30 September 2021

Alex Hess
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Spills Prevention Section
Spill Prevention, Preparedness, and Response Program
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Comments on Scope of Work for Analysis of Emergency Response Towing Vessel (ERTV) by ESHB 1578

Sent via comment portal: https://sppr.ecology.commentinput.com/?id=sQPq7 and email: alex.hess@ecy.wa.gov

Dear Mr. Hess,

Thank you for the opportunity to comment on Ecology's draft scope of work for an analysis of an Emergency Response Towing Vessel (ERTV) serving Haro Strait and Boundary Pass, Rosario Strait and connected navigable waterways, as required by ESHB 1578. The undersigned represent four organizations and our memberships that work on environmental issues in Washington State which include protecting the marine environment of the Salish Sea watershed, wildlife, human health, and public safety.

The undersigned respectfully acknowledge and honor the fact that Haro Strait and Boundary Pass, Rosario Strait and connected navigable waterways are the ancestral waters and natural resources of the Coast Salish peoples. The Coast Salish peoples have cared for and stewarded the Salish Sea since time immemorial — and continue to do so — and we honor their inherent, aboriginal, and treaty rights that have been passed down from generation to generation. This report should document Ecology's engagement with Tribes that have Treaty Rights or other interests in Haro Strait, Boundary Pass, Rosario Strait, and connected navigable waterways.

We also would like to express our support for the scoping comment letter submitted by Friends of the Earth.

At the 2016 Salish Sea Oil Spill Risk Mitigation Workshop, of the 24 prevention-focused risk mitigation measures for reducing and further preventing oil spills from vessel traffic in the Strait of Juan de Fuca and the Salish Sea, pre-positioning a multi-mission ERTV for Haro

Strait/Boundary Pass was prioritized as the #3 risk mitigation measure.[1] San Juan County, following Ecology's advice, then completed two reports to make a business case for additional investment in oil spill prevention measures by positioning an ERTV in San Juan County: the *Oil Spills Consequences Assessment for San Juan County* (prepared by Earth Economics) and the *Emergency Response Towing Vessel Cost Evaluation* (prepared by Northern Economics). San Juan County then contracted with Nuka Research and Planning Group, LLC, which partnered with the University of Washington Salish Sea Modeling Center at the Puget Sound Institute for the April 2021 report, *Vessel Drift and Response Analysis for the Strait of Juan de Fuca to the Southern Strait of Georgia*. This report concluded that an ERTV located in Roche Harbor, WA or Sidney, BC would have the best chance of arriving in time to rescue more than 80% of the cases modeled.[2]

The San Juan Ecosystem Protection and Recovery Plan identifies investment in an ERTV to reduce the risk of a spill at Boundary Pass/Haro Strait on the north and west sides of San Juan County as a priority risk mitigation measure. The Governor's Southern Resident Orca Task Force Recommendation 24: Reduce the threat of oil spills in Puget Sound to the survival of Southern Residents, includes the implementation detail, "support the requirement for a stationed emergency response towing vessel (rescue tug) in a location to minimize response time in Haro Strait and other navigation lanes with the highest tank vessel traffic."[3]

Ecology's analysis should utilize and build upon the April 2021 report, *Vessel Drift and Response Analysis for the Strait of Juan de Fuca to the Southern Strait of Georgia* which addressed these research questions:

1) Throughout the study area, how much time may be available for an ERTV to arrive at a disabled ship before the ship grounds, considering winds and currents?
2) Considering four focus areas around San Juan County, what is the probability that an ERTV could arrive before a ship drifting from the typical shipping route grounds?

These additional research questions were identified (and we understand that Rosario Strait will be included in Ecology's analysis):

- What are the variations in drift times to grounding under different tidal current regimes (ebb, flood, spring, and neap)?
- What are the variations in drift times to grounding under different wind regimes (wind

[1] Spill Prevention, Preparedness and Response Program, Washington State Department of Ecology. December 2016. 2016 Salish Sea Oil Spill Risk Mitigation Workshop Summary Report. Publication no. 17-08-005. https://apps.ecology.wa.gov/publications/documents/1708005.pdf. Accessed 9-15-2021.

[2] Tim Robertson et al. April 2021. Vessel Drift and Response Analysis for the Strait of Juan de Fuca to the Southern Strait of Georgia. Page ii. https://www.sanjuanlio.com/wp-content/uploads/2021/04/Vessel-Drift-and-Response-Analysis-Inland-Waters-SJC-Apr21.pdf. Accessed 9-15-2021.

[3] Cascadia Consulting Group. November 2019. Southern Resident Orca Task Force Final Report and Recommendations. Pages 83-84. https://www.governor.wa.gov/sites/default/files/OrcaTaskForce_FinalReportandRecommendations_11.07.19.pdf. Accessed 9-15-2021.

direction and strength)?
- What are the variations in drift times to grounding for different vessel types (vehicle carrier, bulk carrier, etc.)?
- What is the probability that an ERTV could arrive before a vessel drifting from the typical ship route grounds in a Rosario Strait focus area?

It was also noted that "additional studies may be required to determine the characteristics and capabilities of an ERTV necessary to successfully perform emergency towing of the ships commonly transiting in these waters. This research could also consider the towing procedures best suited to this operating environment."[4]

The draft research question, "Tank vessel escort scenarios" should be deleted. This research question would include evaluating the effectiveness of tugs that are escorting laden tank vessels per federal and/or state/provincial law. This research question would evaluate the effectiveness of diverting tugs that are escorting laden tankers, requiring these tugs to leave their escort duty in order to respond to an active casualty on another vessel. This research question appears to rely on some kind of discretionary authority on the part of the USCG and/or Transport Canada. Without clear regulations on both sides of the border that would allow for this, it would not be appropriate to include this research question. If it is deemed appropriate, a research question could be added to evaluate the availability and effectiveness of tugs that are not escorting laden tankers (also known as tugs of opportunity) for response to a casualty.

This report to the Legislature should include peer reviews to ensure the accuracy and validity of Ecology's internal work product. The report should also include a comparison with the report, *Vessel Drift and Response Analysis for the Strait of Juan de Fuca to the Southern Strait of Georgia*.

There are recent changes in vessel traffic in Haro and Boundary Pass, Rosario Strait and connected navigable waterways that this study should account for, including:

1) Significant increases in recreational boating traffic. The San Juan Islands are a top recreational boating destination. Recreational boats are a source of risk of accidents and oil spills from large commercial ships. The USCG Captain of the Port reports to the Puget Sound Harbor Safety Committee regularly include incidents that are caused by recreational vessels interfering with the safe passage of commercial vessels, in violation of Rule 10.[5] In 2018, Washington State had 195,631 active registered recreational boats, and in 2021 there are 241,739. This is an increase of 46,108 registered recreational

[4] Tim Robertson et al. April 2021. Vessel Drift and Response Analysis for the Strait of Juan de Fuca to the Southern Strait of Georgia. Page 27. https://www.sanjuanlio.com/wp-content/uploads/2021/04/Vessel-Drift-and-Response-Analysis-Inland-Waters-SJC-Apr21.pdf. Accessed 9-15-2021.

[5] U.S. Department of Homeland Security. United States Coast Guard. Navigation Rules. Pages 22-24. https://www.navcen.uscg.gov/pdf/navrules/navrules.pdf. Accessed 9-17-2021.

boats or 23.5%.[6]

2) Increases in barge traffic will result from the recent Port of Bellingham Marine Highway Designation, M-5 Coastal Connector, which will increase barge traffic between Bellingham, Washington; Southern Oregon; and San Diego, California.[7]
3) Increases in oil transfer operations at anchorages in the connected navigable waterways have more than doubled the volume of oil transferred at the anchorage areas near Vendovi Island from 2018 to 2020/2021. See Ecology's June 2021 *Vessel Activity Synopsis* (that analyzes 2018 vessel activity in the WA State and BC waters of the Salish Sea up to the 49th parallel), pages 49-50:

> The 'Anchor - Vendovi Island' transfer location, which encompasses the Jack Island North, South; Vendovi Island East, South; and Williams Point ATB anchorage locations, had the third highest oil transfer volumes with over 4 million gallons transferred there in 2018.[8]

Compare the 2018 data with the June 30, 2020 – June 30, 2021 ANT (Advance Notice of Transfer) data for 'Anchor – Vendovi Island' that shows the volume of total transfer operations at 9,681,479 gallons.

If the ERTV analysis uses a model that includes 2018 or other historic vessel traffic data, Ecology should consider whether increases in recreational boating, barge, and bunker barge vessel traffic have and/or will occur and whether the model should be modified accordingly. This analysis should include these changes in vessel traffic in Haro and Boundary Pass, Rosario Strait and connected navigable waterways.

Thank you for your attention to these comments. Please see attached recommended changes to the scope of work.

Sincerely,

Lovel Pratt
Marine Protection and Policy Director
Friends of the San Juans

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[6] Washington Sea Grant's Recreational Boat Fleet table that shows the number of active registered vessels moored in each county by the county in which it is registered for 2018: https://public.tableau.com/shared/88ZTD5939?:display_count=y&:origin=viz_share_link&:embed=y And 2021: https://public.tableau.com/views/MooragebyRegistered/MooragebyRegistered?:language=en-US&:increment_view_count=no&:embed=y&:embed_code_version=3&:loadOrderID=0&:display_count=y&publish=yes&:origin=viz_share_link. Accessed 9-17-2021.

[7] US Department of Transportation Maritime Administration. August 19, 2021. *U.S. Department of Transportation Announces a New Marine Highway and Six Marine Highway Designations*. https://www.maritime.dot.gov/newsroom/press-releases/us-department-transportation-announces-new-marine-highway-and-six-marine. Accessed 8-20-2021.

[8] Spill Prevention, Preparedness and Response Program, Washington State Department of Ecology. June 2021. Maritime Activity in the Northern Puget Sound and Strait of Juan de Fuca. Publication 21-08-008. https://apps.ecology.wa.gov/publications/documents/2108008.pdf. Accessed 9-17-2021.

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RE Sources

Requested changes to the draft scope of work using strike-out deletions (~~example~~) and underlined additions (<u>example</u>):

Analysis Objective
The analysis objective is to quantitatively assess whether an emergency response towing vessel serving Haro Strait, Boundary Pass, Rosario Strait and connected navigable waterways will reduce oil spill risk from covered vessels.

Research Questions

- How is oil spill risk distributed geographically in the study area? How does an ERTV serving the study area change this risk distribution?
- How is oil spill risk distributed across covered vessel types? How does an ERTV serving the study area change this distribution?
- How do the following variables change these distributions?
    - ERTV stationing locations
    - Levels of vessel traffic
    - ~~Tank vessel escort scenarios~~
    - <u>Tidal current regimes (ebb, flood, spring, and neap)</u>
    - <u>Wind regimes (wind direction and strength)</u>
- What qualitative impacts do different ERTV characteristics have on oil spill risk?
- <u>What characteristics and capabilities of an ERTV are necessary to successfully perform emergency towing of the ships commonly transiting in these waters?</u>
- <u>What towing procedures are best suited to this operating environment?</u>

Outreach
Ecology will consult with tribes and stakeholders and conduct outreach activities throughout the project to include a mixture of webinars, informational briefings, technical discussions, and informal discussions. <u>Ecology will provide documentation of engagement with Tribes that have Treaty Rights or other interests in Haro Strait, Boundary Pass, Rosario Strait, and connected navigable waterways.</u>

<u>Peer Review</u>
<u>Ecology will consult and/or contract with vessel traffic accident and oil spill risk modeling and analysis professionals for at least three peer reviews of this analysis.</u>

Deliverable
Ecology will report findings to the legislature by September 1, 2023. <u>The report to the Legislature will include the documentation of engagement with Tribes, the peer reviews, and a</u>

comparison of this analysis with the April 2021 report, *Vessel Drift and Response Analysis for the Strait of Juan de Fuca to the Southern Strait of Georgia*.