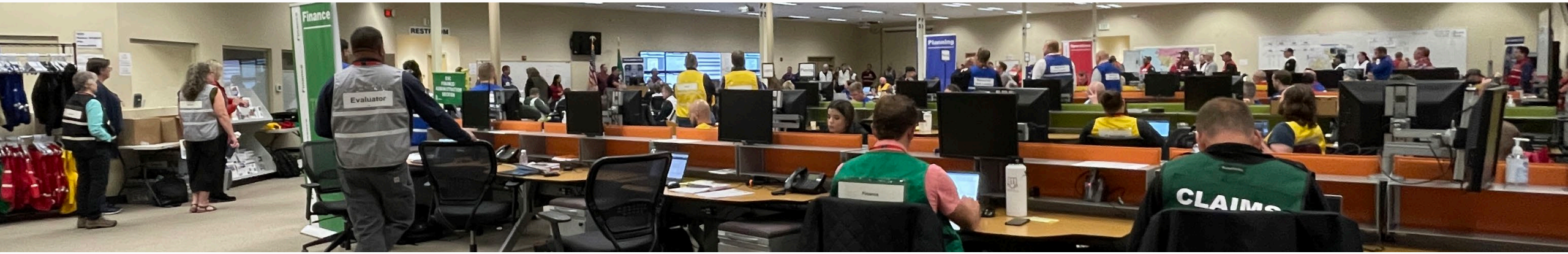
Workshop Information

- First part of workshop is being recorded (not discussion)
- Slides and recording will be posted to Oil Spill Contingency Plans rulemaking webpage
- All attendees are muted upon entry. Please keep your microphone muted when not speaking to minimize background noise.
- Please use the chat box for general comments
- Use the "Raise Hand" feature if you wish to speak
- If you have technical issues, please private message the host in the chat.



DEPARTMENT OF ECOLOGY
State of Washington

Rule Writing Workshop

What improvements can be made with how we drill Non-Floating Oil response and Southern Resident Killer Whale deterrence?

Agenda

Southern Resident Killer Whale (SRKW) Task Force Final Report

SRKW Best Achievable Protection (BAP) Summary

Non-floating Oil (NFO) BAP Summary

SRKW and NFO in drills

NWAC SRKW Task Force

- Task Force convened in 2023.
- Task Force comprised of 25 individuals from 13 distinct agencies, organizations, and research groups.
- Final report is in the RRT 10 Library

https://nrt.org/sites/175/files/NWAC-RRT10-SRKW%20Deterrence%20Task%20Force%20Final%20Report-with%20appendices.pdf

From the NWAC SRKW Task Force…

Need to identify on-water response teams that are trained and participate in regular drills.

Identify funding to sustain regular training and drills for response teams.

There is a need for coordinated transboundary training and drills with US and Canada whale deterrence teams.

Best Achievable Protection (BAP)

- SRKW Workgroup convened in 2025
- Workgroup comprised of 18 people from 15 distinct agencies, organizations, research groups, and industry.
- Final report is on the Washington Ecology BAP website

https://ecology.wa.gov/getattachment/e80649a5-cfc0-45ee-901e-894400266d4a/BAP_FinalReport_Dec2025.pdf

From BAP Workgroup (SRKW)

- Consider planning standards for SRKW protection that provides a framework and funding mechanism for improved access to trained personnel, technical experts and equipment to conduct deterrence operations

- Specify drill requirements to test planning standards that relate to SRKW protection to ensure a continuous process of improvement for whale deterrence.

- Continue to use Northwest Area Contingency Plan Section 9310, as a basis for working through drills and incidents and conduction training.

From BAP Workgroup (SRKW)

- Continue to evaluate options and identify as an issue for a future rule update.

- Identify and seek funding sources for whale reconnaissance and monitoring efforts that would be available during an oil spill.

- Continue to research potential solutions to liability and responder immunity issues

From BAP Workgroup (SRKW)

- Continue to work with Washington State Approved Primary Response Contractors (PRC) through the PRC Application process to provide more specificity and certainty for resource and personnel availability.

- Evaluate improvements to the Area Contingency Plans (ACP) to ensure best achievable protection.

From BAP Workgroup (SRKW)

- Plan holders are not authorized to conduct SRKW deterrence without a signed Incident Action Plan (IAP) from the U.S. Coast Guard (USCG).

- WAC 173-182-540 requires industry to describe the equipment, personnel, and resources for deterrence, including contact information for the resources to be deployed.

- Contractors are not approved or permitted to carry out this work.

Best Achievable Protection (BAP)

- NFO Workgroup convened in 2025
- Workgroup comprised of 16 people from 11 distinct agencies, organizations, research groups, and industry.
- Final report is on the Washington Ecology BAP website

https://ecology.wa.gov/getattachment/e80649a5-cfc0-45ee-901e-894400266d4a/BAP_FinalReport_Dec2025.pdf

From BAP Workgroup (NFO)

Rapid on-water recovery can reduce non-floating risk.

Importance of understanding the chemical and physical properties of the non-floating oils transiting our state.

Enhance Regional and Area Plans regarding non-floating oil.

Test ability to deploy floating and non-floating oil response assets simultaneously.

Current Rule Language

- WAC 173-182-540 (2)(d) Planning Standard for Wildlife Response

(d) Based on the areas the plan holder operates or transits, equipment and personnel to conduct monitoring and deterrence operations to prevent whales, which may include southern resident killer whales, from encountering spilled oil. The plan shall include contact information for a list of vessels, which may be whale watching vessels, which have been vetted, trained, and equipped to support killer whale deterrent operations. The accuracy of the contact information will be verified in tabletop drills. The deployment capability will be tested in multiple plan holder deployment drills.

Current Rule Language

- WAC 173-182-710 Multiple Plan Holder Drills

(6) Additional large-scale multiple plan holder equipment deployment drill requirement. At least once every three years all plan holders must participate in a multiple plan holder large scale equipment deployment exercise. This drill is a test of the functional ability for multiple contingency plans to be simultaneously activated in response to a spill. This drill may be incorporated into othe drill requirements to avoid increasing the number of drills and equipment deployments otherwise required. The exercise location will be selected by ecology to ensure all plan holders have the opportunity to get credit based on the areas they operate or transit.

(a) The exercise will be called once in each of the three regions over the triennial cycle. All plan holders that operate or transit the region will receive credit.

(b) At least one plan holder may be the drill planning lead, participate in all the planning meetings, and observe the drill.

(c) This deployment may include the following objectives as applicable to the operating environment:

(i) Demonstration of dedicated and nondedicated equipment and trained contracted personnel;

(ii) Demonstration of contracted vessel of opportunity response systems and crew performing operations appropriate to the vessel capabilities;

(iii) Demonstration of multiple simultaneous tactics including:

(A) On-water recovery task forces made up of complete systems which demonstrate storage, recovery, and enhanced skimming;

(B) Protection task forces which deploy multiple GRPs;

(C) Vessel and personnel decontamination and disposal;

(D) Deployment of contracted aerial assessment assets and aerial observers to direct skimming operations;

(E) Personnel and equipment identified for night operations;

(F) Equipment necessary to address situations where oils, depending on their qualities, weathering, environmental factors, and methods of discharge, may submerge and sink;

(G) Equipment and personnel to conduct monitoring and deterrence operations to prevent whales, which may include southern resident killer whales, from encountering spilled oil; and

(H) Verification of the operational readiness during both the first six hours of a spill and over multiple operational periods.

What improvements can be made with how we drill Non-Floating Oil response and Southern Resident Killer Whale deterrence?

Notes – SRKW Deterrence

- Should require dedicated vessels (not VOOs) in the event of a spill; important to have trained personnel and equipment when needed; source of funding can enable this.
- There are several VOOs signed up; important to think of resources from a system-based perspective; VOO are considered in a response.
- Two parts to a drill: command post and field. How do we demonstrate/implement these two parts of the drill, especially the field component. Important to set a goal/objective for field drills in particular (how do we know it's effective?). Should update guidance/focus sheets/checklists to include specific instructions for how to meet the drill requirements.
- 2024 PSP Report had ideas that spoke to BAP, and equipment that's pre-approved by NOAA (for example). Other equipment could be deployed (hukilau net), but doesn't currently exist in WA state. Should convene a "meeting of the minds" to consider future standards for BAP with these ideas in mind. How can we use this rule development opportunity to promote future BAP standards?
- Are scientific research boats considered VOOs? Can we encourage them to sign up and be trained? Should also consider paying these resources if possible in the event of a spill that involves SRKW deterrence as they are a unique asset

Notes – SRKW Deterrence (cont'd)

- What's a successful deterrence requirement? How do we demonstrate compliance that adequately meets our needs/objectives? Is there criteria we can add to help demonstrate this?
- When we used a hukilau in Barnes Lake in 2023, we spent a day assembling them, a day practicing setting it out, and used it for real the third day. To be better prepared, setting aside float lines, setting aside lead line that can be cut to length, and clips for assembly would be helpful. A practice session on the water for assembly and deployment would be wise.
- VOO requirements are ensured in advance, and this is a long process; As a plan holder, would like to better understand the specific assets deployed and how within the larger system ahead of time so we are better prepared during an incident. Multiple entities involved in an incident introduces a lot of complexity.
- May want to consider deploying hydrophones for incidents. Currently, hydrophones funded by other agencies cover a limited area. Might be good to have a programmatic EIS prepared to better understand the impacts of hydrophones and deploy them more quickly. There could be cost savings associated with where hydrophones are deployed and internet connectivity.
- Infrared cameras are another good way to track whales at night. They're a lot more expensive than hydrophones, so treating them like vessels of opportunity that we know where to find them when we need them as opposed to oikomi pipes, hukilaus, and boom that we'd want to have in storage, would be appropriate. We'd want to drill with them when whales are actually present.
    - yes IR cameras are particularly pricey, and IR binos are around $2-5K, which could be tested in a nighttime deployment drill.
    - The heat signature of any large orca fin or blow could be detected by a responder equipped with an IR device and could be a tool used for monitoring near the spill after dark, or for reconnaissance further away.

Notes – NFO

- “showing a support picture” to demonstrate that all the pieces are in place is the most important thing. Similar to SRKW deterrence, NFO drills should include elements like geography, habitat, ecosystem, etc., which would require a different set of tactics. We should be able to show that there is support for field response.
- Isn't there response equipment that can collect submerged and sunken NFO?
- A “multi-customer” drill is a great idea; It shows that multiple contractors can work towards a specific operational goal
- Is having drills that "may" require response to NFO spills sufficient?
- Do drill requirements necessitate dedicated equipment and personnel requirements? How would that work? So we would have to wait 5 years to consider additional equipment and personnel requirements.
- Certain drill types may not be applicable to all plan holders. ERTV drills are only for JdF. Are SRKW requirements applicable to all plan holders? NFO?
- Are SRKW and NFO requirements applicable to all plan holders for tabletop, deployment, and unannounced drills?

Notes – NFO (cont'd)

- I think SRKWs should be part of NFO drills, since they're vulnerable to sinking oil until it reaches the bottom.

Submit **informal** written comments on draft rule language

- We will hold an informal public comment period to inform rule development.
- Information about the informal public comment period will be sent to the listserv and published on the rulemaking webpage.
- We expect to open the informal public comment period in 2-4 weeks

DEPARTMENT OF
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State of Washington

Thank you for attending!

Website	Rulemaking for 173-182 and 173-186
Questions?	SpillsRuleMaking@ecy.wa.gov
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