



STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

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December 9, 2019 Listening Session Summary: Rosario Strait and Connected Waterways East Tug Escort Requirements and Geographic Zone Identification and Definition

Feedback on Terms for Rosario Strait and Connected Waterways East Tug Escort Implementation

During the listening session, participants shared the following comments about certain terms listed in The Reducing Threats to Southern Resident Killer Whales by Improving the Safety of Oil Transportation Act, ESHB 1578 (the Act). The Board of Pilotage Commissioner's Oil Transportation Safety Committee will take these comments into consideration when they develop draft interpretive statements for review and adoption by the Board of Pilotage Commissioners.

"Under the Escorts of a Tug or Tugs"

- A participant expressed concern that specifying the requirements in an interpretive statement could lead to a mismatch between tug capability and towing vessels.
- Several participants stated they would prefer to leave the definition of this term to industry.
- A participant said that Pilots would like to retain discretion about what "under the escort of a tug or tugs" means, e.g., when/whether to tether.
- A participant said once a tug is tethered, the safety environment changes. For example, there could be speed limitations and concerns about girding the escort tug.

"Rosario Strait"

- A participant noted the Eastern San Juan Island Archipelago VTS Special Area is defined in Title 33 Part 161.55 of the Code of Federal Regulations.
- The map illustrating the Coast Guard special area was presented
- BPC stated the Board will look for common definitions when considering Interpretive Statements.

- Some participants expressed concerns that the refineries in Cherry Point/Ferndale aren't included in VTS Special Area. They requested that BPC consider shifting the northern boundary of what is considered Rosario Strait when developing interpretive statements about the Act.
- A participant said waterway congestion following the implementation of tug escorts would be a concern, and noted that having tug escorts could extend potential interactions with tribal vessels.
- A participant recommended BPC review the US Geological Survey definition of Rosario and Connected Waterways East.

"Connected Waterways East"

BPC clarified that Vendovi, Jack Island/ATB anchorages are included.

"In Ballast" and "Laden or Unladen"

- BPC noted current Board definition available at <https://pilotage.wa.gov/policystatements.html>.
- BPC asked participants about differences between "ballast" and "unladen" for barges. Several participants noted barges may not take ballast, and recommended interpretation of the Act focus on cargo carried. There appeared to be general consensus with this concept.
- A participant recommended using the "unladen" definition from the BPC policy statement (carrying cargo equal to or less than 0.5% maximum cargo carrying capacity or 3,000 barrels, whichever figure is less).

"Bunkering or Refueling"

- Participants asked whether "vessels providing bunkering or refueling services" was defined by a vessel's destination, or by what the vessel was doing. Examples were discussed, such as a vessel en-route to Point Wells to deliver bunkers as opposed to a vessel conducting bunkering in Rosario Strait/Waterways East.
- A participant suggested it was not the role of listening session participants or anyone else to determine intent of the Legislature.
- A participant suggested the entire transit of a barge going to bunkering job would be exempt from tug escort regardless of destination, based on the Act.
- Another participant stated an interpretation could be that barges should be escorted when in Rosario Strait/Waterways East except when alongside another vessel and actively delivering bunkers.
- Participants summarized the discussion by saying the narrowest definition of "vessels providing bunkering or refueling services" would be to exempt vessels from tug escort just during the act of bunkering (e.g., hose connected and delivering fuel). The broadest definition would be to exempt vessels from tug escort during an entire transit, if they were en-route a bunkering job.
- A participant asked if Ecology could provide data about the size of barges operating in Puget Sound. Ecology stated they can provide some data based on what is reported to Ecology through the Advance Notice of Oil Transfer system.

Feedback on Geographic Zone Identification and Definition

During the listening session, participants shared the following comments about geographic zone identification and definition. The Board of Pilotage Commissioner's Oil Transportation Safety Committee will take these comments into consideration when they develop draft zone definitions for review by the full Board.

- A participant expressed a desire to see meaningful tug escort analysis for specific geographic areas and inquired whether small geographic zones would be needed in order to accomplish this desire. Ecology stated the sizes of the geographic zones are not expected to change the level of detail available from analysis. Ecology's intention for the analysis is to provide the best information available from model results, which could include results that are more detailed than the size of the geographic zones.
- A participant asked why define zones now, since Ecology has not developed the model that will be used to conduct tug escort analysis. Ecology noted the Act requires geographic zones to be developed by September 1, 2020.
- A participant recommended Saddle Bags and Guemes Channel should not be separated.
- A participant asked if geographic areas will include Canadian waters. And if so, whether there would be collaboration with Canada? Other participants felt zone identification should include both US and Canadian waters.
- A participant expressed concerns that waterway zones will change from what is commonly recognized.
- A participant asked if it would make sense to maintain zones previously established as some of the work is already done.
- A participant recommended that BPC consider the zones defined for the 2015 Vessel Traffic Risk Analysis.
- A participant asked if traffic patterns could help identify zones.

Clarifying questions addressed during the Listening Sessions:

Question: Regarding the Board's Oil Transportation Safety Committee, what is the composition and process of the Committee?

Response: The Board approved a Charter for the Committee which describes the membership, authority, responsibilities, activities, and time commitments. This Charter is posted in the BPC website at <https://pilotage.wa.gov/resources.html>.

Question: Is there an application process for Oil Transportation Safety Committee membership?

Response: This is yet to be determined. Participants were encouraged to notify BPC if interested.

Question: What are the model deadlines for Puget Sound vs. all WA waters?

Response: As directed by the Act, the model must be used to inform a report on the quantitative assessment of an emergency response towing vessel and an analysis of tug escorts by September 1, 2023. Future modeling work has not yet been specified.

Question: What is the purpose of the Ecology model?

Response: As stated in the Act, the purpose of the model is to "quantitatively assess current and potential future risks of oil spills from covered vessels in Washington waters, as it conducts ongoing oil spill risk assessments".

Question: Will the model analysis consider vessel transits through Washington waters to other destinations?

Response: Yes

Question: Are the zone definitions required by the legislation?

Response: Yes, Section 3.(1)(d)(i) of the Act requires BPC to identify and define zones by September 1, 2020.

Question: What is the purpose of the "interpretive statement" that BPC is working on?

Response: The Board can adopt interpretive statements to provide clarification to WACs and RCWs. The Board's Oil Transportation Safety Committee will draft interpretive statements to clarify terms related to the Rosario Strait and Connected Waterways East Tug Escort Implementation required by the Act. Once completed and approved by the Board, the interpretive statements will be posted on the BPC website.

Question: What size and/or capability of tug will be required for the escorts as part of the September 1, 2020 implementation for Rosario Strait and connected waterways east?

Response: For vessels required to have an escort that are between 5,000 DWT and 40,000 DWT, the law requires the escorting tug or tugs to have an aggregate shaft horsepower equivalent to at least five percent of the deadweight tons of a 40,000 DWT

oil tanker. This equates to a minimum aggregate shaft horsepower of 2,000hp (i.e., $0.05 \times 40,000 = 2,000$).

Question: Are you planning to model the behavioral patterns of marine mammals or other related phenomena?

Response: No, the legislated purpose of the model is to quantitatively assess current and future oil spill risks in Washington waters.

Question: Does the Act require an empty tank barge to be escorted?

Response: No, a tank barge in ballast or unladen is not required to be under the escort of a tug.