

September 30, 2021

TO: Alex Hess, Maritime Risk Lead
Washington State Department of Ecology

FROM: Todd Hass, Special Assistant to the Director
Puget Sound Partnership

SUBJECT: Comments on Ecology's Tug Escort Analysis – Scope of Work

Dear Mr. Hess,

Thank you for the opportunity to comment on the scope of work for an analysis of tank vessel tug escorts. We are confident that Ecology's commitment to incorporating the input and expertise of partners will lead to a stronger, more grounded oil spill risk modelling project. In that spirit, **Puget Sound Partnership requests that Ecology's model be able to incorporate and assess potential tug escort noise-mitigation measures intended to offset expected increases in underwater noise.** The use of tug escorts by specified tank vessels in waters east of New Dungeness Light/Discovery Island Light will occur in the critical habitat of endangered southern resident orcas. Any increase in underwater noise may compromise their ability and opportunity to feed.

As the scope of work notes, ESHB 1578 Section 3(5) states that "to inform rule making, the board of pilotage commissioners must conduct an analysis of tug escorts using the model developed by the department of ecology under section 4 of this act." While the research questions outlined on page 2 of the scope of work are a promising start for guiding that analysis, they are incomplete: they neglect to consider potential underwater noise considerations resulting from the use of tug escorts.

The omission of underwater noise from this scope of work is inconsistent with both the letter and the spirit of ESHB 1578. ESHB 1578 Section 3(6) states that "Considering relevant information elicited during the consultations required under this subsection, the board of pilotage commissioners must also design the rules **with a goal of avoiding or minimizing additional underwater noise** from vessels in the Salish Sea." If the Board of Pilotage Commissioners are to design rules that avoid or minimize underwater vessel noise – as the law requires – then we encourage Ecology to include underwater noise from tug escorts in this scope of work. To wit, Ecology's 2018 "Report of Vessel Traffic and Vessel Traffic Safety: Strait of Juan de Fuca and Puget Sound Area" recognized that escort tugs

would increase underwater noise during each vessel's return to their point of origin (if not hired for other duty for the return leg), while fortunately those escorting a laden tank vessel at close proximity would add negligible underwater noise due to the acoustic "cloaking" of the louder adjacent tank vessel.

Thus we hope that the SOW for the model can include provisions that acknowledge the need for simulation attributes that allow assessment of potential noise-mitigation measures like: having outbound and returning tugs slow down or change course when notified of Southern Resident sightings via the Whale Report Alert System (analogous to how tugs in the northern Strait of Juan de Fuca show high compliance with the voluntary slow down measures of the ECHO program); or assessing the potential for tugs to make return trips in association with other vessels (like a convoy); and other alternatives.

More generally, we observe that ESHB 1578 emerged directly out of recommendations made by the Governor's Southern Resident Orca Task Force. Consequentially, the objective of this law – as stipulated in its title – is to reduce "threats to southern resident killer whales." The task force recommendations sought to achieve four goals, one of which was to "Decrease disturbance of and risk to Southern Resident orcas from vessels and noise and increase their access to prey." Research from NOAA Fisheries' Northwest Fisheries Science Center, including a paper published as recently as last month in *Marine Environmental Research*, has consistently found that vessels and their sounds reduce prey capture effort by endangered killer whales. It is critical, therefore, that rules made with the intention of reducing threats to southern residents – including those for tug escorts – incorporate efforts and measures to reduce the potential exposure of Southern Residents to underwater noise.

Puget Sound Partnership is grateful for Ecology's hard work and willingness to solicit feedback. More specifically, we are glad to see that this scope of work – along with the scope of work for a potential emergency response towing vessel – includes robust outreach to tribes and other stakeholders as well as various outreach activities throughout the process. We look forward to continuing to engage as we work together to recover Puget Sound and its imperiled species.

Please do not hesitate to reach out with any questions.

Sincerely,

Todd Hass, PhD

cc: Jaimie Bever, Executive Director, Board of Pilotage Commissioners