



DEPARTMENT OF  
**ECOLOGY**  
State of Washington



# **Rule Implementation Plan**

## **Chapter 363-116 WAC, Pilotage Rules**

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November 2025

Publication 25-08-017

## Publication and Contact Information

This document is available on the Department of Ecology's website at:  
<https://fortress.wa.gov/ecy/publications/summarypages/2508017.html>

And at the Board of Pilotage Commissioners' website at:  
<https://pilotage.wa.gov/tug-escort-rulemaking-1>

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**Implementation Plan**  
**Chapter 363-116-500 WAC**

Board of Pilotage Commissioners

Seattle, WA

Washington State Department of Ecology

Olympia, Washington

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## **Purpose**

The Washington State Department of Ecology (Ecology) and Washington State Board of Pilotage Commissioners (BPC) provide the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

# Introduction

On November 20, 2025, the Board of Pilotage Commissioners (BPC) adopted amendments to Chapter 363-116 WAC Pilotage Rules (AO # 22-13). The purpose of this rule implementation plan is to inform those who must comply with WAC 363-116-600 about how BPC intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Board of Pilotage Commissioners employees who can answer questions about the rule implementation.

# **Implementation and Enforcement**

## **Overview of Implementation**

The BPC will implement and enforce the adopted rule upon its effective date, 31 days after the rule is adopted. The adopted rule implements 2019 legislative updates to Chapter 88.16 RCW and establishes new requirements for tankers, barges, and articulated tug barges between 5,000 and 40,000 deadweight tons (DWT).

Implementation of the new rules will consist of an Open Letter to Industry from BPC Staff via the BPC's email distribution list and distribution to key agents and companies via Puget Sound Pilots (PSP) and Pacific Merchant Shipping Association (PMSA). The letter will also be posted on the BPC website at <https://pilotage.wa.gov/communications.html>. Additionally, the BPC will announce the new rules during BPC Regular Monthly Meetings and via social media.

As the BPC implements the new rule, they will continue to review guidance documents and make any necessary updates if changes are needed.

## **Enforcement**

Per RCW 88.16.150, "any violation of this chapter or of any rule or regulation of the board shall be punished as a gross misdemeanor, and all violations may be prosecuted in any court of competent jurisdiction in any county where the offense or any part thereof was committed" and, "Notwithstanding any other penalty imposed by this section, any person who shall violate the provisions of this chapter, shall be liable to a maximum civil penalty of ten thousand dollars for each violation"



## **Informing and Educating Persons Affected by the Rule**

Throughout the rulemaking process, BPC and Ecology staff communicated extensively with the regulated community, interested stakeholders, Tribes, the USCG, and the public through workshops, webinars, BPC meetings, email, phone calls, and public hearings to inform them about the rule development and to receive input.

Notices of rule adoption will be sent immediately after the rule is adopted to entities subject to the rule, Tribes, interested stakeholders, federal and state agencies, environmental groups, BPC and Ecology's mailing list of interested parties, and members of the public who provided their contact information with their comments for the rule.

Additionally, the BPC will use a combination of outreach materials to inform and educate people affected by the rule, including:

- Updates to BPC's website.
- Notification and outreach to the regulated maritime community.
- Providing contact information if additional information is needed.
- Utilizing Puget Sound Pilots and Pacific Merchant Shipping Association contacts for distributing rule information via an Open Letter from the BPC.
- Adding a standing agenda item at monthly public meetings of the Board for the months leading up to and after rule adoption for public comment and questions.

## **Promoting and Assisting Voluntary Compliance**

For the target vessels that require Washington state licensed pilots, the BPC will work with Puget Sound Pilots to ensure that pilots have the information they need to carry out the requirements of the rule as well as be able to assist industry with the transition.

For the target vessels where pilots are not required, the BPC will send notices of the rule and offer opportunities to meet and discuss questions or concerns.

The BPC will also utilize public forums such as monthly public meetings of the Board, the Puget Sound Harbor Safety Committee, and other opportunities as they arise, to share information and address concerns.

The BPC's Oil Transportation Safety Committee (OTSC) will also be contacted as there are members on that committee that represent the industry and can help deliver information to their members.

## Evaluating the Rule

To evaluate whether the new rule achieves its intended purpose, BPC will collaborate with Ecology to conduct a rule effectiveness assessment under RCW 88.46.260. This collaboration will occur under the existing interagency agreement. Under RCW 88.46.260, by October 1, 2028, and at least every 10 years thereafter, the BPC and Ecology must determine whether updates to the tug escort rules are necessary. To support decision-making in 2028, the BPC and Ecology will assess the rule, as outlined in RCW 88.46.260. The RCW requires the assessment:

- Must include an analysis of the effects of the rule on vessel traffic patterns and oil spill risks in the Salish Sea,
- Must include an analysis of whether experienced or forecasted changes to vessel traffic patterns or oil spill risk necessitate an update to the rule,
- Must include modeling from Ecology's risk model,
- Must include consultation with the USCG and potentially affected federally recognized Tribes,
- May include vessel traffic data, vessel accident and incident data such as incidents where tug escorts or an emergency response towing vessel acted to reduce spill risks.

To the maximum extent practicable, BPC and Ecology plan to review vessel traffic and incident data, in addition to using Ecology's risk model, and track emerging or forecasted changes that may affect the rule. The agencies also plan to consult with Tribes and the USCG, and seek stakeholder feedback, on the rule's implementation and any emerging risk patterns. We are currently developing a communications plan for this work, which will include progress updates on the effectiveness assessment.

## **List of Supporting Documents that May Need to be Written or Revised**

- Puget Sound Pilots Guidelines
- Puget Sound Harbor Safety Plan
- BPC Website

## More Information

For more information, please see the following webpages:

- Board of Pilotage Commissioners Tug Escort Rulemaking (Chapter 363-116 WAC): <https://app.leg.wa.gov/WAC/default.aspx?cite=363-116>
- Board of Pilotage Commissioners Oil Transportation Safety – 2019 Legislation: <https://pilotage.wa.gov/tug-escort-rulemaking-1>
- Safety of Oil Transportation Act (ESHB 1578): <https://ecology.wa.gov/spills-cleanup/spills/oil-spill-prevention/safety-of-oil-transportation-act>

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