

**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

52
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

58
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

63
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

68
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.

73
74 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
75 **THIS TWENTIETH DAY OF JANUARY, 2022.**

76
77 KODIAK ISLAND BOROUGH

78
79 

80
81 William Roberts, Mayor

82
83 ATTEST:

84
85 

86 Mitchell Davidson, Assistant Clerk

VOTES:

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

Noes:



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

**A RESOLUTION OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
SAFEGUARDING ALASKA’S OIL SPILL PREVENTION AND RESPONSE STANDARDS**

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

47 Alaska regulations continue to name the RCACs for Cook Inlet and Prince William Sound as
48 recipients required to be notified of plan reviews, updates, and amendments, electronically or
49 otherwise; and

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

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

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

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64 requests that any new language or repealed language within Article 4 of 18 AAC 75 that has the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

67
68 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**
69 **THIS TWENTHITH DAY OF JANUARY, 2022.**
70

71 KODIAK ISLAND BOROUGH

72
73 
74

75 William Roberts, Mayor

76
77
78 ATTEST:

79 
80

Mitchell Davidson, Assistant Clerk

78 **VOTES:**

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

80 Noes:

