



**KAWERAK, INC.**

REPRESENTING

**Brevig Mission**

*Sitaisaq*

**Council**

**Diomedede**

*Injalig*

**Elim**

*Niviarcaurluq*

**Gambell**

*Sivuqaq*

**Golovin**

*Chinik*

**King Island**

*Ugiuvak*

**Koyuk**

*Kuuyuk*

**Mary's Igloo**

*Qawiaraq*

**Nome Eskimo**

*Sitnasuak Inuit*

**Savoonga**

*Sivungaq*

**Shaktoolik**

*Saktuliq*

**Shishmaref**

*Qikiqtaq*

**Solomon**

*Anjuutaq*

**St. Michael**

*Taciq*

**Stebbins**

*Tapraq*

**Teller**

*Tala*

**Unalakleet**

*Unalaqtiq*

**Wales**

*Kinigin*

**White Mountain**

*Igaluik /*

*Nutchirviq*

RESOLUTION # 2019-13

A RESOLUTION RECOMMENDING CHANGES TO ALASKA'S ADMINISTRATIVE CODE AND THE ALASKA STATUTES REGARDING OIL DISCHARGE PREVENTION AND CONTINGENCY PLANNING

Whereas, Kawerak, Inc. provides services to more than 7000 tribal members in the communities of the Bering Strait region which include: Brevig Mission, Council, Diomedede, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, Savoonga, Shaktoolik, Shishmaref, Solomon, Stebbins, St. Michael, Teller, Unalakleet, Wales and White Mountain; and

Whereas, the Bering Strait region encompasses 28,278 square miles, of which 22,962 is inland and the remaining 5,319 square miles is coastal land with the majority of our communities located in coastal areas; and

Whereas, with the opening of the Northwest Passage (Bering Sea, Bering Strait, Chukchi Sea and Beaufort Sea), our area over the past five years has experienced a 400% increase in marine vessel traffic through the Bering Strait waters; and

Whereas, Kawerak acknowledges that our region is not prepared for or capable of a quick response to a large oil or hazardous substances spill; and

Whereas, Kawerak has reviewed the Alaska Statute 46.04 and Alaska Administrative Code 18 AAC 75 Art 4 regarding Oil Discharge Prevention and Contingency Plans; and

Whereas, we recommend that both 18 AAC 75 Art. 4 and AS 46.04 remain largely unchanged with the exception of the following additions:

- 1) A subsection that clearly defines the contents of an oil discharge prevention and contingency plan under 18 AAC 75.425.
- 2) A subsection that identifies spill response equipment for vessels that transport oil to rural areas in which city governments are charged with the development of local emergency response plans.
- 3) A courtesy copy of Alaska's Regional Contingency Plan and Arctic and Western Alaska Area Contingency plan be provided to local rural city and tribal governments.
- 4) That response planning include plan implementation standards in all communities that receive oil for storage and sale.

**KAWERAK, INC.**

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Advancing the capacity of our people and tribes for the benefit of the region.

- a) Plan implementation should include local outreach via phone, by mail and in person when fuel delivery is carried out. Implementation can include: preparedness and plan response overview notifying the community of this business' oil spill response capabilities prior to lightering fuel;
- 5) We recommend the Department of Environmental Conservation (DEC) review procedures for oil discharge prevention and contingency plans; new plans, plan renewals and major plan amendments (a)(3) section must include an adequate notification period to allow the public time to provide comment; and

Whereas, Kawerak has reviewed Alaska Statute 46.04 and recommends that this statute remains as-is with emphasis placed on small community/village inclusion; and

Whereas, we recommend statute improvement in the following sections, with DEC revitalizing outreach and maintaining open communications in all facets of oil spill preparedness and planning:

- 1) Section 46.04.020 (f) "Fulfilling its responsibilities under (e) of this section, the department shall consult with the governing bodies of municipalities and villages;
- 2) Section 46.04.200 (c)(1) "consult with municipal, community and local emergency planning committee officials, and with representatives of affected regional organizations"; we ask for clarification from DEC on how this consultation will be carried out, it is apparent that consultation does not currently meet our expectation throughout the state of Alaska; stakeholders in communities that have the potential to be most affected by a large coastal oil spill are included in consultation; and

Whereas, we request that DEC make available the Alaska Regional Contingency Plan as well as the Arctic and Western Alaska Area plan to our communities via USB or hard copy to be mailed to the appropriate local government; and

Whereas, Kawerak supports enhancing Article 1, Oil Pollution Control Section 46.04.030 (e)(1) to define "periodic training" standards that must be met for the development of oil discharge prevention and contingency plans; and

Whereas, we encourage that clear funding sources be identified to further our state's efforts with emergency planning for oil spill preparedness and response for all local communities; and

Whereas, Kawerak would like to request the State of Alaska further review compliance standards for 42 USC 11001-11004, State Emergency Response Commissions regarding "Comprehensive Emergency Planning" for inclusion in Small Community Emergency

Response Planning development so that our communities can be better prepared to respond; and

Whereas, Kawerak encourages the State to review Alaska's Geographic Response Strategy for oil planning and response as an effort to move towards reflecting AS 26.23.071 LEPC boundaries or vice versa; and

NOW THEREFORE BE IT RESOLVED that the Kawerak Executive Committee recommends these additions in both Alaska's Administrative Code and Alaska Statutes to meet the needs of our great State.



Frank Katchatag, Chairman

CERTIFICATION

I, the undersigned Secretary of Kawerak, Inc. hereby certify that the foregoing resolution was adopted by majority vote of the Kawerak, Inc. Board Executive Committee Meeting at a duly called and noticed meeting on December 18<sup>th</sup>, 2019, and that a quorum was present.



Kirsten Timbers, Board Secretary