



# San Juan County Council

---

350 Court Street No. 1  
Friday Harbor, WA  
98250  
(360) 378 - 2898

District 1, Bill Watson  
District 2, Rick Hughes  
District 3, Jamie Stephens

August 8, 2017

Submitted via the Federal eRulemaking Portal at <http://www.regulations.gov>

RE: Notice of Proposed Rulemaking, "Anchorages; Captain of the Port Puget Sound Zone, WA;" Docket number USCG-2016-0916

To the United States Coast Guard:

Thank you for extending the comment period for this rulemaking. These comments focus on the potential impacts to the Southern Resident Killer Whales (SRKWs) from current and future uses of the proposed anchorage areas.

This rulemaking's *Record of Environmental Consideration for Categorically Excluded Actions* does not adequately address the proposed actions' potential for impacts. Visitors come from all over the world to San Juan County to experience our beautiful marine environment and to see, in the wild, our iconic and beloved orca whales. SRKWs are an economic driver in San Juan County. The SRKWs are one of only eight "Spotlight" species declared by NOAA from their list of 1652 Endangered Species. Of further concern are the results of a recent study that find SRKWs at especially high risk of oil spill impacts.<sup>1</sup>

This rulemaking should require an EIS or Programmatic EIS due to

- "Activities where the effects on the human environment are likely to be highly controversial in terms of environmental impacts or involve unique or unknown environmental risks."<sup>2a</sup> The proposed anchorage areas located in SRKW Critical Habitat Area 1 – Summer Core Area<sup>3</sup> include the proposed Jack Island North Tug and Barge Holding Area and the Jack Island South Tug and Barge Holding Area. These barge holding areas accommodate bunker barges and, unlike the other proposed anchorage areas, are not actively managed by the USCG or any other known entity. A study of a neighboring anchorage area at Vendovi Island provided analysis that stated the risk of oil spills decreased with the reduction of bunkering.<sup>4</sup> One might reasonably expect that an increase in vessel traffic and/or size of ships could increase bunkering operations and thus, increase oil spill risk in these proposed Jack Island anchorage areas.
- "Change in area, scope, type, and/or tempo of operations that would result in significant environmental effects."<sup>2b</sup> The anchorage areas proposed in SRKW Critical Habitat would accommodate an increase in vessel traffic and a corresponding increase in oil spill risk from new or expanding projects such as Tesoro Refinery's manufacture and export of xylene. The changes in ship size such as the projected increase in ultra-large container ships<sup>5</sup> would also potentially increase ship noise impacts to SRKWs.

We support the complete prevention of deep-draft vessels anchoring outside of designated and codified anchorage areas. It is imperative that the USCG follow through with this rulemaking to codify and regulate with monitoring for effectiveness all the US anchorage areas in the Salish Sea (including Puget Sound). This should include a full assessment of all impacts to the quality of the human environment and environmental impacts, as well as accident risk and mitigation measures for oil spill risk.<sup>2c</sup>

Thank you for this opportunity to submit comments and for your attention to all reasonably foreseeable and cumulative impacts to San Juan County from all current and future uses of these proposed anchorage areas.

Sincerely,



Rick Hughes  
Chair, San Juan County Council

---

<sup>1</sup> Rosenberger, A. L. J., M. MacDuffee, A. G. J. Rosenberger, P. S. Ross. 2017. Oil Spills and Marine Mammals in British Columbia, Canada: Development and Application of a Risk-Based Conceptual Framework. *Archives of Environmental Contamination and Toxicology*. 73:131–153 <https://link.springer.com/content/pdf/10.1007%2Fs00244-017-0408-7.pdf> (accessed 7-26-2017)

<sup>2</sup> Department of Homeland Security DHS Directives System. Directive Number: 023-01, Revision Number 01, Issue Date: 10/31/2014. IMPLEMENTATION OF THE NATIONAL ENVIRONMENTAL POLICY ACT, (2a) Section V.D.(3)(a), (2b) Section V.D.(3)(d), (2c) Section V.E. [https://www.dhs.gov/sites/default/files/publications/DHS\\_Directive%20023-01%20Rev%2001\\_508compliantversion.pdf](https://www.dhs.gov/sites/default/files/publications/DHS_Directive%20023-01%20Rev%2001_508compliantversion.pdf) (Accessed 7-22-2017)

<sup>3</sup> Designated Critical Habitat for Southern Resident Killer Whales. November 2006. NOAA Fisheries, Northwest Region [http://www.westcoast.fisheries.noaa.gov/publications/protected\\_species/marine\\_mammals/killer\\_whales/SRKW-CH-Map.jpg](http://www.westcoast.fisheries.noaa.gov/publications/protected_species/marine_mammals/killer_whales/SRKW-CH-Map.jpg) (Accessed 7-25-2017)

<sup>4</sup> van Dorp, J. R., J. Merrick. 2014. 2014 VTRA 2010 Final Report: Preventing Oil Spills from Large Ships and Barges in Northern Puget Sound & Strait of Juan de Fuca. Prepared for Washington State Puget Sound Partnership. <http://www2.seas.gwu.edu/~dorpjr/VTRA/PSP/FINAL%20REPORT/PSP%20FINAL%20REPORT%20033114%20%20WITH%20LABEL%20CORRECTION%20-%20REDUCED.pdf> (See page 125 - Accessed 7-26-2017)

<sup>5</sup> Northwest Seaport Alliance Strategic Business Plan. May 6, 2015: <https://www.nwseaportalliance.com/sites/default/files/update-nwseaportalliancestrategicbusinessplan.pdf> (Accessed 7-26-2017)