

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2022-21B**

**PROVIDING INPUT TO THE ALASKA DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION (ADEC) ON PROPOSED CHANGES TO REGULATIONS ON OIL  
DISCHARGE PREVENTION AND CONTINGENCY PLANS**

**WHEREAS**, as a result of the work of Alaska citizens and the Alaska Legislature following the 1989 *Exxon Valdez* oil spill, Alaska has world-class spill prevention and response requirements to protect its people and environment, as well as commercial and sport fishing, aquaculture, recreation, tourism, subsistence, and cultural interests; and

**WHEREAS**, the Assembly of the Kodiak Island Borough submitted Resolution No. FY2020-19, in response to ADEC’s public scoping seeking input on existing regulations and statutes, stating the Assembly stands strongly against any legislative or regulatory changes that erode spill prevention and response standards, increasing the risk of a catastrophic spill; and

**WHEREAS**, ADEC has proposed regulatory changes to oil pollution prevention regulations under Article 4 of 18 AAC 75, resulting from that public scoping process; and

**WHEREAS**, the proposed changes include a number of positive updates including increased clarity within regulations, combination of redundant sections, and use of technology in the interest of modernizing workflow; and

**WHEREAS**, there are several proposed changes that require additional revision to eliminate concerns that this reform effort could result in diminishment or other reductions in current regulations.

**NOW THEREFORE, BE IT RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** requests that Alaska regulations specify the minimum number of exercises required for crude oil plans be set at one significant Incident Management Team and two field deployment exercises each year, as well as other unannounced exercises as ADEC deems necessary, and that the commitment requiring additional exercises or other appropriate action if a plan holder fails to demonstrate the ability to implement their plan be retained; and

**BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** believes regulatory changes should not result in diminished emphasis on best available technology (BAT), including retaining the requirement that a BAT conference be held every five years or otherwise stating how they will examine new technologies to meet the mandates of AS 46.04.030 (e); and

**BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** notes that federal law and the Alaska Oil Spill Commission have recognized the special role of regional citizens advisory councils (RCACs) in reviewing contingency plans; and requests that Alaska regulations continue to name the RCACs for Cook Inlet and Prince William Sound as

50 recipients required to be notified of plan reviews, updates, and amendments, electronically or  
51 otherwise; and

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53 **BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
54 requests that the option to use the Prince William Sound tow package should remain, with  
55 regulation 18 AAC 75.990 (96) Definitions revised to meet the breaking strength requirements set  
56 by the International Maritime Organization standard and note the tow package system should be  
57 able to be deployed in 15 minutes from the bow; and

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59 **BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
60 requests that a change in plan holder ownership be treated as a major amendment to the Oil  
61 Discharge Prevention and Contingency Plan, affording the opportunity for public review prior to  
62 approval; and

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64 **BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
65 requests that Article 4 of 18 AAC 75 incorporate language requiring Oil Spill Prevention and  
66 Contingency Plan holders to comply with all applicable State and Federal Regulations concerning  
67 human and environmental safety; and

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69 **BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
70 requests that any new language or repealed language within Article 4 of 18 AAC 75 that has the  
71 potential to diminish prevention or response capabilities be revised or reinstated to ensure  
72 previous levels of human and environmental safety are met.

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74 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
75 **THIS TWENTIETH DAY OF JANUARY, 2022.**

76  
77 KODIAK ISLAND BOROUGH

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80  
81 William Roberts, Mayor

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83 ATTEST:

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86 Mitchell Davidson, Assistant Clerk

VOTES:

Ayes: Delgado, Griffin, Smiley, Turner, Williams, and Arndt

Noes:

