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Citizens promoting the environmentally safe operation of the Alyeska terminal and associated tankers.

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November 3, 2022

Victoria Colles, Planner
Alaska Department of Environmental Conservation
Via email: victoria.colles@alaska.gov

CWO Bryan Klostermeyer, Marine Safety Specialist Response
USCG Sector Anchorage, Incident Management Division
Via email: Bryan.K.Klostermeyer@uscg.mil

RE: Public Comments on the Arctic and Western Alaska Area Contingency Plan

Dear Ms. Colles and CWO Klostermeyer:

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) provides the enclosed comments on the Arctic and Western Alaska Area Contingency Plan (AWA ACP) as part of the public comment period ending November 3, 2022. These formal comments are submitted in addition to previous comments shared at the Admin Subcommittee level in August 2021 and June 2022. PWSRCAC acknowledges the effort in providing the red-lined version of the plan and found this helpful.

As stated in previous communications, PWSRCAC recommends consistency of information across all area plans in Alaska including section numbers, tables, and details; references to documents and facilities; and hyperlinks to webpages. This also applies to state policy where a uniform approach is expected. Consistency would aid planners and responders in reviewing and implementing the various area plans.

Plan Review Guidance

While preparing the enclosed comments, PWSRCAC reviewed the *Plan Review Guidance to Alaska Area and Regional Planners* document dated June 15, 2022. PWSRCAC appreciates the effort to improve the clarity of the area plan update and review process.

The Plan Review Guidance document states that, "Those taking the time to respond to AK's request for public comment, should be encouraged to help with plan review and write the proposed modifications in the first place via Area Committee, administrative subcommittees..." As an at-large member of the Admin Subcommittee, this results in two comment periods: an informal period and a public comment period.

The Admin Subcommittee meetings PWSRCAC has joined as at-large participants have not included much discussion on informal comments or feedback on suggested changes to the plan. Ideally, the Admin Subcommittee meeting would

include discussion of the informal comments as well as an opportunity to raise questions or make suggestions. If that is not the intended process, PWSRCAC recommends that at a minimum a *response to comments matrix* be developed and shared so that at-large members can learn why some comments were not addressed in plan revisions as well as being able to see comments submitted by others.

PWSRCAC recommends that Admin Subcommittee meeting agendas include updates on comments or content on *other* area plans being considered for incorporation into the AWA ACP. It would be helpful to have meeting summaries prepared and posted on Area Committee webpages to document discussions, inform new participants (or any participants that may miss a meeting), and help all participants avoid revisiting past topics unnecessarily.

Regional Stakeholder Committee (RSC)

Comments on the RSC are reserved pending the outcome of the RSC Task Force. PWSRCAC suggests reviewing our attached August 23, 2021 informal comments which referenced our August 5, 2021 letter to Allison Natcher, ADEC, on the Alaska Regional Contingency Plan. PWSRCAC looks forward to further discussion and development of language through the task force process that will provide clear and consistent guidance on this Alaskan approach for use across the Area Plans.

References and Tools

Significant content on area plans is now posted on the ADEC webpage as references and tools [HERE](#). To facilitate usability of this information, PWSRCAC recommends that it be alphabetized within each category and searchable. It would also be helpful to identify documents that are Alaska-specific policy or materials as such with an asterisk or bolded text, and which documents are subject to a public review process.

PWSRCAC hopes these comments are useful and remains eager to work on establishing the best possible plans – and planning process – for Alaska’s coastal waters. PWSRCAC reiterates that decision making done in a transparent manner fosters trust among government, industry, and stakeholders, and hopes these comments contribute to that transparency.

Sincerely,



Donna Schantz
Executive Director

Cc: Allison Natcher, ADEC
CDR Jeremy Altendorf, USCG
LCDR Matt Richards, USCG

Enclosures:

- (1) Table of PWSRCAC Public Comments on the Arctic and Western Alaska Area Contingency Plan.
- (2) PWSRCAC Informal Comments on the Arctic and Western Alaska Area Contingency Plan dated August 23, 2022.

No.	Point of Contact	Organization/ Commenter	Section #	Page #	Specific Wording Change	Rationale for Recommended Change
1	L. Swiss	PWSRCAC	Record of Changes	vii	Suggest including <i>brief</i> description of changes to updated plan.	Facility tracking of process over time and avoiding redundant edits.
2	L. Swiss	PWSRCAC	1000	1-2	Ensure document names are consistent between the plan and the References and Tools page on ADEC website.	Facilitate finding documents referenced in the plan.
3	L. Swiss	PWSRCAC	1220	1-8	The sentence "Map of the The sentence "Map of the jurisdictional boundaries at these exception locations are available on the ARRT website" is a link that takes you directly to the page with the maps. Suggest removing the hyperlink that is not visible in hard copy and providing this document on the References and Tools page.	Consistency in how external documents are referenced/linked in plan.
4	L. Swiss	PWSRCAC	1310	1-10	New text should refer to the "Western Area" SOOSC, not "Southwest".	Correction.
5	L. Swiss	PWSRCAC	1440.3	1-13	Clarify how tribal roles align with other ICS functions (including the RSC) as tribal input covers many areas.	Information is expected to be addressed through the RSC Task Force.
6	L. Swiss	PWSRCAC	1440.4	1-14	Make clear distinction between RSC and multi-agency coordination group.	Information is expected to be addressed through the RSC Task Force.

7	L. Swiss	PWSRCAC	1440.6	1-15	<p>Consider adding the language on Alternative Planning Criteria from the DRAFT PWS ACP: 4330 – Alternate Planning Criteria Vessel Response Plans (VRP) are mandated by federal law and are long-standing requirements for tank vessels carrying oil as primary cargo or non-tank vessels 400 gross tons or above carrying oil as fuel and/or secondary cargo. VRPs are required to cover all U.S. Captain of the Port zones in which the vessel will transit, operate or make port calls. In remote areas where typical response resources are not available, or the available commercial resources do not meet the national planning criteria, the vessel owner or operator may request that the USCG accept Alternative Planning Criteria (APC). APCs are not required, as they are voluntary alternatives to the national planning standards. The intention of an APC is to identify and address resource and capability gaps until private industry response resources are sufficiently built up to meet the national planning standards. Some APCs incorporate prevention measures, such as vessel monitoring, to mitigate gaps between the response resources provided in the APC and the</p>	More comprehensive information in PWS ACP.
8	L. Swiss	PWSRCAC	1620	1-17	<p>Is "best response" defined in national policy? If so, where can that information be found? Suggest explaining NEBA concept rather than referring reader to the 32-page description on American Petroleum Institute's website.</p>	Improve clarity and usefulness.
9	L. Swiss	PWSRCAC	1630	1-18	<p>Suggest explanation of "best achievable protection" be included or term removed.</p>	Improve clarity.
10	L. Swiss	PWSRCAC	2100	2-1	<p>This section is confusing. Consider reworking and arranging information for clarity. Suggest the description of the UC be described first, followed by the RP/PRP. For example, it is not clear who the first sentence in the first paragraph is directed to.</p>	Improve clarity.

11	L. Swiss	PWSRCAC	2120	2-3	Explain or remove reference to "MAC Groups"	Information is expected to be addressed through the RSC Task Force. (See comments on section 2120.)
12	L. Swiss	PWSRCAC	2120.1	2-3	Please consider removing the MAC language from this section. It is inconsistent with the AWA ACP language citing that an RSC is used rather than a MAC in Alaska.	Information is expected to be addressed through the RSC Task Force. (See comments on section 2120.)
13	L. Swiss	PWSRCAC	Table 2-2	2-8	Investigating Agencies: Does EPA have an investigator? If so, suggest it be included on list. (USFWS, NMFS, NPS, BLM, etc.)	Trustee law enforcement officials may also pursue their own environmental crimes investigations (i.e., violations of the Endangered Species Act, Marine Mammal Protection Act, Bald and Golden Eagle Protection Act). Similar investigations related to cultural resources, historic properties and/or looting of human remains are also possible.
14	L. Swiss	PWSRCAC	2460	2-10 through 2-16	PWSRCAC is participating in the ongoing RSC Task Force, and anticipates this process and related work products will bring further consistency to the RSC concept across Alaska. We are reserving further comments on RSC- and MAC-related text in the ACP until that group has completed its work together.	Information is expected to be addressed through the RSC Task Force.
15	L. Swiss	PWSRCAC	3260.1	3-4	Suggest including the Dispersant Use Avoidance Areas on the References and Tools page as well as the Area Committee page and matching colors used on maps with the legend shown.	Improve access to documents and clarity.
16	L. Swiss	PWSRCAC	3260.3	3-6	Remove paragraph at conclusion of new IWI section.	Expressions of appreciation can be extended via another mechanism but do not belong in the plan.
17	L. Swiss	PWSRCAC	3320	3-6 to 3-8	Add federally-recognized tribes to Initial Response Actions table.	Completeness.
18	L. Swiss	PWSRCAC	3330	3-8	Add RCACs to item #5 of Initial Response Actions table.	Completeness.

19			4000		The PWS ACP has more developed sections on Areas of Environmental Concern (section 4640.2), Resource Sensitivity (section 4640.3), Habitat types (section 4640.4.1), Biological Resources (4640.4.2), and Human Resources Uses (4640.4.3). While beyond the scope of this review, recommend the AWA review the PWS plan and determine if these sections and information are valuable for inclusion in the plan. This issue could be advanced through further workgroup efforts as the plan is updated in the future.	The PWS ACP provides a good example on how to address areas of public concern, habitat types, aquaculture uses, and seasonal patterns of common animal species, etc. As a future project, recommend the AWA work towards cataloging and providing similar information.
20	L. Swiss	PWSRCAC	5220.1	5-3	Add "areas" at end of new sentence regarding contacting DHSEM.	Edit.
21	L. Swiss	PWSRCAC	5420	5-8	No specific language suggestion, but request confirmation that the ALMR repeater sites applicable to this plan will remain.	It is our understanding that two ALMR repeater sites in PWS and two near Resurrection Bay may be decommissioned.
22	L. Swiss	PWSRCAC	8150.2-7	8-9	Recommend adding Bristol Bay information back into the plan and include information on Cook Inlet, Kodiak, North Slope, Northwest Arctic, and Western Alaska in a way that can provide a reference for the region (much of this information is the same across the region). This could be a single table similar to the one that was there, but indicating in which geographic zone the assets are based.	Completeness.
23	L. Swiss	PWSRCAC	8330.3	8-11, 12	Complete section - suggest timeline for this could be discussed in Admin Subcommittee.	Completeness.
24	L. Swiss	PWSRCAC	9110	9-18	Fix typo in new text: "Western" (add "n")	Edit.
25	L. Swiss	PWSRCAC	9210.1	9-19 to 9-24	In Table 9-5, suggest listing only organizations that have direct connection to AWA area (or clarifying those from outside area) and organizing the list to make it easier to identify relevant organizations. Suggest the External Comms Subgroup could review and suggest changes.	Enhance clarity.

26	L. Swiss	PWSRCAC	9710	9-31, 32	Consider adding the black and white maps from the currently approved plan (see section 1210) to the geographic zone descriptions in the proposed plan. These maps make it easy to see exactly what the "Kodiak Island" (for example) geographic zone refers to. The maps found in the proposed plan (page 1-7) show the greater area boundaries, but further detail seems appropriate within the geographic zone descriptions.	Being able to visually see a given geographic zone helps provide context.
27	L. Swiss	PWSRCAC	9720	9-49	Add language to this section noting RP must deal with "areas of public concern" in addition to sensitive areas.	ADEC regs speak to not only sensitive areas, but these public concern areas too.
28	L. Swiss	PWSRCAC	Definitions	9-52	Expand GRS definition to include areas of public concern	ADEC regs speak to not only sensitive areas, but these public concern areas too.



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August 23, 2021

CWO Bryan Klostermeyer
USCG Sector Anchorage, Incident Management Division
Via email: Bryan.K.Klostermeyer@uscg.mil

SUBJECT: PWSRCAC Informal Comments on the Arctic and Western Alaska Area Contingency Plan

Dear CWO Klostermeyer:

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) is an independent non-profit corporation whose mission is to promote environmentally safe operation of the Valdez Marine Terminal and associated tankers. Our work is guided by the Oil Pollution Act of 1990 and our contract with Alyeska Pipeline Service Company. PWSRCAC's 18 member organizations are communities in the region affected by the 1989 Exxon Valdez oil spill, as well as commercial fishing, aquaculture, Native, recreation, tourism, and environmental groups.

PWSRCAC appreciates the opportunity to provide informal comments on the Arctic and Western Alaska Area Contingency Plan (AWA ACP). The attached table summarizes our review of the most recent version of the plan.

Overall, PWSRCAC recommends consistency of information across all area plans in Alaska, including section numbers, tables, and details; especially in regards to state policy where we would expect to see a uniform approach. This will help to avoid confusion. For example, it is not clear why the information on the Regional Stakeholder Committee for the AWA ACP is included in the plan itself, while this information is referenced as a job aid in the Alaska Inland ACP.

PWSRCAC also recommends that future plan reviews include red-lined versions that highlight changes to the plan.

Further, it is recommended that clarity on the process for plan updates and public review be included in the ACP. As can be seen from the attached Comments on the Alaska Regional Contingency Plan Public Review Draft, June 2021 dated August 5, 2021, there should be a process for decision making on plan updates and public reviews. As stated in those comments, decision making

done in a transparent process can foster trust among government, industry, and citizens.

Topics suggested for the AWA Area Committee consideration include:

1. **Stafford Act:** Information tagged “TBD” regarding the Stafford Act should be inserted into the plan, when approved and available.
2. **Salvage and marine firefighting (SMFF):** Information on SMFF should be verified and updated. While this plan covers a large part of the state, most of which are remote areas, easy access to this information could be critical in an event.
3. **Documents on Referenced and Tools webpage:** Include information in the ACP on who is responsible for updating the documents found on ADEC’s References and Tools webpage. There are many documents referenced on this site that contain information that changes over time. It can be challenging to keep track of administrative updates in these documents and identifying who is responsible for making these updates is important to know.
4. **Potential Places of Refuge (PPOR):** Review of the “ARRT Guidelines for PPOR Decision-Making” to determine if any updates are needed.
5. **Information in Section 4000 Planning:** Consider updating information in Section 4000 – Planning. Some of the information in the 2018 version of the AWA ACP was removed in the 2020 version that may be helpful.

Thank you for the opportunity to review suggested ACP edits and provide comments on the plan. We look forward to participating in future efforts to continuously improve the AWA ACP. Please let us know if there are any questions regarding the information contained in this submittal.

Sincerely,



Donna Schantz
Executive Director

Cc: LCDR Matt Richards, USCG
Anna Carey, ADEC
Kim Maher, ADEC
Jeremy Altendorf, USCG

John Rice, USCG
Laurie Silfven, ADEC
Allison Natcher, ADEC
Jeanie Shifflett, ConocoPhillips
Vinnie Catalano, CIRCAC
Ray Atos

Enclosures:

- (1) Table of PWSRCAC Informal Comments on the Arctic and Western Alaska Area Contingency Plan
- (2) August 5, 2021 letter to Allison Natcher regarding Comments on the Alaska Regional Contingency Plan Public Review Draft, June 2021

PWSRCAC Informal Comments on Arctic and Western Alaska Area Contingency Plan

August 23, 2021

Page	Section	Comment
	Throughout plan	Section numbers and topics should be consistent with other area plans.
	Throughout plan	Check footers for each section.
	Throughout plan	Confirm links work. Include links in tables.
	Throughout plan	Update contact information.
ii	Context/reason for change	Each individual ACP should undergo its own public review for proposed changes to the ACPs. It should not be assumed that a change in one plan is applicable in another plan. The “summary of comments received and the responses” at the link indicated are not available.
iii	Table of Contents	Fix page numbers to match sections, i.e., 2000 – COMMAND. Page number should be 2-1 in the table of contents.
1-1	Initial Emergency Contacts	Include phone number area codes.
1-7	1210	It is difficult to figure out where Fig. 1-3 is identified on Fig 1-2, especially the area that includes Whittier. Consider adding Fig 1-2: Alaska Planning Areas (from PWS ACP) to enhance clarity.
1-8	1220, 1220.1, 1220.2, 1300, etc.	Why are there differences between the information provided in the AWA ACP and what is provided in the PWS ACP? The area contingency plans should be consistent.
1-12	1430	Include/clarify ARRT pre-incident planning and policy roles. Suggest adding sentence from previous plan: “The ARRT provides a regional mechanism for the development and coordination of preparedness activities prior to a pollution response.”
1-13	1440.3 Tribal Role in Incident Response	Clarify how tribal roles align with other Incident Command System (ICS) functions (including the Regional Stakeholder Committee (RSC)) as tribal input covers many areas including operations, logistics, planning, etc.
1-15	1440.6 APC	Recommend including information from Sec 4330 Alternate Planning Criteria (APC) in PWS ACP in AWA ACP.

1-17	1500 State/Local Response System	Confirm Community Spill Response Agreements or Local Spill Equipment Agreements are in the RCP.
2-9-10	2460 Regional Stakeholder Committee	Description of RSC differs from RCP and other area plans. Definition needs to be consistent across plans. See comments submitted August 5, 2021 on RCP (attached). All language in this section should be checked for consistency across plans. Clarify the role of “senior leaders” group. How they would be chosen? In what circumstances would that group be stood up in place of the RSC? etc.
2-11	2460.4 Information flow process	Suggest replacing “The response organization is ready...” to “The response organization must be ready...” as in the 2018 AWA ACP.
3-2, 3-3	3200 Recovery and Protection	Add links to documents in table. The “Job Aid: Waste Management and Disposal” and “Job Aid: Volunteers” on ADEC’s AREA PLAN REFERENCES AND TOOLS page are drafts. When will these documents be finalized? Will it go through public comment? Note the “search” feature on this page does not physically direct you to where it appears on the page. You must scroll down the page to see search results.
3-10	3410.3 Unmanned Aerial Systems	Include the link to the UAS protocols. Also include the UAS acronym in the list of acronyms.
3-11	3600 Wildlife	The name of the Aleutian/Pribilof Islands Wildlife Protection Guidelines should be the same as on the AWA ACP website.
4-3	4220 Weather/Tides/Currents	The background information for the various areas included in section 4220 of the 2018 version of the AWA ACP was helpful. Where can this information be found?
4-4	4240.3 After Action Report	Include ADEC’s process for completing and distributing After Action Reports.
	4300	Suggest adding info on APC in PWS ACP in Sec 4330. There is no information on APC in planning section.
4-4	4400 Documentation Unit	Consider adding language from PWS ACP explaining Documentation Unit.

4-4	4500 Demobilization Unit	There is no sample demobilization plan on References and Tools website.
4-8	4880 Permits	The table on p. 179 in the 2018 AWA ACP was helpful in tracking permits, authorizations, forms and instructions needed. While it may be redundant, the information was helpful.
	4600 Environment Unit	In the current PWS ACP, sec. 4640.1 contains a chart showing "Information Sources". This provides a quick reference to spill responders and their respective roles. Consider placing a similar reference in the AWA ACP. Stakeholders should be able to quickly reference who has jurisdiction over a given resource.
	4600 Environment Unit	Suggest the Alaska Sensitive Areas Compendium, developed from the former 10 subareas and available on the Area Plan References and Tools webpage, be reviewed and updated. It is not clear who is responsible for updating this compendium.
5-2	Table 5-1	Fill in the information for State Agency (Access via SOSOC)
5-3	5210.2 Spill Response Contractors	The 2018 AWA ACP contains a table titled ADEC Contaminated Sites Term Contractors. This information is removed from the current ACP. Where can this information be found? Suggest verifying/updating the information in Equipment Inventories by Community found at link.
5-3-4	5220.1 ICP options	Label Table 5-3. Where are Emergency Operations Centers (EOCs) in rural areas of Alaska? If information is found in Division of Community and Regional Affairs (DCRA) information, it should be noted here.
	ACP Contact Directory	Suggest an explanation of what can be found in the ACP Contact Directory be included.
5-4	5220	Add links to documents in tables. Who updates referenced docs in tables? Assume referenced documents are updated on a regular basis?
6-1	6100, 6210.1	Include links to documents in table.
6-4	6310	It appears this information was updated since 2018. Verify information is current.
7-1	7000	Include links to documents in table.
	8000	Suggest ACP update and verify information on salvage and marine firefighting.
8-1	8000	Include links to documents in table.

8-1		Are SMFF providers found in any other documents? The name and telephone numbers for Ardent Global Marine Services are not the same. Recommend this discrepancy be deconflicted and corrected.
9-36	9710.3 Cook Inlet	Include location of Denaina/Egan Convention Centers.
9-37	9710.4 Kodiak	Information on all areas in AWA ACP should be consistent. There is more background information on some areas (Kodiak Island, North Slope) than others. Consider either adding information to this section on the other areas or moving the information to wherever the same information on the other areas is found. Information should be consistent for all areas in AWA.
9-49	9720 Geographic Response Strategies	Suggest including some of the information in the 2018 AWA ACP on GRS. The first part of the description is redundant with Sec. 4610.



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August 5, 2021

Allison Natcher
Interagency Coordination Unit Manager
Alaska Department of Environmental Conservation
555 Cordova Street
Anchorage, AK 99501

RE: Comments on the Alaska Regional Contingency Plan Public Review Draft, June 2021

Dear Ms. Natcher:

The Prince William Sound Regional Citizens' Advisory Council (PWSRCAC) is an independent, nonprofit corporation promoting the environmentally safe operation of the Valdez Marine Terminal and associated tankers. Our work is guided by the Oil Pollution Act of 1990 and our contract with Alyeska Pipeline Service Company. PWSRCAC's 18 member organizations are communities in the region affected by the 1989 *Exxon Valdez* oil spill, as well as commercial fishing, aquaculture, Alaska Native, recreation, tourism, and environmental groups.

PWSRCAC reviewed the version of the Alaska Regional Contingency Plan (RCP) that was posted for public review in June 2021. Our comments and suggestions are offered with the following goals in mind:

- Clarity for agency representatives, including those new to Alaska, and the Alaska public
- Transparent decision-making and clear and predictable processes for document review and adoption
- Creating the best possible outcome for citizens and the environment in the event of an oil spill in Alaska

This letter addresses the three overarching issues related to the proposed RCP content and process that are most important to us, followed by some additional suggestions to enhance plan clarity.

PWSRCAC's three most important issues are:

1) The Regional Contingency Plan should set policy, and changes among the Area Contingency Plans (ACPs) should be transparent to the public. Transparency is critical to stakeholder involvement in contingency planning. How issues are addressed and resolved at this level of planning should be clear

and straightforward. Decision making done in a transparent process can foster trust among government, industry, and citizens.

As the RCP states on page 5, one of the purposes of the document is to provide "Guidance to planners in preparing for a coordinated federal, state, tribal, and local response to a discharge..." As also depicted in Figure 1, the RCP governs the four ACPs in Alaska. The RCP sets policy and provides guidance, while the ACPs provide operational details and geographically specific information.

This public review of the RCP is timely and appropriate (if perhaps too short and conducted during a challenging season in Alaska for "public" engagement), affording the opportunity to comment on further document organization and content changes since the first version of the document was completed in 2018. Since that time, the four new ACPs have been released and have also undergone varying rounds of update under the new "Sponsorship Model" described in Part One F of the RCP. The way this process has unfolded raises two concerns regarding the roles of the different plan levels and transparency to the public:

- *ACP updates are being made based on public comment periods for other ACPs.* PWSRCAC noted that the December 2020 update to the Arctic and Western Alaska ACP, done without a public comment period, was based on public review opportunities provided for the Inland and Southeast Alaska ACPs (as stated in the Record of Changes, without specifics on what those changes were). This suggests that anyone who is tracking government contingency planning on behalf of a particular community or geography should be monitoring all four Area Plan comment periods since the language could move from one plan to another and be adopted in the name of "sustainable plan maintenance" (as described in the Arctic and Western Alaska ACP Record of Changes).
- *The ACPs are not necessarily following RCP guidance.* Even while the RCP, approved in 2018, stated that Alaska does not use a Multi-agency Coordination (MAC) Committee, both the Southeast Alaska ACP and Inland ACP were released stating that a MAC Committee approach may be used.

From our first few years of experience with this model beginning in 2018, we find it creates an unwieldy process that does not achieve an appropriate level of transparency. Many issues may be the same across the state, and consistency is a worthy goal, but much of the information that used to be in the former joint federal/state "Unified Plan" for Alaska is now spread amongst the four Area Plans. The movement of changes in the Area Plans, as well as many guidance documents, job aids, protocols, and other appendices should be more transparent and easier to follow. It would also be helpful to understand the differences between these various documents as far as their use and inclusion in the RCP and ACPs.

It is not clear from the proposed DRAFT Regional Contingency Plan how Annex D from the former Alaska Federal/State Preparedness Plan for Response to Oil & Hazardous Substance Discharges/Releases" (Unified Plan) has been fully addressed. When the Alaska Regional Contingency Plan was adopted in 2018, the section covering plan review (APPENDIX VI: PLAN

REVIEW, UPDATE PROCEDURES, & SCHEDULE) was labeled “to be developed” and left blank. Previously, there was a defined process and two-page flow chart describing how the Unified Plan would be updated. Whether with additional description or a simple flowchart, clarification on the process of plan updates would be helpful for the public and other stakeholders.

If the Sponsorship Model is adopted, the Statewide Planning Committee should provide detailed updates on the issues being addressed through the working group process, including the participants of both the Committee and the working groups and their intended timelines. This can be shared as part of updates at RRT meetings but also posted on a webpage that provides a single focal point for someone from any part of the state to identify the topics receiving attention and point of contact if they have questions, suggestions, or would like to participate as a stakeholder or subject matter expert.

Additionally, language should be added to the RCP that:

- Better defines the Sponsorship Model;
- Defines how topics are selected and by whom;
- Defines who decides whether to establish a working group;
- Defines who can be a member of a working group and who makes that decision;
- Sets timelines for public review;
- Provides clear guidance for both the RCP and ACP levels regarding what constitutes a substantive vs. administrative change (or that these be made simultaneously with a public comment opportunity included);
- Defines how this process will be implemented for the numerous appendices, job aids, and guidelines referenced throughout the documents; and
- Addresses where information on proposed plan changes can be found.

This process should set the expectation that overarching changes are made at the RCP level first. If changes relate to the numerous items that may be similar across Alaska but are now relegated to the Area Plans (e.g., almost all Appendices of the former Unified Plan), then public comment opportunities should articulate the intent that a change will percolate throughout the four Area Plans to encourage attention from around the State. Additionally, it is not clear whether changes made to an individual Area Plan are assumed to be adopted into other Area Plans simply by inclusion in an Area Plan. Each Area Plan should undergo its own update and public review regardless of whether a change has been incorporated into another plan.

2) PWSRCAC opposes the proposed language changes to the definition of the Regional Stakeholder Committee and Multi-agency Coordination Committee.

The Regional Stakeholder Committee (RSC) approach is an Alaska-grown mechanism for involving affected local entities in an oil spill response to provide information, raise concerns, and identify local resources that can support the response. The approach grew out of a 1999 exercise in Kodiak and was finalized with a description in the Alaska Incident Management

System (AIMS) Guide by 2002.¹ The AIMS Guide description of the RSC was carried forward in the Unified Plan to the new RCP/ACP structure as the standalone approach to linking the Unified Command to a group of affected local stakeholders. The RSC approach has been exercised and refined over the years, with a clear purpose, process, and types of participants identified in various forms from the AIMS Guide to the Prince William Sound ACP and Arctic and Western Alaska ACP to the RSC job aid. A change to this approach within the former Unified Plan was considered in 2013, but the RRT abandoned that change in favor of retaining the RSC.

The RSC provides a clearly described structure for diverse local entities to receive and discuss the Incident Action Plan promptly upon its approval. RSC participants also have a direct line of communication to the Unified Command and receive timely information about the response in the form of the Incident Action Plan or other information shared by a Liaison Officer. Perhaps most important, the group can share ideas and discuss issues to bring into the response, streamlining a process that would otherwise require multiple Liaison Officers to engage separately with diverse groups. While the RSC does not in any way usurp the right of consultation, when done well it may also provide an avenue for multiple Tribes, Indigenous organizations, or Indigenous communities to come together to inform the response (for those that are not serving in a Local or Tribal On-Scene Coordinator role).

The RCP version provided for public comment mentions both an RSC and a Multi-agency Coordination Committee (referred to in the document as a MAC) with some important changes proposed to how each is defined.

The MAC definition states that it is:

an 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 prioritization 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 can employ either a MAC organization or a Regional Stakeholder Committee (RSC) that works with the Unified Command.**²

This last sentence, in bold, represents a proposed change from the current version of the RCP, which used to state that a response in Alaska "does not employ a MAC organization, but instead uses a Regional Stakeholder Committee (RSC) that works with the Unified Command."³

¹ This document is referenced in Part One, B, 3 of the RCP version posted for public comment (p. 12).

² See pages 54-55 of the RCP version posted for public comment.

³ See page 71 of the RCP Version 1 from August 2018.

The RSC is defined as:

a committee composed of individuals and representatives of entities that may be affected by an emergency incident. **It is a type of a Multi-agency Coordination Committee (MAC).** The RSC may include local government representatives, community emergency coordinators, Regional Citizens Advisory Council representatives, landowners, leaseholders, and special interest groups. RSC membership may vary from incident-to-incident and from phase-to-phase. Agencies/organizations that are functioning as part of the overall ICS response structure would not normally be included in the RSC. The RSC does not play a direct role in setting incident priorities or allocating resources but can advise the Unified Command and provide recommendations or comments on incident priorities and objectives, and the incident action plan.⁴

This definition was also changed by adding the statement that the RSC is a type of Multi-agency Coordination Committee (MAC) (in line 2 of the definition, in bold).

PWSRCAC strongly opposes these two proposed language changes. If adopted as written, we are concerned that they will:

- Unnecessarily change an approach developed in Alaska to maximize input from diverse entities representing affected communities and interests;
- Significantly restrict the opportunity for broadly defined "stakeholders" to provide information and input directly to the Unified Command as part of the response structure (if a MAC option is used *instead of* the RSC because they are seen as equivalent in some way);
- Create undesirable confusion by equating two structures or groups that are not the same thing and do not serve the same purpose.

Since the RSC and MAC are not the same thing, and Unified Command will not be choosing between the two approaches, it is possible that they may be used differently for different types of incidents, or perhaps used simultaneously for a large, complex incident. For example, while the exercises and AIMS Guide from which the RSC was developed are focused on oil spills specifically, a MAC could be useful for a HAZMAT incident involving fire or other public safety elements that may draw resources from multiple agencies. PWSRCAC strongly suggests the following if the option of the MAC were to remain in the RCP:

- (1) The RCP *should* clearly state that the RSC is the preferred approach used in Alaska for oil spill responses, while a MAC may be suitable for other types of responses covered by the RCP.
- (2) The RCP definition of the RSC *should not* be amended as proposed to describe it as a type of MAC.

⁴ See page 56 of the draft posted for public comment.

- (3) The RCP definition of the MAC *should* identify the types of agencies and jurisdictions this may include in Alaska, not just copied from the Coast Guard Incident Management Handbook.
- (4) The RCP *should* explain how a MAC and RSC, if ever used simultaneously, will be coordinated as necessary to eliminate inefficiencies.
- (5) The RCP *should* direct the Area Committees to develop a description of the MAC participants and process that mirrors the level of detail described for the RSC in the Prince William Sound Area Contingency Plan and Arctic and Western Alaska Area Contingency Plan.

Without these clarifications, it is unclear why the flexibility of choosing either option that is now proposed in the RCP will create anything besides confusion.

3) Process for updating the RCP should be more transparent as well.

Similar to our comment #1, above, PWSRCAC shares the observation that additional predictability and transparency is needed regarding changes to the RCP itself. While we have the opportunity to participate in the Area Committee Subcommittees (i.e., Admin and GRS Subcommittees of the Arctic and Western Alaska ACP, etc.), and understand and anticipate changes to the ACPs of interest to our organization, there is no parallel opportunity at the RCP level. This could be remedied with more detailed updates at ARRT meetings on processes and issues being considered for changes to the RCP, allowing for opportunities for discussion where warranted.

Additionally, we request that future updates to the RCP use redlined text to note changes. While we appreciate that this update would have been unreadable if redlines were used, hopefully after this round of comments the content will not require such substantial revisions in the future.

PWSRCAC offers the following additional comments to enhance plan clarity and utility.

Part Two B Response Scope and Policy

Notifications (p. 27, line 19-21)

This section describes response notifications, stating in section (e) that the Responsible Party must report spills to the Alaska Department of Environmental Conservation (ADEC) and the National Response Center. The document does not mention that the Responsible Party is responsible for notifications more broadly under state regulations at 18 AAC 75.425(e)(B).

PWSRCAC suggests that this language be revised to reflect the state regulatory requirements.

Terminology (p. 28, line 13)

This section uses the term "Responsible Party On-Scene Coordinator (RPOSC)." PWSRCAC suggests that the term "RPOSC" should be removed from the Plan in favor of the more common ICS term, "Responsible Party's Incident Commander" (as used on page 35).

Response Cooperatives (p. 28, line 9)

In line 9 it states that "Facilities and companies in a region may form response cooperatives..." PWSRCAC suggests that a clarification be added, since the Trans Alaska Pipeline System lessees are essentially required to work together through the state regulations referencing the spill response requirements of the "common operating agent" of TAPS lessees [46.04.020(g)]. This would add some clarifying Alaska-specific information.

Part Two C Alaska Regional Response Team

Purpose of the ARRT (p. 28, lines 23-26)

This language says that the ARRT "evaluates the preparedness of participating federal agencies and the effectiveness of ACPs for the Federal response to discharges and releases..." PWSRCAC suggests that the effectiveness of the ACPs should be considered more broadly, to include the effectiveness of joint responses that may include federal, state, tribal, and local partners.

Role of ADEC (p. 30, line 18)

The section describing State Membership of the ARRT identifies ADEC as a member of the ARRT, but not as a co-chair, which is used only for the U.S. Coast Guard and U.S. EPA. We understand that this is accurate based on the ARRT Charter but suggest that the ARRT website should use terminology that aligns with the Regional Contingency Plan.

ARRT Meetings (p. 31, lines 27-28)

This section states that "when in-person meeting attendance is not practical, remote meeting participation via teleconference or web-conference is encouraged." PWSRCAC appreciates that the ARRT has ensured a remote option for meeting attendance in recent years and suggests that language should be added to this section stating a commitment to continue this practice in the future.

Local Government Responsibilities (p. 37, line 30)

This section states that, "Local citizens play a key role in spill prevention and, in some cases, initial response." PWSRCAC disagrees with the first part of this sentence. While local governments may advocate for spill prevention measures, implementation and oversight is often up to operators and federal or state agencies and not up to local citizens.

Part Nine Agency Roles and Responsibilities

ADEC's Food Safety and Sanitation Program (p. 98; table)

The discussion of ADEC roles and responsibilities should include ADEC's Food Safety and Sanitation Program with authorities under AS 17.20.005 and relevant regulations related to

ensuring the safety of commercially caught fish following an oil spill. This program plays an important role in both large and small spills where commercially caught or processed foods may be affected.

State's Nearshore Operations Response Strategy (NORS) and Community Trailers (p. 100; table)

The language at the end of the ADEC table under "Nearshore Response Resources" requires some clarification. The NORS and the local response trailers are two different things. The links provided are correct, but the description is unclear. Additionally, if the NORS is to be mentioned, then other aspects of SPAR's long-term efforts should be mentioned as well, including the STAR Manual overall (not just the NORS section), Geographic Response Strategy program, and Potential Places of Refuge program.

Thank you for your consideration of these comments. As an OPA 90 mandated organization focused on the *Exxon Valdez* oil spill region, we take seriously our mandate to advise on oil spill response planning on behalf of our member entities. We also bring more than 30 years of experience engaging directly in oil spill response planning, exercises, programs, and policy discussions in Alaska on behalf of those members. While changes can bring improvements, we firmly believe that changes to long-standing policies or approaches in Alaska *must* represent improvements or they should not be made. We measure those improvements through the eyes of the potentially – and historically – affected public who are our members and who hold high expectations for the transparency and accountability of Alaska industry and public agencies.

We hope these comments are helpful and would be glad to discuss any of our recommendations further. Please do not hesitate to contact us.

Sincerely,



Donna Schantz
Executive Director



Robert Archibald
Board President

Cc: Mark Everett, ARRT Tri-Chair
Beth Sheldrake, ARRT Tri-Chair
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