



ESHB 1578 – ROSARIO STRAIT AND CONNECTED WATERWAYS EAST TUG ESCORT IMPLEMENTATION

WASHINGTON STATE BOARD OF PILOTAGE COMMISSIONERS

*JAIMIE C. BEVER, EXECUTIVE DIRECTOR
JULY 29, 2020 AND AUGUST 6, 2020*

TODAY'S PRESENTATION



- Introductions
- Legislative Background
- Timeline of BPC Deliverables
- Oil Transportation Safety Committee Overview
- Interpretive Statement Overview
- Monitoring and Enforcement
- Next Steps
- Q&A

INTRODUCTIONS



- **Presenter: Jaimie C. Bever**
 - Executive Director, Board of Pilotage Commissioners
 - Chair, Oil Transportation Safety Committee
- **Moderator: Max Gordon**
 - Oil Spill Preparedness Planner, Department of Ecology
- **Q&A Participant: Captain Blair Bouma**
 - Pilots, Puget Sound Pilots
 - Pilot Representative, Oil Transportation Safety Committee
- **Q&A Participant: Sara Thompson**
 - Vessel and Oil Transfer Unit Supervisor
 - BPC Ecology Alternate, Oil Transportation Safety Committee

INTRODUCTIONS



■ Resources

➤ BPC Website – www.pilotage.wa.gov

The screenshot shows the homepage of the Board of Pilotage Commissioners. The navigation menu includes: Home, About Us, Contact Us, Exam Information, Directories, Forms, Vessel Exemptions, RCW/WAC, Diversity Program, Meetings, Oil Transportation Safety, and Resources. The 'RCW/WAC' and 'Resources' items are circled in yellow. Below the menu are four red banners with the following text: 'Notice Regarding State of Emergency Proclamation 20-05 In Response to COVID-19 and Washington State Compulsory Pilotage', 'Proclamation by the Governor 20-25.6 Safe Start - Stay Healthy', 'U.S. Coast Guard Marine Safety Information Bulletin 08-20: COVID-19 - Mariner Credentials (Change 2) - June 4, 2020', and 'U.S. Coast Guard Marine Safety Information Bulletin 02-20: Novel Coronavirus Update (Change 5) - May 27, 2020'. A blue button labeled 'Pilot/Trainee Declaration of Health' is located below the banners. The 'OUR MISSION' section at the bottom left states: 'to prevent the loss of human lives, loss of property and vessels, and to protect the marine environment of the state of Washington'. The 'Quick Links' sidebar on the right includes: Oil Transportation Safety (circled in yellow), BPC Meeting Schedule, Address and Office Hours, Next Meeting - July 18th, Become a WA Pilot!, Quarterly Newsletter (with an Archives sub-link), Annual Reports, Safety Advisory Bulletins, Policy Statements, and Interpretive Statements.

INTRODUCTIONS



■ Resources Cont'd

➤ Oil Transportation Safety Page

- ESHB 1578 Background
- Interpretive Statement
- Geographic Zones
- Scope for Synopsis of Changing Vessel Traffic Trends
- BPC/Ecology Interagency Agreement

➤ Resources Page

- BPC and Ecology Focus Sheets
- OTSC Charter, Roster, and Meeting Minutes
- Information Regarding Upcoming and Previous Events



LEGISLATIVE BACKGROUND

- 2019 Legislative Session – ESHB 1578
Reducing threats to southern resident killer whales by improving the safety of oil transportation.
- Tug Escort Requirements as of 9/1/2020 on the following laden vessels between 5,000 and 40,000 deadweight tons
 - 1) Oil tankers
 - 2) Articulated tug barges (ATBs)
 - 3) Towed waterborne vessels or barges



Image courtesy of Puget Sound Pilots



TIMELINE OF BPC DELIVERABLES

9/1/2020

- Rosario Strait & Connected Waterways East Tug Escort Implementation
- Identification of Geographic Zones

12/31/2021

- Synopsis of Changing Vessel Traffic Trends

9/1/2023

- Consultation
- Risk Model Analysis

12/31/2025

- Adopt Rules for Tug Escorts in Puget Sound

10/1/2028

- Review Rules Every 10 Years Thereafter



OIL TRANSPORTATION SAFETY COMMITTEE (OTSC)

- 12/16/2019 - OTSC Charter Adopted by the Board
- 1/16/2020 – OTSC Membership Adopted by the Board
- Statement of Purpose:
To conduct analysis and provide recommendations for the Board concerning the responsibilities outlined in ESHB 1578.
- OTSC Meeting Minutes can be found at:
<https://pilotage.wa.gov/resources.html>

OTSC MEMBERS



| Chair | BPC Ex-officio | BPC Member Ecology | BPC Member Marine Environ. | BPC Member Public | Tribal | Oil Industry | Tug Industry | Environ. Community | Pilot |
|---------------------|-------------------|------------------------------------------------------|----------------------------|-------------------|----------------------------------------------------------|--------------------------------------------------------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Jaimie Bever BPC | Sheri Tonn BPC | Dale Jensen Alternates: Ecology Spills Program | Eleanor Kirtley | Jason Hamilton | Senator Joseph Williams Swinomish Alternate TBD | Bob Poole WSPA Alternates: Various Subject Matter Experts | Charlie Costanzo AWO Alternates: Various Subject Matter Experts | Fred Felleman Friends of the Earth Alternate: Blair Englebrecht Puget Soundkeeper Alliance | Captain Blair Bouma Puget Sound Pilots Alternate: Keith Kridler Puget Sound Pilots |

PHASE I – OTSC WORK



Phase I – 9/1/2020 Deliverables: Rosario Strait and Connected Waterways East Tug Escort Implementation and Geographic Zone Identification

- February 13, 2020
- March 17, 2020
- April 6, 2020
- April 21, 2020
- May 6, 2020
- June 16, 2020



- Interpretive Statement
for ESHB 1578
 - For Board Adoption
- Geographic Zones
 - For Board Adoption

TUG ESCORT IMPLEMENTATION – INTERPRETIVE STATEMENT



- ESHB 1578 terms analyzed and defined by OTSC.
- OTSC developed recommendations for BPC consideration and adoption.
 - Development of definitions led by OTSC Pilot Representative Captain Blair Bouma; a pilot's perspective.
 - Existing published definitions considered.
- BPC adopted the Interpretive Statement at the June 18, 2020 regular public meeting of the Board.



INTERPRETIVE STATEMENT - DEFINITIONS

■ “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 B, “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”.

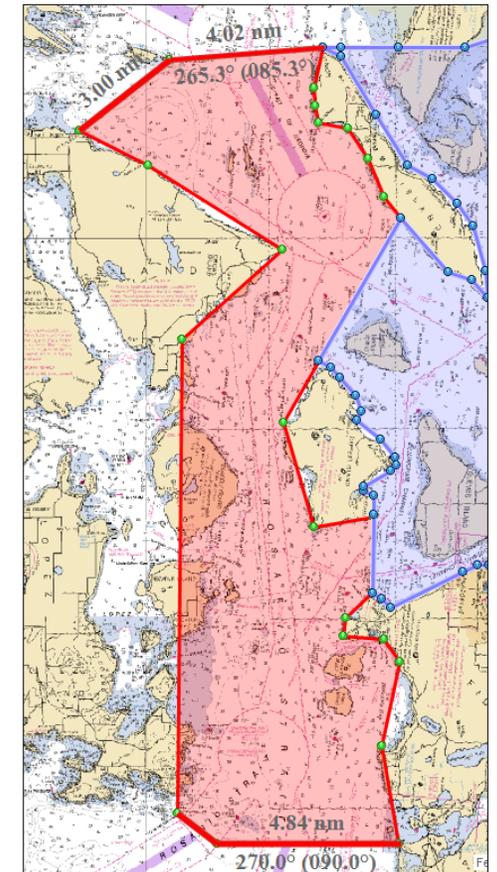
INTERPRETIVE STATEMENT - DEFINITIONS



■ “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 by the USGS, 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. $48^{\circ} 24.0'N$, Long. $122^{\circ} 47.15'W$ then East to the shore of Whidbey Island at Lat. $48^{\circ} 24.0'N$, Long. $122^{\circ} 39.9'W$ (near W. Point). See Figure 1.

Note: this definition is different from the VTS Special Area as defined in 33 CFR 161.55.5.



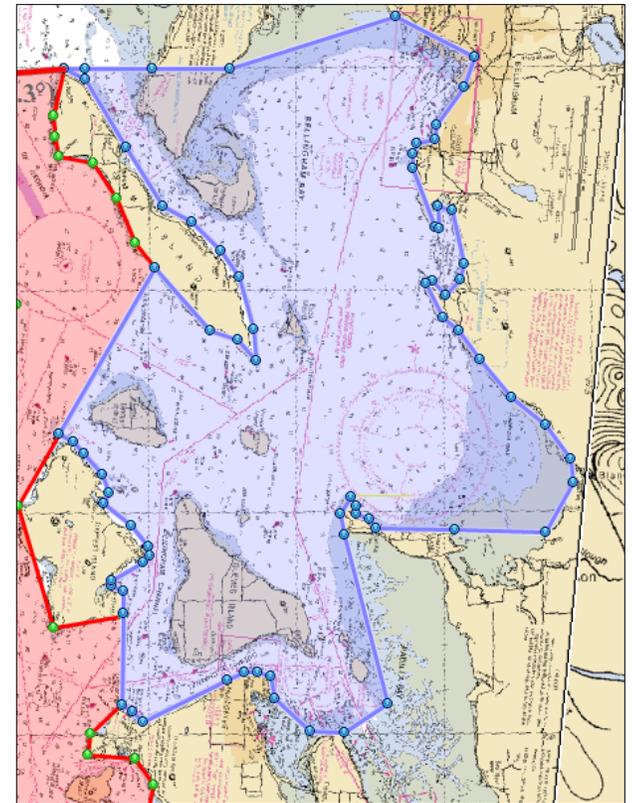
INTERPRETIVE STATEMENT - DEFINITIONS



■ “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 $48^{\circ} 30.0'$ 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 161.55.5.





INTERPRETIVE STATEMENT - DEFINITIONS

■ “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, 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.



INTERPRETIVE STATEMENT - DEFINITIONS

■ “Laden/Unladen (In Ballast)”

It is the interpretation of the Board that, as per the Board’s existing Statement of Policy, “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”.



INTERPRETIVE STATEMENT - DEFINITIONS

■ “Laden/Unladen (In Ballast) Cont’d.”

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.

Note: This interpretation was developed to acknowledge most tank vessels are capable of pumping their tanks down to 0.5% of their capacity. However, some 5,000 – 40,000 deadweight ton bunker barges do not have the pumping capacity to reach the 0.5% threshold in order to be considered unladen.



INTERPRETIVE STATEMENT - DEFINITIONS

■ “Laden/Unladen (In Ballast) Cont’d.”

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”.

VESSELS ENGAGED IN BUNKERING OR REFUELING



- Per ESHB 1578 Section 3(1)(b) the requirements of Section 3 do not apply to:
 - (i) a towed general cargo deck barge; or
 - (ii) a vessel providing bunkering or refueling services.



INTERPRETIVE STATEMENT - DEFINITIONS

■ “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. 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.

MONITORING AND ENFORCEMENT

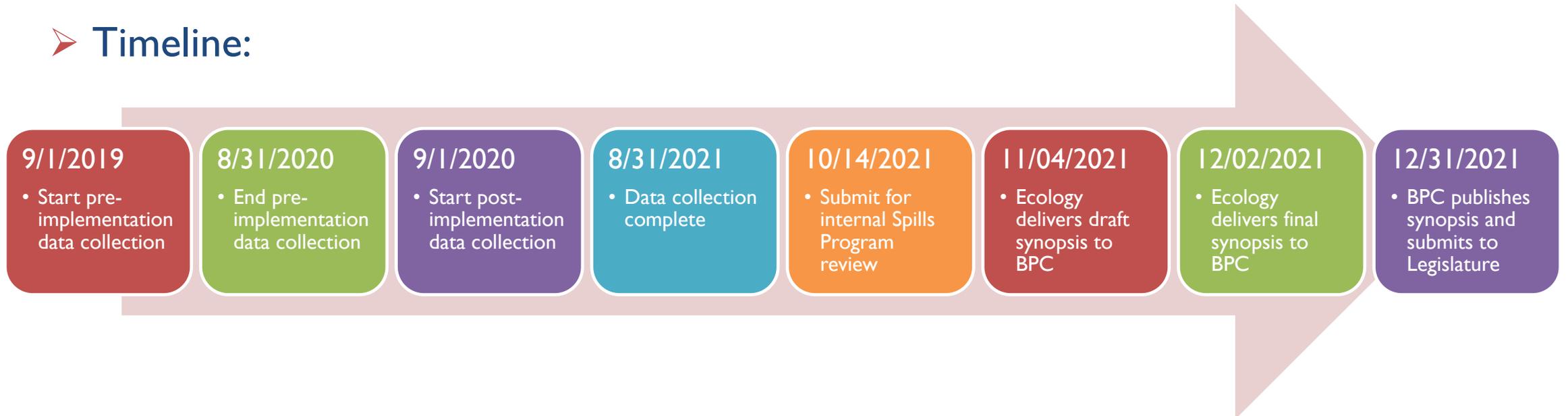


- BPC investigates cases of potential Pilotage Act and Pilotage Rules non-compliance.
- The Pilotage Act contains enforcement provisions.

NEXT STEPS



- Synopsis of Changing Vessel Traffic Trends
 - Scope of Work with Department of Ecology
 - Timeline:



CONTACT INFO



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