



"The mission of the Council is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet."

Members

*Tourism
Organizations*

*Alaska Native
Groups*

*Environmental
Groups*

*Recreational
Groups*

*Aquaculture
Associations*

*Commercial
Fishing
Organizations*

City of Kodiak

City of Kenai

City of Seldovia

City of Homer

*Kodiak Island
Borough*

*Kenai Peninsula
Borough*

*Municipality
of Anchorage*

July 27, 2021

Laura J. Noland
Planner
Alaska Department of Environmental Conservation
555 Cordova Street
Anchorage, AK 99501

SUBJECT: Comments on Alaska Regional Contingency Plan, Version 2, Public Review Draft, June 2021

Dear Ms. Noland:

Cook Inlet Regional Citizens Advisory Council (CIRCAC) submits the attached comments on the Alaska Regional Contingency Plan (RCP) that was released for public comment in June.

Our input is based on our organization's extensive experience with Alaska oil spill response planning and policy. We provide these suggestions with the intent to enhance the clarity of the document for response planners and response decision-makers. Additionally, our comments seek to facilitate consistency in the way documents are organized within Alaska and nationally. With this in mind, the enclosed spreadsheet provides a number of suggested areas for improvement. We highlight three of them here:

- The RCP should clearly define the type of content change that warrants a public review, so that changes in policy and substance are not made without that opportunity. We agree that administrative changes should not require a public review. However, there should be clear guidance regarding the type of change that does meet that requirement. Such a definition and its application should err on the side of offering the public a review opportunity. This clarification would eliminate cumbersome review cycles with all proposed changes included in a single review, as was the case for the current public comment period.
- The Regional Stakeholder Committee is a long-standing approach in Alaska that was developed by the Alaskan response community. It is an effective way to bring together a broad array of affected local agencies and other (non-agency) organizations to inform a response. We strongly disagree with the proposed language change that would institute a Multi-agency Coordination group or committee, while familiar to some it is not well defined, has not been used in Alaska for decades, and appears to significantly limit the participants.
- We suggest that future public reviews should not be conducted over the summer. This is a particularly busy time in Alaska and any review required during the summer or early fall should have an extended review period if the timing cannot be altered. While six weeks may be longer than the customary 30-day review period, six weeks in June and July does not facilitate broad public input.

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On behalf of our member entities, CIRCAC extends our appreciation for the effort that has gone into the revision of the RCP and we stand ready to work with you to clarify or address our suggestions and concerns. If you have any questions or wish to discuss this further you may contact our Director of Operations at (907)283-7222 or via email at SteveCatalano@circac.org or I can be reached at (907) 283-7222 or via email at MikeMunger@circac.org.

Sincerely,

P.P. 
Michael Munger
Executive Director

Cc: Graham Wood
Commissioner Jason Brune

	A	B	C	D	E	F
1	Section Number	Title	Page Number	Line Number	Issue	Explanation
2	Various	Various	Various	Various	Numbering scheme should be consistent throughout document	Consistency
3	Overall	Various	Various	Various	Please ensure all requirements of Style Guide are met. Guide "revision 2020," states that it is included in APPENDIX XX of the ARCP but is not in the RCP draft. Please add to final version.	Consistency
4	Overall	Appendices			Recommend including Appendices in this document for review.	Review
5	Acronyms & Abbreviations		1		Add "CY - Calendar Year". Note that "RPM" is used for "Reasonable and Prudent Measures" on p. 40 (line 35) - so suggest removing the acronym from there and just keeping RPM as the "Remedial Project Manager" on the Acronyms list.	Consistency
6	Part One A		5	16-17	This section defines the AMPD, MMPD, and WCD as applied to ACP scenarios. Suggest revising this approach so that spill volumes reflect potential spills based on current operations in the area, e.g., by mirroring the approach used in USCG regulations and other RCP/ACPs in the Lower 48.	Prudent planning should be based on potential spill volumes, which will necessarily change as operations change, not on actual past spills.
7	Part One B, 2, A	Regional Contingency Plan	9	15	Remove 's' from Alaska Regional Response Team(s) and Regional Contingency Plan (s)	There is only one of each
8	Part One B, 2, A		9	table at bottom of page	Consider adding "in-situ burning" to the bullet list of items for which appropriate procedures may be developed.	While there are ISB guidelines at the Regional level, this may still warrant consideration at the Area level. We realize that federal regulations specify the responsibility of Area Committees to address procedures for use of dispersants but suggest this could be considered more broadly if ISB is to be an option as well, since there will be different considerations in different areas (and not all areas would use dispersants, e.g., Inland).
9	Part One C, 5	Geographic Zones	15	13	Add the word "areas" to: "...confused with the four areas represented by the Area Contingency Planning boundaries."	Typo
10	Part One F	Sponsorship Model	22	28	Revise language regarding opportunities for public review to ensure the public and those responsible for the plans (RCP and ACPs) may identify what type of change requires a public review. This applies to both RRT-generated documents and the guidance the RRT gives the Area Committees regarding their documentation.	The plan lacks a clear expectation that the public will have an opportunity with a reasonable timeline to review and provide input to changes in response policy at either the Regional or Area levels. There used to be a flow chart for Unified Plan reviews that served this purpose. This issue also applies to the increasing list of referenced documents, which range from "guidance" to "job aids," and which have uneven - or at least unclear - procedures regarding public review.
11	Part Two B e	RP/PRP Response Policies	27	9	Remove sentence that says "Prevention and response activities begin long before spills."	While prevention is mentioned, it is not the focus of this document. Response planning begins long before spills but not response itself. Consider revising or removing the sentence.
12	Part Two B	Response Policy & Scope	27	19-21	Ensure that language related to notifications is consistent throughout the document and also consistent with Alaska regulations at 18 AAC 75.425(e)(B). Currently, Part Two, Section B(e) only indicates that the RP must report spills to ADEC and NRC.	Consistency with Alaska regulations
13	Part Two B	Response Policy & Scope	28	13	Change "designated commander" to "incident commander"	Match standard ICS terminology
14	Part Two B e	RP/PRP Response Policies	28	14	Change "RPOSC" to "RP IC" as in Part Two Section C 3 e (in general, we suggest removing "RPOSC" throughout the document and Area Plans)	Match standard ICS terminology
15	Part Two C, 4	ARRT Committees	31	13	"ad hock" (typo)	Grammar

	A	B	C	D	E	F
16	Part Two C, 5	ARRT Meetings	31	28	Recommend changing the statement that says remote meetings are "encouraged" when "in-person meeting attendance is not practical" to a statement that ensures remote participation options will be made available and accessible as possible even when in-person meeting attendance is practical for most.	Especially with the pandemic experience, but even in normal times, it is important that ARRT and AC meetings are as accessible as possible to Alaskans unable to travel due to weather, public health, or cost limitations.
17	Part Two C, 6	ARRT Relationship to Area Committees	31	31	Suggest removing ACPs from this sentence: "The ARRT provides guidance to Area Committees, as appropriate, to ensure inter-agency consistency and consistency with the RCP and the NCP. To the greatest extent possible, the RCP will be coordinated with ACPs, other State emergency plans, Title III local emergency response plans, and other local disaster plans. Such coordination will be accomplished by working with the Alaska State Emergency Response Commission."	The ACPs should align with the RCP (and this should be clearly the case, not "to the greatest extent possible"). However, this coordination happens directly with the Area Committees, not through the Commission. Additionally, consider mentioning the Commission in a different section or re-title since this section is currently titled "ARRT Relationship to Area Committees." This language appears to be based in part on federal regulations at 40 CFR § 300.210 but needs to be integrated more carefully.
18	Part Two C, 2	Area Committees	33	3	Remove double periods	Typo
19	Part Two C, 2	Area Committees	33	5	Change "area" to "are"	Typo
20	Part Two C, 3	On-scene Coordinators	34	figure	Consider removing "PRP" from the figure.	We understand this figure to describe the known RP role during a spill.
21	Part Two C, 3, a	Tribal On-Scene Coordinator	35	14	Remove "with"	Typo
22	Part Two C, 9	Local Government Roles and Responsibilities	37	37	The RCP states that "Descriptions of local government response policies are found in the four ACPs." However, the Arctic and Western Alaska ACP at least does not outline local gov. response policies, but includes NCP language related to the "State and Local Response System." The RCP should provide guidance to AC's that all necessary sections should be included, and identified as "under development" or "not applicable" so that information can be filled in at a later date.	Ensuring that ACPs provide consistent information in the same format is important; where information is not known or does not exist for a particular topic, that can be left blank and pursued at a later date or filled in through public comment.
23	Part Two C 7 & 8	ARRT functions (Planning & Preparedness and Response)	24		Section states that the role of the RRT is to "Assist the FOSC in acquiring and employing response resources from federal, State, tribal, and local governments and private agencies. Provide technical assistance for preparedness to the response community." Suggest revising.	The role of the RRT is to support the OSC's. Consider revising the statement to more clearly reflect that top tier support role. The current statement seems redundant to an RSC, TOSC, SOSC and other agency coordination already taking place within the ICS.
24	Part Two C, 3	On-scene Coordinators	34	6 and 7	Change reference "in Figure 4" to indicate Figure 5 in this sentence: "The OSC's relationship to plans in order to complete their mandated tasks is shown in Figure 4."	Figure 4 only depicts SOSC Areas of Responsibility, Figure 5 seems to pertain to the text in this section.
25	Part Two C 8	Tribal Government Roles and Responsibilities	37	4-7	Section states that both FOSC and SOSC will notify Tribes -- is there a distinction between which Tribes each will notify? Also, please add some additional specificity to how Tribes are: "afforded an opportunity to provide input to the response process".	Improve clarity of roles
26	Part Two C, 9	Local Government Roles and Responsibilities	37	20	Suggest add a priority list for notifications, including who is responsible for making those notifications.	Clarity
27	Part Two C, 9	Local Government Roles and Responsibilities	37	34	Add "(RSC)" after "Regional Stakeholder Committee"	Consistency with acronym use
28	Part Three B, 2	In-Sit Burning - Pre-authorization Agreements	39	4	Add a period at end of sentence	Typo

	A	B	C	D	E	F
29	Part Three C	Other Non-mechanical Response Technologies	39	21-22	States that, "Traditional response techniques utilizing mechanical countermeasures such as boom and skimmers are the primary method of oil spill response." This is true but we suggest moving this sentence to the start of Part Three for clarity.	Clarity
30	Part Three C	Other Non-mechanical Response Technologies	39	21-22	Change, "well in advance in order to expedite the case-by-case approval process" to "as soon as the potential use of other methods is identified"	"Well in advance" is vague and not likely reasonable in a response context.
31	Part Four A	Endangered Species Consultation	40	35	Remove "RPM" as acronym for "reasonable and prudent measures", as suggested above, it already refers to "Remedial Project Manager"	Clarity
32	Part Four B	Food Safety	41	12-22	Suggest adding the relevant statutes and authorities from the Nuka Research and Planning Group report, particularly for the agencies with responsibilities related to food safety. Also reference the potential for even small spills to have food safety and food security impacts, as has been shown repeatedly in Alaska with closures of commercial shellfish operations and/or advisories regarding subsistence activities in areas where a small diesel spill has occurred, for example. Otherwise the reader is left understanding that food safety is only an issue for spills approaching the size of EVOS or the <i>Selendang Ayu</i> .	Improve clarity of context, particularly for personnel new to Alaska
33	Part Four				Add reference to NOAA/NMFS "Arctic Marine Mammal Response Guidelines "and "Pinniped and Cetacean Oil Spill Response"	These useful documents are on the ARRT site but not mentioned in RCP explicitly. They provide useful information related to a spill response context.
34	Part Seven C	Definitions	55	3-5	The MAC definition in the review document states that ICS in Alaska can use "either a MAC or a RSC." This represents a significant policy change in Alaska, raising two issues: 1) the process by which this change is being proposed, and 2) the best approach to engaging affected local entities to provide input and resources during a response. Regarding item 1, the process, it seems to have gone "backwards" from some ACPs (e.g., SEAK) to the RCP rather than the RCP setting policy followed by the ACPs. In the AWA Area Plan, the MAC option was introduced in an administrative revision without public comment, which is inappropriate and illustrates the need for clear guidance from the RRT regarding the types of changes that warrant a public review. Regarding item 2, the RSC has been the long-standing approach in Alaska. It was designed in and for the Alaska context. Any spill, particularly a coastal spill, may impact diverse entities, such as small local governments, Tribes (with sometimes adjacent jurisdictions within a local area), fisheries organizations, landowning agencies or organizations, various industry interests, etc. In an RSC, these groups convene and have a direct line of communication to the Unified Command, rather than being parsed out between a MAC and various Liaison Officers (with no direct line of communication to the Unified Command). Additionally, some groups may not qualify as an "agency", and as MAC is not clearly defined in this document, nor fully consistent across the ACPs where this option is referenced; we strongly suggest that the RSC remain the sole, or at least primary, option for engaging local groups in the context of a spill response. This is the Alaskan way, and will ultimately provide a more efficient and effective opportunity for the Unified Command to identify resources and knowledge that can assist the response, as well as understanding areas of agreement regarding suggested response priorities or concerns from diverse affected entities.	Continuity of response policy in Alaska
35	Part Seven C		56	31-32	Remove new language added to RSC "It is a type of a Multi-agency Coordination Committee (MAC)."	An RSC is <i>not</i> a type of MAC since it includes a wider set of entities (though those that would be in the MAC are not clearly defined in this document) and does not set response priorities, as discussed. If the MAC option remains in the document, this sentence will only add to potential confusion on this issue.

	A	B	C	D	E	F
36	Part Nine A	Federal Agency Roles and Responsibilities			As noted above, recommend adding agency responsibilities related to food safety.	Clarity
37	Part Nine B	State Agency Roles and Responsibilities	98	n/a	ADEC's Food Safety and Sanitation Program should be referenced here.	Among other things, this Program requires fishing vessels, tenders, and processors to be inspected before, during, and after fishing activities or receiving seafood if there has been a spill, as well as ensuring foods processed for sale in Alaska are safe (e.g., aquaculture or commercial shellfish harvests).
38	Part Nine B	State Agency Roles and Responsibilities	100	n/a	Suggest adding some additional explanation to the section now titled, "Nearshore Response Resources" for those unfamiliar with Alaska's efforts. Suggest one short description of "Community Spill Response Agreements and Local Response Equipment" with the web link referenced. Then add another short section on "Nearshore Operations Response Strategy" that describes the NORS portion of the STAR Manual: "This tool is intended for command and general staff within an Incident Command System (ICS), and supplements guidance already contained in the STAR Manual and Alaska Incident Management System (AIMS) Guide by illustrating how component parts of the STAR Manual and AIMS may be applied to implement a robust and sustainable nearshore response. This tactic also includes information about equipping and staffing a nearshore response." (p. B-VI-1-1)	The local response equipment trailers and the NORS are both useful references here, but they are not the same thing. Revision suggested for clarity.