



Washington Oil Spill Advisory Council



Working Together
to Improve Washington's Oil Spill Program
for Washington's Marine Ecosystems

Program Outline

Presentations by Council

- **Council History & Highlights of Work-**
Maura Brueger, Vice Chair; Office of King County Executive Ron Sims
- **Council's Work Plan-**
Kathy Fletcher, Executive Director, People for Puget Sound
- **Council Current Gap Analysis Study-**
Jacqui Brown Miller, Executive Director
- **Neah Bay Tug-**
Brett Bishop, Little Skookum Shellfish
- **Federal Strategy & JLARC Study-**
Kevin Ranker, San Juan County Commissioner
- **Question and Answer period**

History of the Washington Oil Spill Advisory Council



Maura Brueger

Point Wells Oil Spill - Zero Spill policy adopted.

- In late 2003 at Point Wells, oil transfer from on shore facility to barge: 4,800 gallon spill; significant damage to a sensitive estuary habitat and tribal cultural areas.
- In 2004 the Legislature passed a bill calling for a “zero spills” strategy and prevention measures during fuel transfers (such as pre-booming).

The Creation of the Oil Spill Advisory Council



DALCO PASSAGE

Oil Spill at Dalco Passage

- In October 2004, a mystery vessel spilled about 1,000 gallons of oil into Dalco Passage late at night and did not report it. At 1 a.m. a tugboat captain reported the spill; yet response not underway until late afternoon. The spill oiled 21 miles of shoreline.
- Citizen groups argued:
 - This revealed the inadequacy of our prevention and response measures.
 - those who endure persistent oil spill threat and have most to lose also have least to say about regional oil spill policies.
- The Legislature agreed and created an Independent Council with citizen oversight role.
(RCW 90.56.120)

Council Composition

- Non-voting Chair – Mike Cooper
- Environmental Reps (3)
- County Government Reps (3)
- Marine Trade Reps (2)
- Tribal Reps (2)
- Commercial Shellfish Growers Rep (1)
- Commercial Fishing Rep (1)
- Public Ports Rep (1)
- Oil Facilities Rep (1)
- Marine Labor Rep (1)
- Marine Recreation Rep (1)
- Shoreline Interests Rep (1)
- Tourism Rep (1)



Role of the Council

Legislature Tasked Council with Eight Substantive Functions (RCW 90.56.130)

Two of these are:

- Early consultation with government decision makers re: oil spill prevention, preparedness, and response programs, analyses, rule making, and oil spill activities.
- Provide independent advice, expertise, research, monitoring, and assessment of improvements to spill prevention, preparedness, and response programs, analyses, rule making, and other decisions.

Annual Report Due

- The Legislature required the Council to:
 - Deliver a one-time report to the Governor and Legislature with recommendations for long-term and sustainable funding of:
 - The Council's activities
 - The State's oil spill preparedness, prevention, and response programs
 - Deliver an annual report to the Governor, Legislature, and Ecology recommending ways to continually improve the state's oil spill prevention, preparedness, and response program.

Today we are unveiling our 2007 Annual Report

It is being distributed to legislative offices today.

We have extra copies here, along with copies of two studies commissioned by the Council this year and informational materials about the Council.

2006 Annual Report

- Recommendations for programmatic changes:
 - Permanently station year-round tug at Neah Bay.
 - Create Ecology-managed tug fund to place rescue/response tugs in other critical locations.
 - Eliminate back-log of derelict vessels
 - Thank You Legislature for critical first steps! 😊
 - Provide sufficient funding for Council to achieve ambitious assignments given by Legislature.
 - Enact sustainable funding of WA oil spill program, including Council.

2006 Annual Report

- Recommendations for funding:
 - Eliminate loopholes allowing oil transported out of state to avoid barrel-tax.
(\$5.1 million/biennium)
 - Eliminate reduction in barrel tax that occurs when Oil Spill Response Account reaches a certain level.
(\$2.8 million/biennium)
 - Enact a small oil-transfer fee on fuel transfers on, near, or over state waters currently served by DOE's oil spill program. Cost spread across all sectors.
(\$10/ biennium)

Council's Work



Kathy Fletcher

Studies Suggested in 2006 Report

1. Study to determine areas for programmatic improvements to address underlying root causes of mishaps.
2. Additional rescue/response tugs as risk interventions in key locations.
3. Sufficiency of current escort tug regulations re: human factors leading to spills.

2007 Work Plan

- Ecology's Contingency Planning Rule Implementation
- Ecology's Oil Transfer Rule Implementation (Pre-booming Safe & Effective determinations)
- Study of Towing Practices- oil laden barges off West Coast

. . . . 2007 Work Plan

- Olympic Coast Marine Sanctuary - ATBA compliance loophole- "empty" v. "carrying cargo"
- Coordinate w/ the Puget Sound Partnership and other stakeholder groups

Follow-up from 2007 Fed-State Oil Spill Summit

- Culmination of six-month collaborative process, Governor Gregoire and Admiral Houck signed MOA re: partnership between Washington and US Coast Guard.
- Provides for development of specific protocols governing shared work of Coast Guard and WA.



Subcommittee Work



- Preparedness and Response
- Prevention
- Restoration, Remediation, and Recovery
- Public Outreach

Preparedness and Response Committee

- Capacity study to determine WA's ability to respond to a catastrophic oil spill.
- Coordinate with Prevention Committee on similar issues- e.g. oil transfer rule and rule implementation.
- Ecology's Contingency Planning Rule and Rule Implementation Process.

Prevention Committee

- Review use of escort tugs, manning issues re: articulated and integrated tug/barge systems.
- Shipping Lane Issues.
- Review Ecology's oil transfer rule and rule implementation process.

Restoration, Remediation, and Recovery Committee

- Work with WDFW to improve its Wildlife Rehabilitation Program.
- Evaluate methods of calculating natural resources damages assessments.
- Geographic Response Plans.

Public Outreach Committee

- Conduct public education on the Council's work and oil spill issues.
- Attend local and regional workshops, events, and seminars put on by other organizations.
- Work with other agencies and stakeholder groups:
 - Northwest Area Committee
 - Puget Sound Partnership
 - Puget Sound Harbor Safety Committee, etc

"Gap Analysis" Study



Jacqui Brown Miller

The Goal

Council hopes to identify areas where programmatic improvements would be useful in further reducing risk of incidents that lead to oil spills.

Programmatic Improvements to Address Root Causes - Phase 1

- Primary Findings:
 - Most mishaps from organizational/management failures re:
 - Policies/ procedures, maintenance, equipment, personnel, and training on:
 - Cargo ships, fishing vessels, tank ships, and barges.
 - Associated w/ movement of oil including:
 - Bunkering/fueling, loading/discharging cargo, conducting transfers; or
 - Loss of propulsion; or
 - Equipment failure.

Programmatic Improvements to Address Root Causes - Phase 2

- Will examine:
 - All organizational/ management failures addressed in Phase 1, identified as primary root causes and secondary contributing factors for:
 - Mishaps during transfer of oil, loss of propulsion, equipment failure, fire/explosion, loss of power/steering, navigation/ship handling, structural failure, seaworthiness for service associated w/:
 - Cargo ships, fishing vessels, tank ships, barges, tugs, dredges, bulk carriers, ferries, and passenger ships.

Dedicated Rescue Tug at Neah Bay



Brett Bishop

Dedicated Rescue Tug

- Council recommendation:
 - Fully-funded, year-round “Straits and coastal Waters Prevention Response/Rescue Tug,” at or near Neah Bay, WA to:
 - Stand-by and respond to, when needed, providing emergency towing services for disabled /drifting vessels in order to prevent pollution events.
 - State-of-the-Art Capabilities:
 - Power, maneuverability, and deck configuration to respond even in extreme weather.

Station Permanent Rescue Tug @ Neah Bay

- Recommendation not adopted by WA Legislature during 2007 session.
 - Instead, pursue “federal strategy.”
- Current funding sunsets on June 30, 2008.

Current Tug Contract

- Tug scheduled to be on station from October 1, 2007 until the \$1.45 million FY-08 appropriation is spent– sometime between mid-March & early April, 2008.
- How many rescues since its inception?
 - **34** spills possibly prevented.

Funding Issues and the Federal Strategy



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Kevin Ranker

Federal Strategy

- Federal Strategy means a Senator Cantwell sponsored federal funding solution for:
 1. Neah Bay Tug
 2. Oil Spill Advisory Council
 3. Contingency Tug Fund
- But, nothing else
(e.g., not Ecology's projected budget shortfall)

Tug under Cantwell Bill; Permanent, Enhanced, year round !

- Senator Cantwell bill introduced:
 - Amends 33 USC 1321 (j)
 - Requires CG to station year-round tug w/
 - minimum of 70-tons bollard pull in entry to Strait, and
 - Capable of providing rapid assistance & towing in severe weather.

How Cantwell Funds the Tug

- Those required to complete federal oil spill response plans must fund tug from joint resources
 - Plan holders must negotiate / adopt cost-sharing formula & payment schedule by June 1, 2008.
 - If they fail, CG to do it by same date.

Tug is over on June 30 without Federal Strategy

Why the June 1 deadline in the Cantwell bill?

- Current state funding sunsets June 30, 2008.
- No fed funding + sunset = NO TUG - even seasonally with existing capabilities.
- If Cantwell bill appears to not be doing well before end of next session, Council strongly urges Legislature to act and fund an enhanced year-round tug.

Federal Strategy for Council Budget

- \$1 million / year was in draft Cantwell bill.
- But, not present in CG reauthorization bill.
- So, for Council to fulfill ALL duties in RCW 90.56.130(1), additional state dollars needed.

Council Budget Needs

Current Council Budget:

- **\$715,000** for 07-09 biennium.

Consultant found Council's modest needs are:

\$1,755,568 / biennium.

By Comparison, biennial budgets of:

Prince William Sound RCAC = **\$6,039,288.**

Cook Inlet RCAC = **\$1,640,000.**



Federal Strategy for Contingency Tug Fund

- This is a tug fund of \$1 M / biennium for as-needed rescue tugs in strategic locations.
- Not addressed by Cantwell bill or by WA Legislature in last session.
- Will only be created if WA acts.

Other issues

Ecology's Funding Shortfall

- OSPA balance at end of current biennium could be \$847,000... could be \$0 (if unbudgeted refunds go out).
- Ecology predicts significant revenue shortfall in 09-11 biennium because current level expenditures have risen to exceed revenue.
- Ecology wrote: OSPA is insolvent. We are mining fund balance carried forward from previous years.
- Ecology cites need to fundamentally change tax structure.
- Ecology suggests interim solution of setting aside \$1 million / biennium as a reserve.

How Council suggested State fund Ecology and other spill program pieces.

- Recap of Council 2006 Recommendations:
 - Eliminate export credit
 - Leave barrel tax at the set rate by eliminating barrel tax reduction when OSRA reaches \$9 million.
 - Increase amount of barrel tax and tie to inflation.
 - Create an oil-transfer fee on fuel transfers on, near, or over state waters.
 - Cost is spread across all sectors.

JLARC Oil Spill Risk Analysis Study

Legislative Mandate (2SHB 1488)

- *Task*

- Examine funding mechanism for oil spill prevention and response programs.
- Compare sources of oil spill risk with the funding mechanism.

- *Schedule*

Start project November 2007;
Preliminary report September 2008;
Final report presented October 2008.

The Critical Importance of Citizen Oversight

Governor

Christine Gregoire:

"It's so important. Only if public engagement continues are we going to make sure we don't have complacency [;] The public has to be engaged and involved..."

Washington Oil Spill Advisory Council



Thank You

