



999 N. Northlake Way  
Suite 223  
Seattle, WA 98103

PHONE: 206.406.3922  
EMAIL: [pschrappen@americanwaterways.com](mailto:pschrappen@americanwaterways.com)

Peter J. Schrappen, CAE  
Vice President – Pacific Region

April 5, 2023

Kim Morley  
Spill Prevention, Preparedness, and Response Program  
Washington State Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600

Re: Rulemaking to amend Chapter  
363-116 WAC, Pilotage Rules

Dear Ms. Morley:

The American Waterways Operators (AWO) is the tugboat, towboat, and barge industry's advocate, resource, and united voice for safe, sustainable, and efficient transportation on America's waterways, oceans, and coasts. Our industry makes up the largest segment of the U.S.-flagged domestic maritime fleet and represents the most sustainable mode of freight transportation, producing 43 percent less greenhouse gas emissions than rail and more than 800 percent less than trucks. On behalf of AWO's more than 300 member companies, we appreciate the opportunity to comment on the scope of the environmental impact statement (EIS) required as part of the rulemaking to amend Chapter 363-116 WAC, Pilotage Rules.

Washington state is an important hub for marine transportation on the West Coast. Fifteen AWO member companies are headquartered in Washington, with more operating throughout the state's waterways. The tugboat, towboat and barge industry contribute \$6.1 billion annually to the state's economy, moving over 119 million tons of freight and supporting 22,500 jobs. AWO has worked collaboratively with the Department of Ecology (ECY) over the years on a range of policy issues and has served as an industry representative on the Oil Spill Rulemaking Advisory Committee, the Columbia River Vessel Traffic Management and Safety Assessment Working Group, and the Southern Resident Killer Whale Task Force. AWO is also part of the Board of Pilotage Commissioners' (BPC) Oil Transportation Safety Committee. This body provides guidance on the implementation of towing vessel escort laws under ESHB 1578, which requires tug escorts for articulated tug barges (ATBs) and certain towed vessels.

Throughout our 79-year history, AWO has been a leader in maritime safety and sustainability, working with government and private sector stakeholders to ensure safe, sustainable, and environmentally sound navigation. AWO members remain committed to implementing

effective and appropriate risk mitigation measures while operating in Washington state waters. In that spirit, we provide the following recommendations:

Include vessel impact and out-of-scope elements in the EIS

1. ECY and BPC are required to consider a risk model analysis in the final tug escort rulemaking<sup>1</sup>. Legislation requires that the model consider changes in vessel traffic, commodities transported, and vessel safety. Increased risk in any of these categories could affect air and water quality, natural resources, environmental health, and transportation, all of which are considered environmental impacts under the State Environmental Policy Act (SEPA). AWO recommends ECY and BPC include these vessel-specific inputs in the appropriate SEPA sections.
2. The following topics were considered out of scope in the initial oil spill risk assessment:
  - a. Underwater noise and its impacts to marine life
  - b. Vessel traffic impacts to established treaty fishing areas
  - c. Estimated expected costs and benefits
  - d. Air emissions from tug escorts
  - e. Tug escorts for vessels specifically excluded in RCW 88.16.260

ECY and BPC should include these considerations in the EIS to more comprehensively identify significant adverse impacts and possible ways to mitigate them.

Do not treat Puget Sound as one monolithic body of water

1. The geography of North Puget Sound is vastly different than South Sound in terms of channel width, depth, and vessel movement. In areas with deeper fairways, wider channels or less vessel traffic, there is a lower spill risk than in places with narrower straits or higher traffic. ECY and BPC should not assume all parts of the Puget Sound have the same marine geographic characteristics and require the same safety measures. AWO recommends ECY and BPC consider North and South Puget Sound separately in the EIS in order to identify the impacts the rule will have in these specific areas.
2. The scoping notice states that the rulemaking will:
  - a. Consider existing tug escort requirements applicable to Rosario Strait and connected waterways to the east<sup>2</sup>.
  - b. Describe requirements for certain vessels operating in the waters east of the line extending from Discovery Island light south to New Dungeness Lighthouse and all points in the Puget Sound area.

---

<sup>1</sup> RCW 88.46.250

<sup>2</sup> This is defined by the Board of Pilotage Commissioners to be all connected channels, waterways, bays and anchorages East of Rosario Strait and north of 48° 30.0' N Latitude. These waters include but are not limited to Guemes Channel, Bellingham Channel, the channels around Sinclair, Vendovi and Saddlebag islands as well as Bellingham Bay, Samish Bay, Padilla Bay and Fidalgo Bay. This is different from the VTS Special Area (33 CFR 161.5).

- c. Describe exemptions to tug escort requirements, including whether certain vessel types or geographic zones should be precluded from the escort requirements.

Each of these areas have unique geographic characteristics. ECY and BPC should create a final rule that is tailored to the location-specific risks of each geographic area.

#### Tug escorts are already low impact

The BPC's Vessel Traffic Trends study<sup>3</sup> found that, under the new rule, there could be a 50 percent increase in tug escort activity. AWO has identified the following issues this change could have on the regulated areas:

1. Increased vessel activity that tightens navigation channels and increases the risk of collisions, putting both mariners and the environment at risk.
2. Increased emissions caused by more vessels working within the regulated areas, as well as slower movement into ports and increased idling times that contribute to near-shore emissions.
3. Increased underwater noise, which is contrary to the state's goal of reducing threats to Southern Resident Killer Whales.

At the same time, ECY's preliminary results from the Tug Escort and ERTV Analyses also found that:

1. Additional tug escorts for tank vessels between 5,000 and 40,000 deadweight tons (DWT) provided a zero percent reduction in spill risk.
2. Expanding escort requirements increased underway time by 263 percent<sup>4</sup>.

Taken together, these impacts suggest that implementation of the proposed tug escort rules could increase certain safety and environmental risks in Puget Sound by increasing vessel traffic, without meaningfully reducing the likelihood of a catastrophic oil spill. We urge DOE and BPC to carefully assess the cumulative environmental impact the rule will have.

#### Conclusion

The tugboat, towboat and barge industry has a long history of transporting oil in Puget Sound safely and without environmental incidents. We are committed to continuing and building on this strong safety record in collaboration with BPC and ECY. We look forward to working with the agency, commission, and Oil Transportation Safety Committee throughout this process.

Sincerely,



Peter Schrapfen, CAE

---

<sup>3</sup> *Synopsis of Changing Vessel Traffic Trends: ESHB 1578 – Reducing Threats to Southern Resident Killer Whales by Improving the Safety of Oil Transportation* (December 2021).

<sup>4</sup> Scenario 3 full study area

Vice President – Pacific Region  
[pschrappen@americanwaterways.com](mailto:pschrappen@americanwaterways.com)