



STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

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Meeting Minutes – Oil Transportation Safety Committee (OTSC)

January 31, 2024, 1:00pm – 2:00pm

Via MS Teams

Attendees:

Jaimie Bever (Chair/BPC), Brian Kirk (Ecology Alternate/BPC), JD Ross Leahy (Ecology Alternate/BPC), Jason Hamilton (BPC/Public), Sara Thompson (Ecology Alternate/BPC), Haley Kennard (Ecology Alternate/BPC), Angela Zeigenfuse (Ecology Alternate/BPC), Brittany Flittner (Ecology Alternate/BPC), Blair Bouma, (Pilot/PSP), Tim Johnson, Leah Harnish (Tug Industry Alternate/AWO), Clyde Halstead (Tribal/Swinomish), Rein Attemann (Environment Alternate/WEC), Fred Felleman (Environment/Friends of the Earth), John Robertson (USCG/Advisory), Laird Hail (USCG/Advisory), Jim Peschel (Tug Industry Alternate/Vane Brothers), Jeff Slesinger (Tug Industry/Delphi Maritime), Bettina Maki (BPC)

1. Workshop #6 Presentation – Agenda Review

Jaimie Bever (OTSC Chair/BPC) welcomed everyone and explained that the purpose of the workshop today was to share applicable insight from some of the references on the resource list that could inform rulemaking conversations.

2. Rulemaking Overview

Jaimie explained that in 2019, through Engrossed Substitute House Bill (ESHB) 1578, the Legislature established tug escort requirements for certain oil tankers, ATBs, and towed waterborne vessels in Rosario Strait & waters east, which were codified into the Pilotage Act, 88.16 RCW. The legislation also required the BPC in consultation with Ecology to:

- Adopt tug escort rules for Puget Sound by December 31, 2025, which also includes addressing requirements in Rosario and connected waters east, with the option to adjust or suspend those requirements.
- And consider effects of the rules and determine if updates are necessary by October 1, 2028 and every ten years thereafter.

3. Agency Coordination

Jaimie then reviewed the interagency agreement between the BPC and Ecology. The BPC will conduct the rulemaking in consultation with Ecology. The two agencies have an Interagency Agreement, in which Ecology agreed to lead the rulemaking process and outreach efforts for BPC and to conduct regulatory analyses required by the Administrative Procedure Act, State Environmental Policy Act, and the Regulatory Fairness Act. On behalf of the BPC, Jaimie will be the main point of contact for outreach to tribes, stakeholders, and the public, and the 9-member Board will make final decisions on

tug escort requirements.

4. Research to Consider

Jaimie reminded everyone that rule language development must take many inputs into account, adding that existing research was one source of information. The intent of the workshop was to share insights from select resources as they relate to escort benefits and concerns; escort zones; and escorted vessel types.

5. Rulemaking References

The next slide introduced a review of the references being considered as part of the rulemaking. The list was first shared publicly in the Spring of 2023.

The first reference slide was from Harbor Safety Committees both within and outside of Puget Sound as well as state and federal regulations for tug escorts. Jaimie explained that additional relevant references were shown on the next 3 slides. The intent of sharing the list was to offer insight into the resources beyond the tug escort analysis report that are being reviewed to inform the rulemaking. She pointed out that they added numbering to the references just for use within the presentation for reference.

The next slide showed relevant US Coast Guard and WA State reports that are currently on the reference list, including the USCG 2017 PAWSA and Ecology's two Analysis reports. The third reference slide showed documents reviewed from pilotage groups such as BPC, Puget Sound Pilots, and Pacific Pilotage Authority. And the last references slide showed other academic and research publications reviewed.

6. Research Insights on Escort Benefits and Concerns

Sara Thompson (Ecology Alternate/BPC) introduced the topics of focus for the workshop, which were escort benefits and concern, zones, and vessel types. The first topics were examples of escort benefits and concerns, assembled from the team's reference review.

7. Overarching Escort Benefits

Sara next shared a list of overarching escort benefits as well as a footnote of the reference where the benefit was noted:

- Oil spill risk reduction
- Immediate assistance for loss of propulsion or steering
- Enhanced situational and hazard awareness
- Increased number of capable tugs in the region to act as tugs of opportunity
- Ensure Washington remains a leader in environmental protection

8. Overarching Escort Concerns

She also shared a list of overarching escort concerns:

- Tribal treaty rights and fishing area impact
- Air emissions
- Underwater noise
- Waterway congestion
- Oil spills from tug incidents

- Uncertainty on tug availability
- Uncertainty about compatibility with cross-border regulations

This was a high level look at potential concerns. The SEPA process will review the impacts of escort in greater detail.

9. Research Insights on Zones

Sara introduced the next topic which was research insights into escort zones. She added that this was relevant because rulemaking will need to consider which zones should require escorts. The next several slides shared selected insights that may inform conversations about zones.

10. Zone Considerations

Sara then presented insights on the Eastern Strait of Juan de Fuca, San Juan Islands, and the Strait of Georgia. A screen clipping of each zone from the BPC zone map was shown under the zone name for reference. References that had the most relevant information about zones were the 2017 CG PAWSA (11), The Ecology Vessel Traffic Safety Report (14), the Ecology Vessel Activity Synopsis (18), and the Report on the findings of the Pilotage Risk Management Methodology (23).

Sara read the information from the slides:

- Eastern Strait of Juan de Fuca - Precautionary Area is vulnerable to congestion (11)
- San Juan Islands - Conflict between commercial and recreational vessels where the Islands open to the main shipping channel (11)
- Strait of Georgia – Insights from the 2021 Ecology Vessel Activity Synopsis report: crossing line transits using 2018 data in select locations. For reference, the report’s Point Robert’s crossing line saw 23 percent bulk carriers, 22 percent tugs, and 12 percent container ships.
- Haro Strait/Boundary Pass - Combination of shallow water hazards, narrow channels and significant channel bends (14, 23). Turn Point and East Point area is high risk for drift groundings. This area is vulnerable to congestion, whirlpools and upwelling (11, 14, 23). The United States and Canada, in cooperation with industry and the British Columbia Coast Pilots, established a Special Operating Area at the intersection of Haro Strait and Boundary Pass in the vicinity of Turn Point Light (25). 2021 Ecology Vessel Activity report’s crossing line at the south end of Haro Strait showed recreational vessels made up a high percentage of Haro South transits (24 percent, 2,960 transits). Bulk carriers make up 21 percent (2,600 transits) and container ships make up 12 percent (1,427 transits) of Haro South crossing line transits (18).
- Rosario Strait – Rosario Strait is a narrow waterway connecting the Strait of Georgia and the Inland Passage of British Columbia with the Strait of Juan de Fuca. Rosario Strait is part of the larger Eastern San Juan Island VTS Special Area. An International Maritime Organization (IMO) designated one lane Traffic Separation Scheme (TSS) with no separation zone traverses Rosario Strait. Rosario Strait experiences substantial tidal currents and has numerous hazards to navigation (1). Pilots encounter fishing vessels. Strong currents slow down tug and barge traffic. There is a high risk of groundings due to rocky shoals and currents, rocky shorelines, shallow water hazards, narrow channels and significant channel bends. Transit corridors are limited by off-lying hazards and distance from infrastructure (11, 14) There is a choke point between Huckleberry and Saddlebags

Islands (14). 2015 VTRA findings on impacts of untethered escorts on ATBS and barges were that the greatest decreases in potential oil losses were in Rosario and Saratoga/Skagit waterway zones and the greatest reductions in potential accident frequency in Puget Sound South and Guemes waterway zones (14). 2021 BPC Vessel Traffic Trend Report found the 2020 Tug Escort Requirement didn't meaningfully affect route selection or tank vessel traffic and that most transits in the study area by tank vessels subject to the tug escort requirement were through Rosario Strait both before and after the tug escort requirement took effect (20). 2021 Ecology Vessel Activity report's crossing lines at Rosario South and Rosario North had the second and third highest tug transit counts in that study area in 2018 (4,076 for Rosario South and 3,727 for Rosario North), exceeded only by the Admiralty Inlet line which saw 4,168 tug transits (18).

11. Zone: Other Jurisdictions

Sara explained that there are numerous examples of and recommendations for zone-based rulemaking and examples of setting different escort requirements for different operating environments (4, 5, 13, 25). She presented information found about the use of escort zones by other jurisdictions.

California, Massachusetts, Prince William Sound, and British Columbia use escort zones.

- California
 - Requirements vary across 6 major harbors within the state
 - In general, they apply to all tank vessels
 - SF Bay Area: Six zones with variation in requirements, braking force, equipment, stationing, and speed limits
- Massachusetts
 - Areas of special interest that delineate where escort requirements apply
- Prince William Sound
 - Escorts are required for tankers along a 90-mile route through Prince William Sound
 - Three escort zones with variation in requirements based on operating environment and navigational safety risk
- British Columbia
 - Escort requirements exist for tank vessels in the Strait of Georgia, Haro Strait, Boundary Pass, English Bay, and Strait of Juan de Fuca

In general, zone-based differences in escort requirements were based on unique characteristics of each zone.

12. Research Insights on Vessel Types

Sara then moved to the next topic which was research insights into escorted vessel types. She explained that this was relevant because rulemaking will need to consider which vessel types should require escorts.

Information on barges from the 2019 Report of Vessel Traffic Safety have been shared in the past because it gives insight into local tank barges incidents.

Incidents WA/OR (2008 – 2017) :

- 45 incidents, most were groundings and allisions
- 26 were spills, most while moored

- 19 were non-spill incidents
 - Ecology found that a tug escort could have further reduced oil spill risk for 7 of them.

The next slide showed a visual of operating hours in 2018 for Tug, Tug Tow, Barge Tow, Towing Vessel. The report had a larger study area than what is under consideration by the rulemaking so should be on the right side of the map. The dark blue cells in the Anacortes and Bellingham areas represent time tugs spent escorting vessels, towing oil barges, and conducting oil transfers in those areas.

For the next slide, Sara explained that the information on ATBs was from the 2019 Report of Vessel Traffic Safety on local ATB incidents.

Incidents WA/OR (2008 – 2017) :

- 20 incidents, most were near miss events and equipment failures
- 4 were oil spills while moored
- 16 were non-spill incidents
 - Ecology found that a tug escort could have further reduced oil spill risk for 4 of them.

The following slide showed ATBs spending time traveling through the Strait of Juan de Fuca, Rosario Strait, the Strait of Georgia, and Admiralty Inlet and, to a lesser extent, Haro Strait/Boundary Pass. The visual also shows the steady ATB traffic travelling through the Strait of Georgia. The dark blue cells in the Anacortes and Bellingham areas represent additional time spent at refineries and anchorages in those areas. The blue grid cells on the southeast side of Whidbey Island show transits to Everett.

The next slide showed operating hours for Chemical Tankers, Crude Tankers, Product Tankers, Liquefied Gas Tankers, and Asphalt Tankers in 2018. It shows tankers spending time traveling in the traffic lanes through the Strait of Juan de Fuca, Haro Strait/Boundary Pass. The dark blue cells in the Anacortes and Bellingham areas likely represent additional time spent at refineries and anchorages in those areas.

Sara then handed the presentation back to Jaimie for discussion and an opportunity for the OTSC to share thoughts.

13. OTSC Topics

Jaimie opened the floor for thoughts on the materials covered.

Leah Harnish (Oil Industry Alternate/WSPA) had a question about the California and Massachusetts comparisons. She wondered if the rulemaking team knew whether the requirements were based off the geography of the ports and areas they transit through or if the intention was specifically for oil spill risk reduction. Sara responded that she didn't follow the development of the requirements. She mentioned there was a good table in Vessel Traffic Safety Report that spelled out the requirements in each of the jurisdictions. JD Leahy (Ecology Alternate/BPC) mentioned that he believed the requirements targeted laden vessels only, and that it was reasonable to assume the purpose was oil spill risk reduction. Leah said that she wanted to make sure that if the team was looking at other areas to inform policy, they are using apples to apples comparisons. Brian Kirk (Ecology Alternate/BPC) then confirmed that the Massachusetts requirement for tug escorts was from the Massachusetts Oil Spill Act and was intended to reduce spill risk from vessels. He provided a link to the factsheet in the chat.

Blair Bouma (Pilot/Puget Sound Pilots) had an additional comment that a lot of times regulation follows disasters. In Massachusetts, he remembers a couple catastrophic tug and barge groundings with oil spills. He added that California's requirements were developed similar to what Washington is doing, over time with detailed studies and analyses. Sara pointed out that both were zone oriented and were intended to reduce oil spill risk.

Blair continued with comments on various slides:

- Slide 14 – The Eastern Strait Zone contains a number of precautionary zones. He wasn't sure which one was referenced. There's one around SA buoy, RA buoy, and RB buoy. He suggested being more specific.
- Slide 14 – Strait of Georgia, he wondered what the other percentages were, as the ones on the slide did not add up to 100.
- Slide 15 – Haro/Boundary should be classified as "rocky, steep shoreline" as well, as mentioned in Rosario. It is equally important.
- Slide 16 – Saddlebags and Huckleberry are not in the Rosario Zone. If referring to "Rosario and waters east" they would be included. Sara responded that she will re-label the whole section to "Rosario and waters east".
- Slides 22 and 24 – He was glad that the spills from moored vessels were broken out, as they shouldn't have anything to do with this process.
- Slide 26 – Are the tanker operating hours for all tankers or those less than 40,000k DWT? Sara responded that they were all tankers, as the study was done prior to the rulemaking focus. Sara put a link to the referenced report in the chat.

Blair acknowledged the robust amount of information being released along with this rulemaking. He said he was halfway through reviewing the reference list. There were bits and pieces of information that are relevant, and he was not quite sure how the team would dive into the details. He appreciated being provided with the list.

Fred Felleman (Environment/Friends of the Earth) echoed Captain Bouma's comment that oil spill regulations typically come on the heels of a spill. And that the point of the rulemaking was to get ahead of the problem. That is why he continues to assert that Washington state's record is not by accident. The state continues to be proactive, looking toward the future. Moving into the details, he was surprised in the citations, the lack of Trans Mountain data analysis from Canada, specifically the findings of how the Turn Point area is the greatest concerns to the BC pilots and all the additional work they have done to address that. He added that traffic wasn't static and that there would continue to be an increase in traffic between the U.S. and Canada. Therefore, considered data should reflect both current and future trends. He added that Haro Strait and Boundary Pass are going to see a significant increase in vessel traffic and they should be separate zones. He referenced the Haro slide to inform that the area is a high population whale watching site, with many whale-watching and fishing vessels. Many vessels will cross and overtake along that area. He believes there should be greater attention to that. He was surprised that Canadian VTS doesn't regulate the timing of the vessels. The lack of Trans Mountain data missed an opportunity to gain insight from those studies. Fred then asked if the team knew how they were going to address the trend data and projected vessel traffic changes. Sara responded that the changes would likely be addressed when the rule is re-evaluated in 2028 and every ten years thereafter, which would allow the agencies to keep up with the changes. She added that they will look at the Trans Mountain references, and any other projection references he suggests but that they will not be doing any new evaluations as a part of the rulemaking process. Fred

responded that as his initial comment said, what makes Washington state better than most is looking beyond the current data. He mentioned that Lovel Pratt had also assembled data from various forecast projects and encouraged the team to consider those as well.

Brian Kirk (Ecology Alternate/BPC) acknowledged the Trans Mountain Pipeline project, which will increase tanker traffic through Haro Strait and Boundary Pass, as well as increasing tug escorts and oil spill response capacity in the region both dynamically with the tugs accompanying the tankers on a static basis with additional tug capacity, and the additional OSRV tug being stationed in the area. He mentioned the LNG projects under consideration, or developments at the grain terminals. The committee might want to consider how/where to add tug escorts to decrease collision risk. Fred appreciated that consideration. He was surprised by the crossing line data showing 25% bulkers going up Haro and that $\frac{3}{4}$ of what is going to Canada is bulk, unescorted and sometimes twice the size of tanker. He did acknowledge that it was more of a collision issue than oil spill risk. He wondered if focusing on tank vessels in the change in traffic, shifting of crude oil to on-land sources, more traffic of refined product, more ATBs vs tankers with that change in risk in exposure, are reflected some place in the data. Brian responded that the analysis from the modeling team used relatively recent traffic data, which provided a snapshot of the current status, in a world that includes Balkan deliveries and ATB and towed barge movements. Fred's point was that the regime in place is primarily to address crude oil carries. The past does not reflect the future. Brian's response was to suggest that the rulemaking was a proactive exercise and not a response to a specific incident. Therefore, they are looking ahead at protections. As to the changing nature of oil transportation and risk, oil transportation is always changing as is maritime traffic in general. He doesn't know if there is something on the horizon, that they are aware of, that would make the team think differently about the model analysis. He did find it interesting thinking about the future uptick of renewal fuel and different feedstocks, and how that might change and also the different fuels that will be burned in ships. That will change traffic, but he doesn't know how to characterize those. He added that, back to Sara's point, the legislature did add a periodic review of the rules. That's the proactive approach. Fred appreciated his points and added his acknowledgment that the laws put in place in Rosario and waters east were a proactive step. His concern was those laws going away, which was a possibility in the rulemaking.

Sara suggested moving the presentation forward to the OTSC topics. Jaimie introduced the idea of in-person meeting options. The team sees some benefit of bringing people together to prepare for a recommendation to the Board. However, they also recognize the need to maintain a hybrid environment. They were curious what the group thought.

Blair Bouma (Pilot/Puget Sound Pilots) said informational meetings seems fine online. But for drafting, etc., it would be nice to have a group in person. He suggested a hybrid. Clyde Halstead (Tribe/Swinomish) included in the chat that he was willing to attend in person. Fred suggested piggybacking on a Harbor Safety Committee meeting, where many are in attendance already. It would also motivate some to come in person.

Jaimie explained that the OTSC is basically the last stop before a decision is put before the Board. The group makes the recommendation, and the Board is relying on the committee for the in-depth analysis and crafting for their consideration. She reminded everyone that there is a timeline that must be met regarding the inputs needed for the SEPA analysis to move forward. The plan, because of timing, is for the OTSC to have a recommendation of the elements and tug escort regime ideas to analyze for SEPA

at the Board's March 21 regular meeting, which will allow those items to be included in the scope for SEPA contracting. To help with the recommendation, the rulemaking team will schedule OTSC stand-alone meetings between now and then, which will include filtering results to refine the specific ideas. The next step is the team will send out meeting invites for those stand-alone meetings. Jaimie recommended that if OTSC members are unavailable, try to have an alternate step in.

14. Upcoming Rulemaking Workshops

Workshop #6 for stakeholders and tribes will take place next week. The resources will need to be finalized soon thereafter. Sara reminded everyone that references will continue to be looked at all throughout the rulemaking process, but that they need to be sure there is a solid list.

Leah Harnish (Oil Industry Alternate/WSPA) asked about the list of elements to consider for SEPA, wondering if that was the final list for inclusion. Sara responded no, they were not drawn from SEPA scoping, just general concerns.

Fred Felleman (Environment/Friends of the Earth) cautioned that the free-flowing conversation at the last meeting about different filters should not be seen as clear direction. It was an informative conversation, but he encouraged OTSC members actually write down what they are thinking. Fred is working with other NGOs to prepare a letter. He hoped that the conversations going forward could include the modelers. It wasn't clear to Fred at times what was included in the model. Sara responded that they will be talking more about filtering at the next meeting and to bring questions to that workshop.

Blair Bouma (Pilot/Puget Sound Pilots) wondered if there was any funding to do simulations to provide practical data as opposed to theoretical data. He added that there were fairly accurate simulations for these vessel types.

15. Upcoming SEPA Workshops

Lastly, Haley Kennard (Ecology Alternate/BPC) shared a slide showing the upcoming second informal SEPA scoping workshop, which will be held on Tuesday, March 5 from 1:30pm-3:00pm.

In response to the questions from Leah and Sheri, Haley said that there was a formal scoping period held in February 2023 when the Determination of Significance was developed. The scoping period has passed, but because it's been a while since then, they are offering an opportunity for additional input. This meeting will be announced next week at Workshop 6. A more detailed agenda and link will be sent via email in the next few days.

Tim Johnson (Tug Industry Alternate/Crowley) wondered if the comments already submitted were still being considered. Haley responded that yes, no one needed to resubmit what has already been submitted.

Fred appreciated the amount of outreach but has conflicts with the scheduling. He asked for assurance that in his participation in the OTSC meetings he will not be missing anything from the public workshops. He also suggested the team look at data from Clear Seas in Canada.

Jaimie thanked everyone for their input during all the workshops to date. The next step for the BPC and

Ecology Rule Team is to work with the OTSC to review all the information gathered to date and for the OTSC to use that information to make a recommendation to the Board of Pilotage Commissions about which escort ideas to pursue.

Jaimie added that the escort ideas to be pursued will be presented at a future workshop in April or May.

Meeting adjourned at 2:20pm.