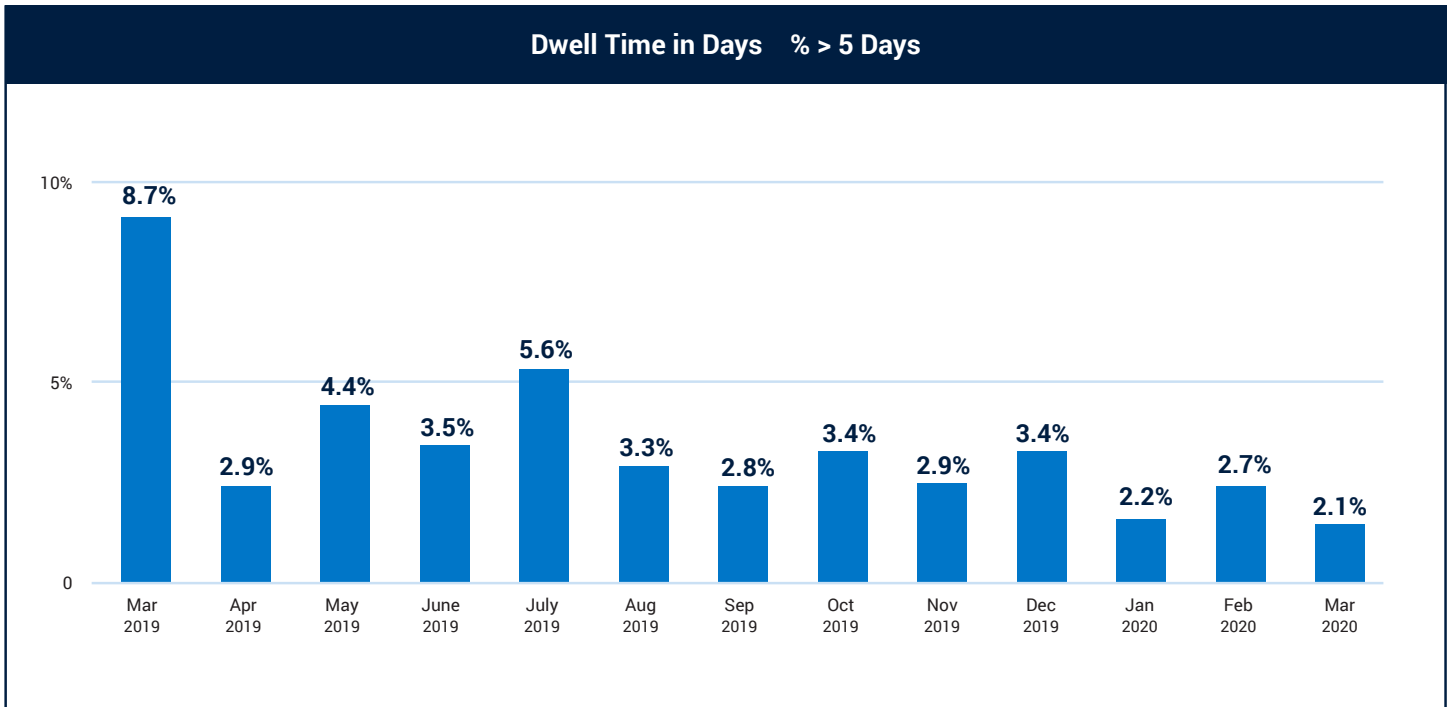
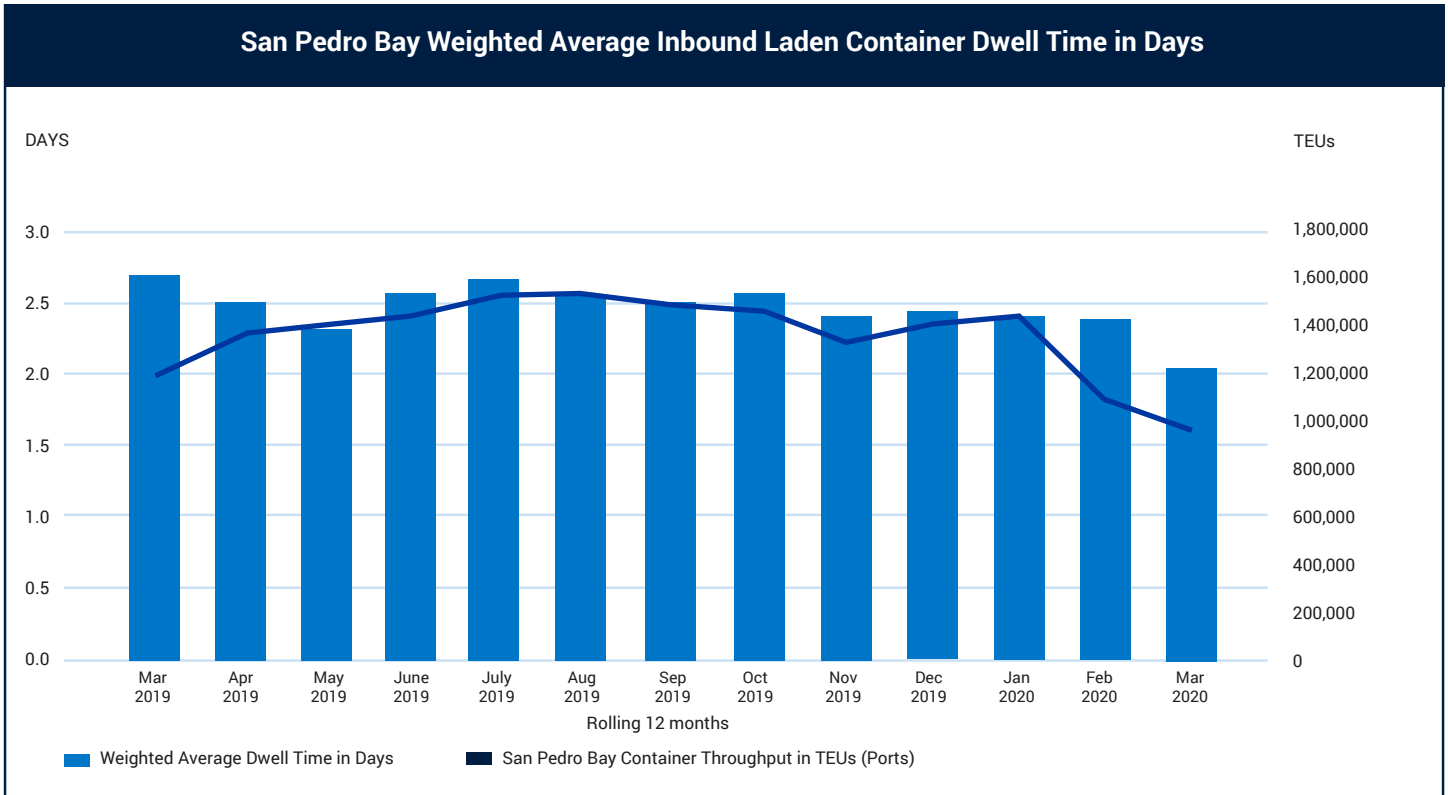
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Dwell Time Declined for March



WA State Board of Pilotage Commissioners

Industry Update:
May 21, 2020 BPC Meeting

Vessel Arrivals and Assignments Continue to Drop

April YTD 2020 compared to April YTD 2019 comparison

- ✚ Container arrivals **down 17**; Bulkers **down 14**
- ✚ Car Carriers and RoRo's **down 24**
- ✚ Non-Tank **down 57**
- ✚ Tankers **up 7**, ATB's **up 18**
- ✚ Grays Harbor **up 3**

- ✓ Assignments **Down 76** from the lowest assignment level in decades
- ✓ 39 "**blank**" container ship calls through April; others announced
- ✓ 2 weekly container services **canceled**
- ✓ 464 Cruise Ship Assignments in **Limbo**

Most canceled already – others on "pause" until July 31st but most think cruise season is unlikely to happen at all.

- For containers and cruise that means a reduction of another 620 assignments
- That would put total assignments well under 6,400 for 2020 unless other sectors have more activity (tankers/ATB's have increased – see above).
- Number of Pilots Decision to increase license spots to 56 did not consider the full decline in 2019 and the significant decline happening now in 2020

Recommend the Board revisit the number of pilots decision while managing the training program best they can with candidates training or on the current list

Cargo Volumes and Ship Calls Decreasing

- ✚ West Coast Container Cargo Volumes Decreasing as one would expect
- ✚ Cruise and Container Port calls way down – see above
- ✚ NWSA container volumes in April slide 24%
- ✚ Cost Cutting, Furloughs, Layoffs, Reduced Pay... Other Cost Cutting Moves in Play
- ✚ Holland America laid off 2,000 employees
- ✚ More Blank Sailings Announced – what will next couple months look like

Puget Sound cargo shipping drops sharply as coronavirus pandemic stalls trade

May 18, 2020 at 5:16 pm Updated May 18, 2020 at 6:08 pm

By [Katherine Khashimova Long](#) *Seattle Times business reporter*

As cargo volumes to major Washington ports fall amid the coronavirus pandemic, shippers are canceling sailings and ports are shutting their gates to trucking operations some days of the week, causing backups, delays and container shortages. Total containerized shipping volume fell by **23.5%** last month compared with April 2019 — the steepest slide since the start of the pandemic, confounding port officials' initial expectations trade could begin to normalize in the second quarter after [March's nosedive](#). For the year so far, container trade is down 17.5%. Seven more ships canceled sailings in April, bringing the number of so-called blank sailings to 39 for the year. The Northwest Seaport Alliance, the marine cargo partnership between the ports of Seattle and Tacoma, expects another 18 vessel cancellations between now and the beginning of July. The canceled sailings "create a ripple effect across the whole supply chain," Alliance CEO John Wolfe said in a news conference. "Purchasers could be experiencing delays in the arrival of their cargo based on inconsistent sailing schedule."

Overall, canceled sailings have cut vessel capacity by roughly 30%, said Peter Ku, Seattle-based branch manager at OEC Group, a global freight forwarder. Compared with last year, full imports were down just under 14% and full exports fell 17.6%. The biggest driver behind last month's low cargo volumes was a colossal drop in empty container shipments, Wolfe said — international imports and exports of empties both fell nearly 60% year-over-year. Exporters rely on a steady supply of empties at port to send their cargo overseas. Domestic trade dropped roughly 8% in April, including an almost 11% fall in Alaska shipping.

HMM, Yang Ming report first quarter losses

[Greg Knowler, Senior Europe Editor](#) | May 15, 2020 9:47AM EDT

Asian carriers Yang Ming and HMM continued their run of quarterly losses, with the coronavirus disease 2019 (COVID-19) impact on Chinese volumes dragging down their first quarter results. Both carriers — loss-making through 2019 — are receiving state aid to help maintain liquidity through a crisis in demand brought on by COVID-19, with HMM set to receive \$382 million from the South Korean government, and Yang Ming's board earlier this month approving a private placement of 300 million shares to raise capital.

HMM reported an 18.7 percent decline in the first quarter of container volume to 890,000 TEU, but cost-saving efforts and the securing of higher-yield cargo allowed revenue to remain flat at \$1 billion, the carrier said in a statement. While HMM reported a net loss of \$55 million, it was still a 63.2 percent improvement on the same quarter last year. However, the carrier warned that the outlook for the year was uncertain. "The knock-on effects of the COVID-19 pandemic still persist," HMM said in its earnings statement this week. "Trade volumes are expected to be weakened as a result of demand-side impacts in the US and Europe, as well as continued lockdowns worldwide. Rising concerns over the US-China trade tensions related to geopolitical risks also can intensify the situation."

European ports have been the hardest hit by crashing trade volumes due to the coronavirus pandemic.

By [Costas Paris](#) May 18, 2020 12:25 pm ET

European ports have been the world's hardest hit trade gateways from the coronavirus pandemic, with up to two-thirds reporting significant declines in ship calls this month in a sign of the deep contraction in global supply chains. The International Association of Ports and Harbors said in a report that in the first week of May around 65% of big European ports saw up to a quarter fewer ships coming in, compared with the average at this time of year.

Denmark-based research group Sea-Intelligence LLC said Monday that canceled container ship sailings from Asia to Europe are up 350% from the average at this time of the year, while voided journeys to U.S. gateways on the West and East coasts were up 280% and 300%, respectively. Port of Los Angeles Executive Director Gene Seroka said last week that activity in the country's busiest port was at 80% compared with normal levels, after an 18.5% year-over-year drop in container volumes in the first quarter.

US ports, terminals, stevedores seek federal aid to weather COVID-19

[Mark Szakonyi, Executive Editor](#) | May 04, 2020 6:17PM EDT

US ports and marine terminals are seeking federal help to shoulder additional costs tied to cleaning their facilities and investing in personal protective equipment (PPE), as well as weathering the COVID-19 impact on volumes. Groups representing US ports — both landlord and operating ports — marine terminals operators, and stevedores, tell JOC.com the hoped-for federal aid via grants and loans would ensure their members can keep the nation's containerized supply chains flowing. The scale of federal help the industry needs isn't yet clear, but proposals for a seaport grant program up to \$1.5 billion and another \$400 million for PPE and cleaning supplies give a sense of the damage that has been inflicted and is still expected.

The impact of the coronavirus disease 2019 (COVID-19) is pulling down cargo volumes by double-digit percentage rates, making it difficult for marine terminals to meet lease requirements while they have to shell out extra money on cleaning supplies and PPE to keep workers safe. Marine terminals will have a hard time meeting minimum cargo volume commitments via leases with landlord port authorities, while those ports with an operator model will suffer the loss in volume revenue more directly.



STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

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2020 BPC Committees Roster – Adopted

***Still Requires Board Action**

TEC (Trainee Evaluation Committee)

Per WAC 363-116-078(11): The TEC shall include at a minimum: three active licensed WA State Pilots, who, to the extent possible, shall be from the pilotage district in which the pilot trainee seeks a license and at least one of whom shall be a member of the Board; one representative of the marine industry, who may be a Board member, who holds, or has held, the minimum U.S. Coast Guard license required by RCW 88-16-090; and one other member of the Board who is not a pilot. The TEC may include other persons as may be appointed by the Board. TEC shall be chaired by a pilot member of the Board.

Chair/Pilot Member	Captain John Scragg, BPC, PSP
Pilot Member	Captain Mike Anthony, BPC, PSP
Pilot Member	Captain Don Mayer, PSP, until May 2020
Pilot Member	Captain Ryan White, PGH
Pilot Member	Eric Klapperich, PSP
Industry Member	Captain Mark Homeyer, Crowley
*Non-Pilot Board Member	Vacant April 1, 2020
Other	Sara Thompson, Ecology
Other	Captain Jeff Slesinger, Western Towboat
Other	Captain Ned Kiley, Retired USCG, Former BPC Member
Other	Mike Folkers, Port of Grays Harbor
*Other	Captain Don Mayer, Retired pilot (after May 2020)
Support	BPC Staff

JDC (Joint Diversity Committee)

Membership determined by the JDC at November 15, 2019 Meeting and adopted by the Board at the January 16, 2020 Meeting.

Co-Chair	Sheri Tonn, BPC
Co-Chair	Linda Styrk, PSP
Member	Eric vonBrandenfels, PSP
Member	Deb Dempsey, Retired Pilot
Member	Emily Reiter, Saltchuk
Member	Amy Scarton/Nicole McIntosh, WSF
Member	Sara Thompson, BPC, Ecology
Member	Mark Gleason, USI Insurance
Support	BPC Staff

Exam Committee

TBD.

* Member	Captain John Scragg, BPC, PSP
* Member	Captain Mike Anthony, BPC, PSP
* Member	Captain Don Mayer, PSP
* Member	Captain Jostein Kalvoy, PSP
* Support	BPC Staff

CIC (Commission Investigative Committee)

*Membership determine via Incident Investigation Procedures adopted by the Board on October 11, 2002: This two-person committee shall be comprised of a **flag representative commissioner** and the **pilot commissioner from the district involved** (should the pilot commissioner be involved in the incident or otherwise unavailable, the Chair will appoint a public representative commissioner as a replacement).*

Flag Rep. Member	Captain Rik Krombeen, BPC, Holland America Group
Pilot Member	Captain Mike Anthony, BPC, PSP
Public Member	Captain Jason R. Hamilton, BPC

OTSC (Oil Transportation Safety Committee)

Per OTSC Charter adopted at the 12/16/2019 BPC meeting, the OTSC shall consist of: one Chair, who is affiliated with the BPC, three members of the BPC including the Dept. of Ecology representative and the marine environment representative, one Puget Sound Pilot representative, one oil industry representative, one tug industry representative, one environmental community representative, and at least one tribal representative.

Chair	Jaimie Bever, BPC Executive Director
Exofficio Member	Sheri Tonn, BPC Chair
BPC Member – Ecology Ecology Spills Program Alternates	Dale Jensen Sara Thompson JD Leahy Brian Kirk
BPC Member – Marine Env. Rep	Eleanor Kirtley
BPC Member - Other	Jason R. Hamilton
Puget Sound Pilot Representative Alternate	Captain Blair Bouma Captain Keith Kridler
Oil Industry Representative Alternate	Bob Poole, WSPA Various
Tug Industry Representative Alternate	Charlie Costanzo, AWO Various
Environmental Community Rep. Alternate	Fred Felleman, Friends of the Earth NW Consultant Blair Englebrecht, Puget Soundkeeper Alliance
* Tribal Representative * Alternate	Senator Joseph Williams, Swinomish Tribe TBD

(PSC) Pilot Safety Committee

Per PSC Charter adopted at the 2/20/2020 BPC meeting, the PSC shall consist of: one Chair/or two (2) Co-Chairs, up to four (4) members of the BPC, one (1) Puget Sound Pilot representative who is the president, one (1) maritime industry representative, and one (1) Port of Grays Harbors representative

Chair/Co-Chairs	Phil Morrell/John Scragg
BPC Representative	Sheri Tonn
BPC Representative Alternate	Eleanor Kirtley Jason Hamilton
Puget Sound Pilots Representative Alternate	Eric vonBrandenfels Various
Maritime Industry Representative Alternate	Mike Moore, PMSA Andrew Drennen, Polar
Port of Grays Harbor Representative	Mike Folkers
BPC Support	Bettina Maki

PUGET SOUND PILOTAGE DISTRICT ACTIVITY REPORT

Apr-2020

The Board of Pilotage Commissioners (BPC) requests the following information be provided to the BPC staff **no later**

Activity

Total pilotage assignments:	498	Cancellations:	6		
Total ship moves:	492	Cont'r:	189	Tanker:	172
				Genl/Bulk:	89
				Other:	42
Assignments delayed due to unavailable rested pilot	6	Total delay time:	16.08		
2 pilot jobs:	33	Reason:	PSP GUIDELINES FOR RESTRICTED WATERWAYS		
Day of week & date of highest number of assignment	THU	9-Apr	23		
Day of week & date of lowest number of assignment	SAT	4-Apr	5		
Total number of pilot reposition	118				

Comp Days

Beg Total -	3506	Call Backs (+)	71	Used (-)	86	Ending total	3491
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Pilots Out of Regular Dispatch Rotation (pilot not available for dispatch during "regular" rotation)

A. Training & Continuing Education Programs

Start Dt	End Dt	City	Facility	Program Description	Pilot Attendees

B. Board, Committee & Key Government Meetings (BPC, PSP, USCG, USACE, Port & similar)

Start Dt	End Dt	City	Group	Meeting Description	Pilot Attendees
1-Apr	17-Apr	Seattle	BPC	PMSA Data Request	CAI
2-Apr	2-Apr	Seattle	BPC	OTSC (Oil Trans Safety Comm)	BOU
3-Apr	3-Apr	Seattle	BPC	OTSC (Oil Trans Safety Comm)	BOU
4-Apr	9-Apr	Seattle	BPC	PMSA Data Request	MOT
4-Apr	4-Apr	Seattle	PSP	President	COL
6-Apr	6-Apr	Seattle	BPC	OTSC (Oil Trans Safety Comm)	BOU, KRI
10-Apr	10-Apr	Seattle	PSP	President	CAI
11-Apr	17-Apr	Seattle	BPC	PMSA Data Request	CAI
12-Apr	17-Apr	Seattle	BPC	PMSA Data Request	MOT
13-Apr	13-Apr	Seattle	BPC	Exam Qualifications Group	ANT, BEN, SCR
14-Apr	14-Apr	Seattle	PSP	Harbor Safety Plan (Tugs)	BOU, KRI
15-Apr	15-Apr	Seattle	BPC	TEC	ANT, KLA, MAY, SCR
16-Apr	16-Apr	Seattle	BPC	BPC	ANT, SCR
21-Apr	21-Apr	Seattle	BPC	OTSC (Oil Trans Safety Comm)	BOU, KRI
27-Apr	27-Apr	Seattle	PSP	UTC	COL, CAI, KLA, MOT
28-Apr	28-Apr	Seattle	PSP	BOD	ANA, CAI, COL, KLA, NEW, SEM
29-Apr	30-Apr	Seattle	PSP	UTC	CAI

29-Apr	29-Apr	Seattle	PSP	UTC	MOT
30-Apr	30-Apr	Seattle	PSP	President	CAI

C. Other (i.e. injury, not-fit-for-duty status, earned time off)

Start Dt	End Dt	REASON	PILOT
1-Apr	8-Apr	Not Fit For	THG
1-Apr	7-Apr	ETO	BRU, COR, HAJ, KEP, SCR
2-Apr	4-Apr	County Health Advisory Status	CAW
14-Apr	21-Apr	ETO	BEN, CAJ, HED, KRI
28-Apr	30-Apr	ETO	LIC, LOB, LOW, NIN

Presentations

If requesting to make a presentation, provide a brief explanation of the subject, the requested amount of time for

- 🕒 *Presentations may be deferred if prior arrangements have not been made.*
- 🕒 *The Board may also defer taking action on issues being presented with less than 1 week notice prior to a schedule Board Meeting to allow adequate time for the Commissioners and the public to review and prepare for discussion.*

Other Information (Any other information requested or intended to be provided to the BPC)

**State of Washington
Pilotage Commission
May 21, 2020**

Grays Harbor District Report

Arrivals YTD April 30, 2020 were 28 vessels arrivals for a total of 75 jobs. Capt. D'Angelo had the duty from March 22 to April 30. In April we had 5 dry bulk, 1 RoRo and 1 tanker for a total of 7 arrivals. April looks very similar, 5 dry bulkers, 1 tanker and 1 RoRo for 7 total arrivals. May looks like 6 dry bulkers, 1 tanker, no RoRo and a logger at month end (partial load) for a total of 8. We will be updating our financial forecast in May and I expect we will be forecasting a modest increase to 74 arrivals for the year (compared to 65 budgeted).

Pilot Boat Chehalis

Harbor Maintenance Dredging

The Corps dredge Essayons continues to work the entrance channel and should be done early next week.

Business Development

The RoRo business has really fallen off as OEM's and dealers struggle with finding storage and dealing with uncertain consumer reaction to current Covid-19 restrictions. Fortunately our dry bulk (protein) and liquid bulks continue but as the impact of Covid-19 on other sectors (containers, passengers and automobiles) mounts the competition for cargo, any cargo, is becoming fierce as Ports struggle to recover lost volume from reduced activity levels.

**SWINOMISH INDIAN TRIBAL COMMUNITY
SWINOMISH INDIAN RESERVATION**

RESOLUTION NO. 2020-05- 104

**A Resolution Nominating Tribal Representative for Vacancy on
Oil Transportation Safety Committee**

WHEREAS, the Swinomish Indian Tribal Community (the “Tribe”) is a federally recognized Indian Tribe organized pursuant to Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 5123); and

WHEREAS, the Tribe is organized under a constitution and bylaws originally ratified by the Tribe on November 16, 1935, and approved by the Secretary of the Interior on January 27, 1936, and as most recently amended and ratified by the Tribe on May 23, 2017 and approved by the Secretary of the Interior on July 7, 2017; and

WHEREAS, Swinomish Indian Senate (the “Senate”) is the duly enacted governing body of the Swinomish Indian Tribal Community and exercises governmental authority over all lands and waters within the Swinomish Indian Reservation; and

WHEREAS, the Senate has directed the Office of Tribal Attorney (OTA) to monitor Coal, Oil, Rail and Vessel traffic that may affect Tribal Treaty Rights; and

WHEREAS, the regional Oil Transportation Safety Committee currently has a vacant committee seat; and

WHEREAS, a Tribal voice on regional oil transportation safety would benefit the protection of Tribal Treaty Rights; and

WHEREAS, the nomination of Joseph Williams to the Oil Transportation Safety Committee has been recommended by the Legal Committee; and

WHEREAS, the Senate accepts the recommendation of the Legal Committee to nominate Joseph Williams to the Oil Transportation Safety Committee; and

WHEREAS, the Senate is authorized to take this action pursuant to Article VI, Section 1(q) and Section 5(b) and (c) of the Constitution of the Tribe approved January 27, 1936, as amended and pursuant to the inherent authority of the Swinomish Indian Tribal Community,
NOW THEREFORE,


Resolution No. 2020-05- 104

Page 1 of 2

May 5, 2020


BE IT RESOLVED BY THE SWINOMISH INDIAN SENATE that Joseph Williams is nominated to fill the empty seat on the Oil Transportation Safety Committee; and

BE IT FURTHER RESOLVED BY THE SWINOMISH INDIAN SENATE that Tribal staff are authorized and directed to take all necessary actions for implementation of this nomination as may be needed to carry out the terms of this Resolution.


Steve Edwards, Chairman
Swinomish Indian Senate

CERTIFICATION

As Secretary of the Swinomish Indian Senate, I hereby certify that the foregoing Resolution was approved at a Regular Meeting of the Swinomish Indian Senate held on May 5, 2020, at which time a quorum was present and the resolution was passed by a vote of 10 FOR, 0 AGAINST, and 0 ABSTENTIONS.


Barbara James, Secretary
Swinomish Indian Senate

The study should establish the existence of current trends by providing 5 years of ATB route history.	OTSC Member Fred Felleman	There is no simple way to use ANT data to determine laden/unladen status and connect the transfer to a specific route taken. There will be a manual component to this process. Adding additional historical data collection will be time intensive, and without the comensurate review of data after implementation, the benefit will be unclear. However, we can provide basic vessel transit context over a larger time frame.	Added a review of the last 5 years of existing data, to provide context as to the overall trend in vessel movements, based on vessel types. This data will not include laden/unladen status, specificity as to the deadweight tonnage (DWT) of vessels, or details on vessel occupation i.e. bunkering.
Can we included Marine Exchange crossing line data as a source for vessel transits?	BPC Board Member Eleanor Kirtley	The SOW proposes to compare the routes of those vessels *newly required to take an escort.* That requires an analysis of whether they are laden or unladen, as unladen vessels are not required to take an escort. Marine Exchange crossing line data does not provide that information. However, we can definitely include the marine exchange crossing line data in the report.	Added marine exchange data as a possible data source.
The study should use the Marine Exchange data to evaluate of changes in vessel routing for they have a long term crossing line database that includes ATBs which they determined via MMSI numbers.	OTSC Member Fred Felleman	The SOW proposes to compare the routes of those vessels *newly required to take an escort.* That requires an analysis of whether they are laden or unladen, as unladen vessels are not required to take an escort. Marine Exchange crossing line data does not provide that information. However, we are aware of the availability of this data, and will utilize it if it meets the needs of the project.	Added marine exchange data as a potential data source.
Normalize the number of vessel transits in the deliverables.	BPC Board Member Eleanor Kirtley		Added that Ecology will explore ways to compare transits on a common scale.
The study should look at changes in terminal and anchorage use and how the % bunkering activity has changed over the same period.	OTSC Member Fred Felleman		Added number and route of bunkering transits. Added ANT transfer data per terminal and per anchorage.
Add "composition" of tug vessels to the report on the number of vessels engaged in escorting and assisting.	BPC Board Member Eleanor Kirtley		Added review of tugs engaged in escorting tank vessels in Rosario and connected waters east, including but not limited to number of transits, names of vessels, and operating companies.
Add names of the routes to be described in the deliverables (Rosario vs Boundary Pass/Haro Strait	BPC Board Member Eleanor Kirtley		Added route names to the deliverables.
Including language like "such as" or "not limited to" would add some minimum considerations that we might want to see in the report	BPC Board Member Eleanor Kirtley		Added to the scope of work where appropriate.
Can we include the exact text excerpted from the bill?	BPC Board Member Eleanor Kirtley		Added to the scope of work.
Can we extend data collection to September 2021 / It's imperative there be at least a full year of data post statute used to make this analysis.	BPC Board Member Eleanor Kirtley/ OTSC Member Fred Felleman		Extended data collection to August 31, 2021.
Remove specific reference of assist tugs from SOW.	Ecology		Removed reference of assist tugs
Can we look at incidents to see if the rate changes?	BPC Board Member Eleanor Kirtley	Due to the relatively low frequency of vessel incidents, we don't anticipate incident rates would change in an observable way over the data collection period of the synopsis.	Not added to draft scope of work.
Can we ask the USCG for the number of infractions (lack of required escort)?	BPC Board Member Eleanor Kirtley	Since the escort requirement is state law, the USCG will not be involved with enforcing it. Additionally, the intent of this synopsis is to examine changes in vessel trends pre-and post-implementation. Evaluating compliance is beyond the scope of this synopsis.	Not added to draft scope of work.
The draft report could be submitted to BPC Nov 15th	OTSC Member Fred Felleman		Revised submission date to BPC to Nov 4th.

Synopsis of Changing Vessel Traffic Trends

Scope of Work

Background: ESHB 1578 requires vessel trends synopsis

ESHB 1578 requires tug escorts for laden tankers between 5,000 – 40,000 DWT, and laden ATBs and oil barges greater than 5,000 DWT operating in Rosario Strait and connected waters to the east, starting September 1, 2020.

ESHB 1578 Section 3(ii) requires that “By December 31, 2021, [the Board of Pilotage Commissioners] complete a synopsis of changing vessel trends.” The intent of the synopsis is to look at how vessel traffic patterns change following the implementation of the Rosario tug escort requirement.

BPC and Ecology roles and responsibilities

BPC and Ecology signed an interagency agreement (IAA) for work related to ESHB 1578. For the vessel trends synopsis, the IAA includes the following responsibilities:

- BPC Staff will develop the scope.
- Ecology will provide technical assistance to BPC by producing a draft of the scope.
- BPC Board will vote to approve the scope.
- Ecology will draft the synopsis.
- BPC Board will review and approve the synopsis.
- BPC Staff will submit the final synopsis to the legislature.

Purpose

The intent of the synopsis is to review vessel transits pre- and post-bill implementation to identify changes after Section 2 of the bill is implemented. The synopsis will report on vessel trends for Washington waters east of a line extending from Discovery Island light south to New Dungeness light. It will also include vessel trends for the transboundary waters of Haro Strait, Boundary Pass, and the southern Strait of Georgia.

Research questions

- What changing vessel traffic trends do we see for vessels that newly fall under an escort requirement?
- What changing vessel traffic trends do we see for deep draft and tug traffic that have no additional escort requirements?
- What changing vessel traffic trends do we see for tug escorts?
- How does the overall number of transits (by vessel type) change pre- and post-bill implementation?

Methods

- Use Geographic Information System analysis of Automatic Identification System (AIS) data to determine the routes and number of transits of vessels.
- Combine Advance Notice of Transfer (ANT) reports, AIS data, and known tug-barge pairings to estimate the routes and number of transits of laden tank vessels (towed oil barges, Articulated Tug Barges, and tank ships).
- Compare number of vessels acting as escort tugs pre-and post-bill implementation.

Data sources

- **Advance Notice of Transfer (ANT)**
 - Under WAC 173-184-100, delivering vessels involved in an oil transfer of more than one hundred gallons must provide prior notice of the oil transfer to ecology.
- **Automatic Identification System (AIS) Data**
 - AIS transceivers on vessels transmit basic information like location, course, destination, and other vessel characteristics. The data can be requested from the USCG.
- **Vessel characteristics and deadweight tonnage**
 - Deadweight tonnage is specified in the WAC to be “the maximum summer deadweight tonnage that was assigned to the vessel at the time of construction as reported in Lloyd's Register of Ships.” WAC 363-116-500
 - For some vessels and barges deadweight tonnage can be identified using commercially available databases. Deadweight tonnage may be available from vessel operating companies. Where deadweight tonnage data is not available, Ecology will attempt to determine whether vessels require escorts based on information such as gross tonnage, ANT data, and observations of vessel transits (i.e., did the vessel travel with an escort?).
- **Marine Exchange Crossing Line Data**
 - The Marine Exchange compiles data on vessel counts for specific crossing lines, organized by vessel type, for the passage of vessels past a series of geographic “gates.” Ecology will consider whether this data could inform the synopsis.

Data Challenges

- ANTs use barge names and AIS uses vessel names.
- Towed oil barges are not always towed by the same vessel.
- Linking vessel routes to ANTs could be prohibitively time consuming if not automated.
- Marine Exchange crossing line data does not provide route information, or information on laden or unladen status.

Data Timeline

- The synopsis will compare a year of pre-bill implementation data (September 1, 2019 – August 31, 2020) to a year of post-bill implementation data (September 1, 2020 – August 31, 2021).

Deliverables

The synopsis will comprise a report describing:

- Route selection and number of vessel transits for pre-and post-bill implementation for the following vessel types. Ecology will explore ways to compare transits on a common scale.
 - vessels that newly fall under an escort requirement
 - deep draft and tug traffic that have no additional escort requirement
 - vessels that are providing bunkering or refueling services
- Routes compared will include, but will not be limited to transits of Rosario Strait and Haro Strait/Boundary Pass.
- Review of tugs engaged in escorting tank vessels in Rosario and connected waters east, including but not limited to number of transits, names of vessels, and operating companies.
- Number of oil transfers per terminal and per anchorage pre- and post-bill implementation.
- A review of the last 5 years of existing vessel transit data, to provide context as to the overall trend in vessel movements, based on vessel types. Determining the laden/unladen status of tank vessels, deadweight tonnage of vessels, and details on vessel occupation (i.e., bunkering) would require a manual evaluation of each transit, and is outside the scope of this review.

Opportunities for Review and Comment

Ecology will be available to provide updates to the BPC as requested. Potential updates include:

- Progress report after 6 months of post implementation data collection
- Presentation after post implementation data collection is complete

Ecology will address one set of comments from the BPC after submitting the draft report. Comments will be incorporated to the extent possible and will be included in the final report to the Board. No new data collection or analysis will result from review comments.

Amendments

The BPC board must approve by vote any additions or other changes to this scope of work. Any changes approved by the BPC will be attached to this scope of work.

Timeline

- September 1, 2019 Start of pre-implementation data collection timeframe
- August 31, 2020 End of pre-implementation data collection timeframe
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STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

2901 Third Avenue, Suite 500 | Seattle, Washington 98121 | (206) 515-3904 | www.pilotage.wa.gov

Meeting Minutes – Oil Transportation Safety Committee (OTSC)

April 6, 2020, 1:00pm – 4:00pm

Conference Call/Skype

Attendees via Skype: Jaimie Bever (Chair/BPC), Sara Thompson (Ecology Alternate/BPC), Blair Bouma (Pilot/PSP), Eleanor Kirtley (Marine Environment/BPC), Charlie Costanzo (Tug Industry/AWO), JD Leahy (Ecology Alternate), Brian Kirk (Ecology Alternate), Bettina Maki (Staff/BPC)

Attendees via Phone: Jason Hamilton (Other/BPC), Bob Poole (Oil Industry/WSPA), Fred Felleman (Environment/Friends of the Earth), Mark Homeyer (Tug Industry Alternate/Crowley), Blair Englebrecht (Environment Alternate/Puget Soundkeeper), Sheri Tonn (Ex-officio/BPC), Laird Hail (Advisor/USCG), Rein Attemann (Public/WEC); Keith Kridler (Pilot Alternate/PSP)

Welcome

Chair Bever welcomed everyone to the meeting and laid out the plans for the conference call/Skype format, which was similar to the last meeting.

She informed the OTSC that as of April 1, 2020 Dale Jensen is the Ecology representative on the Board, and therefore on the OTSC roster. Sara Thompson and JD Leahy will remain Ecology/BPC Alternates. Rein Attemann (Public/WEC) inquired if the switch was within the framework membership as outlined in the committee roster. Chair Bever explained Sara's role as the Ecology liaison for the oil transportation efforts and that Sara remains a member on other Board committees, while Dale Jensen will focus on general Board topics.

Review and Approval of March 17, 2020 Meeting Minutes

The OTSC received a draft of the March 17, 2020 meeting minutes prior to the meeting. Chair Bever pointed out that Sara Thompson (Ecology Alternate/BPC) had previously brought attention to a couple of items. Each OTSC member then had an opportunity to respond to the minutes. Blair Bouma (Pilot/PSP) had no comments; Charlie Costanzo (Tug Industry/AWO) had no comments; Sara Thompson (Ecology Alternate/BPC) had no additional comments; Jason Hamilton (Other/BPC) had no comments; Bob Poole (Oil Industry/WSPA) had no additional comments; Fred Felleman (Environment/Friends of the Earth) had a question regarding next steps for the oil definition and why it included a reference to LPG if it is not oil.

He requested parentheses or brackets around the words see below in the oil discussion to refer to the laden/unladen (in ballast) section for clarity of the conversation. He also wanted northern Bellingham Bay to be included in the discussion regarding the definition of Connected Waterways East. Finally he wanted to clarify that he is the environmental representative appointed by the environmental community for this committee and requested that the minutes be revised to make that clear, as opposed to stating that his views were in line with the environmental community. Mark Homeyer (Tug Industry Alternate/Crowley) had no additional comments; Blair Englebrecht (Environment Alternate/Puget Soundkeeper) had no comments; Laird Hail (Advisor/USCS) had no comments; Eleanor Kirtley (Marine Environment/BPC) had no questions or comments, noting that she had missed the prior meeting.

Chair Bever will make the requested changes and finalize the minutes, making them available to the public and providing them to the Board for the May meeting as a part of the OTSC update.

1. Remaining Definitions

Prior to the meeting, Chair Bever provided OTSC members with draft redline and clean versions of the Interpretive Statement document, which included updates to the definitions discussed at the last meeting and new proposed interpretations for review.

“Under the Escort of a Tug or Tugs”

Chair Bever shared that her understanding based on the last meeting was that the proposed definition had OTSC consensus, with the addition of references to the CFR and Puget Sound Harbor Safety Plan as sources for the definition. The only other change was the addition of the term “proximity to hazards” as recommended by Blair Bouma (Pilot/PSP). He offered that proximity to hazards is what escorting is all about and felt that it was appropriate to add it. Chair Bever asked the committee members if there were concerns with that addition. Fred Felleman (Environment/Friends of the Earth) pointed out that proximity to shore was clearly top priority, but that maneuverability of the vessel were parameters that should be considered, clarifying that proximity should not be the only consideration. Chair Bever reminded him that the language includes several considerations, as written in the Puget Sound Harbor Safety Plan and that the proximity language would be added in addition to the other considerations. There were no other comments.

Chair Bever went around the table to all OTSC members, alternates and advisors present one more time for consensus regarding the definition as discussed. Full consensus was reached and the definition as declared final.

“Rosario Strait”

The group reviewed revised northern boundaries proposed by Blair Bouma (Pilot/PSP) based on feedback at the last meeting. He explained that he revised the northern boundary to match up with the USGS definition. The southern boundary was the same as before. He then put the definition into words, similar to the same format the USGS used. Chair Bever then asked for committee feedback. Bob Poole (Oil Industry/WSPA) informed the committee that he had discussed the proposed boundaries with his members and the general response was that they will

follow the pilot's recommendation. Charlie Costanzo (Tug Industry/AWO) had no objections. Sara Thompson (Ecology Alternate/BPC) liked the definition and the graphic accompanying it, and recommended that the graphic be included in the Interpretive Statement. Fred Felleman (Environment/Friends of the Earth) ask for clarification that the southern boundary was depicted as it was originally proposed and that the only thing that changed was the northern boundary to reflect the USGS definition, which was confirmed. He questioned to what degree the OTSC wanted to use existing definitions and whether they should reference the USGS definition at the northern boundary. Chair Bever asked the members for their thoughts on that recommendation considering that other sources were being referenced. Eleanor Kirtley (Marine Environment/BPC) answered that it made sense to her. Jason Hamilton (Other/BPC) wondered what value it would add. Fred Felleman (Environment/Friends of the Earth) answered that it would add rationale. Bob Poole (Oil Industry/WSPA) asked, hypothetically, what if the USGS changed their definition. Would the Board then have to track it and go back and revise their Interpretive Statement? Jason Hamilton (Other/BPC) added that the description *as is* made it clear what was being said. Charlie Costanzo (Tug Escort/AWO) agreed with Jason adding that the evidence in this case is the actual definition being described, which removes the confusion if the USGS decided to change anything. Fred Felleman (Environment/Friends of the Earth) responded that only the southern boundary written definition provided the latitude/longitude characteristics. He added that it made sense to include the written description, the latitude/longitude, and the reference to the USGS in the definition, suggesting that the USGS likely wouldn't change the definition and that the reference would provide rationale and be consistent with other definitions in the Interpretive Statement. Blair Bouma (Pilot/PSP) agreed it was a good argument. However, he suggested it was just a simple geographic description and that adding a reference wouldn't add anything. Sara Thompson (Ecology Alternate/BPC) said she didn't feel strongly either way, but if the committee decided to include the reference she recommended a footnote noting that the committee was inspired by the USGS definition. Chair Bever reminded the committee that they weren't including a reference or a footnote for the southern definition and wondered if there should be uniformity within the definition. The committee continued to discuss whether or not to include a reference for the northern boundary. Going back to each member, Jason Hamilton (Other/BPC) said he was good with the definition for the purposes of ESHB 1578. Laird Hail (Advisor/USCG) suggested that it would create confusion and that it needed to be clear that the definition was different from the CFR Special Area definition. Blair Bouma (Pilot/PSP) suggested that because the CFR and the Board's ultimate definition would provide for different aspects of operations, he didn't believe there would be confusion on the practical side. Jason Hamilton (Other/BPC) pointed Laird Hail to the opening of the Interpretive Statement, which specifies that the definitions were specific to interpretation of terms as they relate to ESHB 1578. He wondered if that language helps to keep the CFR separate from the Interpretive Statement definitions. Fred Felleman (Environment/Friends of the Earth) mentioned that he agreed with Laird and that adding a note that said this was not the CFR definition for clarity made sense. Blair Bouma (Pilot/PSP) agreed. Laird Hail (Advisor/USCG) said that would be sufficient. Eleanor Kirtley (Marine Environment/BPC) suggested

language at the top of the document with a disclaimer for all the definitions, that an attempt was made to look for public referenced definitions. Charlie Costanzo (Tug Industry/AWO) thought that was a good idea to help frame how the definitions came about and why there are references to sources in some definitions and not in others. Sheri Tonn (Ex-officio/BPC) agreed, pointing out that in the future, there will need to be some documentation of where the definitions came from. Fred Felleman (Environment/Friends of the Earth) then pointed out that the current discussions further addressed his request to reference the USGS for the northern boundary of Rosario Strait, and that for consistency sake, include the latitude/longitude. Eleanor Kirtley (Marine Environment/BPC) agreed with Sara Thompson's earlier suggestion to include a visual, that together the visual and text description would be sufficient. Blair Bouma (Pilot/PSP) stated that the reason there was latitude/longitude in the southern description was because two of the points are not geographical points; one is in the water, and the middle and eastern points don't have already named geographic locations. Eleanor Kirtley (Marine Environment/BPC) suggested wordsmithing the southern boundary description. Fred Felleman (Environment/Friends of the Earth) said he understood the reason for the inconsistency in latitude/longitude in the two descriptions. He still proposed including the reference to USGS on the northern description and didn't understand the resistance to the suggestion. Chair Bever checked in with the alternates. Blair Englebrecht (Environment Alternate/Puget Soundkeeper) agreed that the committee should use as much specificity as possible, not just for clarity, but to protect against future challenges. Mark Homeyer (Tug Industry Alternate/Crowley) was fine with the way it was written.

Chair Bever acknowledged the OTSC had consensus regarding the actual description/boundary. She offered to bring another draft of the language regarding a potential reference to the USGS to the committee for the next meeting, and then moved on to the next definition.

"Connected Waterways East"

The group reviewed the proposed definition and visual put forth by Blair Bouma based on the previous meeting. He reiterated that the committee agreed at the last meeting that the definition included all waters east of Rosario Strait, including northern Bellingham Bay. He tried to encapsulate the definition as succinctly as possible in words and visually. Chair Bever went around the room to get feedback. Bob Poole (Oil Industry/WSPA) thought it made sense and that there is a more inclusive nature to what was being proposed, which he was comfortable with. Charlie Costanzo (Tug Industry/AWO) had no objections. Sara Thompson (Ecology Alternate/BPC) liked the language. Jason Hamilton (Other/BPC) thought it looked good. Fred Felleman (Environment/Friends of the Earth) asked if the term "navigable waters" should be used and asked about Deception Pass. If the southern boundary of Rosario Strait is extended down to Fidalgo Island, then Deception Pass would be included in Connected Waterways East. He suggested a southern latitude or language to exclude Deception Pass. Blair Bouma (Pilot/PSP) agreed and will make the change for the next draft. Eleanor Kirtley (Marine Environment/BPC) thought the language was fine. Chair Bever checked with alternates and advisors for input. Laird Hail

(Advisor/USCG) requested similar language as Rosario Strait, that the definition was different from the CFR definition. Fred Felleman (Environment/Friends of the Earth) asked Laird Hail (Advisor/USCG) for his opinion regarding the term navigable waters and whether it should be included. Laird didn't see the need for the additional language.

Chair Bever declared the definition complete with the addition of either a southern latitude or language exempting Deception Pass, and a note regarding the CFR definition.

“Oil”

The committee reviewed the RCW oil definition currently used by Ecology. Blair Bouma (Pilot/PSP) did not suggest alternate language because it references existing authoritative language and he believes it is fine as is. Bob Poole (Oil Industry/WSPA) mentioned that he did not check the substances listed on the referenced table in the definition. Other than that, he thought the definition made sense. Regarding the table, Blair Bouma (Pilot/PSP) mentioned that it includes numerous chemicals that are excluded from the definition. Charlie Costanzo (Tug Industry/AWO) was fine with the definition. Jason Hamilton (Other/BPC) liked the definition. Sara Thompson (Ecology Alternate/BPC) is fine with the language and added that it does not include LNG or LPG products. Eleanor Kirtley (Marine Environment/BPC) thought it made sense. Fred Felleman (Environment/Friends of the Earth) suggested checking what the exclusions were before agreeing to this proposed language. He suggested the language in Ecology's definition "not limited to" was not a strong definition. He mentioned that dilbit is currently moving through Rosario Strait and he was not comfortable with language that did not include the very substances that are traveling through the waterways. For consistency sake, he didn't understand how the LPG question comes into play when talking about in ballast when it is not included in the definition of oil. Chair Bever asked Sara Thompson how Ecology handles the questions about what's included in the oil definition. She said that Ecology has no authority connected to LNG and LPG. Brian Kirk (Ecology Alternate/BPC) agreed. Regarding the different combinations of crude oil and diluents, Ecology includes all those in the existing definition of oil. Fred Felleman (Environment/Friends of the Earth) suggested that they state it. Sara said it would be accurate to state, but not to quote is as the RCW. Fred suggested that within synthetic crude, they could bracket e.g. dilbit, with example added. Sara Thompson (Ecology Alternate/BPC) warned that there are synthetics that are not dilbit crude and that perhaps another sentence could be added to the bottom stating the Board considers dilbit to be included in this definition. Chair Bever asked if there were any concerns with that approach. Hearing none, she checked with the alternates. Blair Englebrecht (Environment Alternate/Puget Soundkeeper) wanted to know where the group stood with LNG. Fred Felleman (Environment/Friends of the Earth) suggested that whether or not LPG and LNG were included depended on whether or not they were liquid at 25 degrees Celsius. Mark Homeyer (Tug Industry Alternate/Crowley) thought it was straight forward that oil tankers can't carry LNG/LPG and LNG/LPG tankers can't carry oil, therefore including LNG/LPG was beyond the scope of committee work. Blair Bouma (Pilot/PSP) agreed that the bill does not refer to gas carriers and

the they don't fit in the definition of oil. Blair Englebrecht (Environment Alternate/Puget Soundkeeper) then pointed out that LNG/LPG are listed in the definition of "laden/unladen (in ballast)". Chair Bever said that the reason that language regarding was present in the definition was because the OTSC started off using the Board's definition of "in ballast", which includes LNG/LPG language. Fred Felleman (Environment/Friends of the Earth) said that he would be fine if the OTSC definition didn't mention.

Chair Bever will provide a final version of the definition without the LNG language for approval at the next meeting.

"Laden/Unladen (In Ballast)"

For clarity sake, Blair Bouma (Pilot/PSP) suggested combining the terms laden, unladen, and in-ballast into one definition, as listed above. He doesn't believe that combining them loses anything. Bob Poole (Oil Industry/WSPA) thought combining the definitions was a good move. Regarding the definitions, he preferred to listen to what others had to say before stating his opinion. Charlie Costanzo (Tug Industry/AWO) had nothing additional to add, but was curious to hear the discussion. Jason Hamilton (Other/BPC) had nothing specific to add. Sara Thompson (Ecology Alternate/BPC) liked that the proposed definition was inspired by the previous definition but was also interested in the discussing pertaining to the 3,000-barrel threshold. Eleanor Kirtley (Marine Environment/BPC) thought it made sense but pointed out a typo. Fred Felleman (Environment/Friends of the Earth) appreciated Blair Bouma's desire to keep the second paragraph regarding LPG in the definition, however for consistency sake, the terms being defined were only pertaining to ESHB 1578. If LPG is not oil, then why would it be included. Chair Bever pointed out that the Interpretative Statement does not need to take the place of the Board's existing policies. The terms are specific to the bill and the other policy can stay in place. Fred Felleman (Environment/Friends of the Earth) thought that someone was going to provide information regarding the 0.5% carrying capacity of a 40,000 DWT vessel. He was interested in seeing that number. A total of 1,700 barrels was suggested. Mark Homeyer (Tug Industry Alternate/Crowley) pointed out that the language says 0.5% or 3,000 barrels, whichever is less. Fred Felleman (Environment/Friends of the Earth) suggested adding the language "whichever is less" following the word 3,000 for clarity. Blair Bouma (Pilot/PSP) provided an explanation of physical tankering to assist the conversation. He started by saying that he believed it was a very standard threshold in other regions. He added that if you picture a tank inside a ship, you can picture the bottom of the tank, which could be 30FT below sea level. Imagine that there is 6 inches or a foot of oil product in the bottom. If there was an incident and there was a puncture not just in the double hull, but in the cargo block, what happens is that because the oil is below sea level, the water rushes in and the oil floats on top and rises to the top of the tank with the sea level outside the tank. In the most common problem of grounding or something like that, the oil isn't going to come out, the water is going to come in. Now, if the ship was full, and the oil level was above sea level, that is a different situation. That's why the percentage makes sense, because

it's such a small amount of liquid in the bottom of the tank. Fred Felleman (Environment/Friends of the Earth) wondered if it was impossible to get the remaining clingage out of the tank. Mark Homeyer (Tug Industry Alternate/Crowley) responded yes, that 0.5% was in response to what industry is unable to remove from the tank. Fred responded that he just wanted to understand, and that he was fine with it. Chair Bever asked if the committee had decided to take out the second paragraph referring to LPG knowing that the Board can keep its policy separate from the Interpretive Statement. Blair Bouma (Pilot/PSP) thought it made sense to have one definition, but that it was the Board's decision. Bob Poole (Oil Industry/WSPA) thought that because this definition was for 1578, he suggested that they be kept separate. He also added that he was okay with the definition as per the discussion. Additional discussion regarding the upper limit of 3,000 barrels followed. Sheri Tonn (Ex-officio/BPC) suggested that the committee move on. Charlie Costanzo (Tug Industry/AWO) pointed out that ESHB 1578 refers to vessels up to 125,000 DWT. Sara Thompson (Ecology Alternate/BPC) suggested revising the title to reflect only the specific section of the bill that the Board is interpreting.

Chair Bever concluded this discussion by stating that the committee could consider revising the title of the document and provide the revision to the committee for the next meeting.

“A Vessel Providing Bunkering or Refueling Services”

Blair Bouma (Pilot/PSP) explained his proposed definition, which was a middle ground to start the discussion. Sara Thompson (Ecology Alternate/BPC) reiterated that she received feedback from Ecology individuals who were part of the legislative discussions who reported that bunker barges were excluded from tug escorts while in transit. Blair Bouma (Pilot/PSP) said he added the 15 nautical mile radius with the understanding that if the vessel is taking the fuel from a source directly to the customer, that would be an example of a voyage intending to be exempt. However, in some cases that can be a long trip and didn't seem to be in the spirit of intention to include all the way across the region if the vessels were in route from the refineries to make a delivery. He then gave examples of the transits that would fall within 15 nautical miles and outside 15 nautical miles. Bob Poole (Oil Industry/WSPA) appreciated Blair's efforts, but that the suggested language is still trying to interpret legislative intent when the legislature specifically excluded the bunkering function. Charlie Costanzo (Tug Industry/AWO) agreed with Bob, seeing it as a noble attempt to find a compromise but still beyond the text in the legislation. The goal of the group is to have fidelity toward the legislation and the proposed language goes beyond that. He said he has had extensive conversations about certain transits and when they move around bunkering fuel. The movements happen in a ways that counterintuitive. Jason Hamilton (Other/BPC) was interested in Fred Felleman's opinion. Sara Thompson (Ecology Alternate/BPC) said she had trouble with the language proposed by Blair Bouma and offered that she would prefer the original version. Fred Felleman (Environment/Friends of the Earth) wanted to talk about how vessels would use the exemption. He said he miscalculated how many additional escorts there would be and would like

to know what the actual numbers are. He mentioned that legislative intent was zero oil spills. He urged for a conversation with legislators for their intent. He mentioned that he tried to check in with tribal representatives to see if they felt this could be a significant source of waterway congestion, but did not receive a response. Chair Bever added that tribes had not responded to Board outreach. Fred Felleman (Environment/Friends of the Earth) felt legislators were not given the information they needed to make proper decisions. In conclusion, he wants to know what the tribes have to say and what the legislators have to say.

At this point Chair Bever asked if Eleanor Kirtley (Marine Environment/BPC) had any feedback since she was not part of the discussion at the last meeting. She reviewed Ecology's ESHB 1578 Focus Sheet stating that it did not specifically say that the goal was zero oil spills. The goal of the act was to make incremental improvements to the transportation of oil. Unfortunately, Eleanor lost connection to the meeting at that point. Blair Englebrecht (Environment Alternate/Puget Soundkeeper) wondered why zero spills shouldn't be the goal. Bob Poole (Oil Industry/WSPA) responded that he kept going back to the language in the legislation that excluded bunkering, and at the end of the day everyone is trying to interpret something that was specifically excluded. Blair Englebrecht (Environment Alternate/Puget Soundkeeper) added that she was reading the legislation, couldn't find the term incremental anywhere, and that the overall goal of the language was to prevent oil spills. Jason Hamilton (Other/BPC) mentioned to everyone that the Board's mission was 3-part: safety, environmental protection, and facilitating commerce. He pointed out the legislation doesn't say zero spills and excludes bunkering services. The interpretation, he suggested, lies somewhere in those points. Sheri Tonn (Ex-officio/BPC) explained that there were two ends to the spectrum. One is strictly the act of transferring oil from the bunker barge to the vessel and the other is bunker barges traveling independently from wherever they start to Rosario Strait and then through it to their destination. She liked where Fred Felleman was going, which was what is the actual magnitude of the barges that are truly moving, carrying bunker fuel to a vessel. That number strikes her as relatively low in this segment that is being discussed. She then asked if anyone could dispute that. There were no disputes. Fred Felleman (Environment/Friends of the Earth) also mentioned his frustration with not having the deadweight tonnages of the vessels transiting through Rosario Strait. Sheri Tonn (Ex-officio/BPC) offered that in her recollection of conversations with the legislature, the size of the bunker barges was de minimis compared to the sizes of other ATBS and towed barges, however she's now hearing that the sizes of the barges is not de minimis. Fred Felleman (Environment/Friends of the Earth) responded that it was because of lack of information from Ecology. He referenced the information that Ecology has now provided, which is missing deadweight tonnage for the most frequent vessels. Chair Bever reminded everyone that they were struggling to find the tonnage information. Not every vessel was listed in Lloyds Registry. Brian Kirk suggested that the exact deadweight tonnage could be provided by the vessel owners and operators directly. Chair Bever asked industry members on the call if they would be willing to help gather the missing data. Sheri Tonn (Ex-officio/BPC) clarified that the info isn't as critical for tonnages under 5,000. Charlie Costanzo (Tug

Industry/AWO) responded that this was a threshold issue for the legislature when they were making the law. It was not something he was willing to run around and pick up after the fact. He is disinclined to chase down the information because the legislation very clearly exempts bunkering services. Blair Englebrecht (Environment Alternate/Puget Soundkeeper) read the legislation aloud. Sara Thompson (Ecology Alternate/BPC) pointed out that the Board may need to know the deadweight tonnage anyway to understand who it applies to. A discussion regarding the difference between statute implementation and rulemaking followed. Rein Attemann offered that in the legislation, to him the term providing is the act of doing something. He thought the language was made to make a clear distinction from ATBs and tankers that are under the escort of a tug or tugs carrying oil to somewhere for whatever purpose, i.e. in transit. He thinks the committee should focus on the word "providing". Fred Felleman (Environment/Friends of the Earth) said that Rein reiterated his original point. He then pointed out that there is expertise at the table who were not willing to provide the information that is needed. Clearly, the legislature folded this into the legislation regarding southern resident killer whales with knowledge that this geographic area is very important to the whales. He added that ATB and oil barge traffic has increased from 2014-2018. Sheri Tonn (Ex-officio/BPC) suggested that the various parties offer some language that could be debated and discussed at the next meeting. Fred Felleman (Environment/Friends of the Earth) asked for data between now and then. Chair Bever stopped the conversation at this point realizing that consensus was not going to be reached at this time.

2. Identification of Geographic Zones

Chair Bever suggested, based on the discussion at the last meeting, to look at the 2015 VTRA zones, as requested by Fred Felleman. A visual of those zones was provided to the group. She suggested using the VTRA visual to discuss the remaining waterways further south. She then asked Fred Felleman (Environment/Friends of the Earth), who had requested the VTRA zones, for his input. He suggested that the rationale for the identified zones should have more than proximity. Blair Bouma (Pilot/PSP) confirmed that they were several factors he considered including speed, depth, etc. Fred Felleman (Environment/Friends of the Earth) suggested that Haro Strait and Boundary Pass could be broken up, as well as areas around turn point and east point. He suggested in order to talk about mitigation efforts, you have to talk about navigational and exposure challenges of the waterways, which vary. Blair Bouma (Pilot/PSP) thought they were great points and good examples. There are zones within zones. Eleanor Kirtley (Marine Environment/BPC) suggested that "zone" was a very abstract term and that the committee could define it with as great of fidelity as the committee likes, or otherwise and that the committee is not limited to the VTRA zones. Blair Bouma (Pilot/PSP) added that while the VTRA zones are informative, the scope and scale are not close to what the OTSC needs to do for this undertaking. Before the next meeting, he will go over the whole district and provide a starting point for discussion. He will also develop a more detailed interpretation of "zones". Laird Hail (Advisor/USCG) pointed at that Boundary Pass, Haro Strait, and turn point all have a nexus with Canadian waters as well that needs to be considered. Sara Thompson (Ecology Alternate/BPC) said Ecology could run the model through any waterways but that we would be regulating our own waters

when we get to rulemaking. Chair Bever reminded everyone that the zone identification was strictly to inform the model, not for any operational regulation. Laird Hail (Advisor/USCG) again suggested coordination with Canada because of regulations our rules are very different from Canada's. You could end up with unintended consequences. If it's too difficult to transit on the U.S. side, vessels may move over to the Canadian side of those waterways. Chair Bever suggested that members provide specific waterways that are of greatest concern for their communities for consideration in the zone discussions, before the next meeting if possible. She then suggested the conversation continue at the next meeting.

Brian Kirk encouraged everyone to remember that the purpose of the zones is to inform the analysis over the next 3 years. For the Committee, it's a balancing act of trying to do enough thinking for what makes sense for the zones without feeling obligated to conduct the analysis in that process. From his perspective, Ecology is looking for zones that make operational sense, and everyone will have the opportunity to participate in and contribute their perspectives and knowledge to the analysis. Then, once the analysis is done, the analysis just informs the rulemaking process, which is another opportunity for consultation and input. Ecology's intent is provide as much detail as possible during the process and that it's very likely that the results of the analysis is that they will see areas of differences within the identified zones and then they can decide through rulemaking how to treat those differences.

3. Tug Escort Technical Work Group

Chair Bever mentioned that the Board is looking into simulation exercises regarding tug capability. Blair Bouma (Pilot/BPC) informed the group that he will be working with a group of subject matter experts, separate from the OTSC, to look at the some of the practical concerns that could come up when the tug escort regulation in Rosario Strait takes effect in September. While it will not inform the current work of the OTSC, it will be a benefit to the Puget Sound Harbor Safety Plan. In addition, findings or information will come to the OTSC on an FYI basis.

4. Next Steps

Next Meeting

The next meeting is scheduled for April 21, 2020 at 1:00pm. The goal will be to wrap up the definitions and take a closer look at the zones.



STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

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Meeting Minutes – Oil Transportation Safety Committee (OTSC)

April 21, 2020, 1:00pm – 3:00pm

Conference Call/Skype

Attendees via Skype: Jaimie Bever (Chair/BPC), Sara Thompson (Ecology Alternate/BPC), Blair Bouma (Pilot/PSP), Eleanor Kirtley (Marine Environment/BPC), Charlie Costanzo (Tug Industry/AWO), JD Leahy (Ecology Alternate), Brian Kirk (Ecology Alternate), Sheri Tonn (Ex-officio/BPC), Bettina Maki (Staff/BPC), Jim Peschel (Tug Industry Alternate/Vane Brothers), Dan Morrison (Tug Industry Alternate/Centerline Logistics), Sven Titland (Tug Industry Alternate/Olympic Tug & Barge)

Attendees via Phone: Jason Hamilton (Other/BPC), Bob Poole (Oil Industry/WSPA), Fred Felleman (Environment/Friends of the Earth), Mark Homeyer (Tug Industry Alternate/Crowley), Blair Englebrecht (Environment Alternate/Puget Soundkeeper), Laird Hail (Advisor/USCG), Keith Kridler (Pilot Alternate/PSP), Igor Loch (Tug Industry Alternate/Vane Brothers),

1. Welcome

Chair Bever welcomed everyone to the meeting. She acknowledged the progress made at the last meeting with the hope to continue to make good progress.

2. Review and Approval of April 6, 2020 Meeting Minutes

The OTSC received a draft of the April 6, 2020 meeting minutes prior to the meeting. Chair Bever said that OTSC members Blair Bouma (Pilot/PSP) and Eleanor Kirtley (Marine Environment/BPC) previously offered suggested changes to clarify their points of view and minor adjustments to grammar/spelling. Chair Bever then asked for additional input from those present at the meeting. Blair Bouma (Pilot/PSP) had no additional comments. Keith Kridler (Pilot Alternate/PSP) had no comments. Bob Poole (Oil Industry/WSPA) was okay with the minutes as written. Charlie Costanzo (Tug Industry/AWO) had no comments. Fred Felleman (Environment/Friends of the Earth) supported the comprehensive nature of the minutes. He did ask for clarity when he was discussing traffic levels, that traffic increases were specific to ATBs and Barges, not tankers. Blair Englebrecht (Environment Alternate/Puget Soundkeeper) had no comments. Sara Thompson (Ecology Alternate/BPC) had no comments. Brian Kirk (Ecology Alternate/BPC) had no comments. JD Leahy (Ecology Alternate/BPC) had no comments. Jason Hamilton (Other/BPC) had no comments. Sheri Tonn (Ex-officio/BPC) had no

comments. Mark Homeyer (Tug Industry Alternate/Crowley) had no comments. Eleanor Kirtley (Marine Environment/BPC) had no additional comments and offered appreciation for the comprehensive minutes.

Chair Bever will make the requested changes and finalize the minutes, making them available to the public on the website and providing them to the Board for the May meeting as a part of the OTSC update.

3. Scope for Changing Vessels Trends Synopsis

Prior to the meeting, Chair Bever provided OTSC members with a draft of the scope for the Board's Changing Vessels Trends Synopsis due to the Legislature December 31, 2021. The Board reviewed drafts of the scope at the February and April meetings. Chair Bever reminded the group that the scope of work is between the Board and the Department of Ecology, as outlined in the Interagency Agreement. The scope was provided to the OTSC on an informational basis for review. She offered that OTSC members could comment to the Board directly, and that the group could spend some time on that during the OTSC meeting.

Fred Felleman (Environment/Friends of the Earth) had attended the Board meeting and pointed out that the purpose of the scope is evaluation, which is what the OTSC is doing. He believes there is a clear nexus between action and evaluation, which is very much in line with committee objectives. He added that his primary concerns are that since the evaluation is supposed be both pre and post statute, to have a sense of prior traffic only in the last year is not sufficient. He pointed out that over the 5 past years, there's been an increasing trend in the use of ATBs and barges. Therefore, it is not credible to look at one year's impact compared to next year, which won't even be a full year of data. He also stated that there was ample time before the report is due to the Legislature to get a full year of data post implementation of the tug escort statute. Those data are available to Ecology and vessel routing could be done with crossing line data obtained from Marine Exchange. He was surprised to see that Marine Exchange was not listed in the resources in the scope. He also mentioned that the scope only refers to transits of laden tank vessels. Since the Board is supposed to be looking at changes in vessel traffic, they should be looking at all vessel traffic. Finally, he suggested that routing should include not just the waterways, but to terminals and anchorages. Eleanor Kirtley (Marine Environment/BPC) responded that her understanding at the April 16, 2020 Board meeting was that the Board delayed approval of the scope to allow time for review and input from the OTSC. She wondered if the committee would have an opportunity to provide substantive input or if the scope was just an FYI. Sara Thompson (Ecology Alternate/BPC) clarified that the scope of work was presented to the Board at the January meeting originally. There were some minor edits to that version, which is what the Board saw at the meeting last week. She suggested that because a lot of time had gone by since the Board first saw the scope, it wasn't fresh in their memory anymore. Chair Bever said her impression of the Board decision regarding the scope was that the OTSC would have a chance to review it but that it wasn't necessarily something that needed OTSC recommendations. She prefaced that by acknowledging that she had not reviewed the meeting audio to prepare the minutes yet. Sheri Tonn (Ex-officio/BPC) offered that comments from the OTSC would be very welcome to the

Board and that it will be an agenda item for the May 21, 2020 Board meeting. Eleanor Kirtley (Marine Environment/BPC) then made some suggestions for Board consideration. She said a two-page scope document seemed very undetailed. She went back to the legislation and verified that all the Board is responding to is the sentence "By December 31, 2021, complete a synopsis of changing vessel trends", which she thought would yield a more detailed scope of work. She further suggested that any specificity that can be added to the scope of work would be helpful. For example, she mentioned the area that talks about route selection and asked if there was interest in the divergence of traffic from Rosario Strait to Boundary Pass and Haro Strait, or in vessel traffic leaving the area in its entirety. She suggested that including language like "such as" or "not limited to" would add some minimum considerations, keeping in mind what decisions the report might inform. She urged working within the realm of feasibility for the resources available, pointing out the Board should act as a steward for the money to spend on future engagements based on the information in the synopsis. She reiterated that adding specificity would be her main comment. Sheri Tonn (Ex-officio/BPC) suggested that it was important to remember that the individuals engaged in this activity aren't going anywhere and will be able to provide frequent updates on the work. She thus wouldn't describe it as a standard consultant scope of work. Fred Felleman (Environment/Friends of the Earth) supported Eleanor's point in that the OTSC will be trying to evaluate the results of the changing vessel trends and therefore there are certain questions that need to be answered. Haro Strait is the most basic one, but also changes in the vessels, and changes to uses of anchorages and terminals. It also raises the question of whether Dale Jensen, the Board's Ecology representative, will need to recuse himself from Board decisions regarding this work, as Fred sees a huge conflict of interest for someone to vote on something they helped to craft. Sheri Tonn (Ex-officio/BPC) responded that the short answer was she didn't know why he would need to, but that the Board would consult with their Assistant Attorney General on the matter. Eleanor Kirtley (Marine Environment/BPC) added that she agreed with Fred in terms of greater data collection, even pushing back the end data collection date two months and compress that schedule to have a full year. She also had a question regarding enforcement and looking not just at vessel traffic data but also vessel infractions after the requirements go into effect. She also suggested that under deliverables, expand the route selection and in the context of normalization of the vessel traffic, consider the effect of the COVID-19 pandemic on shipping this year. Sara Thompson (Ecology Alternate/BPC) observed that there were many ideas discussed, some that could easily be incorporated into the scope and some that would be a little more challenging, such as the back end of the data collection due to the review process at Ecology and the BPC approval needed before submission to the Legislature. She requested the notes from this meeting before the next Board meeting so that any adjustments that could be made to the scope will be ready for Board review and approval.

Chair Bever suggested that if there were any more comments, to email them to or call her and that they will be delivered to the Board. She then proceeded to the next agenda item.

4. Review/Finalize Interpretive Statement

Chair Bever reviewed the status of the Interpretive Statement, suggesting that some definitions had been finalized at the previous OTSC meeting and some still needed work. She provided a draft with the changes recommended at the last meeting as well as some proposed language from Fred Felleman (Environment/Friends of the Earth). She started with the changes she had made based on feedback from the last meeting. Then reviewed the changes proposed by Fred Felleman (Environment/Friends of the Earth) and Blair Bouma (Pilot/PSP).

Intro/Disclaimer

Chair Bever added language suggested by Eleanor Kirtley (Marine Environment/BPC) as a disclaimer regarding the sources for some of the definitions. Chair Bever checked with OTSC members for any concerns regarding the proposed language. Sheri Tonn (Ex-officio/BPC) suggested that the Interpretive Statement include a list of references at the end to assist in finding the sources in the future. Jason Hamilton (Other/BPC) concurred with Sheri and added that whatever is referenced should be cited appropriately in blue book form. He added that this was his concern with the USGS definition in the first place, making sure we were able to cite it appropriately. There were no other committee comments.

“Under the Escort of a Tug or Tugs”

The only proposed change was Fred Felleman’s (Environment/Friends of the Earth) suggestion to use the term “tug” instead of “vessel”. He added that he underlined the words “tug or tugs” in the title to show the emphasis on a specific type of vessel. Chair Bever pointed out that the reason the definition says “vessel” is because that section is a direct reference to the CFR, which uses that term. Fred suggested brackets after “vessel”. Charlie Costanzo (Tug Industry/AWO) suggested that they might be giving up clarity by focusing on a narrower word like “tugs”. He added the term “vessel” aligns with the bill and that there are rules in code around what kind of vessel can conduct the escort or assist. By insisting on a narrower use of the word, he was not sure what is gained in terms of clarity. Blair Bouma (Pilot/PSP) pointed out that the bill does use the term “tug or tugs” but he didn’t have a strong feeling either way. Bob Poole (Oil Industry/WSPA) thought Charlie’s point made sense to him. Fred Felleman (Environment/Friends of the Earth) responded that he was of the belief that they could add the term “tug” in brackets and italics, and still be within the framework of the bill. He doesn’t want to it to be left for interpretation in the future, also pointing out that the USCG escorts vessels into port with vessels that are not tugs. Chair Bever wondered if there was enough specificity in the referenced CFR for clarity regarding which vessels are being considered in this definition. She pointed out that the reference falls under the section titled “Escort Requirements for Certain Tankers”, and that it is specific to tankers. Blair Bouma (Pilot/PSP) acknowledged that the CFR uses the term “vessels”, while the bill uses the term “tug or tugs”. Fred Felleman (Environment/Friends of the Earth) voiced frustrations that the group was debating the terms. However, he said he would back down, but under protest. Eleanor Kirtley (Marine Environment/BPC) added that she was happy to call a tug a tug.

Chair Bever suggested that the group move on to the next definition.

“Rosario Strait”

Regarding the question from the last meeting as to whether or not to include a reference to the USGS definition, Chair Bever added language suggesting the definition was inspired by the USGS definition. Fred Felleman (Environment/Friends of the Earth) proposed the word “defined” as opposed to “inspired”. Chair Bever asked the group if there were major concerns about revising the definition from “inspired” to “defined”, as proposed by Fred. Jason Hamilton (Other/BPC) responded that he had no concerns, but wanted to make sure it was cited appropriately. She agreed and, hearing no other comments, informed the group that they would move forward with “defined”. Chair Bever also added a note for clarity, per the recommendation of Laird Hail (Advisor/USCG) pointing out that the OTSC definition was different from the CFR VTS Special Area definition. Fred Felleman (Environment/Friends of the Earth) also suggested adding the reference “W. Point” to the definition, as it is where the latitude/longitude lands. Blair Bouma (Pilot/PSP) suggested adding the word “near” to Fred’s suggestion because it is not actually right on W. Point. Fred agreed with that approach.

“Connected Waterways East”

Chair Bever reminded the group that there was some concern at the last meeting that because the proposed southern boundary extended further down than the CFR definition, Deception Pass could be considered a connected waterway east of Rosario Strait. To prevent future confusion, Blair Bouma (Pilot/PSP) added a latitude line at the top of March Point, exempting Deception Pass from the definition of the waterway. Chair Bever also added a note for clarity, per the recommendation of Laird Hail (Advisor/USCG) pointing out that our definition was different from the CFR VTS Special Area definition.

“Oil”

At the last meeting, Fred Felleman (Environment/Friends of the Earth) suggested that the definition specifically call out dilbit for transparency that the OTSC consider it part of the adopted definition. Chair Bever added a note to the bottom stating the Board includes dilbit in the definition. Bob Poole (Oil Industry/WSPA) questioned if the term “dilbit” was going to be added in the actual definition along with the other products listed or if it was being treated separately. Chair Bever responded that it would be included at the bottom for clarity that the Board considers “dilbit” to be included in the list of products. Fred Felleman (Environment/Friends of the Earth) wondered if it would be more appropriate to specify “diluted bitumen” instead, pointing out that “dilbit” takes on a specific terminology. Sara Thompson (Ecology Alternate/BPC) thought the approach was good. Bob Poole (Oil Industry/WSPA) wondered, since bitumen was included in the list in the RCW definition, if there was a need to specifically call out “diluted bitumen”. Sara Thompson (Ecology Alternate/BPC) answered that yes, it is included in the list in the definition, but the request from Fred was to make it especially clear that it was included by adding the note at the bottom.

Chair Bever will revise “dilbit” to “diluted bitumen”.

“Laden/Unladen (In Ballast)”

Chair Bever removed the language that referred to the Board’s existing policy statement concerning the interpretation of “in ballast” in regards to LPG, as it is not an oil product. The existing policy statement will stay in place for reference to vessels outside ESHB 1578. Charlie Costanzo (Tug Industry/AWO) informed the group that there has been some concern among the barge operators regarding some operational difficulties with the definition as is. There were suggestions that the OTSC needed to rethink “unladen” for a tanker versus “unladen” for a barge using some of the operational feedback. Blair Bouma (Pilot/PSP) responded that it was a legitimate concern, especially when pumping heavy cargo. Sometimes it’s more difficult to get all of it out. It may be that in some of these cases, they get to a point of unpumpable cargo, which might be over the 0.5% stated in the proposed definition. He suggested that barge operators could come up with some recommendations and some guidance. Chair Bever asked Charlie Costanzo (Tug Industry/AWO) if he thought he would be able to get some recommendations, to which he said yes, adding that he already had a couple suggestions now. Charlie then asked if anyone at the meeting from the tanker operator side wanted to comment. Bob Wilson (Tug Industry Alternate/Centerline Logistics) commented that he had spoken to one of their tank barge operations managers and Centerline Logistics thinks that between 1% or 2% might be a more realistic target, confirming that they would have trouble getting that quantity out and adding that 0.5% could be in the sumps and pipelines themselves. He specified that it could be dependent on the barge itself. Fred Felleman (Environment/Friends of the Earth) asked again for the origin of the proposed definition. Chair Bever explained that it came from an existing Board policy, which was developed by a previous committee Board in 2005 or so, and models some language from other districts. Dan Morrison (Tug Industry Alternate/Centerline Logistics) mentioned that in California, it is driven by product onboard the vessel. Anything 5,000 long tons and over is considered escortable, and anything under 5,000 long tons is not. He wondered if we could follow something along those lines in our area. Blair Bouma (Pilot/PSP) pointed out that the bill is already written for the deadweight tonnage of the vessel. He added that there could be some flexibility with the percent onboard. He said the hard part with a hard number is that a really small barge could be heavily loaded. He suggested that maybe the percentage needed to be reconsidered. Fred Felleman (Environment/Friends of the Earth) wondered if the USCG or the BC/States Oil Task Force had some definition that each of the coastal states used, adding that it was odd for the committee to be making the determination in such an informal fashion. Sheri Tonn (Ex-officio) responded that the Board’s existing definition is the definition that has been used for a number of years. She wasn’t sure that she would call it “informal”. She would call it the operating definition as it stands right now. Fred Felleman (Environment/Friends of the Earth) acknowledged that it was the definition and clarified his response by saying that modifying that existing definition should include references to other sources. Charlie Costanzo (Tug Industry/AWO) reminded everyone that the original definition was established to apply to a different class of tank vessel. Applying that definition to a smaller class of tank vessel reveals operational constraints that the original

definition did not consider. Fred Felleman (Environment/Friends of the Earth) asked for clarification if that was because of the pumps on a barge versus a tank vessel or something about the design of the cargo tanks. Dan Morrison (Tug Industry Alternate/Centerline Logistics) answered that it was based on the product and the location of the suction. He suggested the question be taken to the operators offline for input.

Chair Bever suggested the group postpone the discussion and in the meantime, Charlie Costanzo could work with the operators to draft some language for OTSC consideration at the next meeting. Sara Thompson (Ecology Alternate/BPC) wondered if while the committee is considering reducing the 0.5%, if they should also consider the 3,000 barrel threshold, since it was tied to the original language as well. Blair Bouma (Pilot/PSP) proposed that the definition be split, leaving the 0.5% and 3,000 barrel threshold in place for the 40,000 DWT vessels and over, and adding the adjusted definition for the smaller size, although unsure where that cutoff should be. He wanted to make sure that the number isn't being reduced for the bigger vessels. Sheri Tonn (Ex-officio/BPC) wondered if there was a difference between the smaller tankers and the barges and if the definition should continue to apply to all tankers whether they are over or under 40,000 DWT and then a different definition be applied to the barges, which seemed to be more un-pumpable. Charlie Costanzo (Tug Industry/AWO) responded that he didn't have an answer to that question at the moment, but that it would for sure be a part of the discussion with operators in preparation for the next meeting. Fred Felleman (Environment/Friends of the Earth) requested that someone from the Board determine if there were definitions for barges or ATBs in California or Oregon and a USCG CFR reference, which could be useful in the conversation. Sheri Tonn (Ex-officio/BPC) concurred.

Chair Bever reminded the committee that the definitions will need to go before the Board at the May 21, 2020 Board meeting and that the Board will have to make the final determination, in particular on those definitions where the OTSC is unable to reach consensus. The group then moved on to the next definition.

“A Vessel Providing Bunkering or Refueling Services”

Chair Bever pointed the group to the proposed definition provided by Fred Felleman (Environment/Friends of the Earth) for OTSC review. She also, prior to the meeting, sent around an email exchange between Fred Felleman and Dale Jenson, Department of Ecology Spills Program Manager from early last year, which contains explanations regarding the intent of the bunkering exemption language. Chair Bever acknowledged there were many questions regarding the legislative intent of this portion of the bill. She informed the group that she had scheduled a meeting with a key legislator that morning, but unfortunately the legislator was unable to attend. She also reached out to legislative staffers who worked on the bill and was told that they are not allowed to comment on legislative intent. She then searched her archived emails and found the exchange between Fred and Dale. Fred Felleman (Environment/Friends of the Earth) believed the info provided in the email further supported his view while several other members of the committee interpreted the language as clear exemption of any bunkering including transiting in

Rosario Strait. Bob Poole (Oil Industry/WSPA) pointed out that the email was helpful, but wondered if it wasn't the OTSC's job just to capture the definition of a bunkering operation compared to when and where it happens. Sheri Tonn (Ex-officio/BPC) reiterated that the question regarding the legislative intent was whether to include the barge traveling across the water or the barge just transferring the fuel. She explained further that what Dale's email said to her is that it is the whole thing, travel and transfer. In addition, she said the email really clarified for her the intent. Bob Poole (Oil Industry/WSPA) responded that this email really clarified the definition. Fred Felleman (Environment/Friends of the Earth) said his suggested language no longer contesting that, the only question is in what geographic area that behavior requires an escort. He added that he believes Dale's email further specified that escorts were not required between New Dungeness and Rosario, which implies that they are required in Rosario. He also stated that to him it reads that if one is bunkering just in Rosario, tug escorts aren't required, which is what he recommended in his proposed definition. Sheri Tonn (Ex-officio/BPC) responded that Dale's email does seem to clarify that if the "barge is over 5,000 DWT and conducting a bunkering at Vendovi, it would not be escorted in Rosario and waters east". Therefore, the barge is not escorted through Rosario. Fred Felleman (Environment/Friends of the Earth) clarified that his language supports that statement, when there is just bunkering within Rosario. He pointed out the next sentence, which states "it is also not required when it's transiting between New Dungeness and West of Rosario". Eleanor Kirtley (Marine Environment/BPC) pointed out that the act is referring to the exemption of a vessel not the exemption of a transit. The scope of the exemption is identifying the escort requirements in the region of Rosario and connected waterways east. Therefore, she wasn't following the exact geographical landmarks in the email. Sheri Tonn (Ex-officio/BPC) suggested that it didn't make sense that a barge that's doing a transfer within Vendovi would not need to be escorted through Rosario while one that is not doing a transfer would need to be escorted. Fred Felleman (Environment/Friends of the Earth) said it gets back to Blair Bouma's (Pilot/PSP) earlier suggestion of 15 miles, which Fred assumed was based on that notion that you wouldn't just want an escort from Marathon to Vendovi, but that if you are going a longer distance escorts make more sense. Chair Bever thought that if the legislature was being that specific with the bunkering exemption, they would have stated so. Fred responded that the email appeared to represent Ecology's intention and that their lack of clarity in the first place is why there is confusion now. Chair Bever added that while she was searching through the archives she found another email from Rob Duff, who was the Governor's Environmental Policy Advisor at the time, in which he says, "the substitute bill excludes bunkering from the escort requirement". Fred Felleman (Environment/Friends of the Earth) continued to reiterate that his focus was specifically on Rosario Strait and that everything else was outside of the scope of the study. Chair Bever confirmed that rulemaking for tug escorts for the whole area was a future endeavor, not something that needed consideration in time for the September 2020 implementation in Rosario Strait and connected waterways east. Fred Felleman (Environment/Friends of the Earth) requested that the OTSC read his proposed definition, which he believes is an equitable interpretation. Chair Bever read his suggestion, which was "the transit of a laden tank vessel from its location of cargo fuel procurement to the delivery and transfer of that fuel to the receiving vessel for its propulsion within Rosario Strait as defined by the OTSC". He then added "and waters east". Sheri Tonn (Ex-

officio/BPC) asked Fred for clarification that he was arguing that taking a bunker barge through Rosario from waters north or waters west to some other waters, is not exempt. He answered exempt within Rosario and waters east and suggested that the spirit of the law is that if you're going to transit through these waters, you are escorted. Brian Kirk (Ecology Alternate/BPC) responded that his recollection of all of the discussions around the time that email was written, were that the intent of the bunkering exemption was to exclude bunkering as an activity including any transit of the bunkering barge, not that the bunkering transit would only be exempted if it was fully contained within Rosario Strait. Fred Felleman (Environment/Friends of the Earth) responded that exempting bunkering is exempting a behavior that is occurring in the waterways we're trying to protect because it is a unique behavior that's not a normal transit. Jason Hamilton (Other/BPC) suggested that's what the language says. Sheri Tonn (Ex-officio/BPC) responded that the legislative intent was definitely murky and that, to her, the language looks like a compromise to get the legislation passed. She added that if that was the case, it wasn't the job of the OTSC to fix it, the legislature would have to fix it. Fred Felleman (Environment/Friends of the Earth) then wondered why Ecology had separated Rosario bunker transits out on the spreadsheet they provided if there wasn't intention to exempt them. Brian Kirk (Ecology Alternate/BPC) responded that the spreadsheet was set up that way because that's what was asked of the Ecology employee who put it together, with the assumption that that is what the OTSC wanted to see. Fred Felleman (Environment/Friends of the Earth) continued to urge the OTSC to focus on Rosario and to only think about other waters when the bill calls for the group to think about the other waters.

Chair Bever then went around the table for perspectives on the definition. Blair Bouma (Pilot/PSP) responded that he does not know what to think at this particular point given all the perspectives. Bob Poole (Oil Industry/WSPA) acknowledged that he was not around when the legislation was being developed but at the same time he didn't think the OTSC could take the definition and try to interpret it geographically at this point, perhaps further down the road. He said that he appreciated everything that Fred Felleman was saying, but he keeps coming back to the fact that it would be making decisions that are not within the charge of the OTSC. Charlie Costanzo (Tug Industry/AWO) replied that AWO had warned the legislature at the time that the language needed clarity. He added that the group is fortunate, in this case, to have a real time conversation via the email between Fred and Dale, about what some of the promulgators of the legislation wanted to try to do. He acknowledged that Fred's contentions were well understood. Sara Thompson (Ecology Alternate/BPC) shared that her views were the same as the last meeting, which was that bunkering would apply to transits to bunkering in any location and the return transit. Eleanor Kirtley (Marine Environment/BPC) responded that perhaps simplistic, the language in the act exempts bunker barges and that it's clear that it's not just transfer because that is a stationary act not a transit. Thereby the exemption is also inclusive of a transit and that the transit is exempted irrespective of where the transfer occurs. Jason Hamilton (Other/BPC) believed Eleanor said it fairly succinctly, the language exempts bunker barges, irrespective of whether the group wants them to be or not. He added that the legislative intent appears to be clear about this exemption. He appreciated Fred's argument and agreed that it would be great if we had different language to work with. Sheri Tonn (Ex-officio/BPC) observed that it's common in after-the-fact

legislation to be murky and that she believes this is a case where there was a lot of discussion about noise and orcas, and that there were likely some tradeoffs. She concluded that while she may not agree with lack of escorts on bunkers, it appears that is the direction the committee should go and that there's plenty of time to fix it legislatively. Laird Hail (Advisor/USCG) responded that it was beyond his authority to speak on this topic legally, but as an outsider looking in, he offered that legislators frequently make laws that can be somewhat contradictory in nature and that Sheri was probably right in suggesting that some deal making was a part of the final product to get the votes. Mark Homeyer (Tug Industry Alternate/Crowley) deferred to Charlie Costanzo's comments. Blair Englebrecht (Environment Alternate (Puget Soundkeeper) didn't believe she had anything productive to add to the conversation. She did say that Puget Soundkeeper was in the room when the language was being developed and that there was a last minute backdoor deal made by Ecology that Puget Soundkeeper objected to then and still objects to now. Keith Kridler (Pilot Alternate/PSP) had no additional comments other than acknowledging that the committee has to work within the laws as they are written, and that if they want that to change, they may have to look at another route. Brian Kirk (Ecology Alternate/BPC) assured the group that he and Sara Thompson had tried to be as clear as possible with the committee regarding their understanding of the legislative intent. JD Leahy (Ecology Alternate/BPC) had nothing to add and yielded to Brian and Sara's comments. Jim Peschel (Tug Industry Alternate/Vane Brothers) agreed with Fred that the intent of the language was not to discuss transits outside of Rosario and believes the legislative intent was to exempt bunker barges within Rosario. In the future, escorts outside of those zones can be discussed for future rulemaking. Fred Felleman (Environment/Friends of the Earth) requested clarification that the legislation was referring to bunkering not bunker barges. Charlie Costanzo (Tug Industry/AWO) answered that the language was specific to "vessels providing bunkering and refueling services". Fred then asked if the group thought his definition of bunkering was a good one, if the language regarding "in Rosario was" removed, acknowledging that there was not consensus regarding that piece. There were no responses.

At this point, Chair Bever suggested moving on from the definition, pointing to all the information provided to help inform a final decision, and reminding everyone that the group may not reach consensus and that the decision will be up to the Board. Fred Felleman (Environment/Friends of the Earth) again suggested that Dale Jensen should not have a say in the Board vote.

5. Identification of Geographic Zones

Chair Bever, prior to the meeting, sent more documents prepared by Blair Bouma (Pilot/PSP) with detailed zone suggestions in Rosario Strait and connected waterways east based on tables of information regarding the specifics of the waterways. In addition, Fred Felleman (Environment/Friends of the Earth) provided suggested zones for the committee to review. She began the discussion by providing information regarding the timelines of the two September 1, 2020 initiatives: implementation of tug escorts in Rosario Strait and connected waterways east and geographic zone identification to inform the risk model. The Interpretive Statement provides clarification regarding the terms in the legislation and is designed to help with the tug escort law going into effect September 1,

2020. The plan is to provide OTSC recommendations to the Board at the May 21, 2020 meeting, and for the Board to adopt the document at the June 2020 meeting, allowing some time for all to prepare for the September 1, 2020 tug escort implementation. The geographic zones to inform the risk model are not due to the legislature nor do they impact operations. Therefore, they can be adopted by the Board any time before September 1, 2020, allowing a little more time for development.

Blair Bouma (Pilot/PSP) added that the worksheets were not intended to accompany official documentation of the zones. They are internal working documents that contain specific information of the characteristics of the waterways to help identify the zones. He also mentioned that his proposals seem to intersect with Fred Felleman's (Environment/Friends of the Earth) proposals for the zones.

The committee then reviewed Rosario Strait as an example and Blair Bouma (Pilot/PSP) walked them through his thought process. He reminded them that the things to consider are hazards as in how close is the vessel to the ground, traffic, weather, currents, vessel capability, etc. The worksheet is a way to track that information starting at one end of the waterway and identify those items. He suggested that the subzones are the critical spots in each passage. He wasn't suggesting that tug escorting requirements should change for every subzone, but that when strung all together a cohesive transit plan would emerge. He reiterated that the process is based on physical characteristics and practical points. Fred Felleman (Environment/Friends of the Earth) questioned where the fuel was being produced, and where were the sources of the transit. Blair Bouma (Pilot/PSP) thought that most of it came from Marathon in Anacortes, but he did not have a definitive answer. Bob Poole (Oil Industry/WSPA) offered to research the question and provide some information.

Chair Bever then asked committee members to share their views on this approach to move through the waterways. Bob Poole (Oil Industry/WSPA) thought it made sense and was methodical and comprehensive, and qualified that by deferring to the experts. Charlie Costanzo (Tug Industry/AWO) concurred and had nothing else to add. Fred Felleman (Environment/Friends of the Earth) had no reason to question the subdivision, he was just wondering if for the purposes of Ecology's analysis, if they were at the level necessary to provide the needed information for the model, pointing out that the proposed zones were based on operational information. He added that he thought the info was tremendously insightful and thorough. Sara Thompson (Ecology Alternate/BPC) liked defining the larger zones with the subzones as information that can be used to inform the model, but not naming them so distinctly right now so that the group is locked into them. Eleanor Kirtley (Marine Environment/BPC) had nothing further to add. Sheri Tonn (Ex-officio/BPC) wanted to hear more from Ecology, and what JD Leahy and Brian Kirk had to say. She did say that she really appreciated the on-the-water focus because she didn't think there was a way that it could be criticized as being subjective. She thanked Blair Bouma for his work. Jason Hamilton (Other/BPC) also thanked Blair Bouma for his diligence and hard work, which seems like a logical approach and very detailed. Brian Kirk (Ecology Alternate/BPC) reported that he and Blair Bouma (Pilot/PSP) had a good conversation earlier and he appreciated Blair's thoughts. He echoed what Sara Thompson said, that this was a useful way to proceed and makes complete sense. Regarding the definition of the subzones, coming

to Ecology as informational would be the most helpful. He then acknowledged how much personal time Blair Bouma was contributing. JD Leahy (Ecology Alternate/BPC) had nothing to add. Mark Homeyer (Tug Industry Alternate/Crowley) had nothing to add. Keith Kridler (Pilot Alternate/PSP) had nothing to add. Blair Englebrecht (Environment Alternate/Puget Soundkeeper) had nothing to add.

6. Next Steps

Next Meeting

The next meeting is targeted for the first couple weeks of May in order to prepare for the May 21, 2020 Board meeting. Jolene Hamel from the BPC will be sending out a Doodle Poll. The meeting will likely continue through Skype/Conference Call.



STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

INTERPRETIVE STATEMENT

REGARDING: ESHB 1578 Terms

It is the policy of the Board to use the following definitions when interpreting terms as they relate to ESHB 1578 *Reducing threats to southern resident killer whales by improving the safety of oil transportation* and RCW 88.16.190¹. For the sake of consistency, justification, and efficiency; the Board sought and relied on published references to inform, adapt, or adopt definitions for this specific interpretation of RCW 88.16.190, Section 2, Rosario Strait and Connected Waterways East Tug Escort Implementation.

1. Under the Escort of a Tug or Tugs

It is the interpretation of the Board that, as per 33 CFR 168.05², "escort vessel means any tug that is assigned and dedicated to a tank vessel during the escort transit". It is further the interpretation of the Board that, as per the Puget Sound Harbor Safety Plan Tanker Escort Section B³, "all escorts must be in close proximity for timely and effective response taking into consideration" the proximity to hazards, "ambient sea and weather conditions, escort configuration, maneuvering characteristics of the vessels, emergency connection procedures, surrounding vessel traffic and other factors that may affect response capability".

2. Rosario Strait

It is the interpretation of the Board that "Rosario Strait" is defined as the waters connecting the Strait of Juan de Fuca and the Strait of Georgia bounded on the West by Lopez Island, Decatur Island, Blakeley Island and Orcas Island, and on the East by Fidalgo Island, Cypress Island, Sinclair Island and Lummi Island. The northern entrance to Rosario Strait, as defined

¹ Pilotage Act, 88.16, R.C.W § 190 (2019)

² 33 C.F.R. § 168.05 (2013)

³ *Puget Sound Harbor Safety Plan*, PUGET SOUND HARBOR SAFETY COMMITTEE, (April 28, 2020, 1:35PM) <https://pshsc.org/puget-sound-harbor-safety-plan>.

by the USGS⁴, is bounded by a line from Pt. Thompson on Orcas Island to Puffin Island light and then to Point Migley on Lummi Island. The southern entrance to Rosario Strait is bounded by a line from Davidson Rock light, Southeast to position Lat. 48° 24.0'N, Long. 122° 47.15'W then East to the shore of Whidbey Island at Lat. 48° 24.0'N, Long. 122° 39.9'W (near W. Point). See Figure 1. *Note: this definition is different from the VTS Special Area as defined in 33 CFR 161.55.*⁵

3. Connected Waterways East

It is the interpretation of the Board that “connected waterways east” is defined as all connected channels, waterways, bays and anchorages East of Rosario Strait and north of 48° 30.0' N Latitude. These waters include but are not limited to Guemes Channel, Bellingham Channel, the channels around Sinclair, Vendovi and Saddlebag islands as well as Bellingham Bay, Samish Bay, Padilla Bay and Fidalgo Bay. *Note: this definition is different from the VTS Special Area as defined in 33 CFR 161.55.*

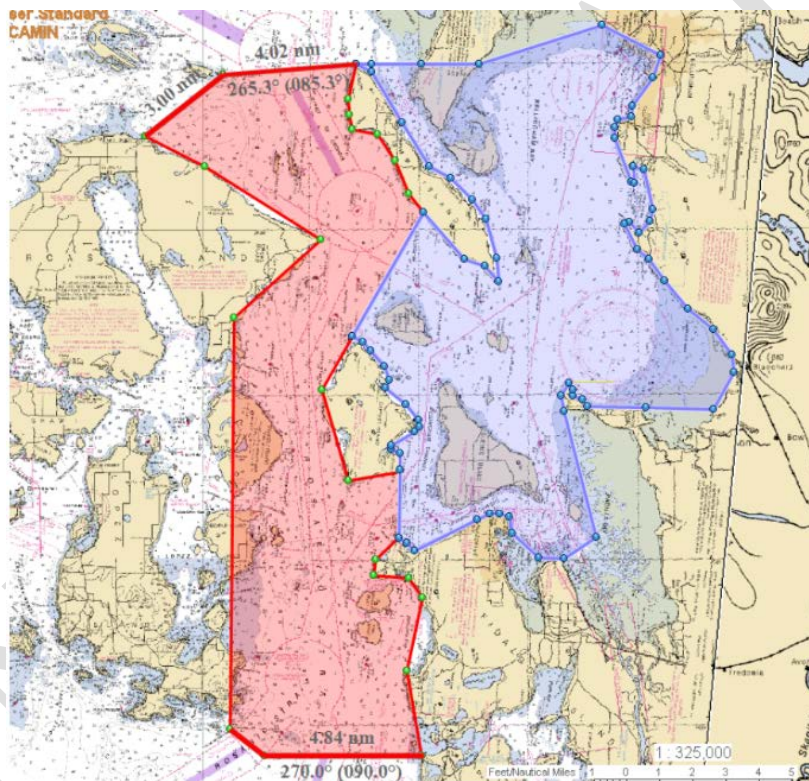


Figure 1 Rosario Strait (red) and Connected Waterways East (blue)

4. Oil

It is the interpretation of the Board that, as per RCW 90.56.010 (19)⁶, the definition of “oil” or oils “means oil of any kind that is liquid at twenty-five degrees Celsius and one atmosphere of pressure and any fractionation thereof, including, but not limited to, crude oil, bitumen,

⁴ Feature Detail Report for: Rosario Strait, U.S. GEOLOGICAL SURVEY (April 28, 2020, 1:50pm) https://geonames.usgs.gov/apex/f?p=gnispq:3:0::NO::P3_FID:1507915.

⁵ 33 C.F.R. § 161.55 (2019)

⁶ Oil and Hazardous Substance Spill Prevention and Response, 90.56, R.C.W. § 010 (2015)

synthetic crude oil, natural gas well condensate, petroleum, gasoline, fuel oil, diesel oil, biological oils and blends, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 CFR 302 adopted August 14, 1989, under section 102(a) of the federal comprehensive environmental response, compensation, and liability act of 1980, as amended by P.L. 99-499." *Note: The Board considers diluted bitumen to be a part of this definition.*

5. Laden/Unladen (In Ballast)

It is the interpretation of the Board that, as per the Board's existing Statement of Policy,⁷ "any tank vessels 40,000 deadweights tons or more whose clingage, residue, or other applicable cargo onboard is greater than 0.5% of the vessel's maximum cargo carrying capacity or 3,000 barrels, whichever figure is less, shall be considered laden and therefore not in ballast. The term "Tank Vessel" in this interpretation refers to oil tankers, articulated tug and barge units and towed barges designed to carry oil in bulk".

It is further the interpretation of the Board that any tank vessels below 40,000 deadweight tons whose clingage, residue, or other applicable cargo onboard is greater than 2% of the vessel's maximum cargo carrying capacity or 3,000 barrels, whichever figure is less, shall be considered laden and therefore not in ballast.

In addition, that "for the purpose of interpreting the above referenced RCW and WAC section, "in ballast" is defined when an LPG carrier is deemed to be in a ballast condition if the vessel has retained on board only the minimum cargo necessary plus a safety factor to arrive at its next load port in a cold condition. This quantity is not to exceed 1.5% of the cargo carrying capacity".⁸

6. Vessels Providing Bunkering or Refueling Services.

It is the interpretation of the Board that bunkering means an oil transfer operation to replenish a self-propelled vessel with fuel or bunkers used for ship services or propulsion of the vessel.⁹ It is further the interpretation of the Board that "vessels providing bunkering or refueling services" means tank vessels that are conducting bunkering, which includes the transit of the tank vessel to the bunker location, the oil transfer operation, and the return transit of the tank vessel.

⁷ *Statement of Policy Regarding Interpretation of the Term "In Ballast" used in RCW 88.16.190 and WAC 363-116-500.* BOARD OF PILOTAGE COMMISSIONERS, (May 1, 2020) <https://pilotage.wa.gov/policystatements.html>.

⁸ *Statement of Policy Regarding Interpretation of the Term "In Ballast" used in RCW 88.16.190 and WAC 363-116-500.* BOARD OF PILOTAGE COMMISSIONERS, (May 1, 2020) <https://pilotage.wa.gov/policystatements.html>

⁹ Bunkering Operations, 317-40, W.A.C. § 030 (1994)

Vessel Trends Synopsis: ESHB 1578

Scope of Work Review





Agenda

- Background
- Review of Recent Suggestions to the Scope of Work
- Revised Scope of Work Deliverables
- Timeline and Planned Opportunities for Review
- Discussion

Vessel Trends Synopsis

- ESHB 1578 Section 3(ii) requires that “By December 31, 2021, [the Board of Pilotage Commissioners] complete a synopsis of changing vessel trends.”
- The intent of the synopsis is to look at how vessel traffic patterns change following the implementation of the Rosario tug escort requirement.



Incorporated Suggestions

Suggestion	Resolution
Provide 5 years of ATB transit data	Added review of 5 years of existing traffic data, by vessel type
Include Marine Exchange crossing line data	Added as a potential data source
Normalize vessel transit numbers	Will explore ways to compare transits on a common scale
Look at changes in terminal and anchorage use	Added number and route of bunkering transits
Look at changes in bunkering frequency	Added ANT transfer data per terminal and per anchorage
Add review of the composition of tug vessels	Review of tugs to include number, name, and operating company
Add names of routes to be described	Added names of routes to be described
Include exact text excerpted from the bill	Added exact text
Include language like “such as” & “not limited to”	Added where appropriate
Extend data collection to August 31, 2021	Collection extended to include 1 year of post implementation data



Deliverables

- Route selection and number of vessel transits for pre-and post-bill implementation for the following vessel types. Ecology will explore ways to compare transits on a common scale.
 - vessels that newly fall under an escort requirement
 - deep draft and tug traffic that have no additional escort requirement
 - vessels that are providing bunkering or refueling services
- Routes compared will include, but will not be limited to transits of Rosario Strait and Haro Strait/Boundary Pass.



Deliverables

- Review of tugs engaged in escorting tank vessels in Rosario and connected waters east, including but not limited to number of transits, names of vessels, and operating companies.
- Number of oil transfers per terminal and per anchorage pre- and post-bill implementation.



Deliverables

- A review of the last 5 years of existing vessel transit data, to provide context as to the overall trend in vessel movements, based on vessel types. Determining the laden/unladen status of tank vessels, deadweight tonnage of vessels, and details on vessel occupation (i.e., bunkering) would require a manual evaluation of each transit, and is outside the scope of this review.



Timeline and Planned Opportunity to Review

- Revised SOW includes reduced time period for review to facilitate extending the length of data collection period.
 - **August 31, 2021 Data collection complete**
 - October 14, 2021 Submitted for internal Spills Program review
 - November 4, 2021 Ecology delivers initial draft synopsis to BPC
 - **November 11, 2021 BPC Board Meeting**
 - December 2, 2021 Ecology delivers final draft to BPC
 - **December 9, 2021 BPC Board Meeting**
 - December 31, 2021 BPC publishes the Synopsis and submits to the legislature



Timeline and Planned Opportunity to Review

- Added two presentations to the SOW:
 - Progress report after 6 months of post implementation data collection
 - Presentation after post implementation data collection is complete
- Ecology will address one set of comments from the BPC after submitting the draft report. This will not include new data/analysis.



Discussion and Comments

