



STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

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Meeting Minutes – Oil Transportation Safety Committee (OTSC)

September 14, 2023, 10:00am – 11:00am

Via MS Teams

Attendees:

Jaimie Bever (Chair/BPC), Brian Kirk (Ecology Alternate/BPC), JD Ross Leahy (Ecology Alternate/BPC), Sara Thompson (Ecology Alternate/BPC), Phil Hunter, (Pilot Alternate/PSP), Keith Kridler (Pilot Alternate/PSP), Leah Harnish (Tug Industry Alternate/AWO), Amber Carter (Tug Industry Alternate/AWO), Clyde Halstead (Tribal/Swinomish), Antonio Machado (Oil Industry/WSPA), Rein Attemann (Environment Alternate/WEC), Kyle Burlison (Tug Industry Alternate/AWO), Fred Felleman (Environment/Friends of the Earth), Lovel Pratt (Environment Alternate/Friends of the San Juans), Bettina Maki (BPC)

1. Welcome and Updates

OTSC Chair Jaimie Bever welcomed everyone to the meeting.

2. Workshop Topics

The main topics for OTSC workshop #3 are to conduct a rulemaking overview, summarize the first two workshops, and discuss ideas for escort alternatives.

3. Rule Overview & Scope Review

Jaimie walked the OTSC through a few slides in the presentation, which provided a brief overview of the 2019 legislation (ESHB 1578), the timeline of deliverables, and possible outcomes of the rulemaking.

4. Workshops and Outreach

The workshops and outreach timeline slide displayed activities from February 2023 to January 2026. Jaimie gave a brief explanation of the 2023 workshops. She also previewed the upcoming workshops from September 27, 2023 through January 25, 2024.

5. Scope

The scope for the entire rulemaking announcement was provided in the presentation slides as background.

At this point, Jaimie handed the presentation over to Sara Thompson (Ecology Alternate/BPC). Sara introduced summaries and takeaways from the past workshops.

6. Workshop 1 Summary

Sara shared that during the first workshop, the rulemaking team received feedback and ideas about the over 30 references currently under review to inform the rulemaking, including academic and research publications, pilotage documents, and Federal, State, and local regulations and reports. She reviewed the likely rulemaking decision points including vessel types, zones, capability requirements, and exemptions for tug escorts.

7. Workshop 2 Summary: Tug capability ideas

Sara shared the list of ideas discussed at the workshop that may be useful for further consideration and that will be discussed at future workshops:

- Horsepower
- Propulsion
- Pre-escort conference
- Certification
- Deck Fittings
- Tethering
- Escort provider training and drills

She also shared ideas discussed at the workshop that may not be a good fit for this rulemaking:

- Bollard pull – not easily verified, particularly indirect pull
- Bollard pull testing – already a Harbor Safety Committee Standard of Care
- Escort Equipment (render-recovery etc.) – expensive and likely not necessary for regional conditions
- Firefighting equipment – better suited for a sentinel tug and there many not be enough space or trained crew

8. Questions from Workshop 2

Sara addressed a few questions that were asked during the second workshop:

- What is the goal of having a tug escort?

To reduce the risk of an oil spill, which could eradicate our whales, violate the treaty interests and fishing rights of potentially affected federally recognized Indian tribes, damage commercial fishing prospects, undercut many aspects of the economy that depend on the Salish Sea, and otherwise harm the health and

well-being of Washington residents. The underlying goal is to reduce the risk of an oil spill.

- What is the history of tank barge and ATB incidents in the area?

Sara shared a snapshot of the regional (Washington and Oregon) incident information found in the Report of Vessel Traffic Safety: Strait of Juan de Fuca and Puget Sound Area released by Ecology in 2019 (specifically pages 61-64). This data showed:

- Tank Barge Incidents 2008-2017
 - 45 incidents
 - 26 out of 45 were oil spills (most of the 26 occurring while moored)
 - Of the remaining 19 non-spill incidents, tug escort could have further reduced oil spill risk for 7
- ATB Incidents 2008-2017:
 - 20 incidents
 - 4 of 20 were oil spills – all occurred while moored
 - 16 of 20 were non-spill incidents, tug escort could have further reduced oil spill risk for 4

Sara mentioned that the data source report contained further breakdowns of this information and shared some of that data. Lovel Pratt (Environmental Alternates/Friends of the San Juans) inquired about the definition of “moored”. Sara responded that she would need to look at how that term was defined in the report. Later in the meeting Sara read the definition, which was when a vessel is “secured to the ground, a wharf, pier, or quay other than anchoring with a single anchor”.

9. Discussion Topic: Escort Alternative Ideas

Sara introduced the topic of today’s meeting, which was to discuss various alternatives for the tug escort rulemaking options. She added that all the proposed ideas were good to keep in mind when reviewing the Tug Escort Analysis report, which is forthcoming. The ideas include:

- Remove Rosario and waters east requirement (Pre-2020)
- Maintain Rosario and waters east requirement – no other change
- Require escorts for specific additional vessels in specific zones
- Require escorts for all applicable vessel types in all zones
- Require escort service be available for vessel types within a certain number of minutes

10. Idea 1: Pre-2020 escort regime 26:26

This idea would remove the RCW requirement for escorts on barges, ATBs, and oil tankers less than 40,000 DWT in Rosario and waters east. Sara paused at this point to hear ideas regarding benefits or drawbacks from OTSC members.

Fred Felleman (Environment/Friends of the Earth) inquired about having a tow line break, recognizing the narrow waterways for recovery to secure a runaway barge. He said there were downsides to putting more vessels on the water, and that reducing impacts to fishing gear should be considered regardless. The NW Straits Commission is continuing in this effort. He wants to make sure that OTSC is aware of impacts to reducing vessel traffic as well as increasing it. Sara thanked Fred and added that fishing gear conflict reduction could be added to the tracking for some of the elements to include in SEPA.

11. Idea 2: 2023 escort regime

This idea would maintain the RCW requirements for escorts of barges, ATBs, and oil tankers less than 40,000 DWT in Rosario and waters east with no requirements for escorts outside of Rosario and waters east. Sara paused for OTSC member input. There was none shared at this time.

12. Idea 3: Escorts for specific vessels in specific zones

For this idea, Sara shared some examples of rule language:

- Oil tankers of between five thousand and forty thousand deadweight tons may not operate in [insert waterway zone], to the extent that these waters are within the territorial boundaries of Washington, unless they are under the escort of a tug.
- Articulated tug barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons may not operate in [insert waterway zone], to the extent that these waters are within the territorial boundaries of Washington, unless they are under the escort of a tug.
- Towed waterborne vessels or barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons may not operate in [insert waterway zone], to the extent that these waters are within the territorial boundaries of Washington, unless they are under the escort of a tug.

Again, Sara paused for input from OTSC members.

Fred Felleman (Environment/Friends of the Earth) mentioned that the Tug Escort Analysis Report discussed the most potential benefit increase being around the Admiralty Inlet area. He asked if that was a correct. JD Ross Leahy (Ecology Alternate/BPC) responded that yes, it certainly was a potential take away from the report. Fred said that he found the confluence of the two analysis reports (tug escort and ERTV) to be bifurcated. He wondered if discussing an ERTV would be part of this conversation. Sara responded that perhaps under idea number 5. Fred asked if there was a way to capture the results of the ERTV model while addressing the risks and benefits in the different zones. JD responded that he could reiterate what the preliminary results read for different zones if that would be useful. It was decided that the group would finish the presentation slides and circle back to this topic.

13. Idea 4: Escorts for all vessel types in all zones

Sara shared potential language addressing escorts for all vessel types in all zones:

- Oil tankers of between five thousand and forty thousand deadweight tons; articulated tug barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons; and towed waterborne vessels or barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons may not operate in the waters east of the line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area, to the extent that these waters are within the territorial boundaries of Washington, **unless they are under the escort of a tug.**

Idea 5: Escort service for all vessel types within a certain number of minutes

Language for this option could read as follows:

- Oil tankers of between five thousand and forty thousand deadweight tons; articulated tug barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons; and towed waterborne vessels or barges that are designed to transport oil in bulk internal to the hull and greater than five thousand deadweight tons may not operate in the waters east of the line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area, to the extent that these waters are within the territorial boundaries of Washington, **unless they are able to guarantee on-scene escort services within # minutes of**

This is looking at it from a different perspective. A possible drawback is that different zones have different requirements for time on scene due to characteristics. This would need more thought.

14. Other ideas and wrap-up

Fred Felleman (Environment/Friends of the Earth) mentioned a sentinel tug option and whether these scenarios would open the door to that discussion. Sara responded that the rulemaking was not about a sentinel tug, but about being under escort. Jaimie Bever (OTSC Chair/BPC) mentioned that the term "under escort of a tug" was defined by the OTSC and adopted by the Board in the Interpretive Statement. She read the definition:

- 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".

Antonio Machado (Oil Industry/WSPA) thanked Jaimie and Sara for the presentation. He pointed out the majority of the incidents shared earlier in the presentation happened while the vessels were moored/tied up and believes that should be a big part of the consideration; To understand where and when things happen and what gaps need to be covered. He suggested trying to stay focused on the topics presented at the meetings.

Jeff Slesinger (Tug Industry Alternate/Delphi Maritime) shared that he believes the group is nearing the point of beginning to make recommendations. He understands that the committee is supposed to be narrowly focused on the escort piece, but he also acknowledges that there are concerns regarding whatever recommendations come when it gets processed by a larger group. He believes the hedging being heard now could be taken out of context. Is the OTSC supposed to anticipate this and guide responses accordingly or is another group doing that? For instance, say the OTSC decides to recommend that the Admiralty/Port Townsend zone needs more risk management, but may also find that it raises the noise level. How will all those things be taken account and what is the role of the OTSC? Jaimie responded that the OTSC was designed with the membership it has to be able to make language recommendations to the Board, with everyone bringing forth their perspectives, discussions, and consensus. And then recommendations will be made to the Board for final decision making. They are the rulemaking power. Noise and environmental impacts will be reviewed through the SEPA process. He asked if there would be an opportunity before issuing recommendations to have an inter-committee meeting to see the results of the other processes. Jaimie responded that the OTSC will have eyes on all the inputs. Sara added that the OTSC was the hub where all those inputs were heading.

Jeff asked about the delay of the report and what caused it. Brian Kirk (Ecology Alternate/BPC) responded that the Governor's office was resource restrained to review the reports and get responses back to Ecology. They talked to the Governor's office yesterday. Brian hoped to get approval to publish and submit to the Legislature within a week or so.

Jaimie asked if the committee was interested in hearing JD Ross Leahy (Ecology Alternate/BPC) talk about the preliminary results of the Tug Escort Analysis Report. There was a positive response. JD presented some additional slides sharing results from the report.

Fred asked for clarification regarding the results and JD repeated his results.

Admiralty Inlet stands out as the individual zone receiving the most absolute benefit from conducting escorts in all zones. JD reminded the group that the model analysis was based on historic traffic activity through each zone and that it is important to keep in mind that zones with low traffic levels, such as Colvos Passage, could show a large percentage of relative risk reduction but have low absolute risk reduction. JD suggested that the OTSC consider both the relative risk reduction and absolute risk reduction when evaluating escort benefits by zone. On an absolute basis, two zones stood out: Haro Strait and Boundary Pass, and Admiralty Inlet, which have both relative risk and absolute risk reduction benefits.

A lengthy discussion of the preliminary results occurred between JD and Fred for the remainder of the meeting. At the end of the discussion, JD clarified that he understood that Fred was looking for a composite risk reduction for the three zones that comprise Rosario and connected waters east. He believes that is doable. However, the numbers shown on the slide reflect the decline in risk across the entire study area, which included zones that are not currently required to have escorts. Brian Kirk (Ecology Alternate/BPC) added that the zones were required for the analysis and that's why the results are presented that way. Ecology will plan to bring the composite for Rosario specifically to the next meeting.

There were no further questions or comments. The meeting was adjourned at 11:30am.