



STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

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**ESHB 1578 – Rosario Strait and Connected Waterways
East Tug Escort Implementation
July 29, August 5, and August 6, 2020 BPC Presentations**

Webinar/Presentation Summary

On July 29, 2020 and August 6, 2020, the Board of Pilotage Commissioners offered a webinar presentation followed by a Q&A session to explain the Interpretive Statement, and provide an overview and status report on next steps for the directives of the 2019 legislation ESHB 1578 *Reducing the threats to southern resident killer whales by improving the safety of oil transportation*. In addition, the Puget Sound Harbor Safety Committee met on August 5, 2020. BPC had the opportunity to present the webinar information at that meeting, as well.

The webinar/presentation sessions yielded a good turnout with varying perspectives being represented including legislators, Tribal, state government, oil industry, tug industry, environmental, BPC, pilots, and the U.S. Coast Guard.

Q&A Summary

Question: When can we expect to see the WAC for this new rule being published?

Response: Rulemaking for tug escorts in Puget Sound will be completed by 12/31/2025. The implementation described in this webinar was directed by Section 2 of ESHB 1578 and is being implemented without development of a WAC Chapter. This September 2020 implementation will be used to help inform the future tug escort rulemaking.

Question: Regarding the definition of “vessels providing bunkering and refueling services” and the exemption for this, how many vessels, if not in the act of bunkering, would require a tug escort given their size vs how many would not because they don’t fit into the size requirement. And what does the exemption entail?

Response: Ecology provided some numbers to the Oil Transportation Safety Committee. Looking at transits through Rosario in 2019, there were 326 tanker transits and 605 ATB transits. Looking at barges specifically, there were 490 barge transits over 5,000 DWT in Rosario in 2019. 380 of those were involved in bunkering and would be exempt. That leaves about 110 barge transits over the 5,000 deadweight tons and not involved in bunkering. More information will be available through the data collection process for the Synopsis of Changing Vessel Traffic Trends.

Question: Regarding the Interpretive Statement, how will it apply to future waterway zones and tug escorts for future waterway zones?

Response: The Interpretive Statements were made for this 2020 implementation for Rosario Strait and connected waterways east, and the rulemaking process is entirely separate. However, these interpretive statements will help inform the future tug escort rulemaking.

Question: Is it codified just for Rosario and waterways east? Would you consider different definitions for other waterway zones?

Response: The Interpretive Statement adopted by the Board is specifically for Rosario Strait and connected waterways east and can stand on its own and exist indefinitely. It can be used to help inform the future tug escort rulemaking.

Comment: It would be helpful to have some data on the number of tank vessels exempt from tug escort requirements because they are bunkering and how that compares to where tug escorts would be required.

Response: Additional information regarding the numbers provided above can be found at <https://pilotage.wa.gov/resources.html>.

Question: Regarding the definition of “oil”, why was diluted bitumen not included in the other examples?

Response: The Board adopted the RCW definition referenced in the Interpretive Statement verbatim. The term diluted bitumen was not included in the RCW language. Therefore, a note was added to clarify that the Board considers diluted bitumen as a part of the definition.

Comment: In regards to using the term “consensus” to describe the Oil Transportation Safety Committee’s recommended definition of “a vessel providing bunkering or refueling services”, it may not fully capture the discussions that took place and the disagreements with the definition. That definition has some important nuances behind it. There is concern about possible unintended consequences with that definition in terms of other waterways and expanded tug escort requirements. Please make sure those differences in opinion are conveyed and that concerns about the future definition are conveyed as well.

Response: Using the term “majority consensus” would have been more appropriate. The Board will make sure any concerns about the definition are conveyed.

Question: Are intermediate stops, such as anchoring, on the way to and from a bunkering stop included under the exemption?

Response: There are many scenarios that the Oil Transportation Safety Committee considered and some that didn’t make it into the definition. The intent of the definition was that any part of the bunkering or refueling operation would be exempt, which I believe would include anchoring and/or any stops that are made in the delivery process. We are getting questions about several of the definitions and will be considering this feedback when the committee meets again. We will review if there’s a need for additional clarity regarding definitions post implementation.

Additional information regarding Oil Transportation Safety can be found on our website at <https://pilotage.wa.gov/oil-transportation-safety.html>.