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DEPARTMENT OF ECOLOGY

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November 25, 2020

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B.C. Environmental Assessment Office
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Global Container Terminals Deltaport Expansion Berth Four Project

Dear Review Panel,

Thank you for the opportunity to provide a written comment submission regarding the Global Container Terminals (GCT) Deltaport Expansion Berth Four Project (DP4). The Department of Ecology (Ecology) is Washington's environmental protection agency. Our mission is to protect, preserve, and enhance Washington's land, air, and water for current and future generations. This is the first written submission Ecology has provided for the DP4.

The DP4 will add capacity to the number of vessels calling to port at this terminal. While the DP4 estimates only a slight increase in vessel callings, it is important to remember the Salish Sea is already heavily trafficked by vessels calling to port in both Canada and Washington. With multiple projects approved or under review, consideration of the cumulative impacts of current and future projects is crucial. The Salish Sea is a biologically rich ecosystem with significant natural, cultural, and economic resources. It is home to numerous federally recognized Tribal Nations with treaty reserved aboriginal fishing and hunting rights. Ensuring protection of these rights and resources should be priority.

The following are Ecology's recommendations for consideration to help address some of these concerns.

Recommendations

1. Tug escort requirements for large non-tank vessels over 125,000 DWTs

The Incident Project Description (IPD) for the DP4 estimates an increase in vessel size for vessels calling to port at this terminal. The IPD predicts by 2035, 25 percent of vessels will be Ultra Large Container Vessels (ULCV). These vessels are over 125,000 DWTs. Potential safety considerations with vessels of this size include additional fuel capacity, greater draft which can limit under-keel clearance, reduced maneuverability, greater momentum, and a larger “sail area” with implications for a vessel’s handling characteristics and potential drift rate.

Ecology recommends tug escorts for all large non-tank vessels over 125,000 DWTs. Requiring an assigned and dedicated tug escort(s) that remains in close proximity for timely and effective response will ensure reduced risk of an oil spill, protecting Southern Resident Killer Whales (SRKWs), fishing livelihoods, and the economy.

2. Additional vessel safety measures

In Washington State between 1999 and 2018, 85 percent of vessel incidents were caused by human and organizational errors. Some of these factors include inattention, poor equipment design, judgment, poor oversight, and inexperience.

Ecology recommends additional consideration into voluntary safety measures for containerships docking at this terminal. Further evaluation should be conducted to determine ways to enhance safety and therefore decrease the likelihood of accidents. Consider coordinating with the Pacific Pilotage Authority to determine whether the addition of a second pilot would improve safety on transits of these vessels.

We encourage GCT to continue to be a part of the Green Marine certification program. Participation in this program ensures continual improvement towards a reduced impact on the environment.

3. Participation in Reciprocal Arrangement Agreements

Vessels moving in and out of shared Washington and Canadian waters can have Reciprocal Arrangement Agreements, which provides vessel coverage for contingency plans to ensure if an oil spill does occur, each vessel is prepared to respond whether it is in the water of its designated port or not. This ensures a rapid response to oil spills for Canadian tanks ships in route through Washington waters and vice versa.

We applaud GCT for already having contracts with Quantum Murray Environmental and Western Canada Marine Response Corporation to ensure a continual 24-hour response to any hazardous spill.

GCT should also consider including requirements for all containerships docking at DP4 to participate in the Reciprocal Arrangement Agreements between Western Canada Marine Response Corporation, the Washington State Maritime Cooperative, and the National Response

Corporation.^{1,2} By only accepting containerships with these agreements, DP4 will be prepared for a rapid response to a spill incident. Additionally, DP4 should strive towards transboundary collaboration to ensure oil spill response plans are following best practices. Working across borders ensures a rapid, aggressive, and well-coordinated response.

4. *Reduction of vessel noise to mitigate impacts to Southern Resident Killer Whales*

The vessels that will be transiting to and from the DP4 will produce underwater noise pollution during both construction and operation of the project. The entire area of the project, including the marine shipping lanes to Buoy J, represent critical habitat for SRKWs. SRKWs may experience low to moderate severity in behavioral responses from underwater noise and are considered more vulnerable due to their endangered status.

According to the Enhancing Cetacean Habitat and Observation (ECHO) Program, a reduction in vessel speed is effective in reducing all broadband frequencies measured for bulk, container, cruise, tanker, and vehicle carriers. Ecology recommends the DP4 participate in the ECHO Program, encouraging vessels calling on their port to reduce vessel speed in critical SRKW habitat, during sightings of SRKWs, or during seasons when they are present.

Additionally, the *Southern Resident Orca Task Force Report and Recommendations* outlines specific conclusions regarding vessel speed for certain areas of the Salish Sea.³ Reducing vessel speed in critical SRKW habitat decreases the impact of underwater vessel noise on this endangered species' ability to forage, rest, and socialize.

We urge the DP4 to identify critical zones along vessel shipping routes to and from the proposed terminal. Further analysis of areas that would benefit from exclusion of vessel traffic or a slower speed is needed. When SRKWs are present, any vessel transiting to and from the project should practice slower speeds, ensuring protection of these endangered species.

The DP4 should also consider alternative measures to ensure a reduction in vessel noise pollution. This may include educational programs for vessel owners transiting to the terminal about process improvements, vessel upgrades, or other emerging technologies that may mitigate vessel noise pollution.

¹ National Response Corporation. (2019). NRC & WCMRC reciprocal arrangement agreement. [Web page]. Retrieved from the National Response Corporation website: <http://nrcwaplan.nrcc.com/WCMRC>

² Washington State Maritime Cooperative. (2017). Canadian arrangement. [Web page]. Retrieved from the Washington State Maritime Cooperative website: <https://wscoop.org/canadian-reciprocal-arrangement-agreement>

³ Southern Resident Orca Task Force. (2019). *Final report and recommendations*. Retrieved from https://www.governor.wa.gov/sites/default/files/OrcaTaskForce_FinalReportandRecommendations_11.07.19.pdf

5. *Evaluate the effectiveness and funding of an emergency response system*

The vessels calling to port at the DP4 will be traveling through marine shipping lanes from Buoy J, passing through Haro Strait and Boundary Pass. Haro Strait and Boundary Pass are characterized as having narrow geographic features, fast flowing currents, and are complex to navigate.

In 2019, Ecology published the *Report of Vessel Traffic and Vessel Traffic Safety: Strait of Juan de Fuca and Puget Sound Area*, which recommended further evaluation on the effectiveness of an emergency response system.⁴ Review of existing studies and analyses suggest stationing an Emergency Response Towing Vessel (ERTV) near Haro Strait and Boundary Pass would reduce the risk of oil spills, yet further evaluation is still needed. However, the majority of inbound and outbound vessel traffic in this area is to and from Canada and would therefore benefit Canadian vessel traffic in times of distress.

Ecology urges our Canadian partners to collaborate with and engage in international discussions among federal, state, provincial, First Nations, federally recognized Tribes, and industry leaders in the United States and Canada in evaluating the effectiveness of and agree on an emergency response system. By working together, a solution that works for all of us can be established. We encourage the DP4 to engage early in these discussions, before project approval.

6. *Pay-in for the Neah Bay Emergency Response Towing Vessel*

The existing ERTV in Neah Bay, operating at the entrance of the Strait of Juan de Fuca has been in place since 1999. Having this ERTV in place provides a crucial safety net for disabled tank ships and tank barges from vessel emergencies in one of the busiest shipping lanes in the world. Originally, Washington State assumed financial responsibility for the ERTV in 2000. In order to ensure the permanent protection of the Strait of Juan de Fuca and Washington's outer coast, and to shift the financial responsibility of the program from the taxpayers to the maritime industry, in 2010 the Washington State Legislature required the vessel maritime industry to fund this ERTV. This funding requirement does not include vessels traveling to and from Canadian ports. However, the ERTV allows for assistance of Canadian vessels in distress. Since 1999, this ERTV has assisted 24 vessels traveling to and from Canada, but received no financial assistance to do so. Ecology urges GCT to aid in funding of this ERTV as a part of the ERTV system of vessels for the outer coast, Strait of Juan de Fuca, and the Salish Sea.

Vessels calling to port for the DP4 will be transiting through the Strait of Juan de Fuca. If a vessel emergency were to arise, the Neah Bay ERTV would be available and ready to assist these vessels. Historically, this invaluable prevention asset has been used to assist Canadian vessels, even tank ships, in distress, even though these vessels are not obligated to, and do not, pay in advance to maintain this safety net.

⁴ Washington State Department of Ecology. (2019). *Report of vessel traffic and vessel traffic safety: Strait of Juan de Fuca and Puget Sound area* (Publication No. 19-08-002). Retrieved from Access Washington website: <https://fortress.wa.gov/ecy/publications/SummaryPages/1908002.html>

7. Tug escorts for containerships without independent fuel tanks

Regulation 12a of the International Convention for the Prevention of Pollution from Ships (MARPOL) requires vessels with an aggregate oil fuel capacity of 600m³ or more to have independent fuel tanks from the hull.⁵ This requirement reduces the outflow of oil from fuel tanks, therefore reducing the risk of a spill. Although this regulation is required in Canada, with the phasing out of older vessels, full implementation of this regulation will not take place until 2030. With vessel sizes predicted to increase, this gap in implementation poses heightened risk of an oil spill.

Ecology recommends tug escorts for containerships in non-compliance of the IMO.⁵ Filling this gap provides faster assistance in time of distress and response to potential oil spill incidents. Alternatively, the DP4 can require that only vessels in compliance with this regulation call upon their port. This may encourage a faster phase out of vessels in non-compliance.

8. Ensure Tribe and First Nation rights and resources are a priority

Multiple federally recognized Tribes and First Nations rely heavily on the resources provided by the Salish Sea. Increasing the number of vessels traveling from Buoy J to the project may have an impact on cultural and historical resources, and the availability of fishing time and space. Additionally, a potential spill could have a devastating impact to not only these resources, but also to resources along the coastlines.

Ecology strongly encourages meaningful engagement and collaboration with all First Nations that may be impacted by the approval of this project. GCT is encouraged to reach across the border, and engage and collaborate with federally recognized Tribes here in Washington State.

9. Provide an extensive focus on the cumulative impacts of this project

With the approval and review of multiple projects within Canada, it is crucial to consider how current and future projects will have a cumulative impact on the Salish Sea. Although this is specified in the IPD, Ecology reiterates the importance of not only looking at all of these projects, but also ensuring federally recognized Tribes and First Nations are a central component of this review.

Ecology encourages the review of transboundary effects and how this project will impact the Salish Sea as a whole, not just waters within Canadian boundaries. It is important to remember that our international borders do not confine marine resources, species, and oil spills.

⁵ International Maritime Organization. (2006). MARPOL Annex I [Website]. Retrieved from International Maritime Organization website: <https://www.imo.org/en/OurWork/Environment/Pages/OilFuelTankProtection.aspx>

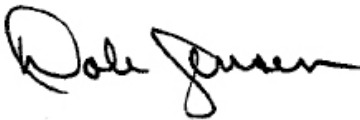
Conclusion

Thank you for taking the time to review our recommendations. Consideration of all of these recommendations will ensure the full scope of concerns from the DP4 are addressed. The Salish Sea is home to ecologically important species and increased traffic from vessels threaten their sustainability. We urge the DP4 to consider additional analysis on

- Tug escort requirements for large non-tank vessels over 125,000 DWTs
- Additional vessel safety measures
- Participation in Reciprocal Arrangement Agreements
- Reduction of vessel noise to mitigate impacts to Southern Resident Killer Whales
- Evaluate the effectiveness and funding of an emergency response system
- Pay-in for the Neah Bay Emergency Response Towing Vessel
- Tug escorts for containerships without independent fuel tanks
- Ensure Tribe and First Nation rights and resources are a priority
- Provide an extensive focus on the cumulative impacts of this project

Ecology appreciates the opportunity to comment on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Jensen". The signature is fluid and cursive, with the first name "Dale" being more prominent than the last name "Jensen".

Dale Jensen
Program Manager
Spill Prevention, Preparedness, and Response Program
Washington State Department of Ecology