

Lovel Pratt

Public testimony provided on 9-24-19.

Okay, my name is Lovel Pratt I'm the marine protections program director at Friends of the San Juans and thank you for providing access to today's hearing via webinar. I want to focus my comments on the wildlife response section of the draft update of the rule. However based on answers to questions at today's hearing and also last week in Everett I want to just touch on one point. I'd ask that the rule document fully address all the potential costs of a worst-case nonfloating oil spill and specifically address both the federal liability limits and Washington State's financial responsibility limits. The answers provided by staff today were technically correct, but I feel they didn't fully address Washington state's financial responsibility limits [indiscernible] the funds that are required under federal liability limits and Washington state's financial responsibility limits and the additional funds available in the event of a spill. While those amounts appear to be sufficient to address the cost of a worst-case spill, we do a comparison to the cost of a nonfloating oil spill that took place in 2010 in the Kalamazoo River and we compare that to worst-case spill volume for spills here in Washington state, I think we would find there is a significant gap between those funds available and what the cost could be of a nonfloating oil spill here in Washington. And I would hope that the final documents for the rulemaking fully address all of the information. So, moving on to the updates to the wildlife response section, I want to thank you for addressing that section of the rule. It's very important that the section be updated. But I have some concerns with the current draft of the rule. I'm concerned that there's not enough detailed information and there's not a requirement for year-round available personnel and equipment as well as accelerated timeframe to ensure that oil spill contingency plan holders are prepared to effectively implement wildlife response operations in a worst case spill. In the current draft there is a requirement for two wildlife response personnel to arrive within 12 hours of a spill to conduct all the various wildlife response operations with an additional seven personnel to arrive within 48 hours. There is no correlation between what's listed as the spill in terms of personnel and equipment and ensuring to the public that this would be sufficient for an effective implementation of wildlife operations in the event of a spill. And then specifically under WAC 173-182-540 (2)(c)(ii), I think it is great that the draft update specifically addresses southern resident killer whales. They are critically endangered and we saw in the Exxon Valdez oil spill up in Alaska the orcas [indiscernible] who were in the vicinity of the spill were significantly impacted by the spill. One species of orca is effectively extinct with just a few remaining members and no increase in population since that spill 30 years ago. And so it is great that this current update includes deterrence operations. However, I'm concerned that again I think it is important that we look at identifying the vessels to conduct a deterrence operation throughout the state for example down there at the mouth of the Columbia River it is documented that killer whales will spend time there feeding on the Chinook coming out of the Columbia River [indiscernible]. So they are spending time throughout the state, not just within the Salish Sea right now the southern residents are down in Puget Sound. I think it is important to look at resources for deterrence operations throughout the state and also I would urge you to, unless you're going to require specifically trained professional whale scientists and naturalists who can identify southern resident killer whales, I think it is appropriate to require deterrence operations for all killer whales, just because if you don't have those specialists who can identify them you want to make sure that the [indiscernible] killer whales you are targeting are in fact southern residents as a whole, better than just to target all killer whales and then you are assured of also deterring some of the resident whales specifically.

