



STATE OF WASHINGTON  
**BOARD OF PILOTAGE COMMISSIONERS**

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**Meeting Minutes – Oil Transportation Safety Committee (OTSC)**

June 16, 2020, 1:00pm – 3:00pm

Conference Call/Skype

**Attendees via Skype:** Jaimie Bever (Chair/BPC), Sara Thompson (Ecology Alternate/BPC), Blair Bouma (Pilot/PSP), Eleanor Kirtley (Marine Environment/BPC), Charlie Costanzo (Tug Industry/AWO), JD Leahy (Ecology Alternate), Brian Kirk (Ecology Alternate), Sheri Tonn (Ex-officio/BPC), Senator Joseph Williams (Tribal/Swinomish), Bettina Maki (Staff/BPC), Laird Hail (Advisor/USCG), Jason Hamilton (Other/BPC)

**Attendees via Phone:** Bob Poole (Oil Industry/WSPA), Fred Felleman (Environment/Friends of the Earth), Mark Homeyer (Tug Industry Alternate/Crowley), Blair Englebrecht (Environment Alternate/Puget Soundkeeper), Tom Ehrlichman (Advisor/Swinomish)

**1. Welcome and Update**

Chair Bever welcomed everyone to the meeting. She was pleased to introduce Senator Joseph Williams, Swinomish Indian Tribal Community, as the new Tribal Representative on the OTSC. Senator Williams was appointed to the committee by the Swinomish Tribal Senate and confirmed by the Board at the May 21, 2020 regular meeting. Senator Williams expressed that it was an honor to be chosen for the committee. He has spoken with Blair Bouma (Pilot/PSP) about the Geographic Zones, and is excited to have a seat at the table. Chair Bever thanked him and welcomed him again. She then proceeded with additional updates.

The Board reviewed a draft of the OTSC-approved Interpretive Statement at the May 21, 2020 meeting. It will go before the Board again at the June 18, 2020 for final review and adoption. The Geographic Zones will be considered by the Board in July.

A simulation exercise was held at Pacific Maritime Institute (PMI) to consider tug capability. Final details are not available yet, but there will be a written report in the near future. Chair Bever invited Blair Bouma (Pilot/PSP) to speak further to the exercise. Blair thanked Bob Poole (Oil Industry/WSPA) and the Western States Petroleum Association for funding what Blair considered to be an important part of the implementation process. He said it was a good day and that they learned a lot. He added that there was still work to be done and that they would need to go back into the simulator to complete it

all. He also stated that the work was outside the OTSC and would likely inform the Puget Sound Harbor Safety Plan. Fred Felleman (Environment/Friends of the Earth) asked for clarification about what information would be shared from the simulation exercise. Blair Bouma (Pilot/PSP) answered that the simulation exercise was not looking at statistical information. Instead it was focused on size compatibility between tugs and vessel. He said that there wasn't anything to share from that exercise at that point. Fred suggested there was a question about the availability of the appropriate-sized tugs to handle the escorting requirements. Blair reminded everyone that WSPA funded the simulation exercise and subsequent report. It was not done for the OTSC or the BPC, and it is up to WSPA to decide what happens to the information. Bob Poole (Oil Industry/WSPA) jumped in at this point stating that WSPA's intentions were to share the information with the Harbor Safety Committee. Once the report is finalized, it will be shared. It should be available in the next month or two.

## **2. Review and Approval of May 6, 2020 Meeting Minutes**

The OTSC received a draft of the May 6, 2020 meeting minutes prior to the meeting. Chair Bever acknowledged minor adjustments to grammar/spelling pointed out by OTSC members via email as well as corrections to the calculations surrounding long tons and metric tons. She then asked for additional input from those present at the meeting. Blair Bouma (Pilot/PSP) had no additional comments. Brian Kirk (Ecology Alternate/BPC) had no comments. JD Leahy (Ecology Alternate/BPC) had no comments. Sara Thompson (Ecology Alternate/BPC) had no comments. Eleanor Kirtley (Marine Environment/BPC) had no comments. Jason Hamilton (Other/BPC) had no further comments. Bob Poole (Oil Industry/WSPA) had no comments. Charlie Costanzo (Tug Industry/AWO) had no specific amendments. Fred Felleman (Environment/Friends of the Earth) wanted to make sure that there was visibility that the bunkering exemption included the return transit, even if the barge was laden. The group confirmed that the Interpretive Statement definition included the return transit, whether the barge was empty or not. He had no suggested revisions. Sheri Tonn (Ex-officio/BPC) had no comments. Blair Englebrecht (Environment Alternate/Puget Soundkeeper) had nothing to add. Laird Hail (Advisor/USCG) was not at the last meeting and had no questions. Senator Williams (Tribal/Swinomish) had no questions at that time. Mark Homeyer (Tug Industry Alternate/Crowley) had no comments.

Chair Bever will make the requested changes and finalize the minutes, making them available to the public on the website and providing them to the Board for the June meeting as a part of the OTSC update.

## **3. Review of Rosario Strait Transit Data**

Chair Bever shared a data memo that was developed from questions Fred Felleman (Environment/Friends of the Earth) asked of Ecology. Since the memo, Fred provided additional questions. Sara Thompson (Ecology Alternate/BPC) suggested reviewing the memo before jumping into the additional questions. She shared that Ecology did receive questions regarding the total escorts in 2019 in Rosario, as well as the additional number of escorts if the statute went into effect with only bunkering exempt within Rosario, and the additional number of escorts if when the statute went into effect bunkering was exempt in all locations. Ecology reviewed the information that was

available to them. The piece they are missing is the information about which ATB and barge transits were laden and they did not have details about the number of escorts that took place. To tackle the question, they instead looked at the transit data they have already provided to the OTSC.

Starting with tankers, the number of entering transits through Rosario was 326. There were 605 ATBs filtered down to greater than 5,000 deadweight tons, all of which would have been escorted if laden. Then they looked at barges, which is where it got a little more complicated because of the bunkering. There were 490 total barge transits from barges greater than 5,000 deadweight tons in Rosario. Within the 490, 34 were bunkering jobs that took place in Rosario and 340 were involved in bunkering jobs that took place outside Rosario. That leaves 116 greater than 5,000 deadweight ton barge transits that were not involved in any bunkering activities. Fred Felleman (Environment/Friends of the Earth) clarified that he was asking that out of the 340 bunkering transits, how many might have been less than 40,000 deadweight tons. Sara Thompson (Ecology Alternate/BPC) answered that there were some below the 40,000 deadweight tons but that to determine the number, it would be a significant research project.

Senator Williams (Tribal/Swinomish) wondered how many extra trips there would be for tug traffic, which is a huge concern to Tribal fishermen because the tugs don't always stay in their lanes sometimes resulting in damaged fishing equipment and lost gear. Laird Hail (Advisor/USCG) responded that in his recollection, the only tanker that was less than 40,000 deadweight tons was the *KIRKEHOLMEN*. Blair Bouma (Pilot/PSP) added that there is occasional chemical tanker traffic to Shell, which he acknowledged were not captured in the data. He said it was not a big number. He also added that the *KIRKEHOLMEN* was not operating in our region anymore. Fred Felleman (Environment/Friends of the Earth) then asked if, for ATBs, the data reflected entering transits into the straits or just to Rosario. He also wondered if the entering transits category was different than all transits category in terms of the numbers. Sara Thompson (Ecology Alternate/BPC) answered that the number provided in the memo did not distinguish what kinds of transits. She clarified that for the tankers, they only provided entering transits, so if one wanted the total number of transits, they would need to double the 326 number. Fred responded that based on the numbers, the best assumption he could come up with for additional tug escort transits was 1.5/day. However, OTSC members were unable to confirm that number. Fred added that he was frustrated that the agencies putting forth the requirements seemed unable to provide estimates, followed by data. Sara Thompson (Ecology Alternate/BPC) mentioned that this work reminded her of Ecology's scope of work for the vessel trend synopsis, which got at a lot of the same questions about data before and after implementation. Some of the work will happen through the Vessel Trend Synopsis analysis and some through future rulemaking. Fred Felleman (Environment/Friends of the Earth) reminded everyone that a strong base case was necessary to make those determinations.

Tom Ehrlichman (Advisor/Swinomish) echoed that he had been trying to understand how Ecology made the base case for the one-year analysis and the ultimate oil spill risk analysis. He said it would be helpful to the Swinomish if Ecology could talk to the data that is creating the base of the work. He also wondered if industry could help provide some of that information. Brian Kirk (Ecology

Alternate/BPC) responded that there were a number of different topics currently being discussed. Talking about it through the work of the OTSC, helps to get a better understanding of what is happening on the water today, and what might happen after implementation. Regarding Tom's question regarding the base case, Brian suggested it was writing itself today and has been since September 1, 2019. For the purpose of the synopsis, it is not necessary to make assumptions about what is happening on the water. Ecology will use AIS data to represent traffic prior to implementation and use AIS to see what happens after implementation. The whole point of the synopsis is to compare those two things and describe the difference. The benefit of the synopsis is that it does not need preconceived assumptions about the activity taking place or how it might change. It will report the actual data. Regarding the process of creating the legislation, his recollection was that Ecology provided transit information to legislators, the Governor's Office, and OFM. Conversations about those transits through Rosario Strait took place the way they were now in the OTSC. The question of how many additional transits will occur, there's no data source available to allow Ecology to directly answer that question. Through considerable efforts, they are trying to provide everyone as much insight as they can. At the time the legislation was introduced, it was seen in incremental steps leading to the rulemaking process. Tom Ehrlichman (Advisor/Swinomish) thanked Brian and then asked if Ecology didn't have the information to answer the question, who did, and whether or not they would agree to provide that information voluntarily to Ecology. Brian Kirk (Ecology Alternate/BPC) answered that the info would have to come from the individual operators, which would be a significant ask of the operators in his opinion. He thought Charlie Costanzo or Bob Poole could speak further to the question. Bob Poole (Oil Industry/WSPA) responded that WSPA was precluded from collecting that information from their members as it is proprietary and there are possible anti-trust implications. Charlie Costanzo (Tug Industry/AWO) offered that AWO was in the same situation and did not see that option on the table. He added that it was a very different data set and commercial and proprietary considerations had always been invoked. Mark Homeyer (Tug Industry Alternate/Crowley) wondered about the vessels that carry pilots and whether or not pilots would have the information regarding how much product was on board. Blair Bouma (Pilot/PSP) responded that there were a few patterns that could be looked at. For instance, usually towed barges are loading in this zone, in Anacortes or Ferndale. He said it was a safe guess to assume that when they go in they are empty and when they come out they are loaded. The ATBs are in a similar situation, but not as certain. However, he said you could not use that approach to publish a conclusion regarding numbers. Fred Felleman (Environment/Friends of the Earth) suggested he was just trying to ballpark the numbers. He wondered if looking at AIS of tugs before and after would be useful to evaluate change. Brian Kirk (Ecology Alternate/BPC) confirmed that the information will be in the synopsis. Fred expressed concern about tugboats loitering in the area. Brian responded that they were still in the planning process for how the synopsis would be put together.

Sara Thompson (Ecology Alternate/BPC) pointed out that the scope for the synopsis was on the Board website if anyone wanted to review it. She added that Ecology has provided good information and that it is up to everyone to make their own assumptions about unladen/laden at this point. She suggested that if someone wanted to estimate the new escort transits, the majority of the 326 tankers are over 40,000 deadweight tons, there may be some be under that will require new escorts, and that

there were 116 barges not involved in bunkering and whatever assumptions about what percentage of those are laden. After doing the math, Fred offered his estimate of 612 laden tank transits in Rosario as a ballpark estimate. Jason Hamilton (Other/BPC) asked Blair Bouma (Pilot/PSP) about throwing out specific numbers and how the committee should represent those numbers. Fred Felleman (Environment/Friends of the Earth) said to take them with a grain of salt. Chair Bever reiterated that it was not up to the OTSC to determine estimates or make assumptions. Hearing no other comments or questions, Chair Bever suggested moving on to the next topic.

#### **4. Identification of Geographic Zones**

The committee reviewed a document containing all the zones for the Puget Sound Pilotage District, with visuals and written descriptions prepared by Blair Bouma (Pilot/PSP). Captain Bouma also provided explanatory notes to help clarify his thought process. Chair Bever then asked for overall comments from the OTSC.

Blair Bouma (Pilot/PSP) pointed out that the descriptions on the last page were attached to the wrong images. He had no other comments. Sara Thompson (Ecology Alternate/BPC) liked the document. Brian Kirk (Ecology Alternate/BPC) thanked Captain Bouma for all the work. He mentioned that it would be helpful to have the Lat/Long of all the points. A brief discussion followed about what exactly Ecology needed from the written descriptions and the authoritative definitions of the zones, and how those would translate into the model. The committee agreed that technical adjustments could be made between Ecology and Captain Bouma outside of the OTSC meeting before the document went to the Board. Brian Kirk (Ecology Alternate/BPC) suggested adding language to the document specifying that the written description of the zones is the zone definition and the graphics are provided as an aid. Eleanor Kirtley (Marine Environment/BPC) thought the document looked good and appreciated the explanatory notes, as well as the effort and thoughts that went into it. She had no further comments. Jason Hamilton (Other/BPC) thought the document was good and appreciated the discussion between Blair Bouma and Ecology, which he thought as helpful and clarifying. He did suggest moving the explanatory note regarding Haro Strait/Boundary Pass description stating that the Board recognizes that the U.S. and the State of Washington cannot regulate Canadian waters, further up in the Explanatory Notes documents for extra emphasis. Laird Hail (Advisory/USCG) agreed and also pointed out that everyone needed to understand that in Haro and Boundary, it is the Canadian VTS that manages traffic in that area. Jason Hamilton (Other/BPC) agreed that including both those notes together would be great for clarity. Fred Felleman (Environment/Friends of the Earth) asked for clarification, that regardless of who manages the waterway, vessels will have tug escorts as required by U.S. law. Laird Hail (Advisor/USGC) answered only in U.S. water and that the unintended consequences could include driving traffic to the wrong side of the traffic lanes if the Canadians did not have similar requirements. He reiterated the importance of staying in concert with Canadian regulations and have similar policies. He has made the point numerous times to be working in the shared waters together with Canada, otherwise there could be significant unintended consequences. Tom Ehrlichman (Advisor/Swinomish) wondered if that was true for the Puget Sound Harbor Safety Plan as well, that pilots or shippers tend not to regard those rules as applicable on the Canadian side of the line, even if the Coast Guard is administering the VTS there. Laird Hail

(Advisor/USCG) responded that was correct, because on the Canadian side, where his team manages traffic, they are agents of the Canadian government, enforcing Canadian laws. Jason Hamilton (Other/BPC) said that it was because of the international treaty the State Department helped put in place at the federal level back in 1979. He urged proceeding with caution with what was being implemented at the state level with what was happening on the national and international level. Laird Hail (Advisor/USCG) reiterated that the Puget Sound Harbor Safety Plan did not apply to Canadian waters. Fred Felleman (Environment/Friends of the Earth) expressed concern about a tanker bound for a U.S. port not being subject to U.S. law when transiting in Haro Strait. Laird confirmed that was correct if the tanker was in Canadian waters. Blair Bouma (Pilot/PSP) responded that on the practical side on the water, when they are moving ships through Boundary Pass and Haro Strait, the U.S./Canadian border does not come into play. They pilot the ships with escorts in a manner that is safe. Both the U.S. and Canada zigzag across the border. He also pointed out that Canadians have very rigid escort rules that are beyond the U.S. escort rules. They comply with their rules, the U.S. complies with its rules and they all interact in a safe and respectful way. He understands and respects the legal issues, but the practical application on the water is that it is one waterway. The pilots from both sides respect each other and work together, and it is all about safety. Jason Hamilton (Other/BPC) agreed with Captain Bouma and added that it is all about coordination, which is what the VTS teams do on a daily basis. All agreed that the rulemaking process would have to be carefully crafted to harmonize with Canada.

Bob Poole (Oil Industry/WSPA) appreciated the discussions and was good with the document. He also thanked Captain Bouma for all his hard work. Charlie Costanzo (Tug Industry/AWO) had to leave the call. Fred Felleman (Environment/Friends of the Earth) questioned the colors chosen for the zones in relation to each other and whether there was a distinction. Blair Bouma (Pilot/PSP) responded no and that he was just working with color palette he had. Chair Bever suggested a note to the document that clarified that the colors were chosen for distinction and were not related to risk. Fred also wondered why there were no special considerations of subzones in Elliott Bay or Commencement Bay, in terms of vessel congestion at the two major ports. Blair Bouma (Pilot/PSP) responded that those areas are in the future escort zone. Normally coming in and out of the harbor, there would be other resources like assist tugs, slowdowns, and enhanced bridge teams. He did not see any additional escort needs but suggested that could be revisited later. Chair Bever pointed out that the subzones were not to inform the model but to be considered as a part of rulemaking. Blair Bouma (Pilot/PSP) clarified that he was not minimizing the risk in those areas. However, from the escorting point of view, he did not think there were additional escorting requirements that would help. Fred Felleman (Environment/Friends of the Earth) also wondered if the Canadian border should be delineated more clearly. He then thanked Blair Bouma for his detailed analysis. Sheri Tonn (Ex-officio/BPC) had no comments for now, although she did say that more attention might want to be given to Seattle and Tacoma further down the road.

Senator Williams (Tribal/Swinomish) vocalized concerns regarding anchorages in and near Bellingham Bay, Vendovi and Eliza, in that they fish heavily in those areas. He recognized those areas were specifically called out in the geographic zones, but wondered if Tribal, commercial, and recreational

fishing vessels were going to be included in analysis of those areas. He added that crab was opening next week, which could bring 1,000 fishers to those areas. Brian Kirk (Ecology Alternate/BPC) responded that the risk modeling process was intended to provide analysis regarding tug escorts to reduce oil spill risks. The results of the analysis will go back into the rulemaking process for consideration of where and when to adopt tug escorts for the specified classes of tank vessels. Concerns around Tribal fishing areas and seasons should be a conversation that takes place throughout the analysis process using the modeling, not that he believes they will be able to represent that in the model, but just as a part of the ongoing conversation. Ultimately, it will come into play in the rulemaking process and consideration of not just the potential benefits of tug escorts in certain areas but also risk and potential impacts of introducing tug escorts. Senator Williams (Tribal/Swinomish) responded that they appreciated the safety aspect of the work and thanked Brian for the clarification. Tom Ehrlichman (Advisor/Swinomish) asked about the hazard areas depicted in Bellingham Bay, which are not in the areas where the anchorages are. He wondered if the new escort requirement would mean that tankers and ATBs would be escorted to their anchorage areas. Blair Bouma (Pilot/PSP) responded that the current interpretation was that any vessel required to be escorted would be escorted either to the dock or anchor until they are not underway anymore. Therefore, all the anchorages in Bellingham Bay are in the escort zone. The subzones were just areas where hazards are closer to grounding points. All the anchorages are included in the escort zone. Tom gave an example of when there are four tankers anchored, in an area, and a vessel comes in, if that scenario was equivalent to a hazard area. Captain Bouma responded that the subzones were more to control the speed and whether or not the tugs are tethered. Because the anchorages were in more open water, he did not consider them to be in a critical area. When it comes to fishing, he acknowledged the concern. He added that they do their best to avoid fishing gear and vessels. But he did not think those areas required a higher level of escort operation. Blair Englebrecht (Environment Alternate/Friends of the Earth) had nothing to add. Mark Homeyer (Tug Industry/Crowley) had to drop off the call. Laird Hail (Advisor/USCG) had nothing further.

Tom Ehrlichman (Advisor/Swinomish) asked for an additional explanation between the geographic zones and the risk model, to help bring the Swinomish up to speed. Brian Kirk (Ecology Alternate/BPC) responded that trying to follow through the bill language in 1578 can get complex quickly. Regarding zones in the bill, the BPC is required to identify and define the waterway zones by 9/1/2020. To facilitate that process, BPC elected to create the OTSC. The committee is reviewing the draft zones, which will then go to Board for consideration and adoption. The zones will then be handed over to Ecology, whose requirement is for the zones to inform the risk modeling analysis of the potential benefit of escort tugs for the specified vessels and tonnages. How that process will look is still under development. Essentially, however, the risk analysis model will be run for the entire area at the highest level of precision that it can, and Ecology will share the results in the context of the zones being looked at today. The subzones are a benefit of insightful information. However, nothing will be done differently with those areas in the model. The results will be shown in the context of the zones to see where risk areas and potential benefits appear. That analysis will be handed back over to the Board for rulemaking. Through that process is where the actual rules will be defined, and where the subzones will have true value.

Chair Bever wrapped up the conversation by reviewing the changes that needed to be made to the document. She wondered if the OTSC was okay with reviewing the final draft via email, adding that there seemed to be general consensus over the intent and layout of the document. There were no other comments or suggestions.

## 5. Next Steps

### Action Items

Chair Bever will revise the 5/6/2020 minutes, prepare the 6/16/2020 minutes, revise the Geographic Zones and send them to the committee for final review before they go to the Board at the July 16, 2020 meeting.

Chair Bever informed the group that the BPC will be hosting a couple webinars for the public to provide information about the Interpretive Statement and tug escort implementation process prior to the September 1, 2020 deadline.

### Future OTSC Meetings

Chair Bever suggested that the committee's first phase of work was concluding at today's meeting. She applauded the committee and thanked them for their outstanding work. The committee will come together again through the process of the synopsis of Changing Vessel Traffic Trends. Sara Thompson (Ecology Alternate/BPC) suggested the timeline would be several months out before they had much to share. In the meantime, the OTSC could request a meeting for updates. She added they would be following the timeline laid out in the scope. JD Leahy (Ecology Alternate/BPC) added that the timeline was 6 months post implementation. Chair Bever reminded everyone that the OTSC charter allowed for changes in membership between phases of work. When the comes to time to prepare for the next round of work, members were encouraged to inform her if replacements were needed. Fred Felleman (Environment/Friends of the Earth) asked if the committee would be notified of any changes to methodology in the synopsis process. Chair Bever provided confirmation. Fred then suggested the committee might need to come together prior the synopsis conversation, perhaps to discuss the tug escort simulation report. Chair Bever offered that once they got closer to the report being released, she will let the committee know and they will discuss a potential meeting at that point.

Chair Bever thanked everyone again for the great work, and especially to Blair Bouma (Pilot/PSP). Bob Poole (Oil Industry/WSPA) thanked Chair Bever for her role in facilitating the conversations.