

# City of Valdez

Please see the attached Resolution from the City of Valdez.



Comments Regarding Alaska Regional Contingency Plan  
Summer 2021 Public Review Draft

Submitted by:

The City of Valdez, Alaska

**Dated: August 6, 2021**

## **I. INTRODUCTION**

The City of Valdez (“Valdez”) is a home rule municipality organized under the laws of the State of Alaska, within which the Valdez Marine Terminal (“VMT”) is located. Valdez submits these comments to ensure that the Alaska Regional Contingency Plan (“RCP”) protects the interests of Valdez and its citizens as required by law. Prevention of oil spills and the maintenance of strong spill response capabilities is of grave importance to Valdez and its citizens as oil spills in the Port of Valdez are environmentally and economically devastating. To that end, the City of Valdez requests that the Regional Stakeholder Committee (“RSC”) remain as the identified mechanism for stakeholder engagement with incident command during a spill. Valdez adopts by reference the comments of PWSRCAC.

## **II. DISCUSSION**

The City opposes the proposed revisions to the RCP adding the option for use of a Multiagency Coordination Committee (“MAC”) rather than an RSC for purposes of stakeholder engagement. First, the revisions needlessly add confusion to the RCP. Second, the RSC engagement mechanism is specifically tailored to oil spill response in Alaska and better utilizes local knowledge outside the vacuum of agency and governmental staff.

### **A. Added Confusion.**

Rather than add clarity regarding what engagement mechanism should be used and how, the proposed revisions add confusion. The definition of MAC in the currently adopted RCP is:

[A]n ICS term that refers to the functions and activities of representatives of involved agencies and/or jurisdictions who come together to make decisions regarding the prioritizing of incidents and the sharing and use of critical resources during an emergency response. The MAC organization oversees the incident commander, but is not a part of the on-scene response, nor is it involved in developing operational tactics. However, ***the incident command system used in Alaska for responses to oil and hazardous substance discharges does not employ MAC organization, but instead uses a Regional Stakeholder Committee (RSC)*** that works with the Unified Command.”<sup>1</sup>

The proposed revisions replace the last sentence of the current definition of MAC with “***the incident command system used in Alaska for responses to oil and hazardous substance discharges can employ either a MAC organization or a Regional Stakeholder Committee (RSC)*** that works with the Unified Command.” In addition, the proposed RCP revisions add to the current definition of RSC by stating that an RSC is “a type of a Multi-agency Coordination Committee (MAC).”<sup>2</sup>

These revisions fail to recognize the differences between MACs and RSCs. An MAC consists of agency and government officials and is intended to “make decisions regarding the prioritizing of incidents and the sharing and use of critical resources during an emergency response.” An RSC, however, includes a broader range of stakeholders including resource user groups, landowners, and other non-governmental entities and is intended to provide “recommendations or comments on incident priorities and objectives, and the incident action plan.” As stated in the Prince William Sound Area Contingency Plan (“ACP”): “***Unlike the MAC defined in the ICS of the National Interagency Incident***

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<sup>1</sup> Alaska RCP, August 2018, Version 1 at 71.

<sup>2</sup> Compare Alaska RCP August 2018, Version 1 at 72-73 and Alaska RCP, June 2021 Public Review Draft at 56.

*Management System, the RSC for a spill response does not play a direct role in setting incident priorities or allocating resources.”*<sup>3</sup> The proposed RCP revisions add confusion by stating an RSC is a type of MAC and suggesting the two are interchangeable when, in actuality, they serve different functions and have unique definitions that are well established in incident command publications.

The proposed RCP revisions also create confusion when viewed together with ACPs. For example, while the Prince William Sound ACP provides several pages of guidance regarding the use of RSCs for stakeholder engagement, it offers no guidance regarding the use of MACs. Thus, the proposed revisions provide that MACs may be used for stakeholder engagement in the place of an RSC without providing any guidance on how the MAC mechanism should be used or what agencies should participate. The result is that incident command is left with insufficient guidance regarding what stakeholder engagement mechanism to use and how to use it.

The proposed RCP revisions replace a clearly defined statement regarding which stakeholder engagement mechanism incident command should utilize and replaces it with ambiguous statements that conflate the definition and purpose of RSCs and MACs. The proposed revisions leave incident command without clear guidance regarding how stakeholder engagement should occur and improperly ignore the differences between RSC and MAC engagement mechanisms.

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<sup>3</sup> Prince William Sound ACP, v. 2018.1 at 55.

## **B. RSC's are Better Suited for Alaska Oil Spill Response.**

Historically, RSCs have been expressly identified as the proper stakeholder engagement mechanism purposes of stakeholder engagement. While the RSC expressly contemplates involvement of “local government representatives, community emergency coordinators, Regional Citizens Advisory Council representatives, landowners, leaseholders, and special interest groups” the MAC merely identifies “involved agencies and/or jurisdictions.” The RSC engagement mechanism reflects the importance of relying on a broad range of stakeholders with local knowledge during a spill response rather than relying exclusively on agency officials. As stated in the Prince William Sound ACP, the goal of an RSC is “is to include all local interested parties to ensure ideas and concerns are heard.”<sup>4</sup> Use of MACs in place of RSCs undermine this goal by limiting participation in the MAC to agencies and government officials with authority to direct incident command.

## **III. CONCLUSION**

It is the City of Valdez's position that an RSC structure should be utilized for purposes of stakeholder engagement during an oil spill. The RSC structure is better suited to spill response in Alaska because it captures local knowledge and expertise from stakeholders other than agencies and government officials. Rather than unnecessarily complicate the tools available to incident command during a spill, the previously adopted language specifying the use of RSCs should remain in the RCP. Should some justification

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<sup>4</sup> Prince William Sound ACP v. 2018.1 at 60.

for the use of MACs in Alaska spill response become apparent, that mechanism should be available in addition to RSCs rather than in place of RSCs.