

Dr. Sheri Jeanne Tonn
Chair, Washington State Board of Pilotage Commissioners
2901 Third Avenue, Suite 500
Seattle, WA 98121
Sent via email: TonnS@wsdot.wa.gov

April 29, 2025

Dear Dr. Tonn,

RE: Application of RCW 88.16.180 – Pilotage for Oil Tankers Transiting Haro Strait and Boundary Pass

Trans Mountain is the owner and operator of the Westridge Marine Terminal, located in the Burrard Inlet of British Columbia under the jurisdiction of the Vancouver Fraser Port Authority. The marine terminal services the Trans Mountain Pipeline and for 70 years has been engaged in the export of crude oil from Canada.

As part of the Trans Mountain Expansion Project¹ (the “Project”) the marine terminal has been expanded and there is potential for the terminal to receive about 400 empty tankers annually to load crude oil for export. Traffic inbound and outbound from Westridge follows the well-established marine route through Boundary Pass and Haro Straits under compulsory pilotage, by licensed marine pilots regulated by Transport Canada and assigned by the Pacific Pilotage Authority.

The existing international legal framework and treaties between the United States of America and Canada keep the whole of the channel and straits between the two countries free and open to both parties for navigation. There is a co-operative system of vessel traffic management established under [Treaty - E101698](#) to enhance safe and expeditious movement of vessel traffic in the applicable waters near the common boundary of Canada and the United States. Section 240.2² of this treaty requires each Party in “*applying its regulations to vessels proceeding through its portion of the applicable waters solely en route to or departing from a port of the other Party, will consider compliance with the requirements of the other Party to be effectively equivalent to material compliance with its own requirements*”.

The above described arrangement is recognized by RCW Title 88 (namely in RCW 88.16.070) whereby a vessel “*inbound to or outbound from Canadian ports is exempt from the provisions of this section, if said vessel actually employs a pilot licensed by the Pacific pilotage authority (the pilot licensing authority for the western district of Canada), and if it is communicating with the*

¹ Trans Mountain Expanded System, Canada Energy Regulator: <https://apps.cer-rec.gc.ca/PPS/en/pipeline-profiles/trans-mountain-expanded-system> (URL Accessed April 21, 2025)

² The Parties consider that their respective vessel design, construction, manning and equipment requirements, and the measures for enforcement of these requirements, provide a comparable degree of marine safety and environmental protection and that their cooperative application will enhance the effectiveness of the vessel traffic management system. Each Party recognizes that vessels meeting its own standards enter the waters of the other Party in accordance with the agreed routing system. Each Party, in applying its regulations to vessels proceeding through its portion of the applicable waters solely en route to or departing from a port of the other Party, will consider compliance with the requirements of the other Party to be effectively equivalent to material compliance with its own requirements, so long as the requirements and enforcement practices of the other Party, in their totality, continue to provide a comparable degree of marine safety and environmental protection.

vessel traffic system” when navigating certain waters, which includes the Boundary Pass and Haro Strait³.

Trans Mountain and its shippers have learned that the Washington State Board of Pilotage (the “Board”) is currently reviewing application of RCW 88.16.180 for tankers inbound or outbound from Canadian ports, specifically the section in this rule that requires any registered oil tanker of five thousand gross tons or greater *“To take a Washington state licensed pilot while navigating Puget Sound and adjacent waters and shall be liable for and pay pilotage rates pursuant to RCW 88.16.035”*. We believe that is not the intention of RCW 88.16.180. Although the vague language of the rule requires urgent clarification, we believe it only applies to oil tankers navigating Puget Sound and the waters immediately adjacent to Puget Sound; it does not apply to the entire Puget Sound pilotage district described in RCW 88.16.050. That would cause a conflict with federal regulations and require changes that are unnecessary and potentially impact the safety of all marine shipping in the region.

Trans Mountain has followed the proceedings of the Board and supports submissions made to date by the Chamber of Shipping of BC and the BC Coast Pilots (BCCP). We are concerned that the language of this statute could be interpreted to remove tankers from the general exemption for vessels inbound to or outbound from Canadian ports. Any scenario that would require many multi-jurisdictional skilled pilots on board will add complexity, uncertainty, adversely impact the safety of marine traffic and is not labor efficient. It may also lead to other unforeseen and unintended knock-on effects ultimately leading to service and cost inefficiencies across the entire system, delays and disruptions. These are all concerns that we are confident the Board appreciates. Besides, the safety record of traffic to and from Canadian ports piloted by Canadian pilots through the Boundary Pass and Haro Strait is exemplary⁴

We request that the Board resolve any confusion caused by the current language of RCW 88.16.180 by reaffirming the validity of the current established and well understood navigation practices that are prevalent in the Boundary Pass and Haro Straits for all vessels (including tankers) inbound to or outbound from Canadian ports. Such practices are supported by, and in accordance with many decades of legal framework of rules and treaties between Canada and the U.S.

For our part, we will continue to work with our shippers to ensure that all traffic to and from our terminal adheres to the established marine operating and navigation practices for this region. This includes providing tug escorts for loaded tankers and maintaining oil spill response planning and readiness.

³ Those waters east of the international boundary line which are west of a line which begins at the southwestern edge of Point Roberts then to Alden Point (Patos Island), then to Skipjack Island light, then to Turn Point (Stuart Island), then to Kellet Bluff (Henry Island), then to Lime Kiln (San Juan Island) then to the intersection of one hundred twenty-three degrees seven minutes west longitude and forty-eight degrees twenty-five minutes north latitude then to the international boundary.

⁴ Letter submitted by the BC Coast Pilots to the Washington State Board of Pilotage Commissioners dated April 16, 2025: <https://nebula.wsimg.com/841c9a5a6c216d73a5824b78c4918a31?AccessKeyId=F86D0A1E7A0091C2061F&disposition=0&alloworigin=1> (URL Accessed April 21, 2025)

Thank you for the opportunity to provide comments. Please contact me with any questions regarding this submission.

Sincerely,



Bikramjit Kanjilal
Director, Burnaby and Westridge Terminals, Trans Mountain

cc.

Nicola Mancey, Regional Director, Navigational Programs, Canadian Coast Guard, Western Region
Rear Admiral Charles Fosse, Commander, Thirteenth Coast Guard District, United States Coast Guard
John Wilson, CEO, Pacific Pilotage Authority
Ryan Solomon, Regional Director, Marine Safety & Security, Transport Canada
Michael Davies, President and Chief Operating Officer, Trans Mountain
Jake Spink, President, BC Coast Pilots
Bonnie Gee, President, Chamber of Shipping of BC
Chris Hall, President and CEO, Shipping Federation of Canada