



Public Hearing: Tug Escort Rulemaking

Pilotage Rules – Chapter 363-116 WAC

July 17, 22, 23, 2025



Rulemaking Team

- **Jaimie Bever:** BPC Executive Director
- **Megan Hillyard:** Ecology Rulemaking Process Lead
- **Sara Thompson:** Ecology Rule Writer
- **Haley Kennard:** Ecology SEPA Lead
- **Angela Deardorff-Zeigenfuse:** Ecology Rulemaking Process Support
- **Adam Byrd & JD Ross Leahy:** Ecology Technical Subject Matter Experts
- **Allen Posewitz:** Ecology Rules & Accountability Economist

Agenda

- 1** Welcome and opening remarks
- 2** Staff presentation
- 3** Q&A
- 4** Break
- 5** Formal public hearing and testimony
- 6** Next steps and closing remarks

Ground Rules

1. Please don't clap, give applause, or give boos.
2. Once the formal hearing begins, staff can't respond to your questions. Make sure to ask them during the Q&A.
3. Please keep comments to three minutes or less.
4. Please speak in the order called.





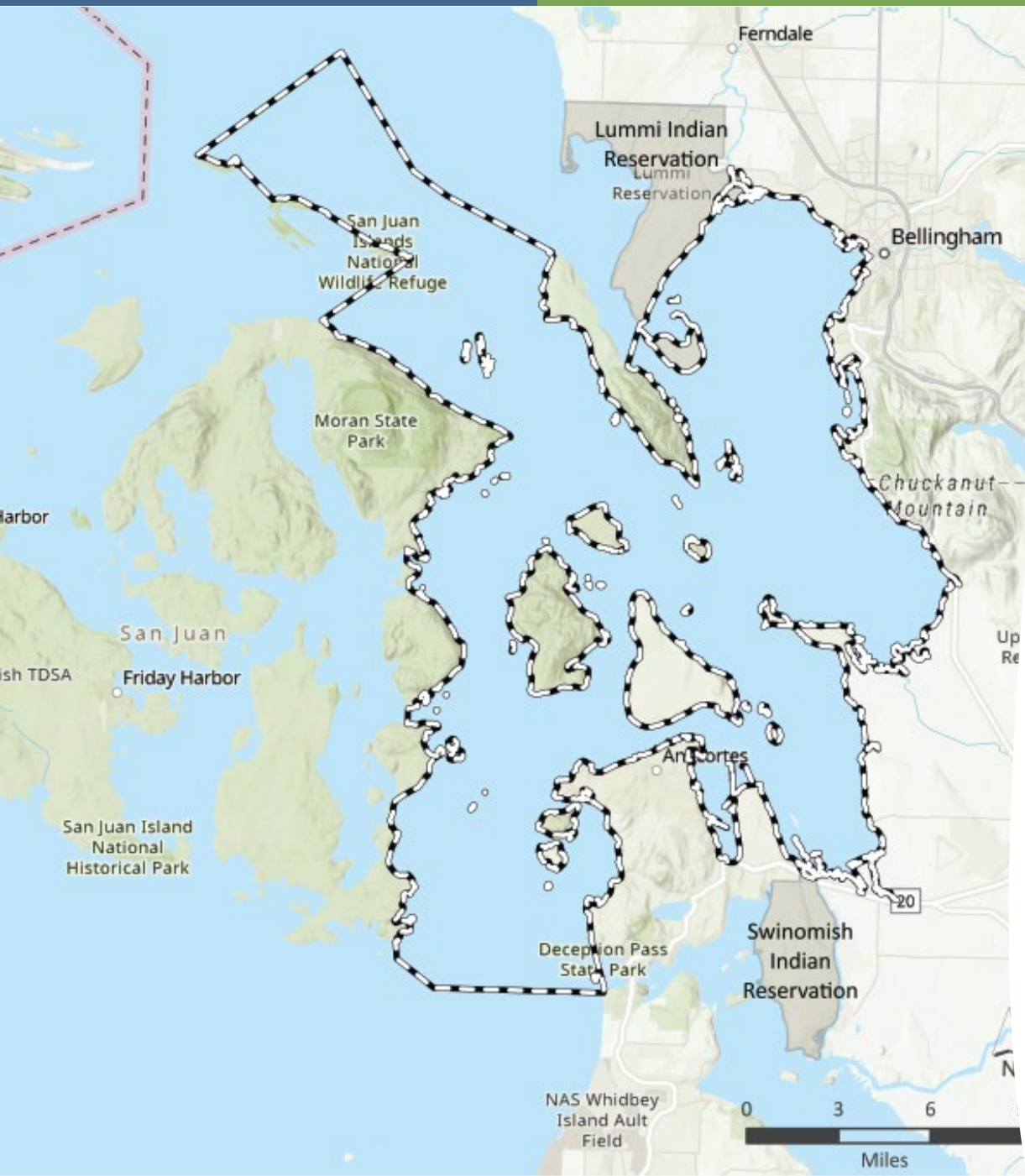
Tug Escort Rulemaking Chapter 363-116 WAC

Public Hearing Presentation



Proposed requirements

- Expand the tug escort area in Rosario Strait and connected waterways to the east by approximately 28.9 square miles northwest, toward Patos Island.
- Establish minimum horsepower (hp) requirements for tugs:
 - 2,000 hp for vessels between 5,000 and 18,000 DWT, and
 - 3,000 hp for vessels 18,000 DWT or greater.
- Require tugs escorting these vessels to have a minimum of twin screw propulsion.
- Require a pre-escort conference between the escort tug and tank vessel.



Why this rulemaking?

- Engrossed Substitute House Bill 1578: “Reducing threats to southern resident killer whales by improving the safety of oil transportation.”
- The bill directs the BPC, in consultation with Ecology, to adopt tug escort rules by December 31, 2025.
- The rulemaking should address critical safety gaps for small to medium-sized vessels carrying oil in bulk by strengthening tug escort requirements to reduce spill risk and enhance environmental protection.




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.



Scope: vessel types

- Oil tankers, 5,000 – 40,000 DWT
- ATBs, and towed barges greater than 5,000 DWT designed to transport oil in bulk internal to the hull

Vessel Type	Tanker	ATB	Towed Barge
			
Smaller Range	520 feet / 25,235 DWT	421 feet / 11,500 DWT	241 feet / 5,310 DWT
Larger Range	604 feet / 39,309 DWT	690 feet / 27,000 DWT	360 feet / 13,821 DWT

Scope: geography

“...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.”

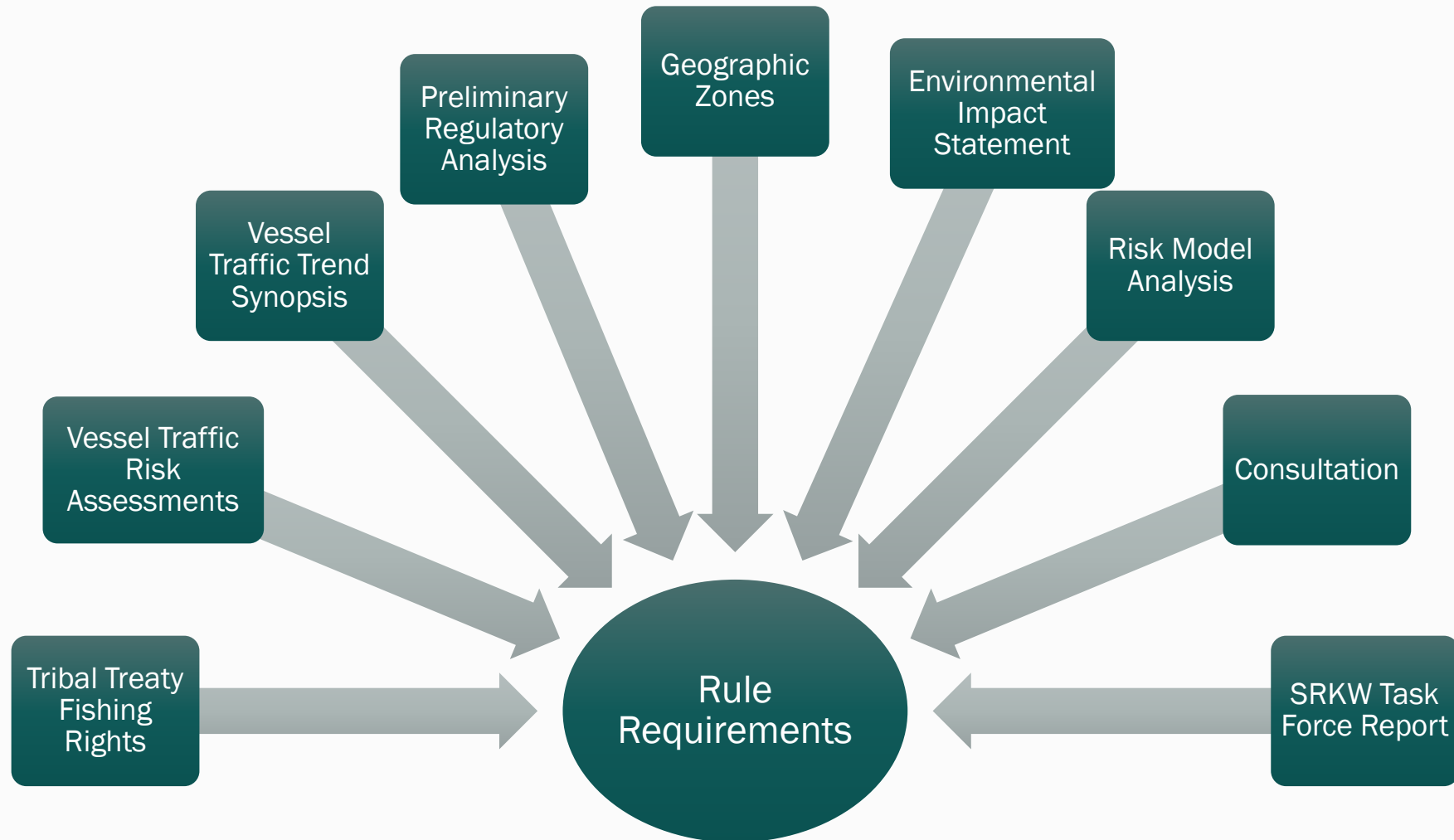


Scope: legislative direction

- Consider existing tug escort requirements applicable to Rosario Strait and connected waterways to the east.
- Meet Best Achievable Protection (BAP), as defined in RCW 88.46.
- Specify functional and operational requirements for escort tugs.
- Describe exemptions to tug escort requirements, including whether certain vessel types or geographic zones should be excluded from the requirements.



Rulemaking inputs



Rule Requirements



Geographic escort area



Functional requirements

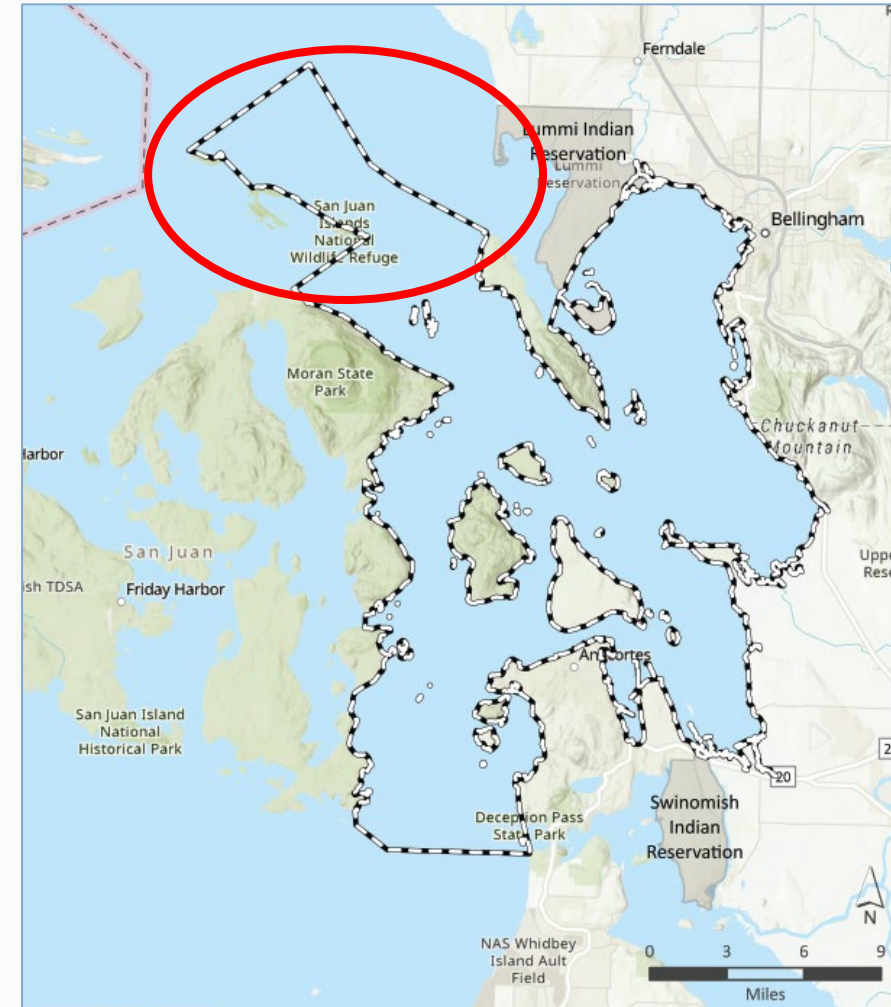


Operational requirements



Expansion of Escort Area

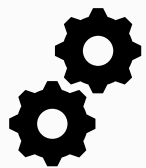
Requirement	Rationale	Cost
Expand the tug escort area by approximately 29 square miles northwest toward Patos Island (an 11% increase in area).	This area is adjacent to the Rosario and waters east escort area. The Ecology model showed this area to have a high escort efficiency, and the Oil Transportation Safety Committee (OTSC) agreed that the characteristics of this zone make it a good candidate for an escort requirement.	\$850,000 /yr





Exemptions (when rule does not apply)

- Tank vessels that are conducting bunkering, which includes the transit of the tank vessel to the bunker location, the oil transfer operation, and the return transit of the tank vessel;
- Towed general cargo deck barges;
- Tank vessels that are in ballast or unladen.



Functional requirements for tugs providing escorts

Requirement	Rationale	Cost
Twin-screw propulsion	Provide assurance that the escort tug will be able to successfully maneuver to intervene to prevent a drift grounding and subsequent spill.	Negligible (industry practice)
2,000 horsepower tug for 5,000 - 18,000 DWT vessels	Current industry practice for escorting of vessel less than 18,000, least burdensome alternative for these DWT vessels.	Negligible (industry practice)
3,000 horsepower tug for 18,000 - 40,000 DWT vessels	Provides assurance that the escort tug will have sufficient power to successfully intervene to prevent a drift grounding and subsequent spill.	Negligible (industry practice)



Operational requirement for tugs providing escorts

Requirement	Rationale	Cost
Pre-escort conference	Ensures both vessels have a shared understanding of key elements of the escort operation	\$15,851 per year

Pre-escort conference details:

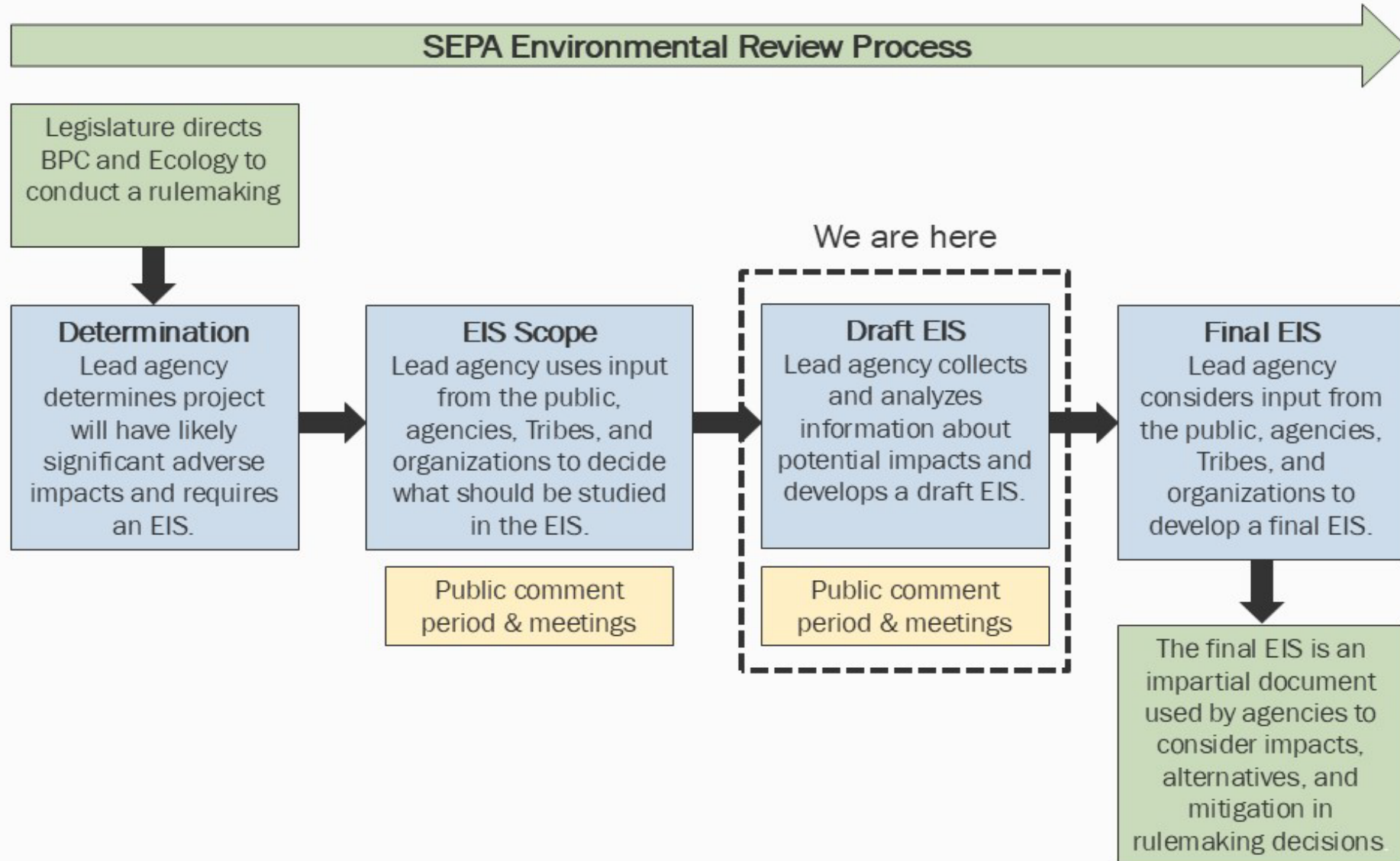
- Before each escort, the tank vessel officer in charge shall hold a pre-escort conference with the escort tug officer in charge.
- If the tank vessel has a pilot onboard, the pilot shall also be included in the conference.
- The conference must be recorded in the logbooks of the participating vessels.
- The purpose is to discuss and agree upon the operational details of the transit.
- It must include specified safety, navigation, and operational topics.

Cost Benefit Analysis Summary (qualitative & quantitative)



Cost	Benefit
<p>\$850,000 estimate cost each year for in extra tug operating expenses and personnel time.</p>	<ul style="list-style-type: none">• Designed to achieve best achievable protection.• Drift Grounding reduced from a 186 to a 189-year event.• Escorts in an expanded geographic area that has high escort efficiency and unique hazards and characteristics that support this escort requirement• Saves up to \$1.4 M in spill costs per year if we assume any drift grounding results in a worst-case spill. For reference, the total cost of a worst possible spill from one of the target vessels of this escort rule was calculated to be \$16.46 B.

State Environmental Protection Act (SEPA)





DEPARTMENT OF
ECOLOGY
State of Washington

EIS Study Area



DEPARTMENT OF
ECOLOGY
State of Washington

Environmental Impact Statement (EIS)

Science-based

Assesses reasonable alternatives

Identifies probable adverse impacts



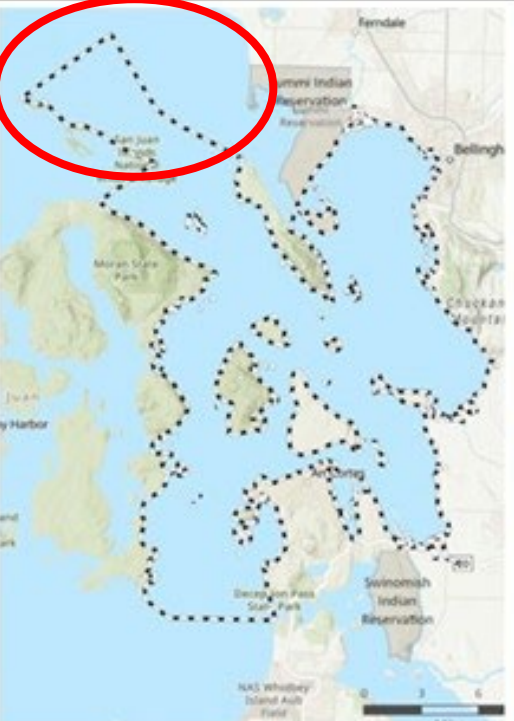

Includes mitigation

Supports decision-making

Does NOT approve or deny a project

Alternatives Assessed in the EIS



Alternative A (No Action)	Alternative B (Add FORs)	Alternative C (Expansion)	Alternative D (Removal)
 <p>No change to geographic scope of requirements</p>	 <p>No change to geographic scope of requirements</p>	 <p>Expand current requirements north to Patos Island</p>	 <p>Remove requirements within current boundary</p>
No change to existing functional and operational requirements (FORs)	Add pre-escort conference, minimum horsepower, and propulsion requirements	Add pre-escort conference, minimum horsepower, and propulsion requirements	N/A – tug escort requirements for target vessels are removed



What did we study?

- *Vessel Traffic
- *Oil Pollution
- Water Quality
- *Noise
- *Plants and Animals
- Energy and Natural Resources
- *Air Quality
- Recreation
- Visual Resources
- *Tribal Resources
- *Environmental Justice



No Significant Adverse Impacts

- Vessel Traffic
- Energy and Natural Resources
- Air Quality
- Visual Resources

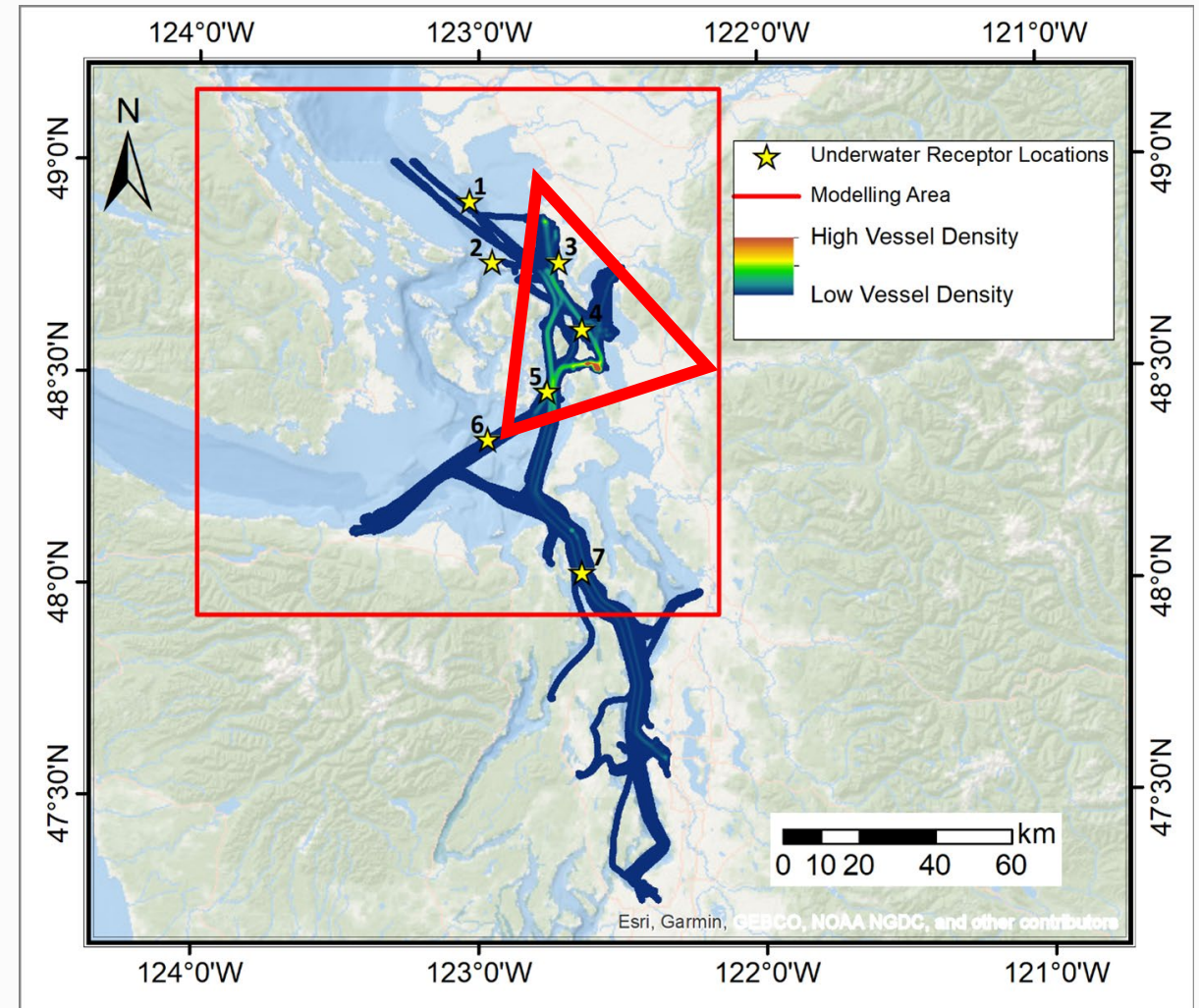


Finding of Significant Adverse Impacts: Underwater Noise

- Significance finding for alternatives that maintain or increase tug escort requirements (Alt. A, B, C)
- Underwater noise over 120 dB can result in behavioral disturbances in marine mammals.
- All modeled locations regularly exceed 120 dB.
- Most modeled locations experience more noise with tug escort requirements than without.

Underwater Noise Continued

- Alternatives A, B, C: Rosario, Anacortes, and Lummi locations
- Significance finding for: Plants and Animals, Tribal Resources





Finding of Significant Adverse Impacts: Oil Pollution

- Significance finding for alternative that removes tug escort requirements (Alt. D).
- A target vessel drift grounding is a serious marine event.
- A subsequent spill would have major environmental consequences.
- Any major oil spill in this area would have broad consequences for the region, affecting sensitive ecological resources and archaeological sites.

Oil Pollution Continued

- Alternative D: target vessel drift grounding probability increases by **11.84%** across the EIS Study Area
 - Within just the rulemaking area, the increase is **90.5%**.
 - Actual probabilities are all very small.
- Significance Finding for: Alternative D - Plants and Animals, Tribal Resources, Water Quality, Recreation





Finding of Significant Adverse Impacts: Tribal Resources

- Significance findings for alternatives that maintain or increase tug escort requirements (Alt. A, B, C).
- The entire EIS Study Area is the usual and accustomed fishing area of one or more Tribes.
- Some Tribes have stated that current levels of vessel traffic already negatively impact Tribal treaty fishing.
- Significance Finding for: Environmental Justice.



Mitigation Measures

- Primarily voluntary due to narrow rulemaking scope and lack of associated permits.
- Because they are mostly voluntary, they do not resolve a significance finding.
- Pre-Escort Conference requires consideration of active fisheries, including Tribal fisheries.
- FORs provide minor but unquantified benefits.



Examples of Voluntary Mitigation Measures

- Participation in PSHSC Standards of Care (SOC) and update of SOC to escort of target vessels.
- Escort tugs to maintain safe distance from SRKW and participate in voluntary slow downs and other SRKW protection measures.
 - Encourage the PSHSC to develop an SOC about distance from SRKW.
- Transition to hybrid electric and electric propulsion as technology and cost are feasible.
- Agreements with interested Tribes to reduce impacts to Tribal treaty fishing through notification and coordination.
- Just-in-time shipping and limiting waiting time at rendezvous locations particularly during active Tribal fishing.
- Participation in the PSHSC Tribal Fisheries Lost Gear Subcommittee.

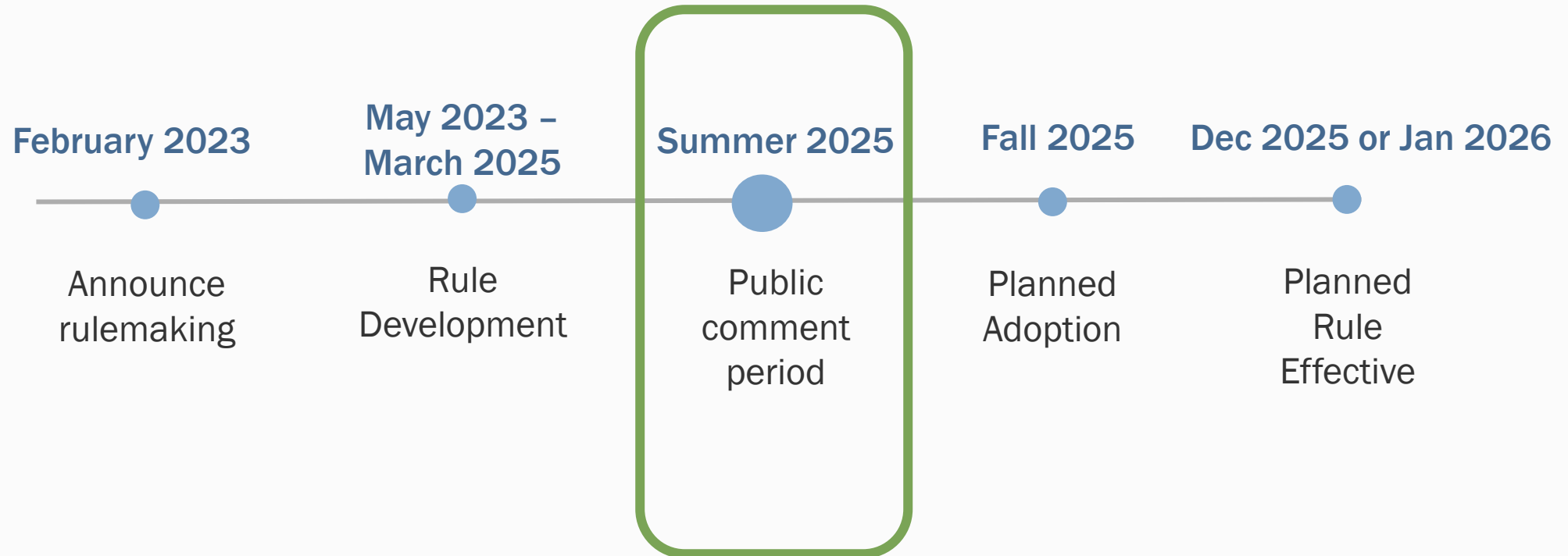


Summary of Significant Adverse Impacts

Alternative	Significance Findings	
Alternative A (No Action)	<ul style="list-style-type: none">Underwater Noise	<ul style="list-style-type: none">Plants and AnimalsTribal ResourcesEnvironmental Justice
Alternative B (Addition of FORs)	<ul style="list-style-type: none">Underwater Noise	
Alternative C (Expansion)	<ul style="list-style-type: none">Underwater Noise	
Alternative D (Removal)	<ul style="list-style-type: none">Oil PollutionWater QualityRecreation	



Timeline





Submitting Written Comments

Online

Comment Form

<https://sppr.ecology.comcommentinput.com/?id=HihgcrTsY>

Mail

Board of Pilotage Commissioners
2901 3rd Ave. Suite 500
Seattle, WA 98121



Comments due by 11:59 p.m. August 1, 2025

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Public Testimony:

If you would like to provide comment at this hearing, please use the “Raise Hand” feature to identify yourself, or press *6 on your phone to unmute

Other ways to provide your comments, due 11:59 PM on August 1, 2025:

Online Comment Form: <https://sppr.ecology.commentinput.com/?id=HihgcrTsY>

Mail: Board of Pilotage Commissioners 2901 3rd Ave. Suite 500 Seattle, WA 98121

Public
Hearing #1

July 17
10:00 AM

Public
Hearing #2

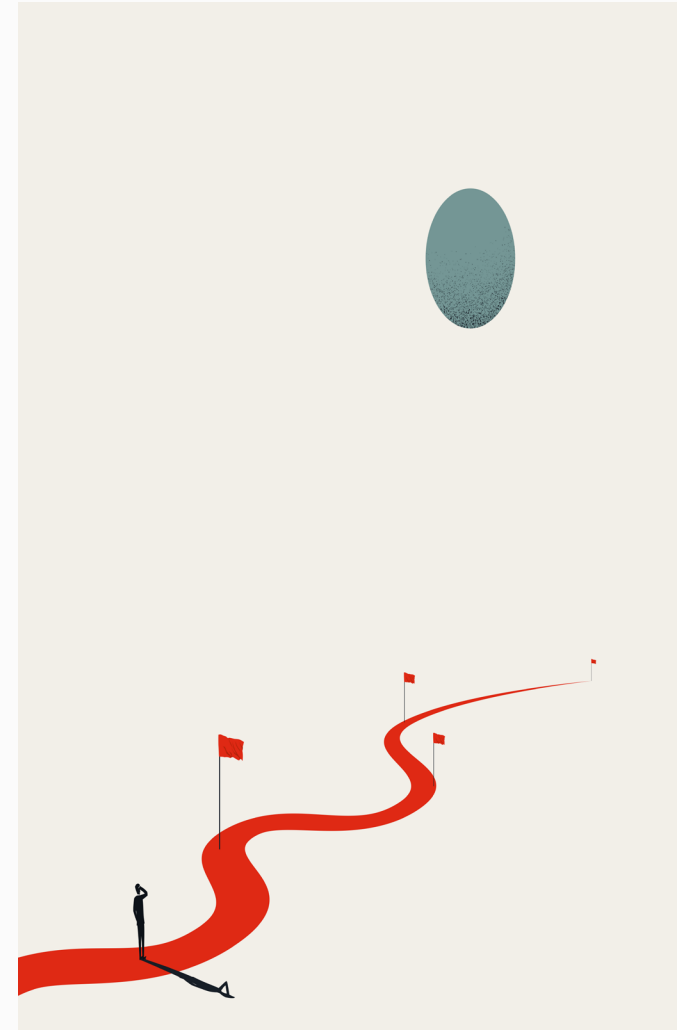
July 22
1:00 PM

Public
Hearing #3

July 23
6:00 PM

Next Steps

- Concise Explanatory Statement
- Final Regulatory Analysis
- Final Environmental Impact Statement
- Adopt rule by December 31, 2025





Thank you

Rulemaking Lead

Jaimie Bever, BPC Executive Director

jaimie.bever@wsdot.wa.gov

(206) 515-3887