STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS
2901 Third Avenue, Suite 500 | Seattle, Washington 98121 | (206) 515-3904 | www.pilotage.wa.gov

Meeting Minutes – Oil Transportation Safety Committee (OTSC)
January 9, 2025, 10:00am – 12:00pm
Via MS Teams

Attendees:
Jaimie Bever (Chair/BPC), Adam Byrd (Ecology SME), Haley Kennard (Ecology SME), Angela Zeigenfuse (Ecology SME) Megan Hillyard (Ecology SME), JD Ross Leahy (Ecology SME), Sara Thompson (Ecology SME), Jason Hamilton (Commissioner/BPC), Blair Bouma, (Pilot/PSP), Jeff Slesinger (Tug Industry/Delphi Maritime), Brian Porter (Tribal Government/Swinomish), Clyde Halstead (Tribal Government Alternate/Swinomish), Tim Johnson (Oil Industry Alternate/WSPA), Lillie Wightman (Tug Industry Alternate/AWO), Jim Peschel (Tug Industry Alternate/Vane Brothers), Fred Felleman (Environment/Friends of the Earth), Rein Attemann (Environment Alternate/WEC), Allen Posewitz (Ecology SME), Brian Kirk (Ecology), Sheri Tonn (Ex Officio/BPC)

1. **Welcome & Meeting Minutes**
   Jaimie Bever (OTSC Chair/BPC) welcomed everyone to the meeting and introduced the team. The group reviewed and finalized the minutes from the November 14 meeting.

2. **Meeting Objectives**
   Jaimie began the presentation by clarifying that the meeting was exclusively for OTSC members. It was a standalone session, separate from the regular workshop series, to give the OTSC an opportunity to learn more about the status of the rulemaking process and to serve as a check-in with the team ahead of the February workshop series.

   Since the last workshop series in October, there's been a lot of ongoing work and discussions, particularly around the findings from the Environmental Impact and the Preliminary Economic Analyses. The slide showed a list of meeting objectives:
   - Review BPC votes to date as a reminder of how the OTSC arrived at this point and how those decisions shaped the analyses conducted to help inform the potential rule language.
   - Look at two preliminary inputs to the rule language. Specifically, the team will be sharing insights from the Preliminary Economic Review and the draft Environmental Impact Statement. Jaimie noted that the findings being shared today are still preliminary, so they might change before being included in the official reports that will be part of the proposal filing packet in late Spring. Once those reports are published, the OTSC will have the chance to review the results in detail and provide comments during the formal public comment period that follows.
   - After that, the focus will be on the potential rule language that incorporates the findings from these inputs.

- Finally, the team will go over the next steps and discuss whether there's anything else the OTSC needs to prepare for finalizing a recommendation on rule language to the BPC at the next meeting.

3. **OTSC Decision Process**

This slide offered a reminder to the OTSC on the decision process for making a Board recommendation. In February, the team will be holding the final workshop series, and this one will focus specifically on the draft rule language. They will also provide a high-level summary of the inputs that influenced the decision. After this workshop, the rule team has about one month to update the language based on feedback from stakeholders, Tribal governments, and the OTSC. The OTSC will be expected to provide a recommendation to the Board before they vote on March 20. This recommendation will be on the proposed rule language, which will be filed in the State Register in late Spring. The team will also make sure to capture both majority and dissenting opinions in the recommendation document. This will provide the BPC with a well-rounded view of all perspectives before making the final decision.

4. **Ground Rules**

To support the large amount of info to cover at the meeting, the team proposed a few ground rules for the workshop:

- **Respectful Dialogue:** speak courteously, focus on ideas, not individuals;
- **One Voice at a Time:** Allow everyone to finish before responding;
- **Share Your Perspective:** Represent **your own** expertise, views, and knowledge;
- **Agree to Disagree**: Acknowledge different opinions respectfully;
- **Focus on Solutions:** Aim for constructive outcomes and actionable steps; and
- **Respect Time Limits and Agenda:** Aim to keep comments on topic and concise. Allow space for everyone to contribute.

The team planned to use a Round Robin approach to gather feedback on specific items. Those are highlighted throughout the presentation.

Jaimie then asked if there were any questions, additions, or modifications to the ground rules. There were none. She also asked if anyone anticipated having trouble sticking to the ground rules. Again, there were none.

5. **BPC Vote: Alternatives on Escort Zones**

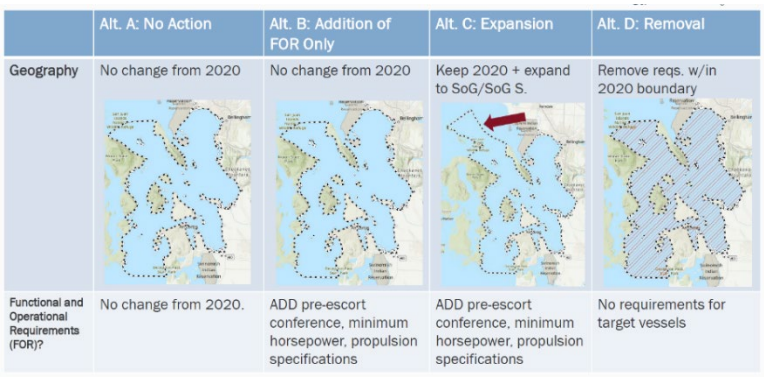
The discussion began by reviewing the BPC votes to date. Jaimie started with a familiar slide that included a table and some visuals that lay out the four rule alternatives the BPC voted to evaluate. These alternatives consider different geographic zones and the functional and operational requirements that target vessels would need to follow. Each alternative represents a potential direction for the draft rule language. The BPC's goal in evaluating these alternatives is to understand not only their environmental impacts but also how they fit within other regulatory frameworks—like the associated economic costs and benefits.

The first row in the table specifies WHERE the tug escort requirements would apply to target vessels. The second row specifies whether functional and operational requirements would be applied. As a reminder, the BPC voted to include 3 functional and operation requirements:

- A pre-escort conference
- Tugs escorting target vessels much have a minimum of 3,000 horsepower
- Tugs escorting target vessels much have twin screw propulsion system or better.

Alternative A is the No Action Alternative. It maintains both the geographic scope of tug escort requirements for target vessels, and the functional and operational requirements included in ESHB 1578.

Alternative B is the Addition of Functional and Operational Requirements Only. It maintains the geographic scope of tug escort requirements for target vessels and ADDS the new proposed functional and operational requirements.



	Alt. A: No Action	Alt. B: Addition of FOR Only	Alt. C: Expansion	Alt. D: Removal
Geography	No change from 2020	No change from 2020	Keep 2020 + expand to SoG/SoG S.	Remove reqs. w/in 2020 boundary
Functional and Operational Requirements (FOR)?	No change from 2020.	ADD pre-escort conference, minimum horsepower, propulsion specifications	ADD pre-escort conference, minimum horsepower, propulsion specifications	No requirements for target vessels

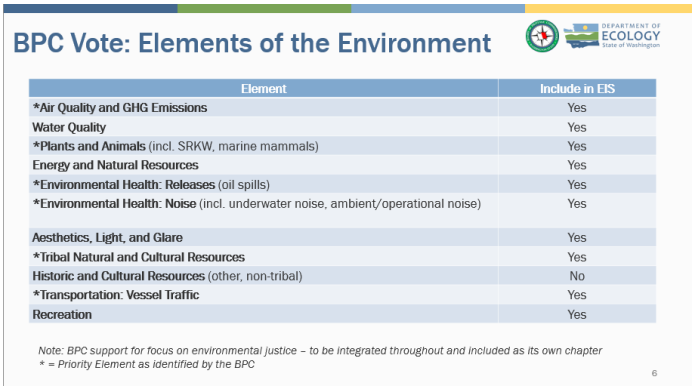
Alternative C is the Expansion Option. It maintains the 2020 requirements for target vessels and expands the area they are required north along the San Juan Islands to Patos Island. The expansion area is noted by the red arrow. It also adds the new proposed functional and operational requirements.

Alternative D is the Removal Option.

It removes all tug escort requirements for the target vessels. Tug escort requirements for tankers over 40,000 DWT remain unchanged.

6. **BPC Vote: Elements of the Environment**

The slide lists all the elements of the environment that the BPC voted to include in the environmental impact assessment. The primary elements are marked with an asterisk and include, air quality and greenhouse gas emissions, plants and animals (including SRKWs), environmental health as it relates to oil spills, environmental health as it relates to underwater noise, Tribal natural and cultural resources, and vessel traffic. The non-priority elements include water quality, energy and natural resources, aesthetics, light, and glare, and recreation. We'll provide a high-level overview of our significance determination findings for all of the elements later in the presentation.



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
Recreation	Yes

Note: BPC support for focus on environmental justice – to be integrated throughout and included as its own chapter
** = Priority Element as identified by the BPC*

7. **BPC Vote: Functional and Operations Requirements to Evaluate in Rule Alternatives**

The Board also voted to consider functional and operational requirements for tugs escorting covered vessels in this rulemaking in July. This vote was informed by a few OTSC meetings held prior to July and largely based on subject matter expertise. During those meetings, the group discussed various functional and operational requirements that could potentially be part of the draft rule language. Ultimately, the OTSC narrowed it down to two functional requirements for escort tugs: a minimum of 3,000 horsepower and twin-screw propulsion. The group also identified one operational requirement: conducting a pre-escort conference before beginning an escort transit.

Jaimie then handed the presentation over to Sara Thompson (Ecology SME).

8. **Transition: Rule Language Development**

Sara stated that the info provided in the first half was a great overview to bring everyone to the same starting place. In this section the focus will be on:

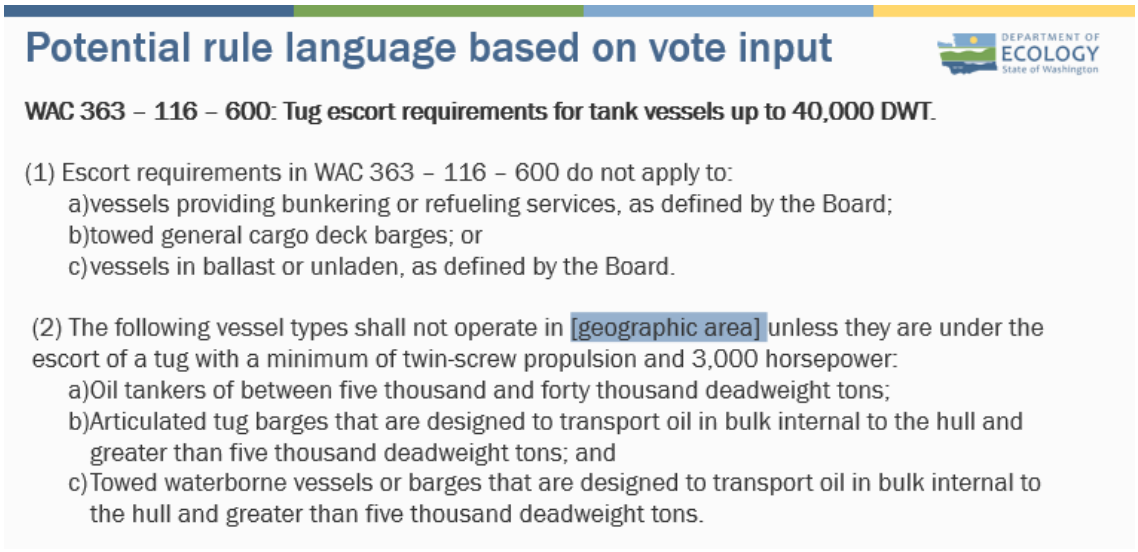
- Review draft rule language based on the BPC vote input
- Review inputs to the draft rule language from the Preliminary Economic and Environmental review
- Review updated rule language informed by these inputs

9. **Potential Rule Language Based on Vote Input**

Sara then presented potential rule language based on input from the BPC votes to date. WAC 363 – 116 – 600 would be a new section in the WAC after 363-116-500 Tug escort requirements for oil tankers. Subsection 1 Spells out that this new section does not apply to:

- vessels providing bunkering or refueling services, as defined by the Board; towed general cargo deck barges; or vessels in ballast or unladen, as defined by the Board.

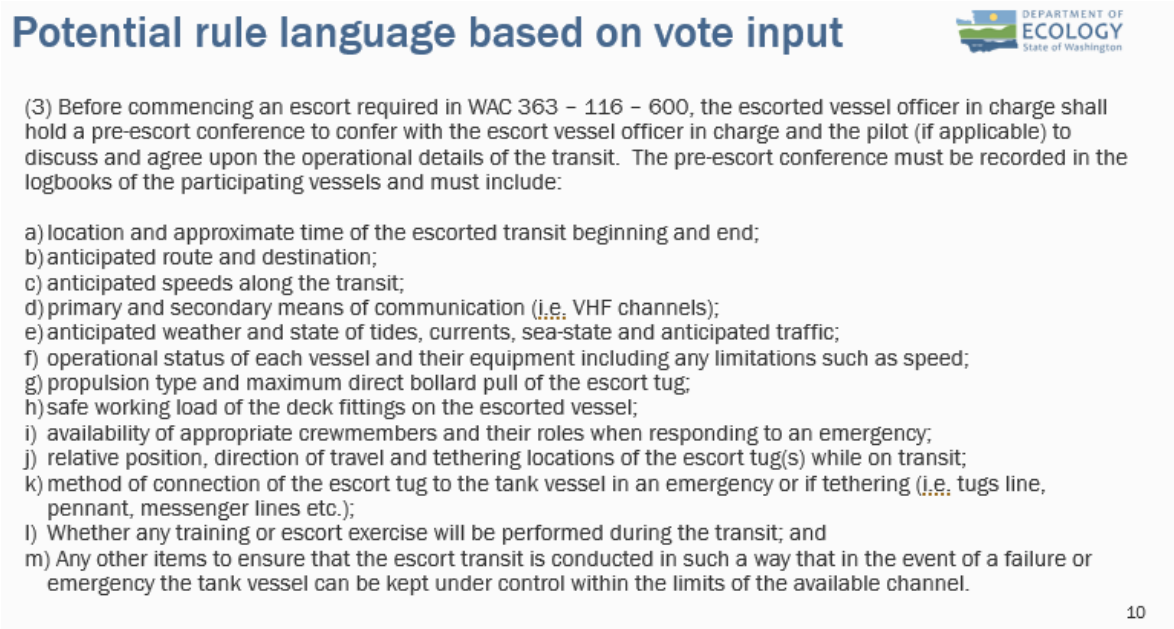
Subsection 2 Describes the boundaries of the geographic area of the selected alternative. It also describes the twin screw and 3000 hp requirement and the applicable vessels (oil tankers between 5 – 40,000 DWT, ATB and barges greater than 5000 DWT)



.

10. **Potential Rule Language Based on Vote Input**

The next slide continues the potential rule language based on input from the BPC votes to date. Subsection 3 includes the pre-escort requirement language. Sara mentioned that homework between this OTSC meeting, and the next one will be to review and provide any recommended edits to this pre-escort conference text (re-ordering, clarifying).



11. Transition: Insights from Preliminary Economic Review – Cost of 3,000 Horsepower Requirement

Sara then turned the discussion to looking at insights from the economic review. The first insight related to the proposed requirement to use a 3000 hp tug to escort the vessels under this rule.

12. 3,000 Horsepower Requirement – Original Rationale

The original rationale for the 3000 hp tug was that:

- Horsepower is a measure of tug power and high horsepower is desirable in an escort tug for tank vessels
- In Massachusetts, tugs are required to have at least 4,000 hp.
- There are at least 13 tugs in this region with hp 4000 and 7200 currently conducting the >40,000 DWT escorts in the region

The BPC voted to have the rule team evaluate a 3000 hp requirement for this rule based on the OTSC's recommendation.

13. Cost of 3,000 Horsepower Tug Requirement

Based on the OTSC recommendation and the BPC vote, the rule team assessed the economic impact of applying the 3000 hp tug requirement to all of the vessels escorted under this rule. The economic analysis indicated that it may cost $7,000 more to hire a 3,000 or greater hp tug than to hire a 2,000 or greater hp tug. Some industry representatives also raised concerns about the additional cost to use a 3000 hp rather than a 2000 hp tug. Cost is an important consideration when choosing a rulemaking alternative. RCW 34.05.228 requires selection of an alternative that is the least burdensome to those required to comply with it provided it meets the goals and objectives of the authorizing statue.

14. Rationale for Proposed 3,000 Horsepower Tug Requirement for Vessels 18k-40k DWT

The rule team explored options to reduce the cost of this hp requirement while still maintaining the desired level of environmental protection and reassurance that the escort tugs would have sufficient power to successfully intervene to prevent a drift ground and subsequent spill.

The rule team proposed setting the 3000 hp tug requirement for escorted vessels between 18,000 – 40,000 DWT instead of for all target vessels escorted under this rule. The team believes this

amendment aligns with current industry practice and is a less burdensome option to meet the goal of this rulemaking.

The team also reviewed AIS history and found that 11 target vessels may have used 2000 hp tugs in the first year of the Rosario and waters east escort requirement. Each of these 11 vessels was under 18,000 DWT. They also met with the OTSC pilot member to better understand the use and capability of 2000 hp tug for escorts. The concerns voiced in that conversation were similar to the concerns previously voiced by the OTSC about the capability of 2000 hp tugs to control larger ATBs and tankers in an emergency event.

The team's conclusion was that requiring a 3000 hp tug to escort vessels over 18,000 DWT aligns with current observed escort practices and is a less burdensome option to meet the goal of this rulemaking.

Jaimie then announced that she would call out the representatives for their comments about this proposal.

Blair Bouma (Pilot/Puget Sound Pilots) responded that he supported the proposed change.

Clyde Halstead (Tribal Government Alternate/Swinomish) did not wish to take a position, deferring to those with greater knowledge of tug horsepower and requirements.

Fred Felleman (Environment/Friends of the Earth) wondered if the proposal was consistent with Massachusetts requirements. Sara responded that their floor is 4,000 hp but noted that they are in general fairly different from Washington State's. Fred then asked for the rationale for using something less than Massachusetts. Sara responded that it was an incremental progress concept in that the 40,000 and greater deadweight ton tankers have that 5% of the deadweight ton of the escorted vessel requirement. When talking about horsepower, it was with an awareness that the 40,000 deadweight tankers could use a 2000 horsepower tug all the way up to the 60,000 deadweight tankers, which is where that 5% brings them to a 3000-horsepower tug. She believed the absence of any direct studies on their relationship between specific horsepower and the ability to see a vessel and emergency event, this was where they landed. Fred then asked for information regarding their rulemaking process for the current requirements in Massachusetts.

Jeff Slesinger (Tug Industry/Delphi Maritime) agreed with pre-Escort conference list but suggested the addition of another line item for safety of personnel as something that would be discussed. To add context on the Massachusetts law, it was the result of a tugboat that caught on fire and got disabled which resulted in the oil barge running aground. So, they came up with this rule, but this was several years ago and at that point in time the predominant tug in that area was not a Z Drive or Voith tractor tug. It was a conventional tug. They likely had a bunch of those types of tugs doing work in the area. He didn't know if the team would be able to find any great scientific data to support that. It was more in the context of what was available and historically the type of equipment they were using at the time of that incident, which was different than what is operating in Puget Sound right now.

Tim Johnson (Oil Industry Alternate/WSPA) supported the rationale.

Jason Hamilton (BPC) supported the proposal as well.

Rein Attemann (Environment Alternate/WEC) per the Team Chat function questioned the additional cost of $7,000 per tug per escort and what was the total number of 3000 hp tugs operating in the Salish Sea.

Allen Posewitz (Ecology SME) stated that the economics team was looking at the published price sheets that the operators have provided. He added that Centerline Logistics operates those tugs that are 3000 hp and below. And so, the economics team was comparing their price sheets to the operators of the bigger tugs. He confirmed that it is per escort job, but likely the high-end of the range. Regarding Rein's second question, Sara responded that there were some places to find that information and one of them was the trend synopsis which presented the tugs that escorted in the first year of the Rosario and Waters East implementation and their dead weight tonnage. She also pointed to the BPC Annual Report, which includes the dead weight tons of all of the tugs that are escorting those 40,000 greater tankers.

Fred Felleman (Environment/Friends of the Earth) stated that the absolute number was important to know, but relative to what it costs to escort, it was important to understand incremental expense. He asked for the rate for this duration of escort. Sara responded that the ballpark figure was $10k-$25k. Allen added that the rate sheets from Crowley and Foss showed an escort from up to either Anacortes, Cherry Point, or Ferndale. They're typically in the $25,000 range and so. In Centerline's price sheets for all N Puget Sound were $20,000 per escort. Fred replied that if the pilots were okay with the proposal, then he was okay with it.

15. Transition: Insights from Preliminary Economic Review – Rule Benefits and Costs

Sara continued on with the next section, which continued with the input from the economic review. She wanted to share a list of the benefits of tug escorts being considered in the analysis. These included the protection of the Southern Resident Killer Whales, and they are looking at that quantitatively based on the concept of willingness to pay.

16. Benefits of Tug Escorts

Sara then showed a list of the benefits of tug escorts that are considering in the analysis.

These include:

- Protection of Southern Resident Killer Whales (SRKW) – quantitative based on the concept of willingness to pay
- Protection of Natural and socioeconomic resources –quantitative input from on an Earth Economics study as well as qualitative input. They consider benefits to:
- Commercial Fishing
- Aquaculture
- Tourist Spending, Wages, and Local Tax Revenue
- Property Values and Taxes
- Recreational Use Value
- Ecosystem Services
- Preservation of Tribal Resources (qualitative)
- Avoidance of Spill costs, including cleanup costs - quantitative

Under the Administrative Procedures Act, the quantitative and qualitative benefits receive equal consideration.

She then paused for any input - Any benefits missing – either qualitative or quantitative? Jaimie then went around to each representative.

Blair Bouma (Pilot/Puget Sound Pilots) believed that the list covered everything in regard to a catastrophic event.

Clyde Halstead (Tribal Government Alternate/Swinomish) believed the last covered the topic well.

Fred Felleman (Environment/Friends of the Earth) asked about the geographic extent to which oil spill impact would be considered in an estuary environment. Allen Posewitz responded that Earth Economics modeled a catastrophic spill at the Boundary Pass, Haro Strait Junction, using a 24,000-barrel spill with no cleanup effort. He added that while the data was very difficult to quantitate, they did a thorough job. The team, for their comparison, was looking at their high value estimates. They modeled it specifically for this area, which is one of the reasons the team used the study.

Jeff Slesinger (Tug Industry/Delphi Maritime) wondered about including the cost of repairing a grounded tanker because that would be a benefit of a tug escort. His reluctance was that it may skew the figures quite a bit because there could be tens of millions of dollars to repair a tanker that's been grounded. Allen responded that Jeff's point had been raised internally and that he has not run the numbers yet.

Tim Johnson (Oil Industry Alternate/WSPA) had no additional questions or comments.

Jason Hamilton (BPC) responded that on the qualitative side, depending on the dispersion, if it got into Canada, it could have an impact on international relations.

Jaimie checked with Sheri Tonn (Ex-officio/BPC) who had no comments at that time.

Fred Felleman (Environment/Friends of the Earth) commented that the question that was raised about the cost of repairing a vessel that grounded was part of the expense of not having adequate protection and he didn't hear whether or not that was going to be considered. Allen responded that it was going to be considered and that this would be the category.

17. Costs of Tug Escorts

Sara introduced the list of the costs of tug escorts that are being considered in the analysis.

- Pre-escort conference
- Twin Screw requirement
- 3000 hp tugs for vessels over 18,000 DWT
- Cost of current escort requirements
- Additional escorting in the expansion area

There was another opportunity for input: Anything missing – either qualitative or quantitative?

Blair Bouma (Pilot/Puget Sound Pilots) believed that the list covered everything.

Clyde Halstead (Tribal Government Alternate/Swinomish) noted that the additional escorting in expansion area bullet points seemed broad. He wondered if that included things like increased vessel traffic, increased risk to travel gear, vessel noise, etc. Sara responded that the items Clyde mentioned were going to come up a little bit more in the environmental slides. Although they were connected with this topic, the team was differentiating the cost of the escort time in the expansion area to the north versus the cost from the escort rate sheets for the entire existing Alternatives A, B and C area. She added that the slide was mostly about geographic area and the cost for hiring a tug in that area. Allen Posewitz added that the EIS will be an input for the economic analysis. So, yes, there will be a qualitative cost of the expansion, which will include the negative impacts. Per Clyde, the benefits included many of

those additional items and if those are compared to the cost, but they don't include all of those additional things, which seems like there is a disconnect. Allen clarified that there should be some symmetry between the negative impacts that might result from the expansion. Clyde agreed.

Jeff Slesinger (Tug Industry/Delphi Maritime) couldn't tell whether there was an assumption that the existing fleet was sufficient to cover the additional escorts, or whether the costs of new construction were incorporated. He wondered, if the data was using the existing fleet, did it factor in the economic consequences of delays. He added that anecdotally, there aren't enough tugs here in Puget Sound to cover everything on a timely basis. So, there are delays for ships coming in, delays for tugs being on the job. And that has a lot of downstream costs to it. Sara responded that they were not looking at new construction and that it would be interesting if there was any data. The team wasn't able to find anything to point to about the delays and the lack of tug availability, but if there was anything like that, the team would be interested in seeing it.

Tim Johnson (Oil Industry Alternate/WSPA) thought it was interesting about the cost of delays for a lack of escorts available. He was not aware of any concrete information to share with the rule team and OTSC but might be something to take back to WSPA.

Jason Hamilton (BPC) had no additional questions or comments.

Fred Felleman (Environment/Friends of the Earth) Observed after looking at the San Juan County report, that the spill trajectory goes halfway out on the Strait of Juan de Fuca, though not a complete estimate. Regarding the adequacy of the number of tugs, he mentioned that the same sort of rationale was being used with the reducing of crew size on ATBs in the legislative discussions in the Coast Guard reauthorization. The rationale being, there was not enough crew to be able to staff all the ATBs, and as far as he was concerned, this should be no different than with the ferry service. If you don't have the capacity, you don't leave the dock. And so, don't reduce safety because of lack of capacity. It seemed to Fred to be a basic obligation to get the crew trained up and have the adequate number of vessels to do the job.

Blair replied that, in general, industry meets the demand of customers. Otherwise, there was no reason to go into business. He believes it's important to set a standard that needs to be met and then one way or another, industry will figure out how to make a profit from that. Maybe the costs will be higher. He thought it was a mistake to set regulations based on current fleet size or conditions. The first two real escort tugs in this region were funded by one of the oil companies. And that's just how. Paralleling with what Fred said, set the regulation that is the right regulation. Then through one way or another the need will get met, even if delayed a bit.

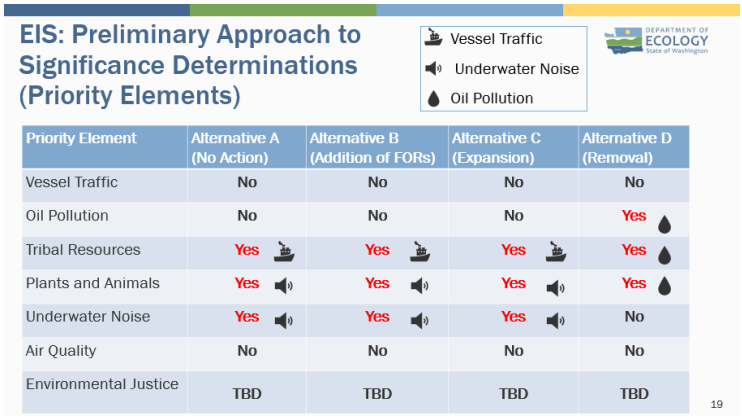
Jeff clarified that the ATB issue at the Coast Guard has more to do with allowing automation in the engine room rather than requiring a watch standard down there all the time. It would be erroneous to make the conclusion that any ATB or any vessel for that matter is leaving the leaving the dock without a safe number of personnel. Fred replied that the logic that's being used in the Coast Guard reauthorization is that unless they do automate, they will not have enough crew. He believes the considerations of the OTSC, to reduce the horsepower requirements for the smaller tank vessels, is a direct reflection of the group's consideration of both the safety and the availability of vessels.

18. **Transition: Insights from Preliminary Environmental Review**
    Sara introduced the next section, which included insights from the environmental review.

19. **EIS: Preliminary Approach to Significance Determinations (Priority Elements)**
    Sara explained that the slide showed the Significance Determinations for the priority EIS elements.

The EIS elements were in the first column and the Alternatives were across the top. Alternative A included the impacts associated with the current levels of escort tug traffic that would continue if no change is made. Determinations of significance were shown in Red and have an icon next to them indicating which elements contributed to the significance determination. Tug icons were for vessel traffic, the sound icon was for underwater noise, and the drop icon was for oil pollution.

- Vessel Traffic Element– No for all alternatives
- Oil Pollution Element: Yes for Alternative D because of increased oil spill risk under Removal option
- Tribal Resources element: Alternatives A-C: Yes because of vessel traffic impacts, Alternative D: Yes because of increase in oil spill risk
- Plants and Animals element: Alternatives A – C: Yes because of underwater noise levels, Alternative D: Yes because of increase in oil spill risk
- Underwater Noise element : Yes for Alternatives A – C because there were multiple locations where escort tug activity caused increases in noise levels above the 120 dB threshold.
- Air Quality element : – No for all alternatives
- EJ element : Awaiting findings



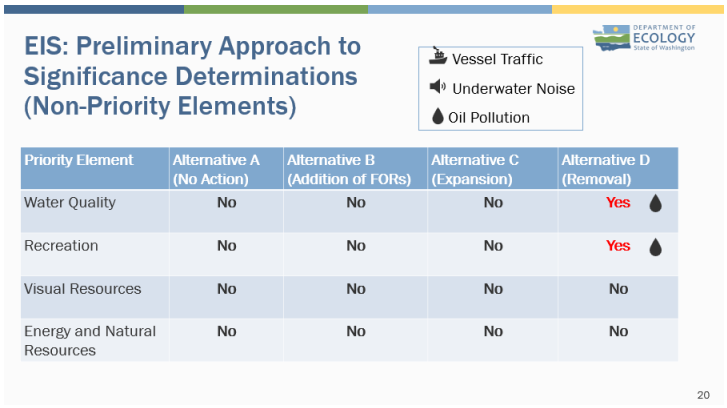
Priority Element	Alternative A (No Action)	Alternative B (Addition of FORs)	Alternative C (Expansion)	Alternative D (Removal)
Vessel Traffic	No	No	No	No
Oil Pollution	No	No	No	Yes
Tribal Resources	Yes	Yes	Yes	Yes
Plants and Animals	Yes	Yes	Yes	Yes
Underwater Noise	Yes	Yes	Yes	No
Air Quality	No	No	No	No
Environmental Justice	TBD	TBD	TBD	TBD

20. EIS: Preliminary Approach to Significance Determinations (Non-Priority Elements)

She then introduced the Significance Determinations for the non-priority EIS elements.

- Water Quality and Recreation elements received significance determinations for Alternative D due to the increase in oil spill risk

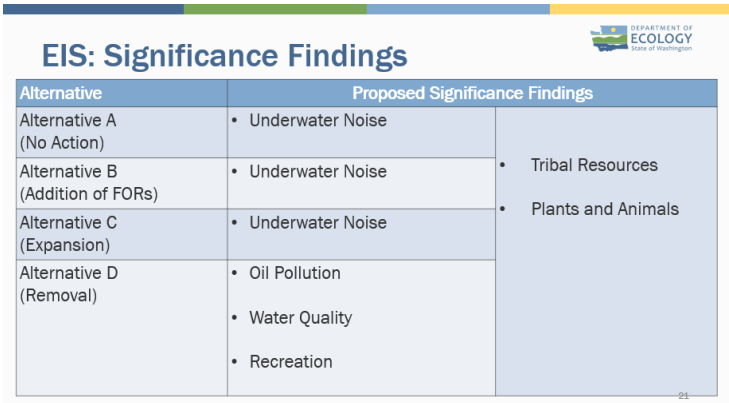
- No significant impacts were identified to visual resources and energy and natural resources under any Alternative.



Priority Element	Alternative A (No Action)	Alternative B (Addition of FORs)	Alternative C (Expansion)	Alternative D (Removal)
Water Quality	No	No	No	Yes
Recreation	No	No	No	Yes
Visual Resources	No	No	No	No
Energy and Natural Resources	No	No	No	No

21. **EIS: Significance Findings**

The next slide contained the same information as the previous 2 slides but in a different format. This format helps show that at a high level, all alternatives have an impact to tribal resources and plants and animals. In developing this rule, consideration is needed on the tradeoff between the underwater noise impact for Alternatives A, B, and C and the oil pollution, water quality, and recreational impact in Alternative D.



Fred Felleman (Environment/Friends of the Earth) shared that things deemed significant could have significant benefits as well as significant impacts. The reduction of oil spills could be positive. And the impacts associated with expanded safety could be positive. He would suggest that if qualifying those as impacts, just list them as negative impacts and point out that some of this might have an upside. Regarding the underwater noise analysis, for evaluating oil spill risk he urged the use of probability by consequence. The data that were used in the acoustic analysis, summarized occurrence of killer whales over a two-decade period, which does not reflect the increasing diminution of the presence of the whales. The San Juans in general and Rosario Strait have always been a secondary at best, place where the whales occur southbound on occasion. He takes issue that the data does not reflect the probability of occurrence that the whales had to be there when the noise is being made and in addition the whales had to be oriented to the noise in such a way to be impacted by it. He has submitted comments and has not received any feedback. Haley Kennard (Ecology/BPC) responded that the approach taken was conservative and that the receptor locations were selected based on the distribution of sensitive habitat for a variety of marine mammal species, certainly Southern Resident Killer Whales are an important component of that, but they're not the only species being considered here. She added that they have noted his comments. She added that the threshold being used for underwater noise was really about the increase in the sort of harmful noise, the noise over that 120-decibel behavioral threshold, that NIMS has published as their recommended methodology. Fred appreciated the clarification. He then asked if there was a way to add a category. He believes that Yes or No is too black and white. Perhaps a high, medium and low. Haley understood his point that this was obviously a simplification. It's a condensing of a lot of information. She reminded everyone that the technical report received from Jasco was 69 pages alone. It wasn't like the EIS will just say yes or no. There are tables that describe the number of minutes per week over that threshold across the various alternatives. There are tables that describe the average noise for each of the alternatives. And there are also tables that outline the sonified area, which is like the area where there would be reception of over 120 decibels. So yes, she agreed with Fred that this was an oversimplification, but only because it was a small part of today's workshop. Fred then stated that if this sort of graphic was put in the EIS, it would be misleading and the point about the JASCO study is it's also misleading in the amount of likelihood of encounter. He said he would let this go, but that he believes it's an unfair comparison. Sara said it was a helpful concept to keep in mind and that Haley was creating the EIS 1 pages that have a little bit more detail, but she believed the group should be going beyond the yes or no and looking into some of that additional detail being provided by

the team.

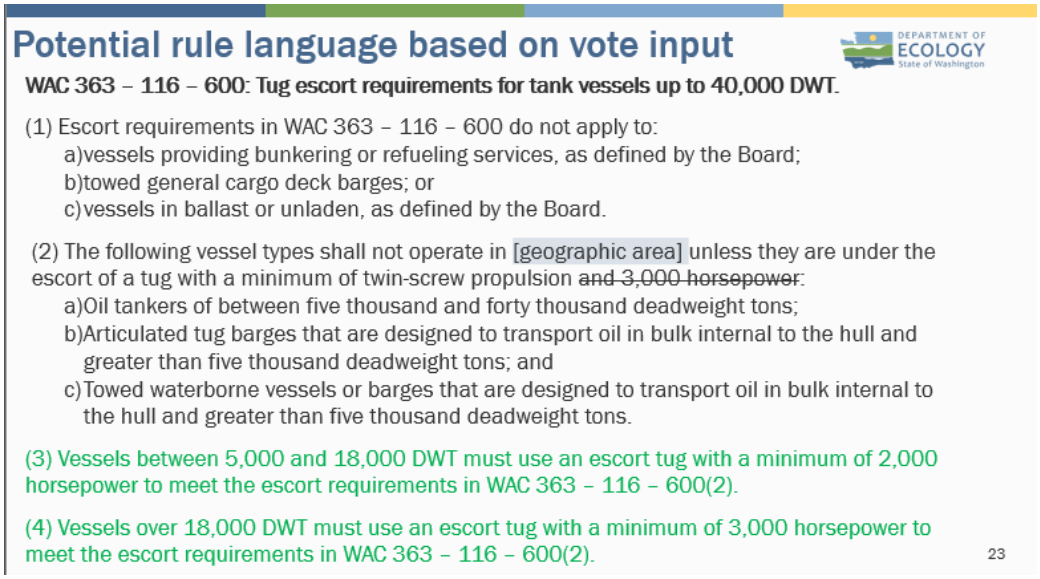
Blair Bouma (Pilot/Puget Sound Pilots) Regarding visual resources on slide 20, he believed that was definitely impacted by an oil spill. The oil spill itself and the consequences of the oil spill have a major visual impact. Haley responded that they could look at that one in a little more detail. She thought the significance threshold listed was a long term or permanent change to the visual character. It's not that there would be no impact, but if it reaches that significance threshold they said no, but certainly open to continuing to discuss that.

Clyde Halstead (Tribal Government Alternate/Swinomish) asked if it was correct that Alternatives B, C, and D were as compared against Alternative A. Haley responded yes, Alternative A was the no action alternative, but as everyone knows, it's not a no action alternative the way a project environmental impact statement would be because it doesn't mean no tugs. It means continuing with the current requirements, with no changes.

Tim Johnson (Oil Industry Alternate/WSPA) was wondering if the group would have an opportunity to review the significance determinations before OTSC members need to vote on proposed language. Jaimie responded that this step would be the one pagers. Tim acknowledged that those were received and asked what the technical analysis looked like for the different priority elements. He remembered that some of them hadn't been to a point of assessing areas of potential impacts and or identifying mitigation measures and that felt like those were important objectives of the technical analysis. Sara answered that that was the kind of information that that they are planning to provide before the next OTSC meeting. Haley added that for the one pagers, they are planning to include more information than shared at the November workshop organized by alternative and will include some information about the significance threshold that was used for the determination. And then they'll also be including a summary of the mitigation discussed in the EIS. Some of that is mitigation that like could go into rule language and a lot of it is voluntary mitigation to recommend for groups like Puget Sound Harbor Safety Committee to take up as may be a potential standard of care.

22. **Updated Draft Rule Language and Next Steps**
    Sara then shifted the group to looking at updated rule language and next steps

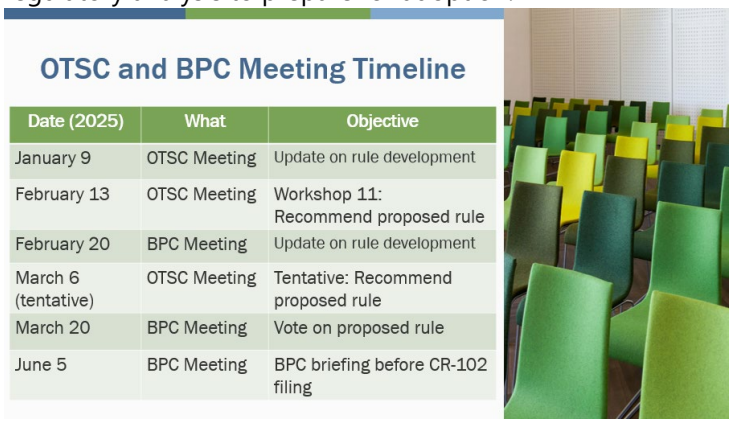
23. **Potential Rule Language Based on Vote Input**
    The slide showed how the rule language could look with the 3000 hp requirement applied to vessels 18,000 – 40,000 DWT. She pointed to the strikethrough in the 3000 hp text under subsection (2) and the new green text under subsection (3) Vessels between 5,000 and 18,000 DWT must use an escort tug of 2000 hp to meet the escort requirements in WAC 363 – 116 – 600(2). (4) stating that Vessels over 18,000 DWT must use an escort tug with a minimum of 3000 hp to meet the escort requirements in WAC 363 – 116 – 600(2).



24. OTSC and BPC Meeting Timeline

Jaimie walked the group through the OTSC and BPC meeting timeline. She reported that workshop series 11 for the OTSC was coming up on the Feb 13, and as discussed, this will be an important meeting narrowing down the BPC recommendation for the rule language. OTSC members should already have a hold on their calendars for that meeting. And then following the OTSC meeting, the Board will have their regular public meeting on February 20, receiving an OTSC update. Then there is a proposed a tentative OTSC meeting for March 6. Jaimie will send a calendar hold for that because the team plans to keep that meeting as one final chance for the group to come together and talk about the recommendation. Then the Board will vote or will be asked to vote on March 20 for the proposed rule. Sometime in June, the Board will receive a briefing and the CR102 which is the notice of public hearing, will be filed.

Megan Hillyard provided a timeline for the rest of the rule development phase. When they file the CR102, there's about 60 days for our public comment period. And during that time, the team will also hold public hearings. The public comment period will likely close in August. And then there will be a chance to review all of the comments, draft a concise explanatory statement, and conduct the final regulatory analysis to prepare for adoption.



OTSC and BPC Meeting Timeline

Date (2025)	What	Objective
January 9	OTSC Meeting	Update on rule development
February 13	OTSC Meeting	Workshop 11: Recommend proposed rule
February 20	BPC Meeting	Update on rule development
March 6 (tentative)	OTSC Meeting	Tentative: Recommend proposed rule
March 20	BPC Meeting	Vote on proposed rule
June 5	BPC Meeting	BPC briefing before CR-102 filing

25. Next Steps

Jaimie reviewed the next steps. The OTSC will review the draft rule language from this presentation, and in particular the pre–escort conference language. They were instructed to provide thoughts to the rule team by e-mail before February 1. After the meeting, Jaimie will send an e-mail to the OTSC with an updated slide deck and also the pre-escort conference language list to review the order of events and also to help provide some opportunities for plane talk or simplified language. Then the rule team

will provide the summary information from the economic analysis and the environmental review in the form of the one-page sheets prior to the February 13 OTSC meeting. In addition, Hailey Kennard will be hosting EIS office hours for both Tribes and OTSC members on February 3 from 1:30 to 2:30 and February 6 from 10:30 to 11:30 for anyone who has questions or would like to talk through EIS related issues. The links for those drop-in sessions will be included in the e-mail that contains the EIS one-page summaries, which will be sent out towards the end of January. The OTSC will then finalize the proposed rule language and recommendations to the Board during the February 13 OTSC meeting. They will also have the March 6 meeting mentioned earlier to review any feedback from the Board meeting or any other tweaks to the language that need review.

26. Final Questions or Discussion

Fred Felleman (Environment/Friends of the Earth) lent his support for the comment that was made about the pre-escort conference, including safety crew.

Blair Bouma (Pilot/Puget Sound Pilots) asked for clarification about when the 4 Alternatives were locked down adding that there may be a way that some of the other decisions are affected by which of those choices were settled on. Jaimie responded that those were the four alternatives that were chosen and went through the assessment process and now they are considering the results of those assessments. The idea would be to narrow down to one of those for the rule language proposal at the February 13 OTSC meeting.

Fred had two questions. One, it wasn't clear in the previous conversation how many tugs are under the 3000 hp range. Sara responded that they know of two tugs that were conducting escorts that were under 3000 and they were identified through the AIS history review of the jobs. Those two tugs did provide the quote from the slides where they thought that 11 target vessels may have employed one of those two tugs in the first year of the Rosario Waters East implementation, and both of those tugs are owned by Centerline Logistics. The number they don't have is how many are above 3,000 hp. The BPC annual report lists them, and they are all between 4,000 and 7,000 hp. Fred's second question, regarding the pre-escort conference, was whether the decision was to tether, wondering if there were any a priority criteria like size of vessel, portion of the waterway, type of vessel. Jaimie answered that it had been discussed previously at the OTSC and that it was determined to recommend to the Board that it should be discussed during the pre-escort conference, but that to try to put some kind of regulation on it was not practical. Fred suggested a recommendation for a standard of care. Blair thought it would be helpful to explain the current system. For the over 40k tankers, most of the more granular things like weather to tether or not are in the harbor safety plan. The group has discussed, I think some in the open meetings, but also with the staff, that the process of this rulemaking would lead to prompting additions to the harbor safety plan that would cover these vessels. The over 40,000 recommendations are in the Harbor Safety Plan so it's envisioned that after the rulemaking, there would be a campaign to update the Harbor Safety Plan. Fred appreciated the response. He then asked the team to provide a calendar to the OTSC of the upcoming events.

Fred had one final comment regarding issues that were determined to be significant in the negative fashion and then proposed mitigation. He asked if there would be a further determination whether the mitigation was adequate. Haley responded that the way that a discussion of an alternative in an environmental impact statement is typically structured after describing the affected environment is you have a summary of impacts without any sort of discussion of what rises to the level of significant or not. Then you discuss your proposed mitigation and after that. Looking at both the discussion of impacts and the proposed mitigation, as well as the significance threshold that you've already set, you talk about whether the impacts rise to the level of significance that you have decided to use for the assessment. She added that mitigation was kind of an interesting one for this because the scope of the RCW is relatively narrow. Some of it will be taken up by the Harbor Safety Committee or existing in other spaces or like

we're referencing for plants and animals, for example, the suite of Southern Resident Killer Whale protections that are already in place. Fred added, for example, for the underwater noise he believed he heard that the returning tug, if it's not escorting, would come back slower because they didn't want to burn the fuel there was no rush. Therefore, the calculation of the overall noise would be less going back as it is coming in, that sometimes you can run on one prop. Haley responded that to answer his question, yes, mitigation was involved in the significance determination and that they are still working through what do when something is a voluntary mitigation. However, they can't require them to participate. They have had some suggestions about big scale long term transitions to electric tugs or hybrid engine tugs. Certainly, Ecology can't require industry do that, but it would be a good idea for them. Long term consideration is not a mitigation that has an immediate impact. Fred agreed which was why he was bringing up making recommendations that would be harbor safety plan kind of things, assuming that there will be some benefits to extending these tug escorts that. He wondered if it couldn't it be something that they could discuss given now that the team has shown these thresholds could be exceeded. Sara responded that mitigation recommendations was a topic of discussion for the next meeting. Fred thanked her.

Jaimie then adjourned the meeting.