



STATE OF WASHINGTON  
**BOARD OF PILOTAGE COMMISSIONERS**

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

March 11, 2024, 10:00am – 12:00pm

Via MS Teams

**Attendees:**

Jaimie Bever (Chair/BPC), Brian Kirk (Ecology Alternate/BPC), JD Ross Leahy (Ecology Alternate/BPC), Sara Thompson (Ecology Alternate/BPC), Haley Kennard (Ecology Alternate/BPC), Angela Zeigenfuse (Ecology Alternate/BPC), Brittany Flittner (Ecology Alternate/BPC), Clyde Halstead (Tribal/Swinomish), Fred Felleman (Environment/Friends of the Earth), Rein Attemann (Environment Alternate/WEC), Lovel Pratt (Environment Alternate/Friends of the San Juans), Laird Hail (USCG/Advisory), Jim Peschel (Tug Industry Alternate/Vane Brothers), Joel Morton (Tug Industry Alternate), Andrew Drennen (BPC), Tom Umenhofer (Oil Industry Alternate/WSPA), Bettina Maki (BPC)

**1. Welcome**

OTSC Chair Jaimie Bever welcomed everyone to the meeting and thanked the group for making themselves available for recent meetings.

**2. Agenda**

Jaimie reviewed the meeting agenda which included a review of the March 5 SEPA Scoping meeting inputs and finalization of the recommendation to the Board for escort ideas (reasonable alternatives) to be evaluated and elements of the environment to be assessed (areas with probable significant adverse impact). Jaimie asked if there were immediate questions before beginning the presentation. There were none.

**3. Decision Process**

Jaimie then explained the decision process for the recommendation. She outlined that only OTSC members will vote, not the alternates unless they are attending the meeting in place of the member, and that majority and dissenting opinions would be summarized in the recommendation document.

**4. Criteria for Escort Ideas (Reasonable Alternatives)**

Assessment of Reasonable Alternatives WACs of relevance:

**Reasonable Alternative (WAC 197-11-786):** “an action that could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable Alternatives may be those over which an agency with jurisdiction has

authority to control impacts, either directly, or indirectly through requirement of mitigation measures.”

**Content of Environmental Review (WAC-11-060):** For non-project proposals, agencies are encouraged to describe objectives rather than preferred solutions.

**Scope (WAC 197-11-792):** Alternatives may be no action (required), other reasonable courses of action, or mitigation measures not in the proposed action.

**Note:** For this rulemaking, objectives are limited to the direction provided in ESHB 1578.

## **5. Reasonable Alternatives (Escort Ideas to be Evaluated)**

Jaimie described the 5 escort ideas for OTSC consideration:

1. Remove Rosario and waters east requirement (Pre – 2020)
2. Maintain Rosario and waters east requirement – no change
3. (3ii) Expand 2020 escort requirements to the waters of Strait of Georgia South, and a corner of Strait of Georgia.
4. (3iii) Expand 2020 escort requirements to Haro Strait and Boundary Pass, Strait of Georgia South, and a corner of Strait of Georgia.
5. (2ai) Remove requirements in Bellingham Channel and waters east. Reconsideration.

Jaimie then reminded the OTSC that at the last meeting 4 ideas were decided upon for final vote. However, since then the environmental representatives asked for 2ai to be put back in.

She then reviewed the 5 Reasonable Alternatives.

## **6. Reasonable Alternative 1**

Remove escort requirement for laden tank barges and ATBs over 5,000 DWT and oil tankers between 5,000 and 40,000 DWT, while not engaged in bunkering, in Rosario Strait and connected waters east. The considerations for this request included:

- Could result in an increase in oil spill risk.
- Could reduce tug escort traffic and related impacts.

## **7. Reasonable Alternative 2**

Maintain escort requirement for laden tank barges and ATBs over 5,000 DWT, and oil tankers between 5,000 and 40,000 DWT, while not engaged in bunkering, in Rosario Strait and connected waters east. The considerations for this request included:

- The no action alternative.
- BPC is required to consider this alternative in the EIS.

## **8. Reasonable Alternative 3 (3ii)**

Expand current escort requirement for laden tank barges and ATBs over 5,000 DWT and oil tankers between 5,000 and 40,000 DWT, while not engaged in bunkering, to the waters of Strait of Georgia South, and a corner of Strait of Georgia. The considerations for this idea included:

- Strait of Georgia South zone is adjacent to current escort area.
- Model shows this zone to have high escort efficiency.
- OTSC Pilot Representative agreed that the characteristics of this zone make it a good candidate for an escort requirement.

## **9. Chartlet**

The OTSC then viewed a chartlet showing potential expansion into Strait of Georgia South.

## 10. Reasonable Alternative 4 (3iii)

Expand current escort requirement for laden tank barges and ATBs over 5,000 DWT and oil tankers between 5,000 and 40,000 DWT, while not engaged in bunkering, to the waters of Strait of Georgia South, a corner of Strait of Georgia, and Haro Strait and Boundary Pass. Considerations for this idea included:

- Any BPC expansion of escort requirements to Haro/Boundary would apply within the territorial boundaries of Washington and to the extent provided by law and treaty.
- Escorts in Haro/Boundary would be complex to implement and have transboundary implications.
- The model found Haro/Boundary had the highest risk reduction in oil volume at risk and escort efficiency. Escorts here also have indirect benefits.

## 11. Reasonable Alternative 5 (2ai)

Remove escort requirements in Bellingham Channel and waters east for laden tank barges and ATBs over 5,000 DWT, and oil tankers between 5,000 and 40,000 DWT. Considerations for this idea included:

- Out of the three zones that make up Rosario and connected waters, the Bellingham Channel and waters east zone shows the lowest benefit from escorts.

## 12. Discussion of Reasonable Alternatives

After presenting the 5 alternatives, Jaimie then opened it up for discussion.

*Fred Felleman (Environment/Friends of the Earth) didn't believe he was in the meeting where the conversation of the extension north occurred. He wondered why the boundary didn't go anywhere near Cherry Point, noting that it swings west while the waters where the majority of tank vessels go, to the east, were not included. He asked about all the waters NE of the line in the new expanded Rosario zone. Jaimie invited JD Leahy (Ecology Alternate/BPC) to respond to that inquiry. JD responded that the waters east were included in the zone called the Strait of Georgia. And that the extension into Strait of Georgia South followed the model results, which were not granular but reported in the context of zones. They didn't have a comparable block for the area up to Cherry Point. The reason being that was what the model results suggested. Fred asked for clarification. Jaimie then pulled up the chartlet for reference per JD's request. JD explained that the waterway designated Strait of Georgia South is bounded by dangerous reefs, as Fred has previously pointed out. When exiting the lanes and heading up to the refineries, the area is wider open with multiple anchorage areas, and the assist tugs are waiting for vessels. That was the commonsense piece of the puzzle, not necessarily reflected in the model because the model described the whole Strait of Georgia zone as one area. Fred replied that he had no qualms with the zone itself. He just found it interesting that the Cherry Point area was not considered. Sara added that the Strait of Georgia South zone was added strictly due to high efficiency. Fred then asked for additional clarification about the zones themselves. JD described the boundaries of the zones Strait of Georgia and Strait of Georgia South. Fred expressed continued frustration with the lack of consideration of the area at Cherry Point Refinery.*

*Rein Attemann (Environment Alternate/WEC) asked for additional explanation about why 2ai was reconsidered while acknowledging that it was a conversation with the environment representative that prompted the reconsideration. Jaimie responded they the team had met with Fred Felleman last*

week who championed for this option to come back for consideration. Jaimie asked if Fred wanted to address it. Fred responded that his logic was because it was the area that the model showed had the least amount of benefit. He tried to find an alternative that was the overall least amount of risk but was also the least amount of conflict with fisheries while also taking into account safety. He then suggested eliminating that and Guemes Channel and then all waters east to see the variables. He added that there were “disturbing limitations” in the model that didn’t take into account the geographic specificities of the zones. He also had questions about the determination that there was benefit to escorts in Haro/Boundary. Rein agreed that reducing conflict with Tribal and non-Tribal fisheries was a good direction. He proposed a modification to include the Strait of Georgia South zone while dropping Bellingham Channel and waters east. Fred agreed with Rein.

Jeff Slesinger (Tug Industry/Delphi Maritime) responded that he was taking a holistic view of the model and how it related to the 5 scenarios. The goal was to improve what was already in place, which is a very good and solid day-to-day record of transporting oil in these waters. The prevention would be that low-frequency, high-consequence event. From an operational perspective, where that would occur would be in an area with lots of current, restricted channels, areas where there are rock piles, and go from deep waters to rocks. The zones have some arbitrary boundaries used by the model. He does believe that the likelihood of an issue in the Cherry Point area was very remote and that other areas like Bellingham Channel and waters east was where that event would more likely occur. He encouraged the committee not to get too far in the weeds of the risk model study but to try to connect more with the holistic picture of what was trying to be prevented.

Phil Hunter (Pilot Alternate/Puget Sound Pilots) strongly disagreed with removing the escorts in Bellingham Channel. He stated it was extremely rocky and narrow with a lot of current. As far as Rosario, yes in practice, the tugs are following the vessels to and from the refinery and the bulk is from Rosario to the refinery. He would support including that area. Sara responded that Captain Blair Bouma (Pilot/Puget Sound Pilots) had shared the same sentiment about Bellingham Channel at the last meeting.

Tom Umenhofer (Oil Alternate/WSPA) suggested refocusing on the tasks which were to look at the scenarios not in the context of solutions but as objectives of describing the impacts. The whole purpose of the scenarios was to see what does and doesn’t work. His perspective is that the model team has done a good job. In the EIS process, which he has a long background, it’s good to look at multiple scenarios whether you agree with what they propose them or not.

Fred Felleman (Environment/Friends of the Earth) clarified that he was not recommending the removal, he was recommending the evaluation of removing it. He then asked for the pilot’s opinion regarding removing Guemes Channel. Captain Phil Hunter (Pilot Alternate/Puget Sound Pilots) responded that a lot of times when coming out of Rosario Strait or Guemes Channel, the vessels comes into that area around Anacortes where there could be anchored vessels or oil pumping at the docks. If heading to a refinery, the vessel would have a tug. That was another place where he couldn’t support removing the escort. Fred asked if Phil had a choice between Bellingham and Guemes. Phil reiterated that he would still choose Bellingham to keep escorts. But that Guemes was also a tough choice to remove escorts.

*Sara Thompson (Ecology Alternate/BPC) suggested that it was a good time to go back and get thoughts scenario by scenario.*

### **Reasonable Alternative 1**

*Jeff Slesinger (Tug Industry/Delphi Maritime) asked for clarification on how many alternatives the group was trying to move forward for the recommendation. Sara responded less than five preferably. Or as few as the group feels comfortable with, to utilize resources efficiently.*

*Tom Umenhofer (Oil Alternate/WSPA) reminded everyone that in a process even if the benefit of an alternative may be less, it still needs to be considered to get the big picture for the decision makers.*

*Fred Felleman (Environment/Friends of the Earth) reiterated that Bellingham Channel should be removed to assess the impacts. He was withdrawing his request to include it. Regarding Alternative 1, Fred agreed with keeping this scenario.*

### **Vote: Alternative 1**

**Jeff Slesinger** (Tug Industry/Delphi Maritime) – No – Rationale: *It would be naive to think that there were unlimited resources to assign to all of them. So, he was trying to find ways to reduce the alternatives. He believed the other scenarios would help capture the benefits.*

**Tom Umenhofer** (Oil Alternate/WSPA) – Yes

**Fred Felleman** (Environment/Friends of the Earth) – Yes

**Phil Hunter** (Pilot Alternate/Puget Sound Pilots) – No – Rationale: *It would make no sense to recommend removing all the escorts. Why spend more time on what the benefits would be. It would be a waste of time to consider it as it wouldn't likely be an option.*

**Clyde Halstead** (Tribe/Swinomish) – Yes

*Sara Thompson (Ecology Alternate/BPC) suggested that including Reasonable Alternative 1 would help determine the benefits of escorting. Haley Kennard (Ecology Alternate/BPC) added that her understanding, this was not an “in favor” or “not in favor” decision, but that it would show the benefits. She added that the legislation specifically directed the BPC to look at all.*

*Fred Felleman (Environment/Friends of the Earth) expressed concern that the results of the model were never summarized for consideration. He was looking for relative numbers. Haley responded to remind everyone that the EIS was going to look much more broadly than some of the analysis already considered. It will include oil spill risk, vessel traffic safety, air emissions, etc. Fred reiterated that the question was looking at the trade offs between scenarios. However, in his opinion in order to do that the OTSC needs to know the specific reason for the safety measures in the scenarios. He then went on to say that the information in the risk model that went to the legislature was “completely misleading” adding that the group didn't know that instead of .05% reduction, it was 56% reduction.*

*Jaimie tried to bring the conversation back to Reasonable Alternative 1 adding that Haley's point was important. To assess the benefits of escorts in Rosario, this alternative must be considered.*

### **Reasonable Alternative 2**

*No vote was necessary as this alternative is required by statute.*

### **Reasonable Alternative 3ii**

*Fred Felleman (Environment/Friends of the Earth) asked for the US boundary waters where Boundary Pass meets Strait of Georgia. Phil Hunter (Pilot Alternate/Puget Sound Pilots) responded that it was right in the middle, around Patos Island. If adding the Strait of Georgia, all the waters up to US border would likely be included. Sara Thompson (Ecology Alternate/BPC) mentioned that the BPC decision regarding the Geographic Zones contains all the rationale for the zone boundaries.*

*Laird Hail (Advisor/USCG) renewed his caution that there needed to be a consistent approach between the US and Canada and consideration of unintended consequences. JD responded that this comment was likely about Haro/Boundary. The current scenario under consideration stays away from the Canadian border. Laird agreed.*

*Fred asked if the model looked at both US and Canadian waters. JD responded yes, where the zones included Canadian waters, the model include those. That would include Haro/Boundary.*

### **Vote: Alternative 3ii**

**Jeff Slesinger** (Tug Industry/Delphi Maritime) – Yes – Rationale: for factfinding to balance risk and consequences.

**Fred Felleman** (Environment/Friends of the Earth) – Yes

**Clyde Halstead** (Tribe/Swinomish) – Yes

**Tom Umenhofer** (Oil Industry/WSPA) – Yes

**Phil Hunter** (Pilot Alternate/Puget Sound Pilots) – Yes

### **Reasonable Alternative 3iii**

*Jaimie explained that this alternative would include Haro/Boundary to the above scenario. She reminded everyone to consider Laird's earlier point about transboundary complications. Sara mentioned the prerequisite for escorting in Haro/Boundary, that vessels not inbound or outbound from a US port would require the need for the USCG to consult with Canada.*

*Jeff Slesinger (Tug Industry/Delphi Maritime) asked how the results of the EIS might differ by having Haro & Boundary two zones combined as opposed to separate. Haley Kennard (Ecology Alternate/BPC) responded that she didn't have the answer yet. She was thinking through the different methodologies. She said if there was interest in looking at Haro & Boundary separately, that could be a recommendation for future consideration.*

*Fred Felleman (Environment/Friends of the Earth) stated that the first two scenarios were not add-ons. Alternative 1 was an odd on, the first expansion. He reiterated his concern about the tables of data previously presented, which were outputs from the model. He added that they could be discussed in a better way, such as to go along with each scenario. He did believe the model completely "mischaracterized" Haro/Boundary with high ratings for escorts, which he didn't understand considering the vessel traffic. He would support looking at it in isolation. He concluded that he would not support this alternative.*

*JD Ross Leahy (Ecology Alternate/BPC) responded to Fred's comments about the modeling assumptions in this area. As he had stated earlier, this area in the model zones crosses over into Canadian waters. It didn't take into consideration characteristics of destination or origin. A large*

portion of traffic in Haro Strait is either heading to or from Canada, and as a result, the model likely overstated the risk reduction provided by escorts in that area.

**Vote: Alternative 3iii**

**Fred Felleman** (Environment/Friends of the Earth) – Yes – He changed his vote from “no” after considering the consequences of vessels choosing Haro over Rosario with additional protections in place. But if he had to remove one, he said this would be it.

**Jeff Slesinger** (Tug Industry/Delphi Maritime) – Yes, they should be separate. If a laden tank ship experiences an issue, it’s not going to matter what side of the border they are on. From an EIS standpoint, the border shouldn’t be included. His preference was to keep alternative 3 and 4 with just Haro/Boundary.

**Phil Hunter** (Pilot Alternate/Puget Sound Pilots) – Yes – Rationale: 40k and above are already escorted in this area. There could be a scenario where vessels go this way to avoid an escort. It is also an environmentally sensitive area. He would consolidate 4 to just Haro/Boundary.

**Clyde Halstead** (Tribe/Swinomish) – No – he thought it was important to have Alternative 3 evaluated alone because if the legislature doesn’t want to take up issues with Canada, there would still be a scenario that could be considered. Additionally, he felt like having the EIS cover Haro/Boundary could benefit in conversations with Canada. His preference was to do them together. He said he could support Alternative 4 being just Haro/Boundary.

**Tom Umenhofer** (Oil Industry Alternate/WSPA) – Yes, and separate Haro/Boundary. But he would eliminate this option, if needed.

Haley Kennard (Ecology Alternate/BPC) suggested that the team could work on the best way to propose both alternatives to the Board. Jaimie reminded everyone that the adopted Rule language will have to be reviewed in three years per ESHB 1578.

**Reasonable Alternative 2ai**

**Vote: Alternative 2ai**

**Fred Felleman** (Environment/Friends of the Earth) – No – He stated he was following the pilot’s opinion and not relying on the model results, which he believed were not being responsibly shared with the group. JD Ross Leahy (Ecology Alternate/BPC) responded that Fred’s comment about modeling assumptions was well placed. The model did not consider the bottom characteristics of the waterways. Fred added the probability of hitting the bottom is what was missing from the model.

**Clyde Halstead** (Tribe/Swinomish) – Yes – He wondered how much more input the OTSC would have regarding rule language. Jaimie responded that the committee would be helping to craft the rule language.

**Jeff Slesinger** (Tug Industry/Delphi Maritime) – Yes – He asked for a reminder regarding the EIS study, whether it was also looking at the impact of an oil spill. Haley Kennard (Ecology Alternate/BPC) responded yes. He added that he would vote yes.

**Tom Umenhofer** (Oil Industry Alternate/WSPA) – Yes

**Phil Hunter** (Pilot Alternate/Puget Sound Pilots) – No – He saw no reason to consider this option.

Jaimie Bever confirmed that Reasonable Alternatives 1 and 2 would be recommended to the Board to include in the EIS. Reasonable Alternative 3ii was also a yes. Reasonable Alternative 3iii was a little trickier with interest from the group in Strait of Georgia and focusing on Haro/Boundary as a separate

*alternative. Haley Kennard (Ecology Alternate/BPC) would take Haro/Boundary to team members offline for additional information.*

After a lengthy discussion of all the points of view, Jaimie reminded everyone that ultimately it was the Board's decision. She then shifted gears to Haley's presentation regarding the environmental elements.

### **13. EIS Elements of the Environment**

Haley Kennard (Ecology Alternate/BPC) introduced the second portion of the decision-making being asked of the OTSC to do today, which is what elements of the environment should be included in the EIS scope, for at least a minimal analysis. She added that those who attended the Scoping workshop last week have already seen this slide, which is intended primarily as a reference.

Haley stated that an important piece for the discussion today, is that the EIS is supposed to identify and assess the probable significant adverse impacts to the environment. The agency is specifically directed to narrow the scope of the EIS to just those elements that were likely or reasonably likely to occur, and that pose more than a moderate adverse impact on environmental quality.

The decision for the OTSC today was whether the list of elements to include in the scope meets this threshold and whether anything is missing. She added that methods, process, data inputs, etc. will be handled at a later date. Haley reiterated that the decision today was whether the proposed scope meets this probable significance threshold.

Her plan for this next part of the meeting was to review the list of elements that are currently under consideration, then talk about what was heard at the workshop so that everyone is on the same page, and then move into discussing recommendations. She suggested keeping the initial discussion at a relatively high level. However, if the group wanted more information or a deeper dive on rationale and other comments received, to just let her know as the team is prepared to talk about things in more detail.

### **14. Elements of the Environment Under Consideration**

Haley displayed the of list of elements of the environment currently under consideration, adding that this list is likely familiar to the OTSC by now. This is the initial Determination of Significance list, just broken out with a few more details. These are the elements to be considered today:

- Air Quality
- Plants and Animals (SRKW and marine mammals)
- Underwater Noise/ Operational Noise
- Releases/Spill Risk
- Transportation/Vessel Traffic
- Treaty Fishing, Tribal Resources
- Water Quality
- Energy and Natural Resources
- Light and Glare
- Aesthetics
- Recreation
- Historic and Cultural Resources (Other)



## 15. Early Focus of EIS Scoping Comments

Haley reminded the group that the comments received initially focused on six primary themes: **SRKW and marine mammals, underwater and operational noise, air emissions, vessel traffic, oil spill risk, and treaty fishing impacts and tribal resources** more broadly. Based on the high level of interest in these topics as well as additional research and the legislative direction, the SEPA team believes that these elements could experience probable significant adverse impacts and should be assessed through the EIS. They also think it makes sense to include several additional elements based on the team's research and comments received at the workshop.

## 16. Scoping Workshop: Additional Feedback

Haley recognized that not everyone was able to attend the Scoping Workshop and provided a short overview of what was heard. Most of the discussion at the workshop was focused on the elements that had not been prioritized so far.

- Water Quality: Consider NPDES/VIDA-associated discharge (hydraulic fluid spills, effluent, deck runoff, grey water discharge). Poll results support analysis.
  - For water quality, Haley said she heard that the team should be considering several types of potential incidental discharge. They conducted a short poll during the workshop. There were only 10 people actually voting, so it was more of an interesting temperature check, rather than a reliable or statistically significant data source. The poll results from the workshop support inclusion in the EIS, as does the review of how other similar EISs treated this topic. The team's recommendation to the OTSC was to include this in the EIS
- Energy and Natural Resources: Fuel use increases between 2019 – 2020, but not a hugely significant change from baseline. These considerations are more important when towing. Consider also alternative fuel use. Poll results support analysis.
  - For energy and natural resources (which is primarily about changes in demand for fuel or energy at a statewide/system level), the team heard that although fuel use did increase with the implementation of the 2020 rule, it was not a significant change. They were also asked to consider how the transition to alternative fuels could interact with the rule. The poll results from the workshop support inclusion in the EIS, as does the team's review of how other similar EISs treated this topic. The recommendation to the OTSC is to include this in the EIS.
- Light and Glare: Check with USCG on locations/frequency of complaints from residents. From tug operators: complaints are more frequent in smaller/more unusual anchoring zones (Blake Island, Indianola), where tugs will anchor to do maintenance (which can be loud). Poll results support analysis.
  - For light, glare, and aesthetics, the team heard that these types of complaints are more frequent at smaller/more unusual anchoring zones. They also heard a recommendation to check with the Coast Guard on the locations and frequency of complaints from residents on light (as well as noise) as part of the analysis. The poll results from the workshop were more mixed on this one, but the review of how other similar EISs treated this topic supports including it and conducting at least a high-level analysis. The team's recommendation to the OTSC is to include this in the EIS.

## 17. Scoping Workshop: Additional Feedback Cont'd

- Noise: Important to consider ambient/above ground operational, maintenance, and safety-related noise (generators, foghorns, engines, maintenance work). Comments both about noise being additive and about masking effects, indicating the need for detailed assessment of this topic.
  - For noise, the team talked about the importance of including ambient and operational noise in the analysis as well as underwater noise, and discussed different sources of operational noise, some of which are safety-related/unavoidable. They also had some additional discussion about underwater noise dynamics, which underscored the need for a focused and thorough assessment in the EIS. The poll results from the workshop support inclusion in the EIS, as does the review of other examples. The team's recommendation is to include noise in the EIS.
- Recreation: No comments, but poll results support some level of analysis.
  - For recreation, the team didn't receive many comments at the workshop and the poll results were somewhat mixed. Based on the review of other similar EISs, most of them did include recreation and some of them even found significant impacts related to recreation, so the team is recommending erring on the side of including it for at least a high-level analysis in the EIS. They also think it would be helpful to do some additional targeted outreach to recreational users on this process because the lack of focus on this could be more related to lack of engagement rather than lack of potential impact, just given the high level and diversity of recreational use in the study area.
- Non-Tribal Historic/Cultural Resources: No comments, but poll results do NOT support analysis. We have reviewed maps and don't believe that these resources are at significant risk.
  - For Non-Tribal Historic/Cultural Resources, the workshop participants didn't have much to say on this and the team hasn't received any comments indicating that this was a priority. The poll results from the workshop do not support including this. The team also reviewed some maps and looked at example EISs and are recommending removing this from consideration in the EIS. The team will of course retain a Tribal Resources section, the contents and scope of which will be determined in coordination with interested Tribes.
- Other/General: Process questions about how/where in the rulemaking process benefits of tug escorts will be captured to support decision-making. Nuance is needed across the EIS in considering when impacts are additive or not, when tugs are escorting or not, need to recognize the complexity of this system. Importance of experts to complement model results.
  - And then finally, the team had some discussion about process and what documents and information will inform rulemaking decisions. They also talked about the need for nuance in considering where impacts are additive or not and how impacts may change based on whether a tug is actively escorting or transiting alone. The team also talked about the importance of the experts with lived professional experience on the water and/or doing these operations in complementing modeling and analysis results. They have documented both of these perspectives. If the OTSC has any references, the team will make sure those are included in the analysis. This preliminary scoping decision isn't getting into what the assessment may or may not conclude about

underwater noise impacts. Haley added that she was hearing that there was a need to look at this in detail and consider literature on the masking effect and constructive interference.

## **18. Discussion Elements of the Environment to include in EIS Scope**

Haley reported that this was the end of her comments and display a summary of the team's recommendation to the OTSC based on comments received so far and our preliminary research. She then opened the discussion.

*Tom Umenhofer (Oil Industry Alternate/WSPA) thanked Haley for the presentation. He asked about the resources available to complete the proposed list of elements. Haley answered that agency guidance did not recommend equal analysis of each element. The team would be coming back to the OTSC in the future with proposed methodologies for each element to get feedback. They are thinking about resource constraints and which to prioritize.*

*Fred Felleman (Environment/Friends of the Earth) mentioned that the already identified items were important but did not see value in the additional feedback from the scoping workshop.*

*Jim Peschel (Tug Industry Alternate/Vane Brothers) thanked Haley for capturing some of the items he had brought up at the scoping workshop. He asked if oil spill risk included escort tugs spilling oil while fueling. And he asked JD regarding probability, if that included the tug pulling the barge or the just the barge itself. JD responded that they did not include potential outflow from tug fuel tanks, the model only addressed oil outflow from the towed barge that might result from drift groundings.*

*Clyde Halstead (Tribe/Swinomish) liked the list and had no other comments.*

*Laird Hail (Advisor/USCG) didn't think light and glare were necessary when talking about escorts. Yes, if talking about anchorages, but he didn't see any impact with tugs. He suggested separating underwater noise from other noise. Jim Peschel responded that the feedback they had received regarding light and glare was mostly while tugs were waiting for their vessels, not while in the process of escorting.*

*Fred Felleman (Environment/Friends of the Earth) signed off by saying that the vessel traffic consideration was very important. He wanted to point out that the whole study was limited in scope to drift grounding, which he found to be an inappropriate limitation of the study. He added that he had shared a pilotage report from Canada outlining the following statements:*

*“unescorted ships must sail fast enough to be able to steer effectively with their rudder. In maritime environments characterized by rocky bottoms and coastlines, the speed necessary may also be too fast for a double hull to provide effective protection. Escort tugs can help maneuver a vessel with a high degree of precision at lower speeds...According to the international consultancy...the two greatest risks of a vessel in port or other restricted areas are power groundings and collisions. As shown in this exhibit, together these two categories account for more than 90% of all accidents likely to infer in port channels and approaches.”*

*Haley acknowledged receipt of the Canadian study. She added that the great thing about the EIS was that they are not limited by the parameters of the risk model, which focused on drift groundings. They will be considering references received and conducting new analysis. If folks have concerns or ideas about*

*methods, those conversations will be happening going forward. Jaimie reminded everyone about the multiple inputs that will go into the rulemaking.*

*Tom Umenhofer (Oil Industry Alternate/WSPA) agreed with the list as presented.*

*Phil Hunter (Pilot Alternate/Puget Sound Pilots) agreed with the list.*

### **19. Next Step and Wrap Up**

Jaimie asked if the group wanted to circle back to the decision from the first part of the meeting. Sara provided a recap of the votes. The final recommendation will be presented the Board during their March 21 Regular Public Meeting. The Board decision was posted on the BPC website at <https://pilotage.wa.gov/oil-transportation-safety.html>.

The Next OTSC: June 5 and 18 – discuss functional and operational requirements (July or Aug board discussion/vote).

Jaimie thanked everyone for their time and input.

The meeting adjourned at 12pm.