RULE-MAKING ORDER
PERMANENT RULE ONLY

CR-103P (December 2017)
(Implements RCW 34.05.360)

Agency: Board of Pilotage Commissioners AO # 22-13

Effective date of rule:
   Permanent Rules
   ☒   31 days after filing.
   ☐   Other (specify) _____ **(If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)**

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
   ☒ Yes   ☐ No   If Yes, explain: RCW 88.16.260(1)(d) states that the Board of Pilotage Commissioners (BPC) must adhere to the following interim milestones to achieve the rule adoption by December 31, 2025:
(i) By September 1, 2020, identify and define the zones, specified in subsection (3)(a) of this section, to inform the analysis required under subsection (5) of this section;
(ii) By December 31, 2021, complete a synopsis of changing vessel traffic trends; and
(iii) By September 1, 2023, consult with potentially affected federally recognized Indian treaty fishing tribes, other federally recognized treaty tribes with potentially affected interests, and stakeholders as required under subsection (6) of this section and complete the analysis required under subsection (5) of this section. By September 1, 2023, the department of ecology must submit a summary of the results of the analysis required under subsection (5) of this section to the legislature consistent with RCW 43.01.036.

Purpose: The BPC adopted amendments to Chapter 363-116 WAC, Pilotage Rules, to establish tug escort requirements for oil tankers between 5,000 and 40,000 deadweight tons (DWT) and barges and articulated tug barges greater than 5,000 DWT. The adopted rule implements updates to Chapter 88.16 RCW Pilotage Act as required under Engrossed Substitute House Bill (ESHB) 1578, which directed the BPC, in consultation with Ecology, to adopt tug escort rules for Puget Sound by December 31, 2025. The adopted rule closes critical safety gaps for vessels carrying oil in bulk, reducing the risk of a catastrophic oil spill in Puget Sound and helping to protect wildlife, including endangered Southern Resident killer whales, fisheries, public health, and Washington's economy.

The new rule:
- Is designed to meet Best Achievable Protection (BAP), as defined in RCW 88.46.010.
- Is informed by other considerations in ESHB 1578, such as minimizing impacts on Treaty fishing and underwater noise.
- Maintains the tug escort requirements established in RCW 88.16.190(2)(a)(ii), effective September 1, 2020, and includes the following key changes:
  - Expands the tug escort area by approximately 28.9 square miles to the northwest toward Patos Island (an 11 percent increase in area).
  - Establishes minimum horsepower (hp) requirements for tugs escorting these vessels based on the escorted vessel's deadweight tonnage:
    - 2,000 hp for vessels between 5,000 and 18,000 DWT, and
    - 3,000 hp for vessels 18,000 DWT or greater.
- Requires tugs escorting these vessels to have a minimum of twin screw propulsion (at least two propellers) for better maneuverability.
- Requires a pre-escort conference between the escort tug and tank vessel to discuss the operational details of the transit.

The adopted rule does not apply to unladen vessels or 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.

Citation of rules affected by this order:
   New:
   Repealed:
   Amended: Chapter 363-116 WAC
   Suspended:

Statutory authority for adoption: Chapter 88.16.260 RCW Board of pilotage commissioners authorized to adopt rules in consultation with other entities – Tug escorts.

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)
Adopted under notice filed as WSR 25-13-042 on 06/11/2025 (date).

Describe any changes other than editing from proposed to adopted version: The following changes were made to the pre-escort conference requirement (WAC 363-116-600(7)):

- Added subsection (vii) Recent whale sightings under subsection (b) Navigation to raise awareness of the presence of whales when vessel operators are conducting a pre-escort conference.
- Modified subsection (v) under subsection (c) Operations to reduce ambiguity and add clarity

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Other: https://ecology.wa.gov/about-us/who-we-are/our-programs/spills-prevention-preparedness-response/legislative-work/bpc-tug-escort-rulemaking and https://pilotage.wa.gov/tug-escort-rulemaking-1

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.

The number of sections adopted in order to comply with:

	New		Amended		Repealed	
Federal statute:	New	____	Amended	____	Repealed	____
Federal rules or standards:	New	____	Amended	____	Repealed	____
Recently enacted state statutes:	New	1	Amended	1	Repealed	____

The number of sections adopted at the request of a nongovernmental entity:

New	____	Amended	____	Repealed	____

The number of sections adopted on the agency's own initiative:

New	____	Amended	____	Repealed	____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	____	Amended	1	Repealed	____

The number of sections adopted using:

	New		Amended		Repealed	
Negotiated rule making:	New	____	Amended	____	Repealed	____
Pilot rule making:	New	____	Amended	____	Repealed	____
Other alternative rule making:	New	____	Amended	____	Repealed	____

Date Adopted: November 20, 2025

Name: Jaimie Bever

Title: Executive Director

Signature: