



# Board of Pilotage Commissioners – Tug Escort Rulemaking SEPA EIS Scoping

March 21, 2023



# Agenda

- Rulemaking overview
- SEPA process
- SEPA Determination of Significance
- Proposed EIS scope



# Overview

## What is this rulemaking?

- The BPC, in consultation with Ecology, must adopt tug escorts rules for small oil tankers, ATBs, and towed barges in Puget Sound by December 31, 2025.
- The adopted rules could establish new escort requirements or could adjust or suspend the existing escort requirements for Rosario and waters east.

## Why tug escorts?

- Tug escorts for tank ships have been part of the marine safety system in Washington since 1975.
- Tug escorts can quickly assist vessels in distress and reduce the risk of a major oil spill. Small oil tankers, tank barges, and ATBs were not part of the escort requirements, leaving a gap in the safety regime.
- Oil spill prevention protects SRKW and other species, fishing, and public health.



# Agency coordination

## BPC and Ecology signed an Interagency Agreement (IAA) in 2020

### ■ BPC role

- Outreach lead
- Government-to-government consultation
- Final decisions on tug escort requirements
- Co-lead agency for SEPA

### ■ Ecology role

- Rulemaking process
- Technical expertise
- Regulatory analyses – APA, RFA, and SEPA
- Co-lead agency for SEPA



# Timeline

| Dates                           | Activity  |
|---------------------------------|---|
| February 22, 2023               | CR-101, rule announcement<br>SEPA DS/Scoping Notice       |
| May 2023<br>to<br>December 2024 | Work with tribes, stakeholders,<br>and interested parties |
| July 2025                       | CR-102, propose rule<br>Issue Draft EIS                   |
| December 2025                   | Issue Final EIS at least 7 days<br>before rule adoption   |
| December 2025                   | CR-103, adopt rule  |
| January 2026                    | Rule effective  |



**Scope** - The rulemaking will amend WAC 363-116-500, and if needed, will add new sections to Chapter 363-116 WAC.

**The rulemaking will:**

- Describe tug escort requirements for the following vessels operating in the waters east of the line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area:
  - Oil tankers of between five thousand and forty thousand deadweight tons.
  - Articulated tug barges (ATB) and towed waterborne vessels or barges greater than five thousand deadweight tons that are designed to transport oil in bulk internal to the hull.
- Specify operational requirements for tug escorts, where they are required.
- Specify functionality requirements for tug escorts, where they are required.



# Scope continued

- Consider the existing tug escort requirements applicable to Rosario Strait and connected waterways to the east, established in RCW 88.16.190(2)(a)(ii), including adjusting or suspending those requirements, as needed.
- Describe exemptions to tug escort requirements, including whether certain vessel types or geographic zones should be precluded from the escort requirements.
- Make other changes to clarify language and make any corrections needed.



# State Environmental Policy Act (SEPA)

- Identifies and analyzes environmental impacts associated with government decisions
- Ensures environmental values are considered in decision-making
- Provides opportunities for public input





# SEPA process for this rulemaking

| Rule phase                                     | SEPA action   | WAC references                |
|--|---|-------------------------------|
| <b>Announce rulemaking</b> (CR-101)            | Issue SEPA scoping notice with CR-101 for public review and comment | 197-11-408<br>173-802-100     |
| Develop rule language                          | Write draft Environmental Impact Statement (EIS)                    | 197-11-400 through 197-11-560 |
| <b>Propose rule</b> (CR-102)                   | Issue draft EIS for public review and comment                       | EIS: 197-11-455               |
| Consider comments and revise rule if necessary | Prepare combined final EIS and Concise Explanatory Statement        | EIS: 197-11-560               |
|  | Issue final EIS 7 days before rule adoption                         | 197-11-460                    |
| <b>Adopt rule</b> (CR-103)                     |   |                               |

# SEPA Determination of Significance

- The rulemaking may have a significant adverse impact on the environment.
- An environmental impact statement (EIS) will be prepared.



# Proposed EIS Scope

The EIS may consider:

- Air Quality
- Water Quality
- Plants and Animals
- Energy and Natural Resources
- Environmental Health
  - Noise
  - Releases or potential releases to the environment affecting public health
- Light and Glare
- Aesthetics
- Recreation
- Historic and Cultural Resources
- Transportation





# Questions?

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**Rulemaking website:**

<https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Spills-Prevention-Preparedness-Response/Legislative-work/BPC-tug-escort-rulemaking>

