

Tug Escort Rulemaking & Analysis

January 10, 2023
0900 - 1100

Jaimie Bever
Board of Pilotage
Commissioners



Kim Morley &
JD Ross Leahy
Ecology





ESHB 1578

- A measured approach to preventing oil spills



By 9/1/2020

- Rosario Strait & Connected Waterways East Tug Escort Implementation
- Identification of Geographic Zones

By 12/31/2021

- Synopsis of Changing Vessel Traffic Trends

By 9/1/2023

- Consultation
- Risk Model Analysis
- Initiate Rulemaking

By 12/31/2025

- Adopt Rules for Tug Escorts in Puget Sound

By 10/1/2028

- Review Rules Every 10 Years Thereafter





Today's Presentation

- BPC and Pilotage Overview
- Legislative Recap
- Rulemaking Process
- Anticipated Timeline
- Tug Escort Analysis Review





BPC

- Board of Pilotage Commissioners
- Washington State Regulatory Agency – Est. 1935
- Primary Mission - Safety
- Statutory Authority – Chapter 88.16 RCW, Pilotage Act
- Nine Member Board, plus 3 staff





Pilots

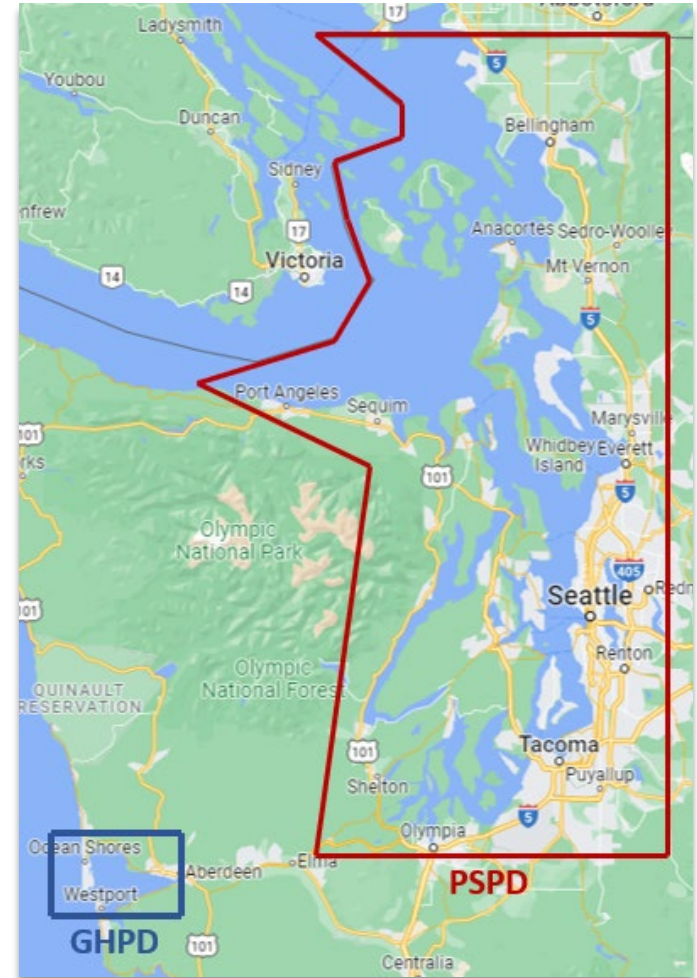
- High-level maritime professionals
- Local knowledge experts
- First line of safety
- Required on all tankers and foreign flag vessels





Pilotage Districts

- Puget Sound
 - Serviced by Puget Sound Pilots
 - 56 state-authorized licenses
- Grays Harbor
 - Serviced by the Port of Grays Harbor
 - 3 state-authorized licenses





Roles

BPC	Pilots
Regulatory Oversight	Provide Safe and Efficient Pilotage Services
Propose Legislation	Administer Benefits
Adopt Rules	Retirement Package
Train and License Pilots	Tariff Billing
Set Number of Pilots	Revenue Collection
Report and Investigate Incidents	Continuing Education
Exemptions from Pilotage	





Legislative Recap

- ESHB 1578 was passed in 2019 to reduce the risk of oil spills, and protect the Southern Resident Killer Whales
- The BPC was tasked with Rulemaking with assistance from Ecology
- Ecology was tasked with the development of an oil spill risk model





Tug Escort Regulation

- BPC requirements for vessels carrying oil in Washington waters
 - Chapter 88.16 RCW, Pilotage Act
 - Chapter 363-116 WAC, Pilotage Rules





Interagency Agreement

- Ecology and BPC signed an interagency agreement
- Ecology leading rulemaking process, outreach planning, and regulatory analyses
- BPC adopting and implementing rules





Pause for Questions

- Any questions regarding the BPC or Pilotage?
- Up next, Ecology's Rulemaking process with Kim Morley



Ecology's Rulemaking Process

- RCW 34.05 – Administrative Procedure Act
 - Regulates the rulemaking process
 - Typically significant legislative rules
 - Adopts provisions that could include penalties or sanctions
 - Establishes, alters, or revokes qualifications for licenses or permits
 - Adopts new or significant changes to a regulatory program



Who is involved?


- Tribes
- Impacted businesses
- Impacted individuals and communities
- Interest groups – environmental, business, other
- Other agencies
- Technical experts




Typical Rulemaking Process



- Agency approval to start




- Rule Making is announced (CR-101)




- Rule Development and work with stakeholders



- Rule Proposal (CR-102)



- Public Comment Period
- At least one public hearing



- Rule Adoption (CR-103)
- Rules becomes effective (usually 31 days later)



Agency Approval to Start

- Purpose of our rulemaking
- Approval Documentation
- Approved by our Executive Leadership Team



Announcement (CR-101)

- Rulemaking documentation
- Create Webpage
- Seek government-to-government consultation
- Notice to interested parties
- Communication plan and translations
- Approved by the BPC



Rule Development

- Develop rule language
- Work with external audiences
- Update documentation
 - SEPA documentation
 - Economic analysis begins
- Update webpage
- Workshops and meetings
 - Gather supporting information
 - Feedback



Rule Proposal (CR-102)

- Documentation
 - Formal proposal
 - Regulatory Analyses
 - SEPA documentation
- Seek government-to-government consultation
- Notice to interested parties
- Announces the public comment period
- Implement Communication Plan and translations
- Approved by the BPC



Public Comment Period

- At least one public hearing
 - Share an overview
 - Answer questions
 - Public testimony and written comments
- Online comments



Comment period closes

- Review and consider all comments
- Write responses
- Update rule language and documentation



Rule Adoption (CR-103)

- Final documentation
 - Rule language
 - Response to comments
 - Regulatory Analyses
 - SEPA documentation
- Seek government-to-government consultation
- Notice to interested parties
- Implement Communication Plan and translations
- Approved by the BPC
- Becomes effective 31 days after filing



Anticipated Timeline

Tug Escort Rulemaking

Rulemaking Phase	Dates
Announcement (CR-101)	February 2023
Rule development	Spring 2023 – Summer 2025
Proposal (CR-102)	Summer 2025
Comment Period	Summer 2025
Adoption (CR-103)	Winter 2025



General Information

- BPC Oil Transportation Safety website:
 - pilotage.wa.gov/oil-transportation-safety.html
- Ecology ESHB 1578 website:
 - ecology.wa.gov/Spills-Cleanup/Spills/Oil-spill-prevention/Safety-of-oil-transportation-act
- BPC Executive Director, Jaimie Bever
 - beverj@wsdot.wa.gov, 206-515-3887

