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Laura J Noland, Planner
Alaska Dep't of Env'tl Conservation
555 Cordova Street, Anchorage, AK 99501

Submitted electronically via Alaska Dep't of Env'tl Conservation's website at:
<https://dec.alaska.gov/spar/ppr/contingency-plans/response-plans/regional-contingency-plan/>

Re: Proposed update of the Alaska Regional Contingency Plan, Public Review Draft June 2021

Ms. Noland,
Ocean Conservancy¹ offers the following comments on the proposed update of the Alaska Regional Contingency Plan, Public Review Draft dated June 2021 (2021 RCP).

Over the past several years, the Area Committee and others have put substantial energy into transitioning Alaska's response planning documents from the old Unified Plan/Subarea Contingency Plans system to the new RCP/Area Contingency Plans system. With that transition substantially complete, we urge the Area Committee to focus on improving outreach, communication and coordination with Tribes, local communities and organizations that possess Indigenous or local knowledge and that would be most directly affected by a spill of oil or hazardous substances. This outreach, communication and coordination should be undertaken in advance, not put off until it becomes necessary during a response situation. Meaningful outreach will require financial investment and staff time from State and Federal agencies.

The 2021 RCP rightfully includes language on tribal response policy, Tribal government roles and responsibilities, and Tribal On-scene Coordinators, and includes a section on Tribal coordination and consultation. However, none of these sections are particularly detailed, and it is not clear the 2021 RCP is sufficient to foster effective coordination in the event of a response incident. The RCP recognizes that a Tribe's involvement "will vary based on resources and capabilities within each tribal government," but offers little evidence that Federal and State agencies will work proactively with Tribes to ensure an effective, coordinated response. Without proactive communication, collaboration and training, State and Federal agencies may not receive the full benefit of Tribal participation in a response, and Tribes may have reduced ability to shape response activities that may affect their members and lands and waters of concern. We urge the Area Committee or Alaska Regional Response Team (ARRT) to expand efforts to work together with Alaska Tribes to maximize coordination and preparedness.

¹ Ocean Conservancy is a nonprofit marine conservation organization based in Washington DC, with Alaska staff located in Anchorage, Eagle River and Juneau. Ocean Conservancy works to protect the ocean from today's greatest global challenges. We create knowledge-based solutions for a healthy ocean and the wildlife and communities that depend on it.

If possible, the 2021 RCP should describe in more detail how Federal and State agencies will work proactively with Tribes and Tribal organizations.²

Apart from Tribes and Tribal organizations, the 2021 RCP should be amended to foster more proactive outreach to and collaboration with local communities, organizations and individuals with local knowledge, and other stakeholder organizations. Current planning processes—such as creation, maintenance and revision of Geographic Response Strategies—appear to fall short in terms of effectively or efficiently soliciting and incorporating stakeholder knowledge in advance of a response event. In an actual response, a Regional Stakeholder Committee (RSC) approach is likely more inclusive than a standard Multi-agency Coordination Committee; the RSC model should be standard.

Appendix I of the 2021 RCP addresses dispersant use. The existing version of Appendix I contains outdated references to subarea plans that have been superseded. In the process of updating Appendix I, the Area Committee or ARRT should also undertake a new public engagement process to assess whether existing dispersant preauthorization areas are still valid and evaluate whether dispersant avoidance areas require adjustment. This public engagement process should solicit feedback from Tribes, Tribal organizations, local communities and maritime stakeholder organizations in addition to the general public.

Appendix II of the 2021 RCP addresses in-situ burning. The link provided guides readers to an advisory note and a second link, which appears to be broken. The Area Committee or ARRT should either incorporate the in-situ burn guidelines directly in the 2021 RCP or provide a functional link directly to the guidelines. To the extent the in-situ burn guidelines have not been updated within the past few years, the Area Committee or ARRT should initiate a public engagement process—similar to the one described above—to determine whether to revise existing guidance.

Appendices III and V of the 2021 RCP addresses guidance both refer to superseded documents including the Unified Plan and subarea plans. The Area Committee or AART should update these references. In doing so, they should consider whether the substance of the guidance itself should be refreshed. The guidelines related to protection of historic properties, for example, are nearly 20 years old. If the Area Committee or AART pursues a substantive update to the guidance, they should do so via a public engagement process similar to the ones described above.

Sincerely,



Andrew Hartsig
Director, Arctic Program

² Ocean Conservancy urges the Area Committee and/or ARRT to give particular consideration to comments from Alaska Native Tribes or Tribal Organizations, and to work closely with them to improve the 2021 RCP and spill planning, prevention and response efforts more broadly.