



STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

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Meeting Minutes – Oil Transportation Safety Committee (OTSC)

August 30, 2021, 10:00am – 12:00pm

Attendees via Teams:

Jaimie Bever (Chair/BPC), Sara Thompson (Ecology Alternate/BPC), Alex Hess (Ecology Alternate/BPC), Brian Kirk (Ecology Alternate/BPC), JD Leahy (Ecology Alternate/BPC), Lori Crews (Ecology Guest), Eleanor Kirtley (Marine Environment/BPC), Blair Bouma (Pilot/PSP), Charlie Costanzo (Tug Industry/AWO), Sheri Tonn (Ex-officio/BPC), Senator Joseph Williams (Tribal/Swinomish), Tom Ehrlichman (Tribal/Swinomish), Bettina Maki (Staff/BPC), Laird Hail (Advisor/USCG), Bob Poole (Oil Industry/WSPA), Mark Homeyer (Tug Industry Alternate/Crowley), Fred Felleman (Environment/Friends of the Earth), and Lovel Pratt (Environment Alternate/Friends of the San Juans).

1. Welcome

Chair Bever welcomed everyone to the meeting and began by addressing an email received by the OTSC from Tom Ehrlichman (Tribal/Swinomish) on 8/27. The email contained several questions.

The first was regarding whether the OTSC had any interest or scope in future discussions regarding anchorages and to what extent does the BPC have responsibility for safe vessel movement in the area. Regarding anchorages, Chair Bever responded that the USCG has the jurisdiction not the BPC and that the BPC/OTSC should focus on the ESHB 1578 deliverables and deadlines. She acknowledged the ongoing concerns regarding anchorage use. However, her preference was to stay away from that topic at the OTSC level for now. Fred Felleman (Environment/Friends of the Earth) noted that the West Coast was looking worse than ever in terms of the backlog of vessels and that while he was discouraged, he acknowledged that decongestion measures were in place. To Tom's point, however, he believed that there was a nexus between OTSC conversations and anchorages. Tom clarified that his intent wasn't to address the topic at the meeting, but to see if there was interest in addressing it in the future. He asked for a briefing regarding the scope of BPC authority to regulate safe practice in the anchorages. Sheri Tonn (Ex-officio/BPC) responded that the BPC needed to work with Ecology and the Attorney General's Office to see what is 1578 scope and what is general safety scope.

Jason Hamilton (Public/BPC) wondered if Laird Hail had any input. Laird Hail (Advisor/USCG) agreed that CG has the authority, not the state, and that in the OTSC charter, there is no pathway to use the OTSC to address anchorages. USCG is working with the pilots regarding anchorage criteria for maximum safety. He also stated that he does not believe that unsafe practices are happening. Jason added that the collaboration between the CG and pilots is critical for safety. Blair Bouma (Pilot/PSP) said that he believed the anchorages were being used in a safe manner. Chair Bever commented that she believed an individual had been appointed on a national level to address the West Coast backlog. Eleanor Kirtley (Marine Environment/BPC) posted a link for the new Port Envoy. Joseph Williams (Tribal/Swinomish) provided Tribal perspective regarding the anchorages and impacts on Treaty and commercial fisherman in terms of safety. Fred looked for clarification as to why tankers were backing up when the issue has been cargo. Laird responded that it was cause and effect...the container ships taking up the other anchorages more than in the past. Lovel Pratt (Environment Alternate/Friends of the San Juans) acknowledged the aesthetic issue of anchored tankers, but she emphasized that it was a safety issue and believed the OTSC was an appropriate group to address that. Fred wondered if bunkering was occurring in Vendovi and whether that could be halted temporarily. Blair answered that it was happening occasionally.

The second question was regarding future briefings from the Ports of Everett and Bellingham regarding their recent designations as U.S. marine highways. Chair Bever suggested that while not necessarily a topic for the OTSC currently, it very well could be a BPC topic. She reminded OTSC members that anything outside of the OTSC charter would need to have BPC direction first. Tom added that it was a new factor that wasn't relevant when the charter was developed. He thought it would be helpful for OTSC members to know what it is and how it relates to OTSC work. In addition, he believed that both topics brought up so far are good educational foundations for OTSC members. Charlie Costanzo (Tug Industry/AWO) said his understanding was that the designations were focused on containerized cargo to reduce traffic, congestion, and greenhouse gasses, not tank vessels.

The third item was regarding a potential briefing from Ecology on their proposed rulemaking regarding marine oil transport and specifically regarding reporting requirement distinctions between BPC and Ecology. Sara Thompson (Ecology Alternate/BPC) responded that a briefing was possible further down the line. She believed that Tom was already in contact with the Ecology rule coordinator. And internal follow-up meeting would be happening later that week to discuss his questions. Chair Bever suggested that future questions regarding this topic be directed to Ecology.

2. Approve June 3, 2021, Meeting Minutes

The minutes were approved with two minor changes.

3. Presentation – Tug Escort Analysis Scope of Work

Alex Hess (Ecology Alternate/BPC) provided an overview of the Tug Escort Analysis Scope of Work via a slide deck presentation. The overview included ESHB 1578 background, analysis objectives, and research questions. A public comment period for

the scope of work will occur during the month of September 9/1 – 9/30. The OTSC will review the revised scope at the October 18, 2021, OTSC meeting, prior to its delivery to the Board at the BPC's November meeting. The project itself will kick off in January 2022 and submitted the report by Sept 1, 2023.

The tug escort analysis objective is to evaluate the potential reduction in oil spill risk from covered vessels resulting from the use of tug escorts by specified tank vessels in waters east of New Dungeness Light/Discovery Island Light. As a response to a question posed by Tom Ehrlichman (Tribal/Swinomish), Alex informed the group that the analysis will contain the language from ESHB 1578 as well as how Ecology interpreted it. Alex presented the 6 research questions that will inform the analysis:

1) *Geography - How is oil spill risk distributed geographically? How does the use of tug escorts change the way that oil spill risk is distributed geographically?*

Eleanor Kirtley (Marine Environment/BPC) encouraged that this question be tied back to the geographic zones that the BPC previously approved and delivered to Ecology, if appropriate. Alex responded that while they likely won't be built into the model itself, Ecology intends to take them into consideration.

2) *Vessel Types – How is oil spill risk distributed across covered vessel types? How does the use of tug escorts change the way that oil spill risk is distributed across covered vessel types?*

Eleanor Kirtley (Marine Environment/BPC) was interested in the background on the distinction of risk to covered vessels with the applicability to tug escorts. She also suggested making sure that the research questions being asked were feasible based on the capability of the model. Ecology's model could look at all covered vessel types, not just tank vessels. Brian Kirk (Ecology Alternate/BPC) confirmed that the bill asked for analysis of risk from oil spill of covered vessels in WA waters, and therefore the analysis will cover all vessel types. The tug escort analysis, however, will be specific to tank vessels, as specified in ESHB 1578. He did not anticipate experimenting with the potential for requirements of tug escorts for container ships or bulk vessels.

3) *2020 Escort Law – How does the 2020 expansion of tug escorts in Rosario Strait and connected waters to the east change oil spill risk from covered vessels?*

Fred Felleman (Environment/Friends of the Earth) asked if the analysis would include the current study of changing vessel traffic trends. Alex answered that the tug escort analysis will include various studies and scenarios that are yet to be identified. Once the project kicks off in January, part of the public outreach process will be around the scenarios to be chosen.

Alex specified that the next 3 questions would directly inform the 2025 rulemaking for tug escorts.

4) *Tethering – How does oil spill risk change if the escorts are tethered versus*

untethered?

There were no questions or comments.

5) *Tug Characteristics – How do key design characteristics for escort tugs affect spill risk?*

Per Alex, this includes bollard pull, configuration, and horsepower, and will be addressed qualitatively in the analysis. Fred Felleman (Environment/Friends of the Earth) wondered why it would be qualitative while he believed the information was quantifiable. Alex responded that the model would aggregate risk. It may not be able to fully address this question using the current model configuration. Comparisons of bollard pull performance, for example, may need to be supplemented from other studies. Fred pointed to multiple studies that have been done in by various companies regarding tug capabilities. Alex reiterated that their intention was to include some of those studies, including more quantitative studies in the overall analysis, but that the model itself may not be able to answer those quantitative questions.

Eleanor Kirtley (Marine Environment/BPC) wondered if the actual scope document was going to be provided to the OTSC vs the presentation slides. Chair Bever answered that the intention was to give the OTSC a preview and that they would have a chance to review the final draft prior to it going to the Board. Alex confirmed.

Fred asked for clarification from Alex about what Ecology was looking for in terms of feedback from the OTSC. Alex responded that the research questions provide the boundary for the information to be analyzed. The comment period is to allow all affected parties who disagree with Ecology's interpretation of what ESHB 1578 is asking for an opportunity to vocalize those disagreements and have them considered. Eleanor added that the legislation did not contain specific instructions regarding the analysis. The proposed research questions were not in the bill. They are Ecology's interpretation.

6) *Safety Measures – Are there new safety measures adopted since July 1, 2019? If so, what are the qualitative benefits of these measures?*

Alex Hess (Ecology Alternate/BPC) clarified that 2020 rule/law modifications will be looked at as a part of this research question. 2019 was included in case there were any significant changes in maritime practice or regulations. Laird Hail (Advisor/USCG) informed of a change to subchapter M requirements on towing vessels that would significantly impact the safety of many vessels.

Alex confirmed, after several questions, that consideration of underwater noise and greenhouse gas emissions were out of scope for the tug escort analysis but were included in ESHB 1578 as considerations under the 2025 rulemaking deliverable. Brian Kirk (Ecology Alternate/BPC) confirmed that Ecology's

understanding of the bill language for the tug escort analysis was specific to oil spill risk, as directed by the Legislature. Alex specified that the 2018 data set helped Ecology specify the rules for the model, but that it would not be tied to that data set.

Laird noted that the only incidents VTS was aware of with escorted vessels have been unintended contact between the escorted vessel and the escort tug.

Alex thanked everyone for their time and input. He concluded his presentation and provided contact info. Chair Bever will provide the public comment link to the OTSC when it goes live the following day.

4. Enterprise Risk Management – Brainstorm Session

This agenda item was deferred to the next meeting to allow for robust Q&A of the previous topic.

5. Next Steps

The group discussed the October meeting and settled on 18 October at 10:00am.

Sheri Tonn (Ex-officio/BPC) shared some final thoughts. She relayed the Board's appreciation of all the work the OTSC puts into the committee and the process. She acknowledged that many of the issues were challenging, but encouraged continued communication about them, as they were all interconnected. She thought some of the topics, such as the marine highways, were excellent for a Board meeting, as well as at the committee level, if members want. She added that engaging the support of the Ports of Everett and Bellingham were important as the discussions move forward. Regarding the scope of work, she thanked Alex for the presentation and urged OTSC members to submit their comments to Ecology during the public comment period.