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Wildlife response operations require additional detail and capacity.

The draft update only requires two wildlife response personnel to arrive within 12 hours of a spill to conduct wildlife response operations, with an additional 7 personnel to arrive within 48 hours. An unspecified amount and type of deterrent equipment is also required to arrive on scene within 12 hours. It is essential that wildlife response actions are initiated as soon as possible. In particular, deterrence actions that keep wildlife from entering a spill are critical to have underway immediately following a spill.

(In WAC 173-182-540 (2)(c)(ii)) the monitoring and deterrence operations to prevent Southern Resident Killer Whales from encountering spilled oil should be required for all killer whales, and, if necessary and only if personnel with killer whale identification expertise are required, priority should be given to Southern Resident Killer Whales, which are listed as endangered by Washington State and the federal Endangered Species Act. Whale scientists that specialize in Southern Resident Killer Whales and trained naturalists can identify individual whales and differentiate between the different killer whale species. However, unless the oil spill contingency plan is updated to require experts who can identify Southern Resident Killer Whales as an integral part of all whale monitoring and deterrence operations, there would be no assurance that if only some killer whales were deterred from encountering a spill, that those whales would be the Southern Resident Killer Whales. To provide certainty that Southern Resident Killer Whales are deterred from entering an oil spill, which could cause their death and the extinction of the species, this rulemaking should require monitoring and deterrence operations for all killer whales. Other whales listed as Washington State Endangered Species are Fin Whales, Sei Whales, Blue Whales, Humpback Whales, North Pacific Right Whales, and Sperm Whales. The oil spill contingency plan should also require that these whales be monitored and deterred from encountering and being impacted by oil spills.

The wildlife response operations included in the draft update are unclear as to what "capture" entails. Wildlife response operations need to include both the pre-emptive capture and release of wildlife at risk of being oiled and the capture of oiled wildlife for stabilization and rehabilitation. Also, wildlife operations need to include the immediate removal of oiled carcasses. Replace "wildlife impact assessment, reconnaissance, deterrence, capture, stabilization, and rehabilitation operations" with "wildlife impact assessment, reconnaissance, deterrence, pre-emptive capture and relocation of wildlife at risk of being oiled, capture of oiled wildlife, stabilization, and rehabilitation operations, and the immediate removal of oiled carcasses"

It is not sufficient to merely require the identification of water column and benthic species at risk from sunken, submerged, or nonfloating oil spills. The Contingency Plan update should require the wildlife response operations needed to specifically address the water column and benthic species that could be impacted by a nonfloating oil spill.

The 2015 San Juan County Oil Spill Response Capacity Evaluation includes important findings and recommendations that address deficiencies on the current oil spill contingency plan. These recommendations should have been included in this update, or at the very least, thoroughly considered.

The San Juan Islands require heightened oil spill response capacity.

The San Juan Islands provide critical habitat for forage fish, salmon, and Southern Resident Killer Whales and are surrounded by major shipping lanes that transit narrow channels and navigational challenges such as Turn Point, all of which are in close proximity to shoreline residences and businesses. The increase in tanker traffic transporting nonfloating oils increases the risk of nonfloating oil spills. Oil spill response operations would be especially challenging given the swift currents and depths of the waterways. The importance of early and aggressive containment and collection of nonfloating oil spills and effective wildlife deterrence operations are especially significant in this biologically rich oasis of the State.