



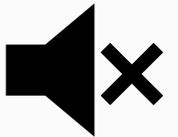
# Board of Pilotage Commissioners – Tug Escort Rulemaking Workshop #7 (Tribes Only)

May 14, 2024



# Zoom Reminders, Meeting Logistics

- Please use the raise hand function
- Please use the comment function.
- Please mute while not speaking. Please don't interrupt others.
- Transcript of the meeting to support note-taking only.
- We are going to be using zoom whiteboard feature later in the presentation. Ecology staff are on to help troubleshoot!



# Meeting Objectives

- Share preliminary scoping decision from BPC
- Seek input on engagement preferences, content and methods for Tribal Resources Section
- Dig into readily available information on the geographic scope of the proposed alternatives to:
  1. Inform method of analysis for EIS
  2. Develop a shared understanding of the alternatives area. Share local knowledge to support effective analysis.
- Announce upcoming workshops

# Roles and Responsibilities



**BPC**

- Outreach lead
- Government-to-Government consultation
- Final decisions on tug escort requirements



**Ecology**

- Rulemaking process
- Technical expertise
- Regulatory Analyses
  - Administrative Procedures Act
  - State Environmental Policy Act
  - Regulatory Fairness Act

# Rulemaking Overview (ESHB 1578)

- **Vessel Types:** The BPC, in consultation with Ecology, must adopt tug escorts rules for the following vessels:
  - Small (5,000 – 40,000 dwt) oil tankers
  - ATBs, and towed barges greater than 5,000 dwt designed to transport oil in bulk internal to the hull

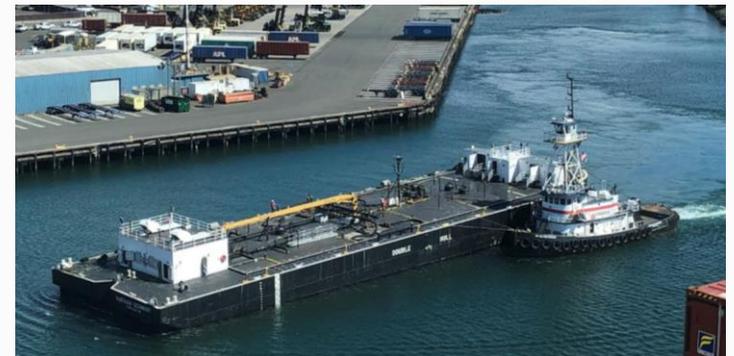


© Frans Eykel  
MarineTraffic.com

*Tanker*



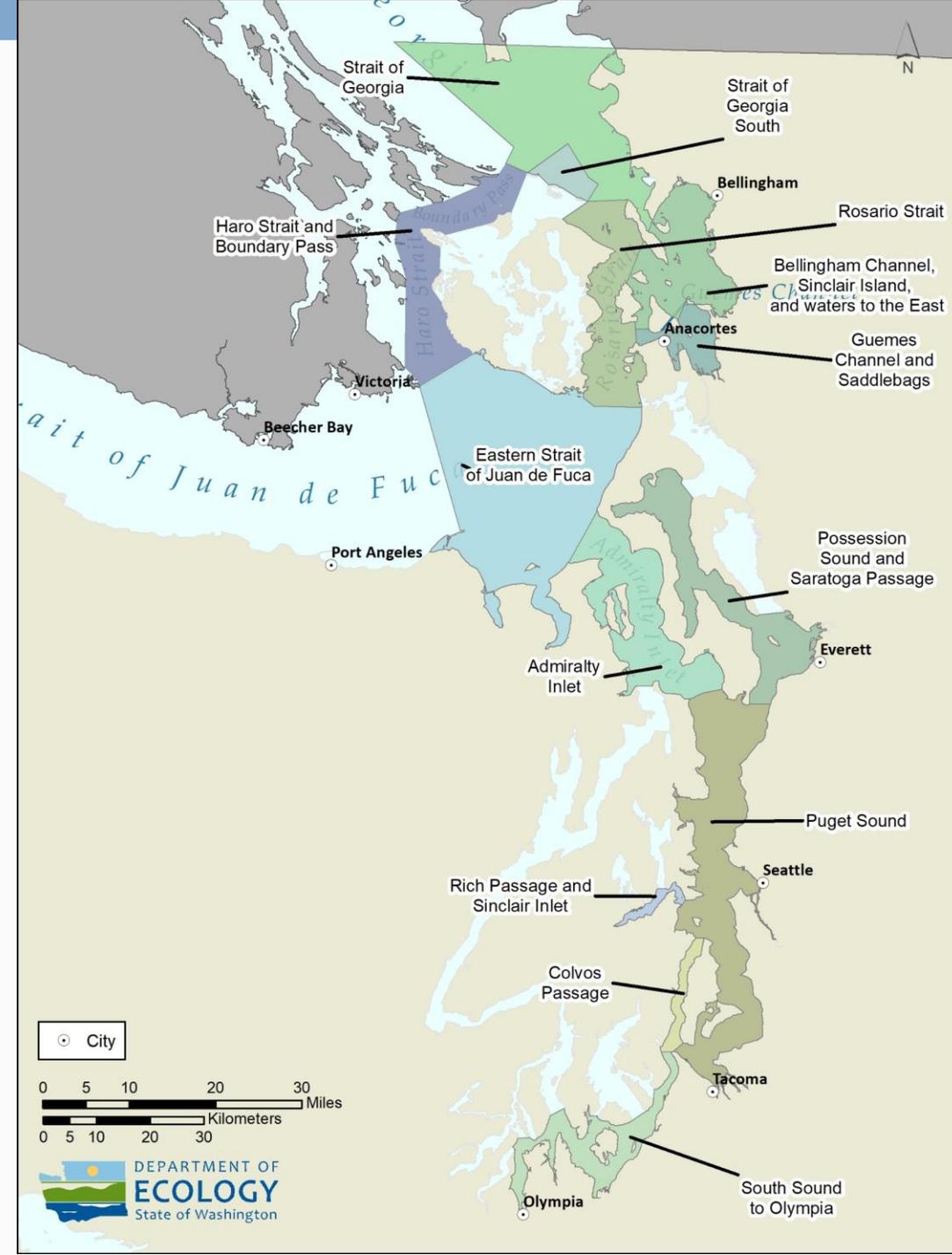
*ATB*



*Tank Barge*

# Geographic Scope:

- “East of the line extending from Discovery Island light south to New Dungeness light and all points in the Puget Sound area.”





# Rulemaking Overview Continued

- The adopted rules could:
  - Establish new escort requirements for the target vessels
  - Adjust escort requirements implemented by ESHB 1578 for Rosario and waters east.
  - Suspend the existing escort requirements for Rosario and waters east.
  - Determine that no change from the current requirements is needed
- The adopted rules will also specify operational and functional requirements



# Rulemaking Objective for Use in SEPA

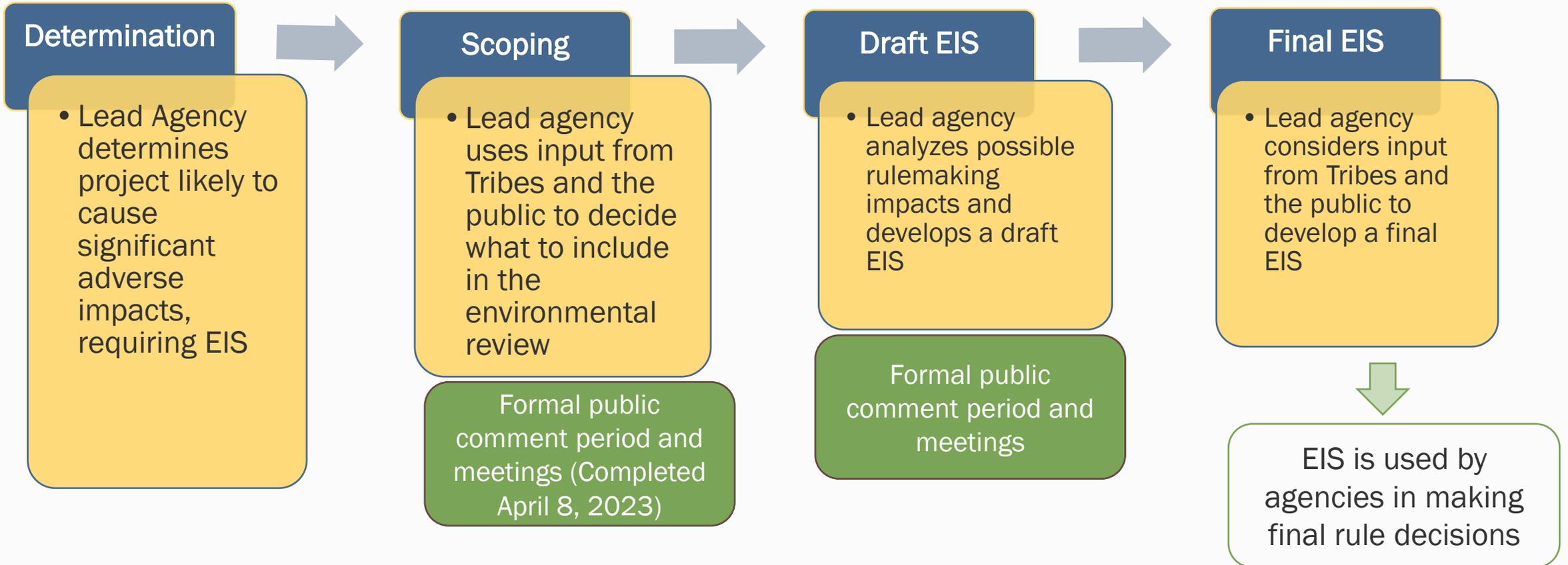
- Reduce the risk of a major oil spill through potential tug escort requirements for oil tankers 5-40,000 DWT and barge and ATBs over 5,000 DWT.
- Design requirements in a way that
  - minimizes underwater noise
  - focuses vessel traffic into the existing traffic lanes
  - and minimizes impact to treaty fishing areas



# EIS Process

## Government to Government Consultation with Tribes as Requested by Tribal Governments

Workshops to share information and seek input from Tribes and stakeholders





# Rulemaking and EIS Happen Concurrently

Rulemaking Action	SEPA Action	Proposed Timeline
Rulemaking Announcement ( <a href="#">CR-101 filing</a> ):	<a href="#">Determination of Significance</a> / Scoping Comment Period	February 22, 2023
Rule Development Workshops	EIS Development Workshops	March 2023 – December 2024
Rule Proposal and start of comment period (CR-102 Filing)	Issuance of Draft EIS with CR-102 and comment period.	Anticipated July 2025
Rule Adoption (CR-103 Filing):	Final EIS issued at least 7 days before the CR-103	Anticipated December 2025
Rule Effective	N/A	Anticipated January 2026 (Typically, 31 days after CR-103 filing)



# BPC Preliminary Scoping Decision



# BPC March Meeting

- The BPC met on March 21st
- The Oil Transportation Safety Committee (OTSC) provided a recommendation on preliminary EIS alternatives and scope.
- The BPC selected 3 alternatives for assessment in the EIS
- The BPC made no changes to OTSC elements of the environment to include.



# Identification and Selection of Alternatives

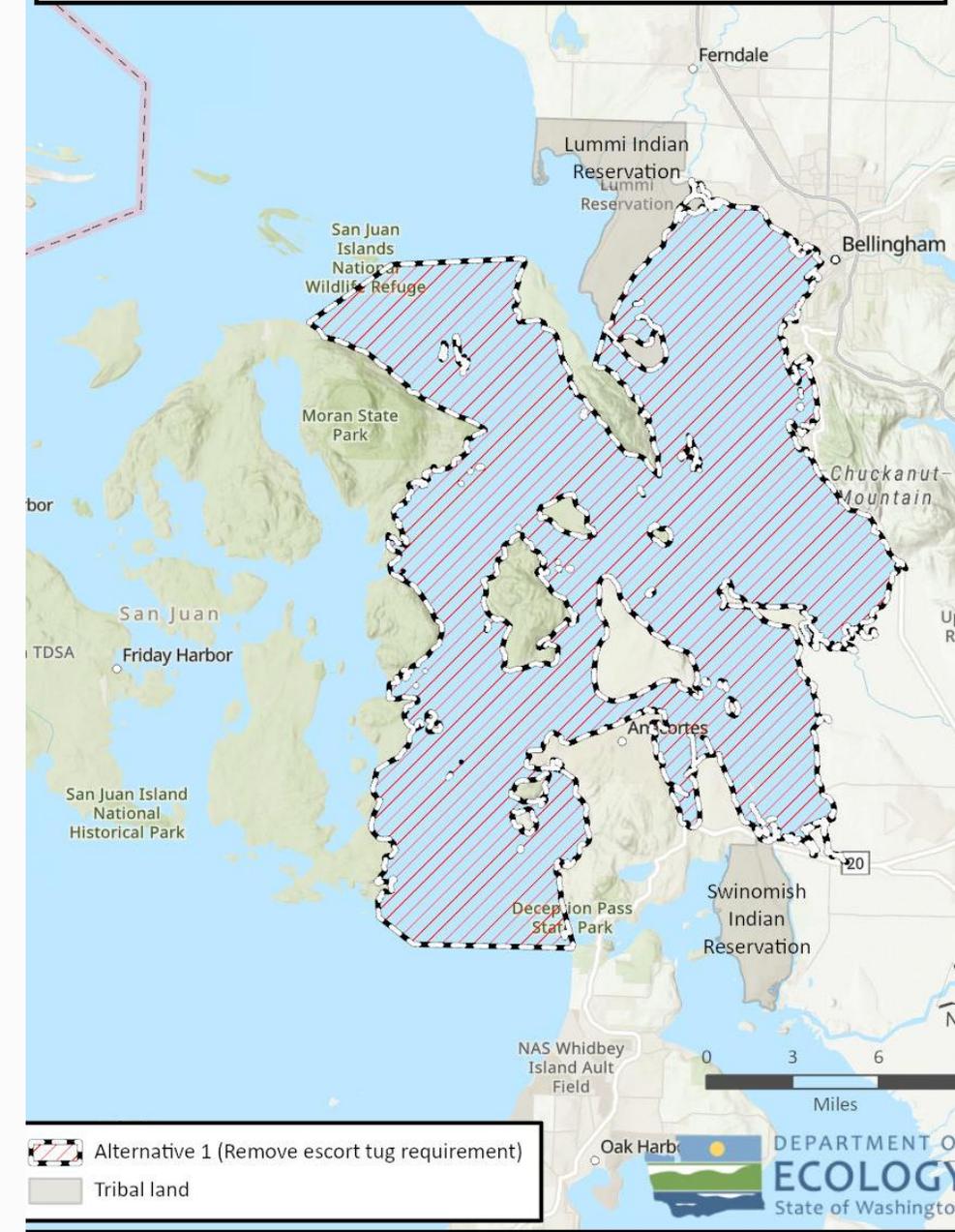
1. Model results were used to identify potential alternatives
  - The OTSC considered direct benefits, indirect benefits, and tug escort efficiency
2. Other factors (pilot experience, knowledge of the water, other sources, etc.) were used to select among potential alternatives suggested by the model results.

Note: We anticipate returning to the modeling results and/or modeling new scenarios as the EIS is developed.

## Preliminary Alternatives Summary Alternative 1

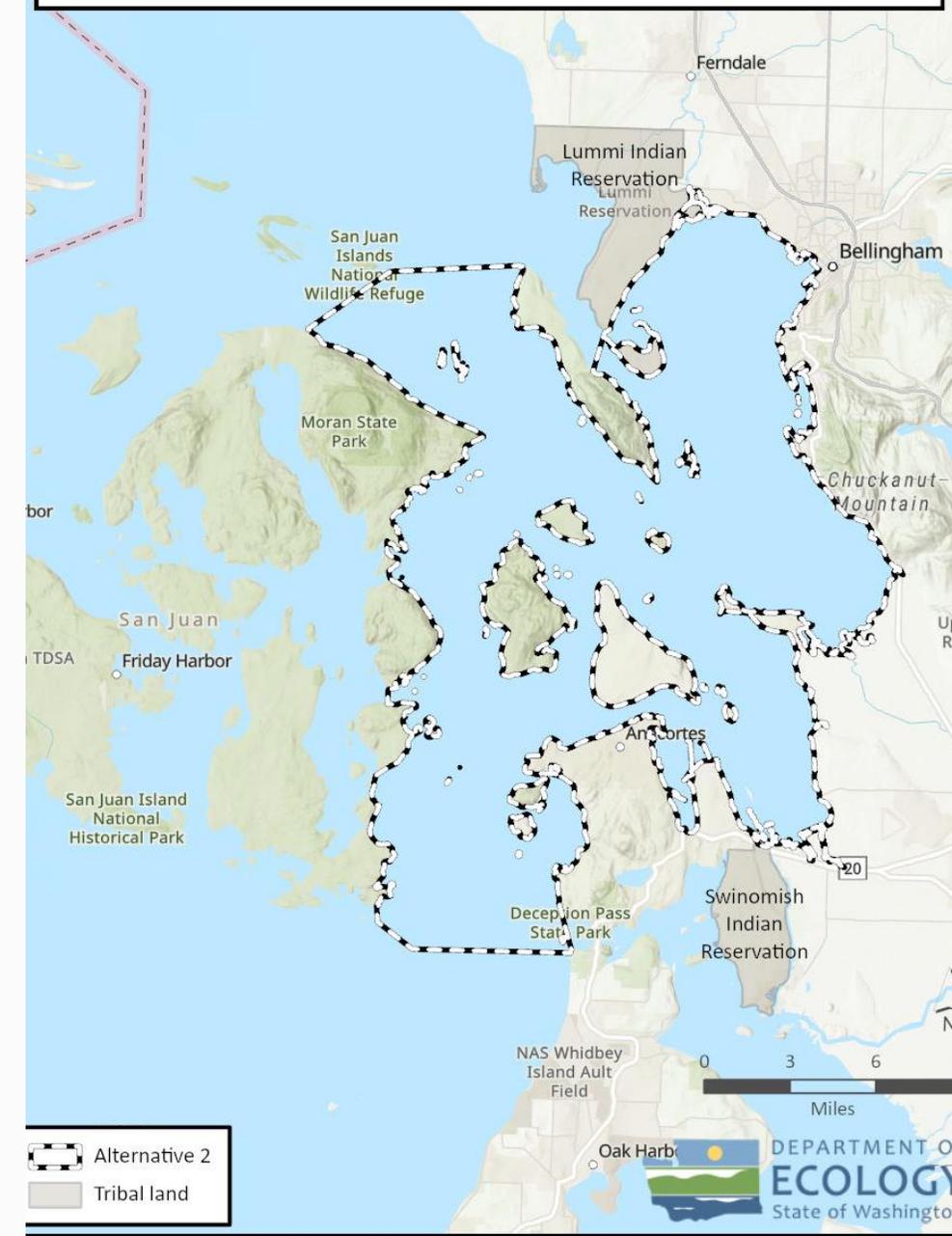
### ✓ Alternative 1 (Pre-2020)

- **Description:** Remove 2020 escort requirements for Rosario Strait and connected waters east.
- **Rationale:**
  - Will help understand effects of the 2020 rule (implemented by statute without analysis)
  - ESHB 1578 explicitly allows for removal
  - Understand changes in underwater noise, vessel traffic, etc.



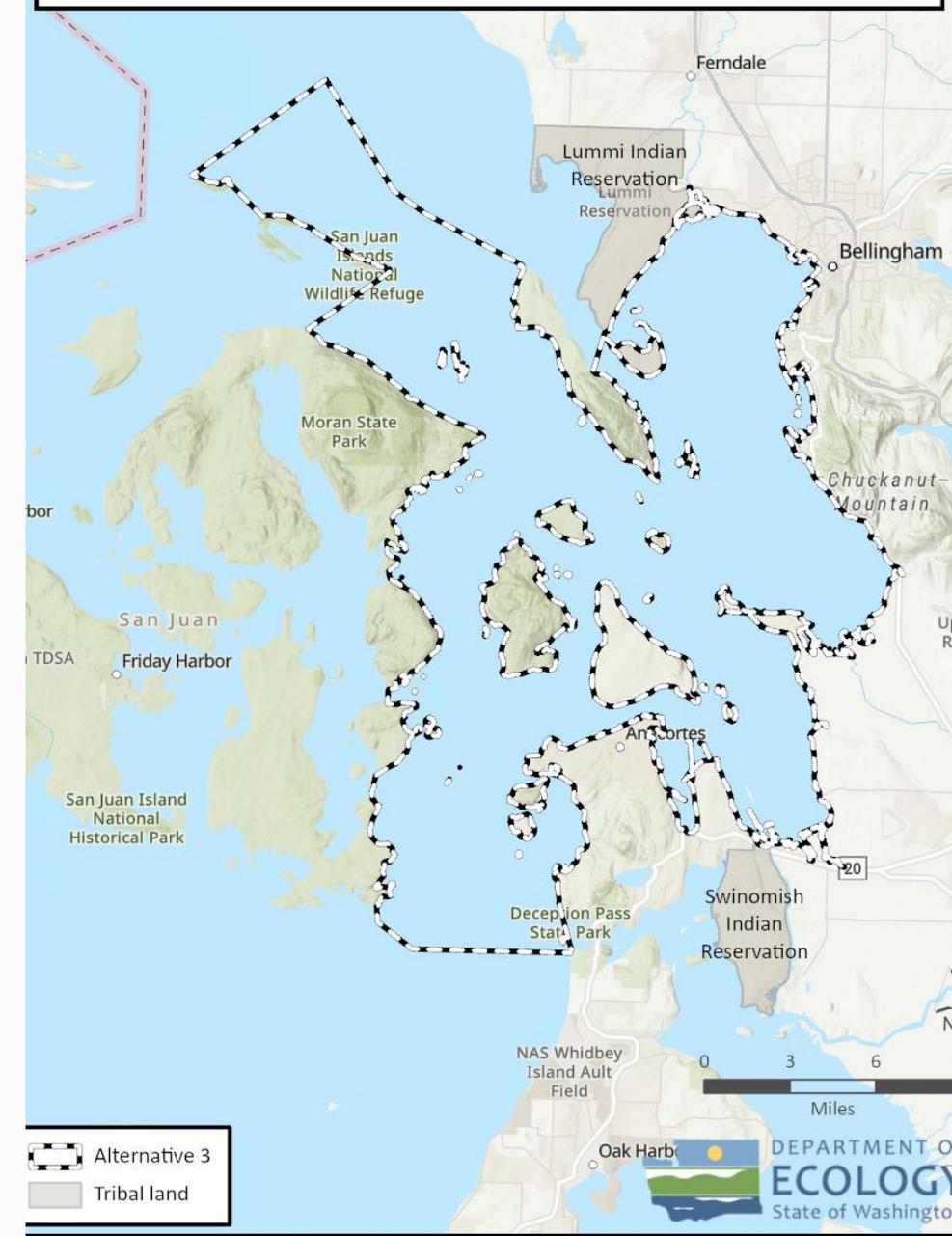
## ✔ Alternative 2 (No Action)

- **Description:** Maintain 2020 requirement for Rosario and waters east (no change).
- **Rationale:**
  - No Action alternative is required under SEPA.

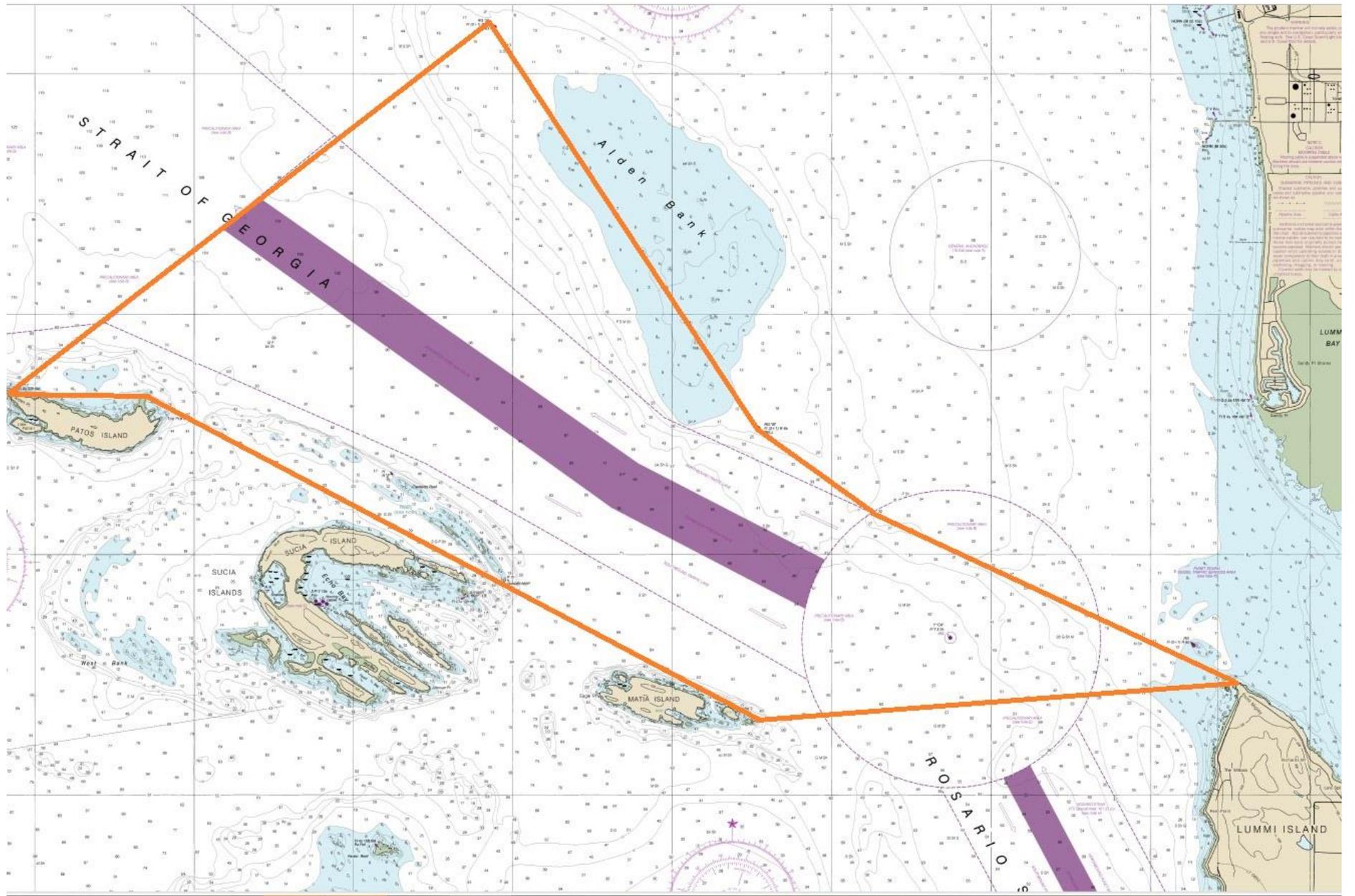


## ✓ Alternative 3 (Expansion)

- **Description:** Expand 2020 escort requirements to Strait of Georgia South Zone and corner of Strait of Georgia Zone.
- **Rationale:**
  - Model showed high escort efficiency
  - OTSC Pilot representative agreed that characteristics of this zone make it a good candidate for escort requirement
  - Adjacent to current escort area (straightforward to implement)



A chartlet showing potential expansion into Strait of Georgia South

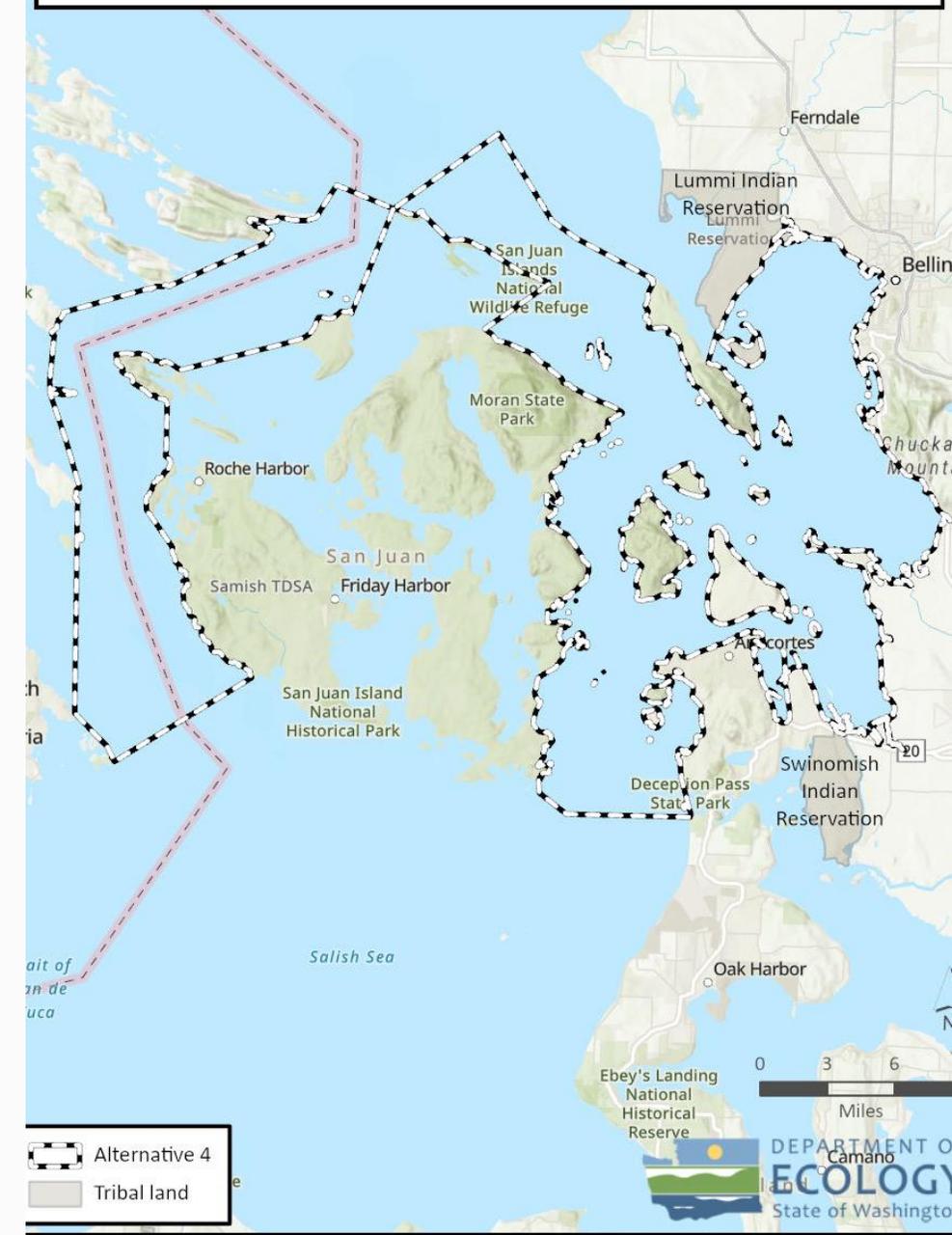


## Preliminary Alternatives Summary Alternative 4

### ✘ Alternative 4 (Haro/Boundary)\*

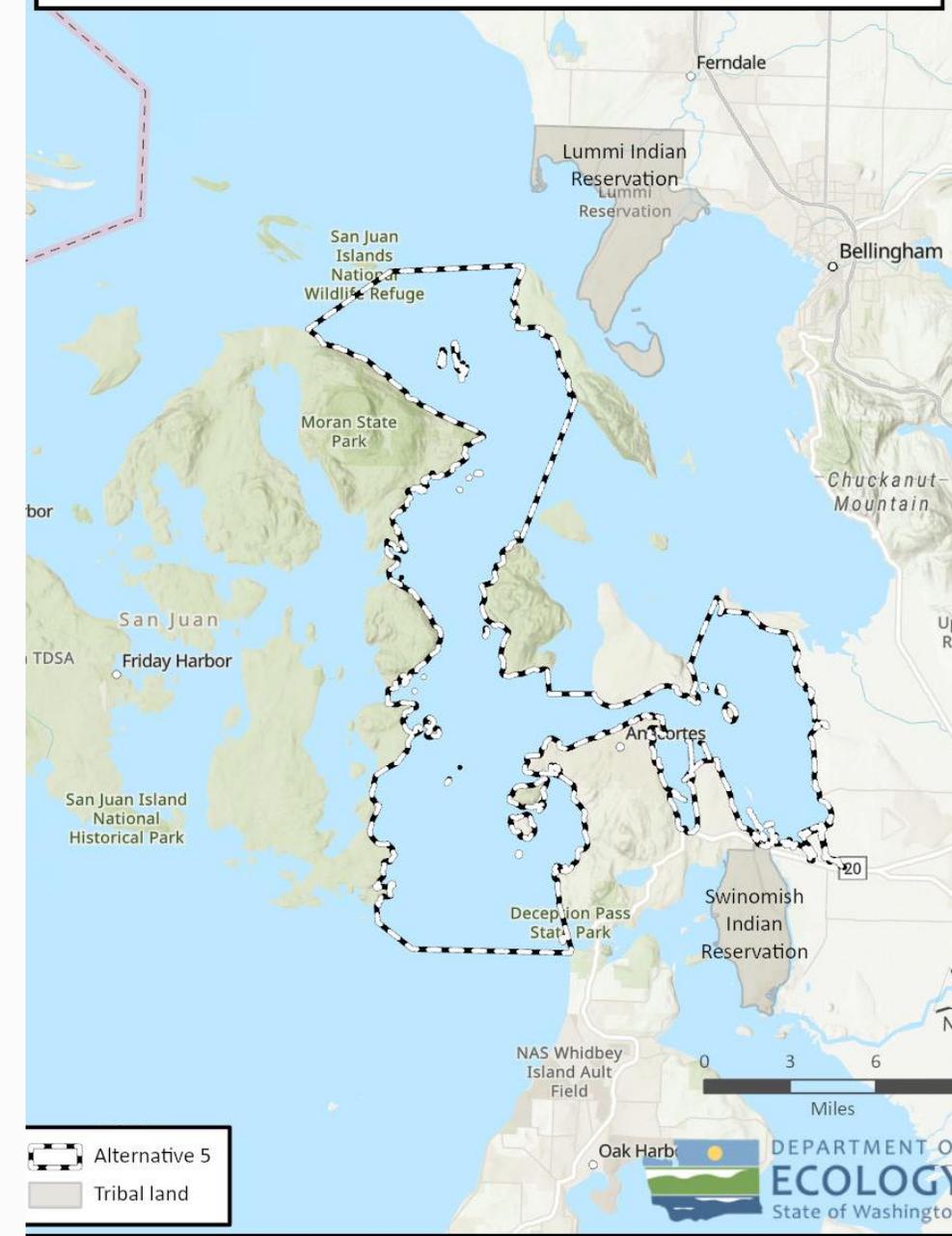
- **Description:** Expand 2020 escort requirements to Haro Strait and Boundary Pass
- **Rationale:**
  - Implementation and authority concerns
  - Concerns about attempts to avoid the escort requirement
  - Navigational safety

*\*Note: BPC wants this to be reconsidered in 2028 review*

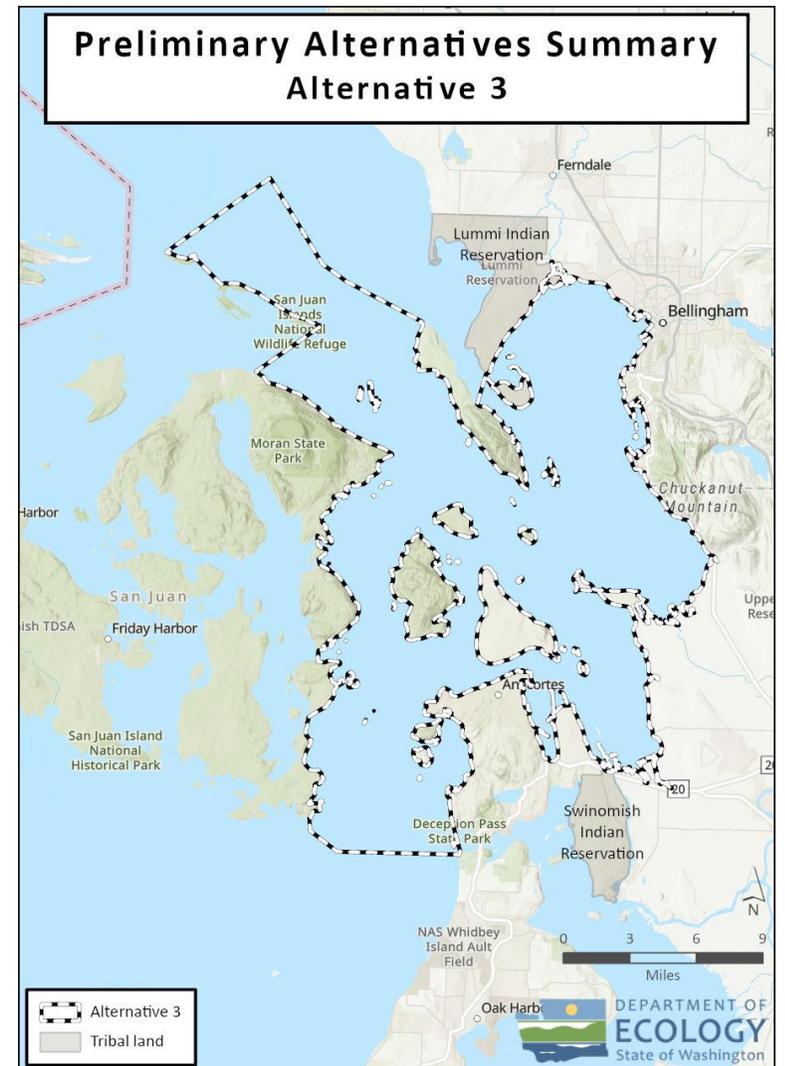
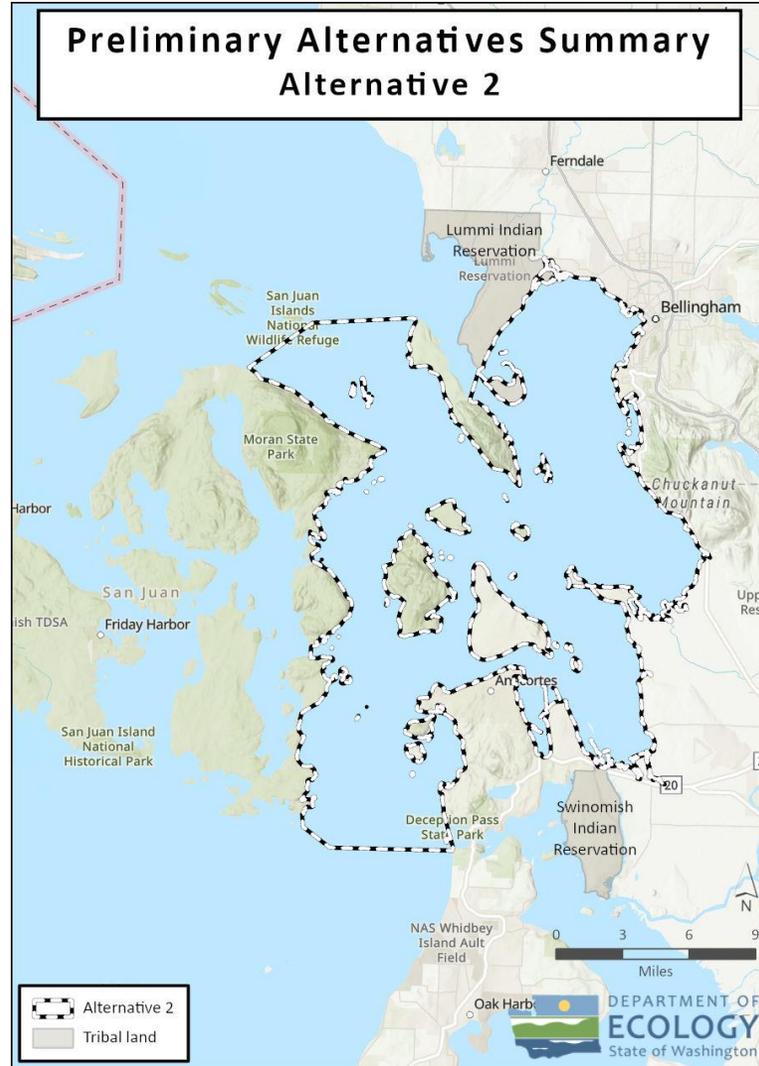
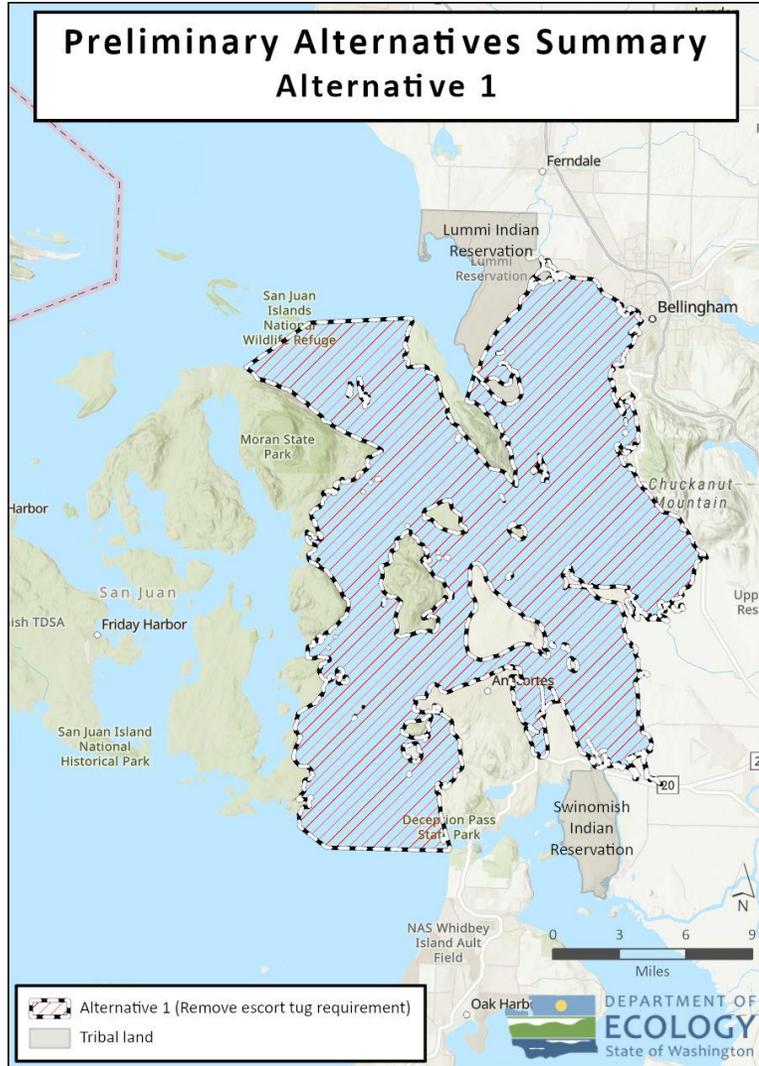


## ✘ Alternative 5 (Partial Removal)

- **Description:** Remove 2020 escort requirements in Bellingham Channel and Waters East Zone.
- **Rationale:**
  - Pilots emphasized dangerous nature of this zone (high currents, rocky, curvy, dangerous)



# Preliminary Alternatives Summary





# BPC Vote: Elements of the Environment

Element	Include in EIS
*Air Quality and GHG Emissions	Yes
Water Quality	Yes
*Plants and Animals (incl. SRKW, marine mammals)	Yes
Energy and Natural Resources	Yes
*Environmental Health: Releases (oil spills)	Yes
*Environmental Health: Noise (incl. underwater noise, ambient/operational noise)	Yes
Aesthetics, Light, and Glare	Yes
*Tribal Natural and Cultural Resources	Yes
Historic and Cultural Resources (other, non-tribal)	No
*Transportation: Vessel Traffic	Yes

*Note: BPC support for focus on environmental justice – to be integrated throughout*

*\* = Priority Element as identified by the BPC*

# Questions?

- BPC Voting Process?
- Preliminary alternatives to be assessed?
- Preliminary list of elements of the environment to be assessed?





# Next Steps: Finalizing Scope

- Scoping Report will be sent out when finalized.
  - It is a summary.
  - This is not a required step/document.
- **Tribes Only:** 2-week informal review period starting today (5/14 – 5/28).
  - Any comments received within this timeframe will be appended directly to the scoping report.
- Any comments received after 5/28 will be considered in developing the Draft EIS.



# Engagement Preferences and Priorities



# Engagement Options and Preferences

## Always Required

- Government-to-Government Consultation
  - Always available
  - Handled at Agency Executive level
  - Formal letters to Chairs and Natural Resource Directors
- Formal comment periods (DEIS publication, etc.)

## Planned/Underway

- Tribes Only Workshops
- Informal comment periods
- Early review of preliminary sections of DEIS
- Quarterly check-in emails and calls to Tribal staff
- Updates at ATNI, other regional meetings



# Engagement Options: Also Available if of Interest

- Standing regular meetings
- Co-creation of the Tribal Resources Section and/or other pieces of the EIS.
  - \*\*Funding may be available if this is of interest
- Direct inclusion of statements from Tribal Governments
- Travel support
- Monthly email updates
- Coordination with inter-tribal organizations
- Other?

\*Quick Poll



# Geographic Scope and Methods Development



## Goals for This Part of the Workshop



Inform development of methods for EIS analyses



Develop shared understanding of this area. Share specific local information to support effective analysis.



# Your Input

What information do YOU want to better understand potential impacts of this rulemaking?

What do you want us to know about this specific place and resources as we define our methodological approach?

What other information is important to you as we're defining methods for analysis?



# Next Step: Methodology Development

- Next step after scoping is developing methodological approaches for analyses in the EIS
  - Scoping: what needs to be analyzed?
  - Methods Development: how are we going to do it?
- Rule Team currently working on this
- Focus of a future workshop



# Content of Methodology Memos

- Description of study area
- Sub-elements to be analyzed
- Available references and data
- Methods of analysis
- Impact indicators and thresholds
- Approach to identifying mitigation
- Relevant scoping comments



# Tribal Resources Section: Methods

- What is in scope for this section? How do you want this information reflected across the DEIS?
- What kinds of information is it appropriate for Ecology to consider in developing this section?
- What information would be most helpful for YOU in determining how the impacts of this rule would affect your Tribe?
- What should be considered in making a significance determination?
- How do you want to be involved in the development of the methods memo and this section?



# Scope: Tribal Natural and Cultural Resources

- Impacts to exercise of treaty fishing and harvest rights:
  - Access
  - Availability of fishery species
  - Gear loss/interference
  - Physical safety of fishers
- Impacts to tribal cultural resources:
  - Archaeological: coastal, submerged sites
  - Places and/or species with cultural significance
  - Cultural practices and/or lifeways
- Impacts to Traditional Cultural Properties (incl. TCP eligible)
- Impacts to Tribal Sovereignty

# Information: Tribal Natural and Cultural Resources



- Review of existing published statements
  - Previous EISs
  - Records from recent forums with Tribal Government Participation: PAWSA, SRKW Task Force, Shared Waters Forum, etc.
  - Published statements by individual Tribes and/or inter-tribal organizations
- Additional information shared with Ecology by individual Tribes (e.g. ethnographic studies, fisheries information, etc.)
- Review of DAHP resources for the geographic area of the alternatives (information can be redacted from the DEIS).
- Ongoing requests for input/review from Tribes, opportunities for review
- Support for Tribes to provide new information/review of draft section



## Capacity: Tribal Natural and Cultural Resources

- We are looking into the best way(s) to provide funding to Tribes to compensate for the time and expertise you are spending on this process.
  - Individual contracts
  - Travel funding to meetings, etc.
- How can we make this useful and not burdensome?
  - Timing?
  - Amount?
  - Reporting?

# Maps Included for Today



Element	Priority?	Data Sources
Vessel Traffic	Yes	<a href="#">2021 Vessel Activity Synopsis</a> , <a href="#">2023 Summary of Tug Escort Analysis Results</a>
Oil Spills	Yes	<a href="#">2023 Summary of Tug Escort Analysis Results</a>
SRKW (Plants and Animals)	Yes	<a href="#">SRKW Sightings Data 1999-2022</a> , <a href="#">NOAA SRKW Critical Habitat Maps</a> , Dungeness Crab – WDFW Priority Habitats, Seabirds – Catalogue of Washington Seabird Colonies (1969)
Air Quality	Yes	<a href="#">WA DOH Environmental Health Disparities Map</a> , Sensitive Populations data compiled by agency staff.
Environmental Justice	Integrated throughout	<a href="#">WA DOH Environmental Health Disparities Map</a>
Recreation	No	<a href="#">WDFW Major Recreational Fishing Areas</a> ,
Light, Glare, Aesthetics	No	This layer includes anchorages published in the Code of Federal Regulations (General & Explosive), announced by the Pacific Pilotage Authority (Canadian), proposed by the United States Coast Guard (Non Designated), or identified by a visual review of AIS data (Non Designated)

## Not Included Today:

- Priority Elements: Underwater Noise (\*Tribal Natural and Cultural Resources discussed separately)
- Not Priority Elements: Water Quality, Energy and Natural Resources

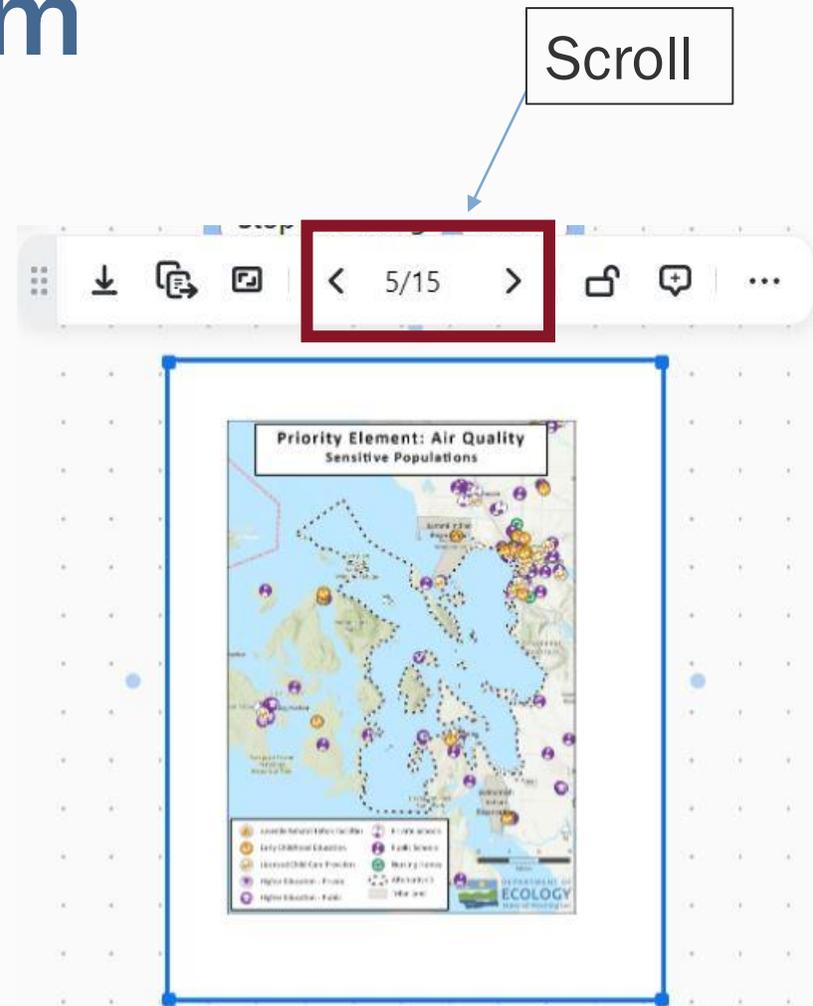


# Reminder

Focus on adverse impacts to the environment resulting from proposed changes to the tug escort rules as described in the alternatives.

# Map Brainstorm

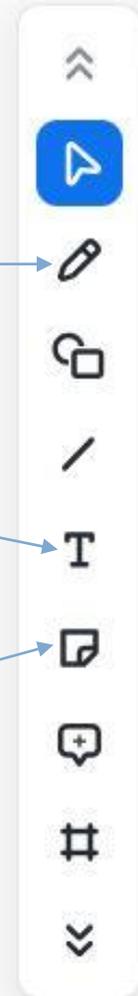
- Using Zoom Whiteboard
- Staff on hand to assist
- Use comment box if not working



Draw

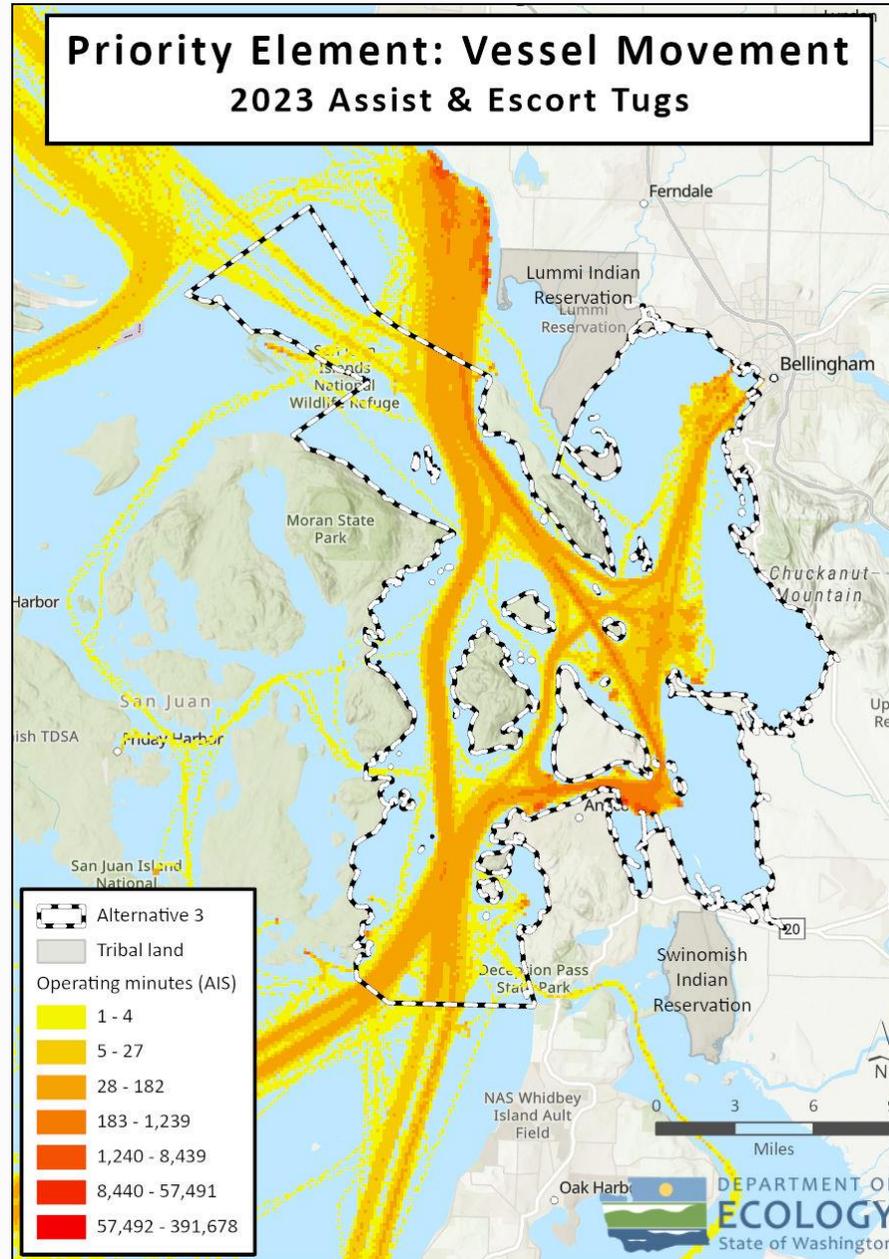
Text

Sticky Note



\*Switch to sharing Zoom Whiteboard

# Priority Element: Vessel Traffic (Escort Tugs)





**Priority  
Element:  
Vessel  
Traffic  
(Escort Tugs)**

- Model Results and Associated Analyses
  - Relative frequency of escort incidents: collisions, allisions, loss of propulsion, etc.
  - Escort tug hazard rates
  - Results by alternatives
  - Changes in underway time
  - Transits

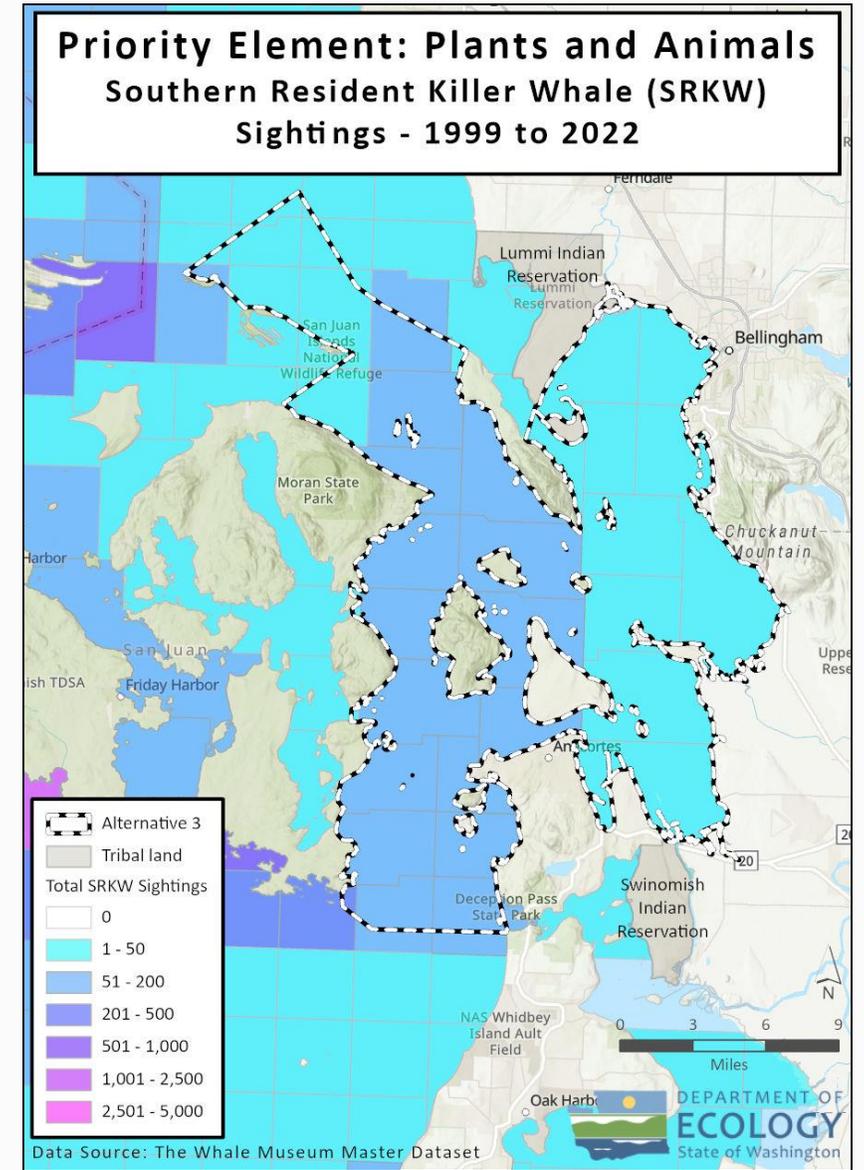
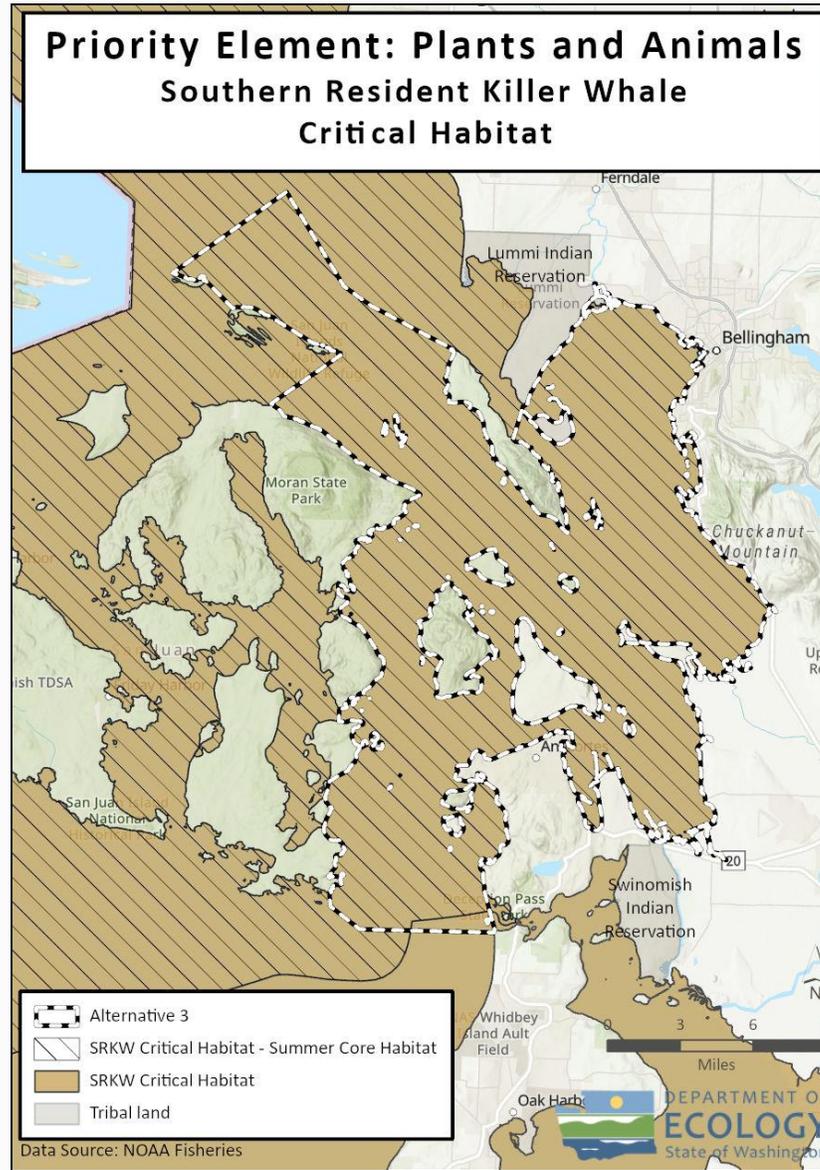


## Model Results and Associated Analyses

# Priority Element: Oil Spill Risk

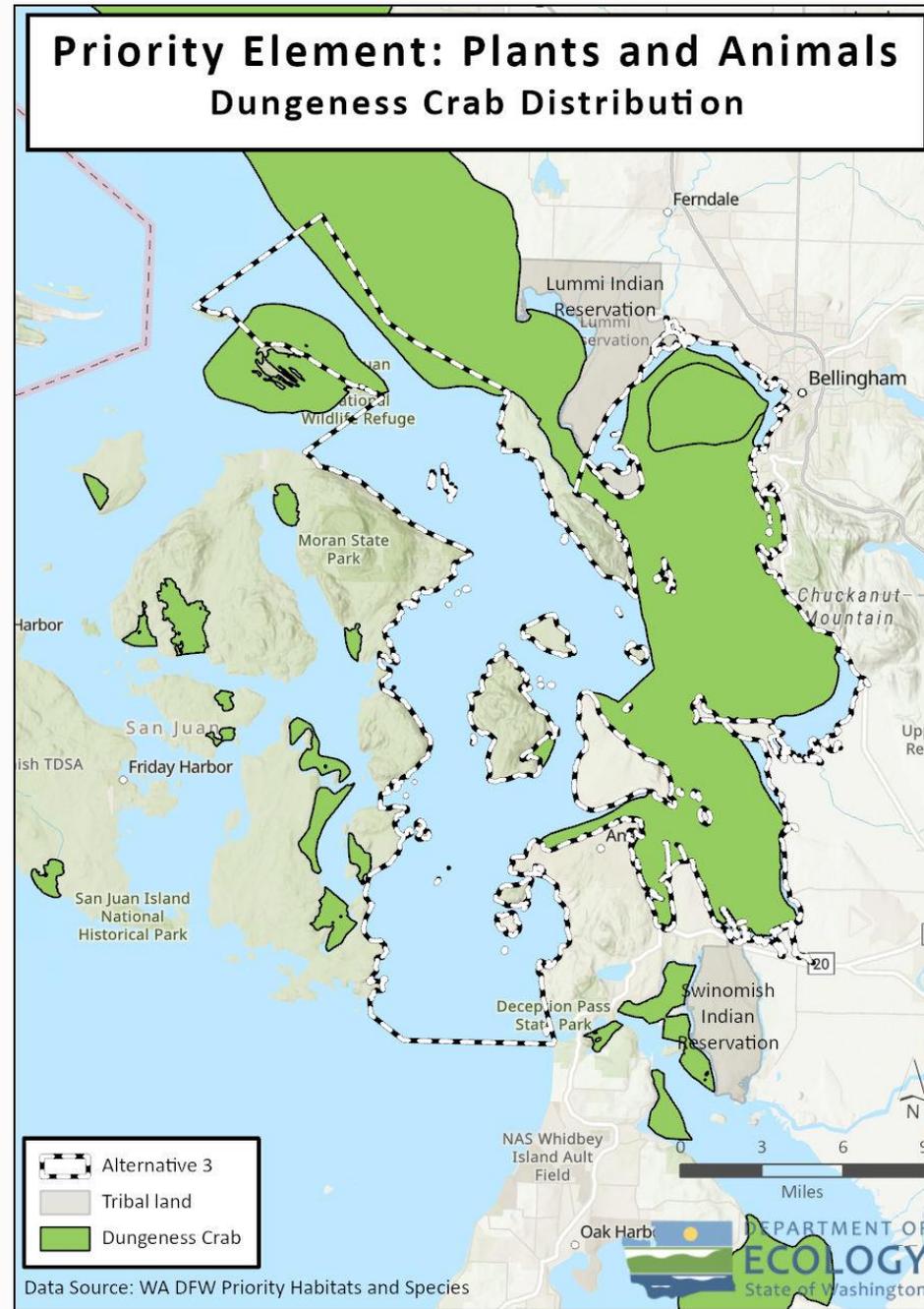
Tug Escorts	Target Vessels
<ul style="list-style-type: none"><li>• Hazard incident frequency: collisions, allisions, loss of propulsion, etc.</li><li>• Hazard rates from escort tugs</li></ul>	<ul style="list-style-type: none"><li>• Drift grounding frequency</li><li>• Oil volume at risk</li><li>• Oil outflow</li><li>• Results by zone or alternative</li><li>• Results by vessel type</li><li>• Map of drift grounding locations for target vessels</li></ul>

# Priority Element: Plants and Animals



At left: SRKW Summer Core and Critical Habitat designations. At right: SRKW sightings data. Both with preliminary alternatives boundaries.

# Priority Element: Plants and Animals



Dungeness crab distribution (in green) with preliminary alternatives boundaries.

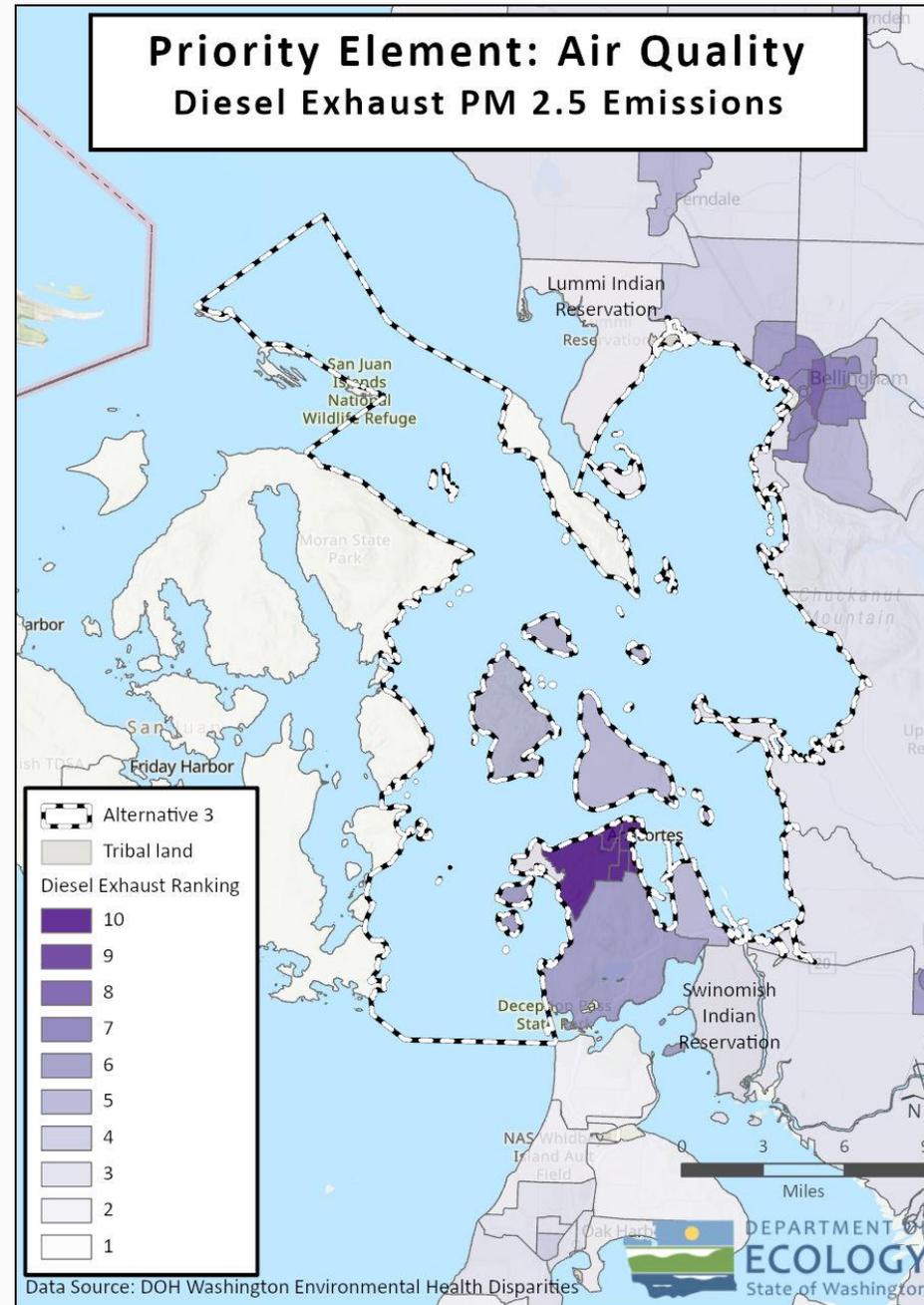
## Priority Element: Plants and Animals Seabird Colonies

# Priority Element: Plants and Animals



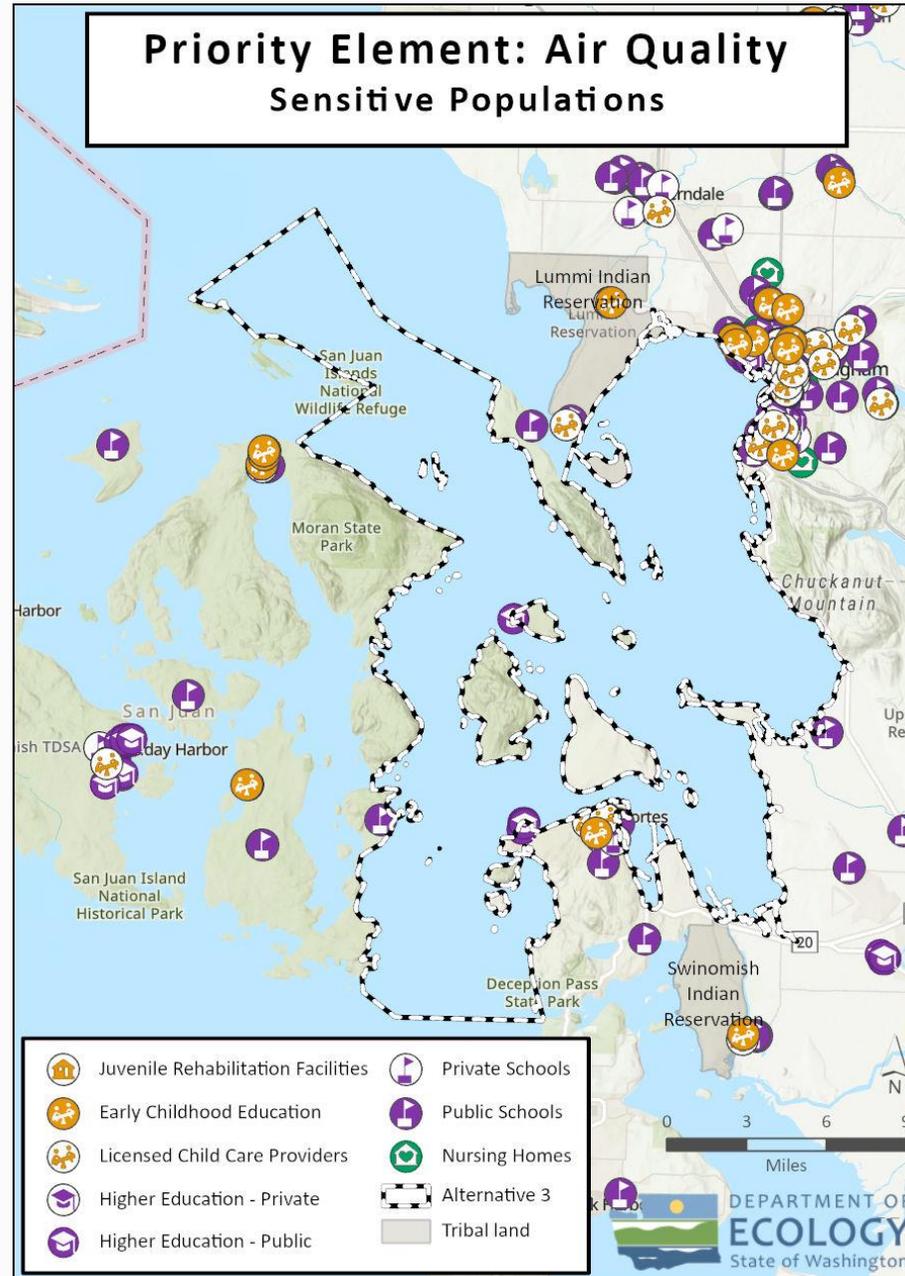
Seabird colony distribution with preliminary alternatives boundaries.

# Priority Element: Air Quality



DOH EHD Map, Diesel Exhaust PM 2.5 Emissions, with preliminary alternatives.

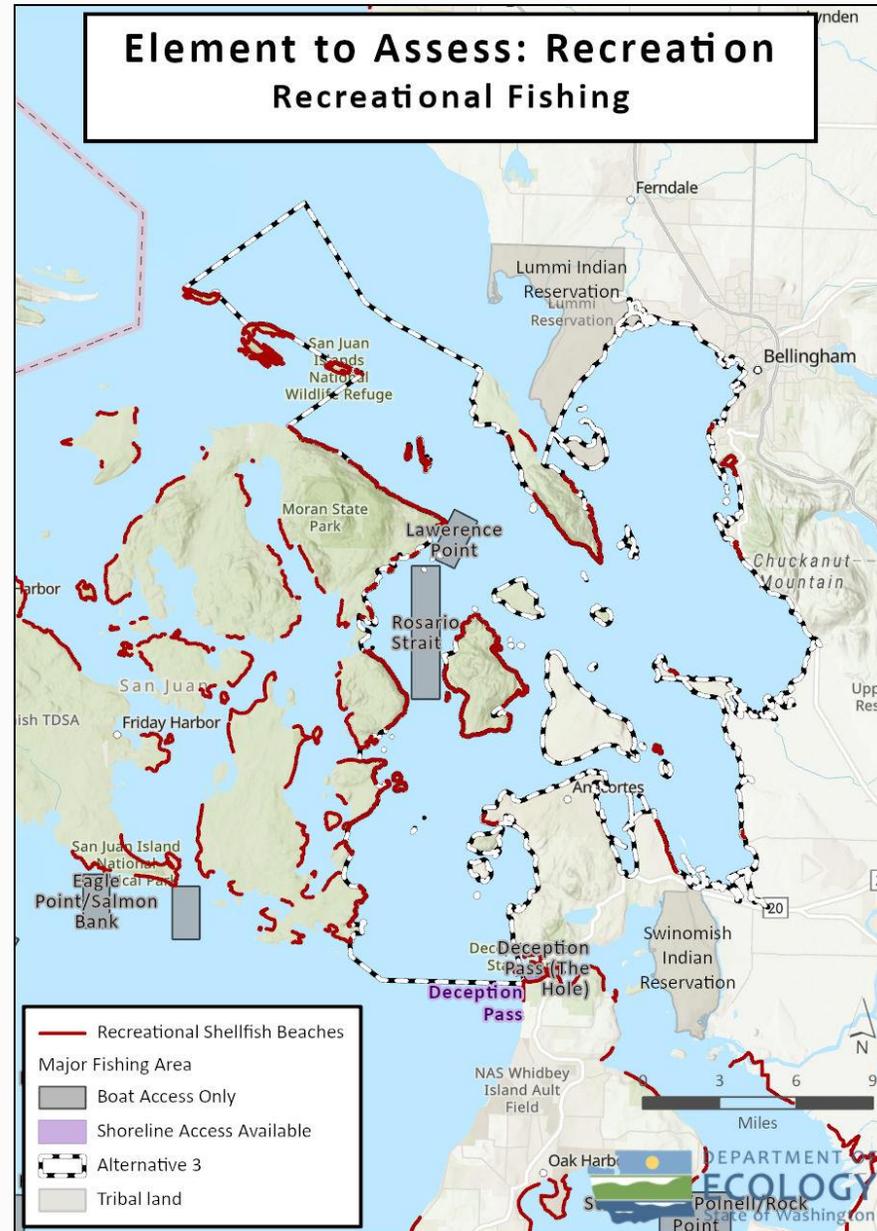
# Priority Element: Air Quality



Sensitive populations data points with alternatives boundaries

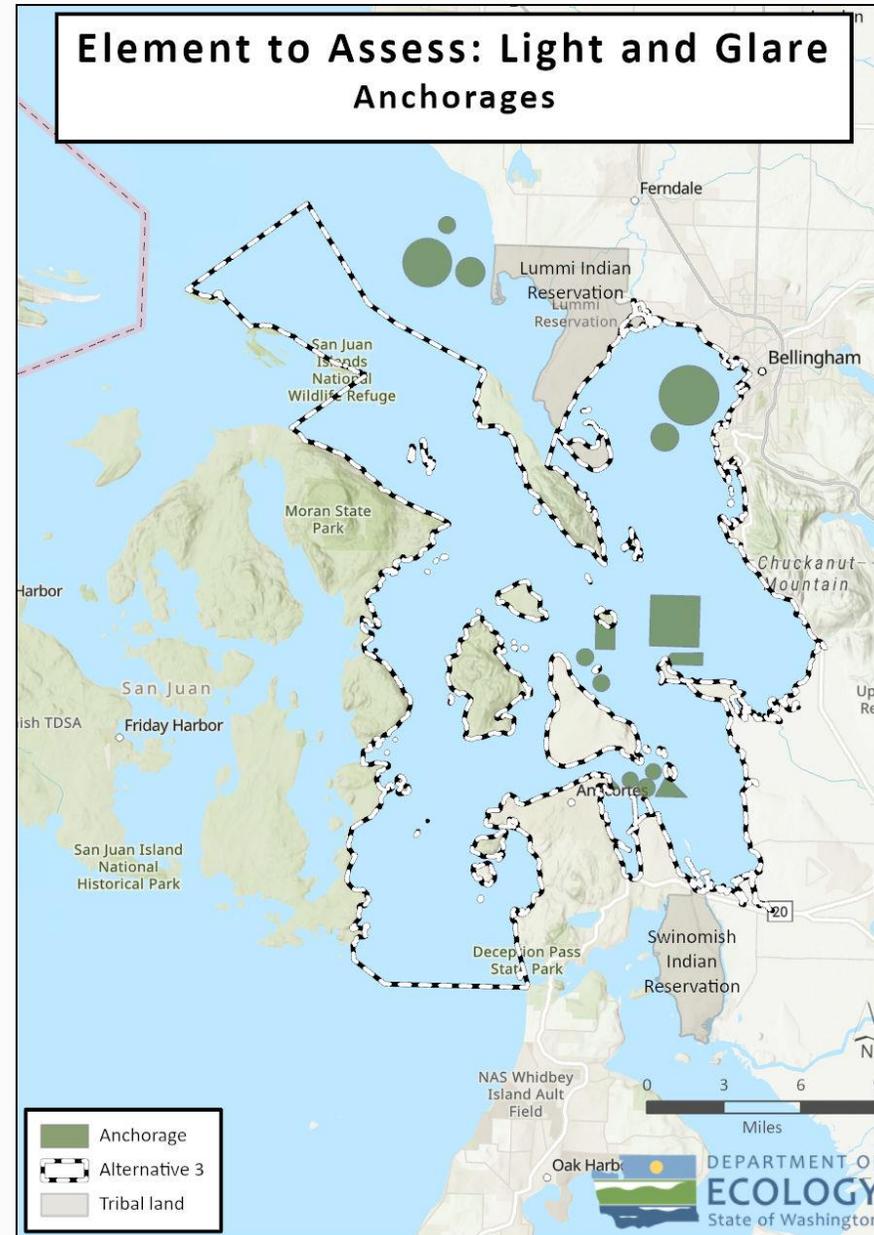
# Element to Assess: Recreation

## Assess: Recreation



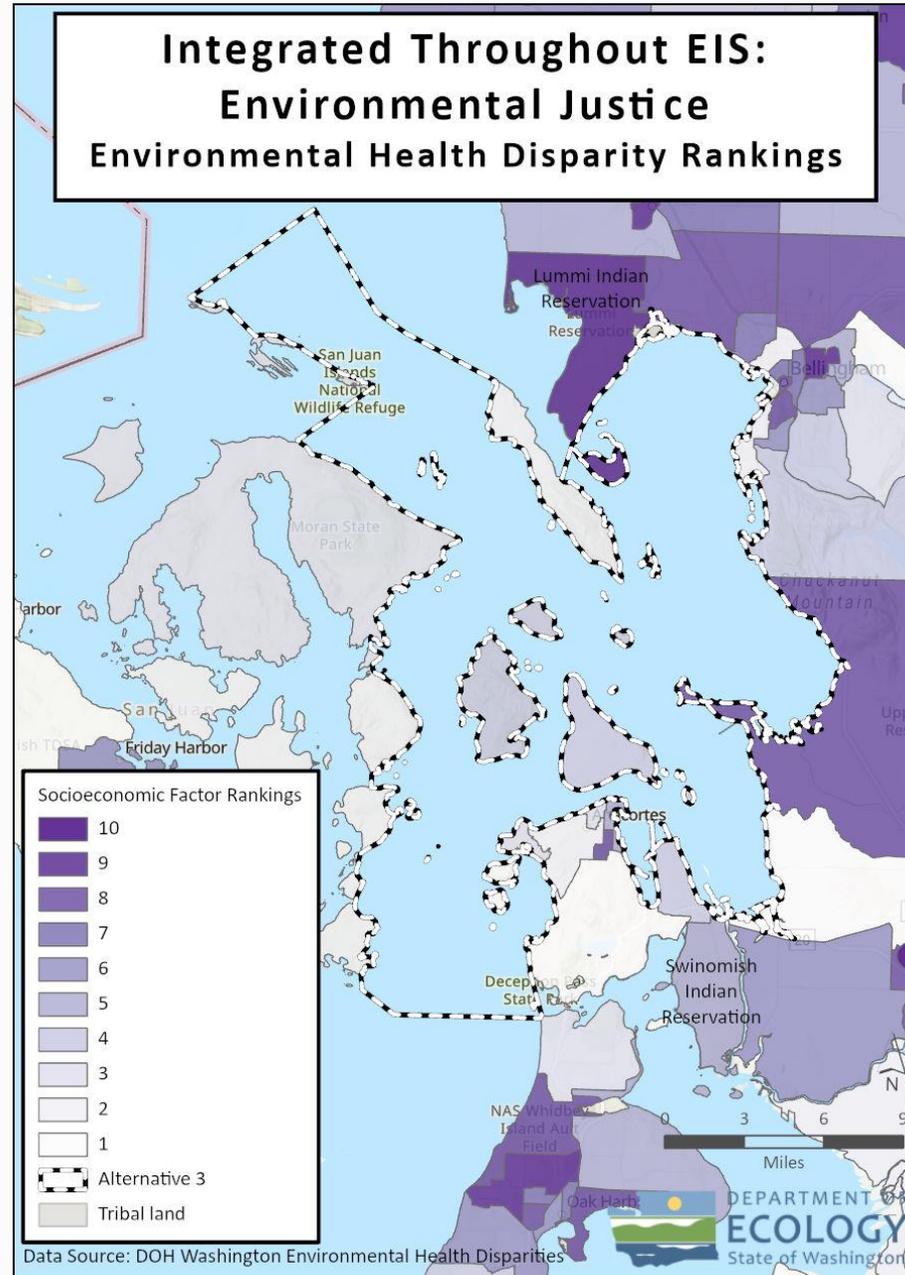
WDFW Major Fishing Areas map (gray polygons) and recreational shellfish beaches (red).

# Element to Assess: Light, Glare, Aesthetics (+Others)



Compiled map of anchorages within the alternatives boundaries.

# Integrated Throughout: Environmental Justice



DOH EHD Map, Socioeconomic Factors (combined)



# Discussion

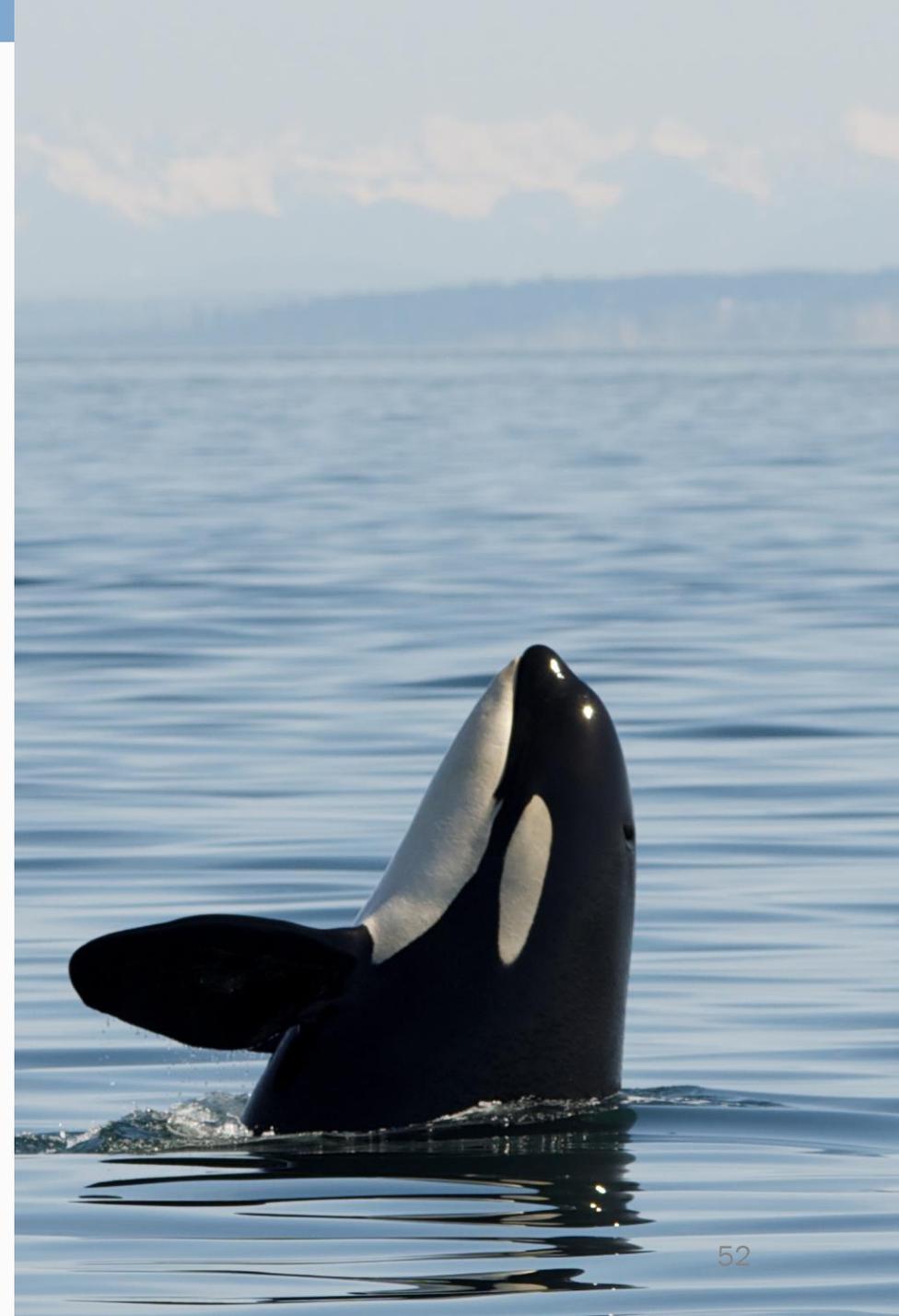
What information do YOU want to better understand potential impacts of this rulemaking?

What do you want us to know about this specific place and resources as we define our methodological approach?

What other information is important to you as we're defining methods for analysis?

# Next Steps:

- **Scoping Report Informal Review:**
  - May 14<sup>th</sup> – May 28<sup>th</sup>
- **General Input:** Preferences for funding, approach to the Tribal Resources Section or methods? Please email [Haley.Kennard@ecy.wa.gov](mailto:Haley.Kennard@ecy.wa.gov)
- **Workshop #8:** EIS Methodology, Economic Analysis Overview
  - Stakeholder Workshop: July 10<sup>th</sup>
  - Tribal Government Only Workshop: July 16<sup>th</sup>





## Final Questions or Comments?

### SEPA Point of Contact:

Haley Kennard, Tug Escort Environmental Analysis Coordinator  
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### BPC Point of Contact:

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