



“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

November 22, 2013

*Alaska State
Chamber of
Commerce*

F.J. Sturm
Acting Director of Commercial Regulations and Standards
U.S. Coast Guard

*Alaska Native
Groups*

U.S. Department of Transportation
1200 New Jersey Ave., SE
Washington, DC 20590-0001

*Environmental
Groups*

SUBJECT: Comments on Tank Vessel Oil Transfers (Docket # USCG-2013-0522)

Dear Mr. Sturm:

*Recreational
Groups*

The Cook Inlet Regional Citizens Advisory Council (Cook Inlet RCAC) submits these comments for consideration by the U.S. Coast Guard when developing regulations under Section 702 of the Coast Guard Authorization Act of 2010.

*Aquaculture
Associations*

Cook Inlet RCAC is a nonprofit corporation organized exclusively for the oversight, monitoring, assessing and evaluation of oil spill prevention, safety and response plans, terminal and oil tanker operations, and environmental impacts of oil tanker and oil terminal operations in Cook Inlet under the provisions of Section 5002 of the Oil Pollution Act of 1990. Our mission is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet.

*Fishing
Organizations*

City of Kodiak

Cook Inlet RCAC appreciates that the U.S. Coast Guard is interested in enhancing safety and preventing the release of oil pollution associated with transfer operations. We recognize that many factors influence the safety and reliability of these types of operations, including the training and actions of the crew, equipment, and external factors such as weather and other conditions.

City of Kenai

City of Seldovia

City of Homer

U.S. ports and waterways exist in widely varying environments and have many diverse features. Both environmental conditions and commercial or industrial activities may change over time. Because of this inherent variability, we suggest that guidelines developed by the Captain of the Port based on consultation with local stakeholders will be the most appropriate means of enhancing the safety of transfer operations.

*Kodiak Island
Borough*

*Kenai Peninsula
Borough*

We recommend that the U.S. Coast Guard promulgate regulations explicitly authorizing the Captain of the Port to develop region-specific guidelines for transfer operations if this is identified as a priority safety measure for that area. Federal regulations already give the Captain of the Port the authority to determine when individual vessels can enter the port or engage in transfer operations, either based on the vessel's safety record, actions, or manning (33 CFR 160.113) or based on

*Municipality of
Anchorage*

environmental conditions (33 CFR 160.111); however, having guidelines already in place allows the regulated community to be able to anticipate and plan for times when transfer operations may not be allowed or additional mitigating measures required while retaining the flexibility for continuous improvement.

We offer the following reasons for this recommendation, which is based on our experience with the Operating Procedures for Ice Conditions in Cook Inlet (as per Coast Pilot 9, Chapter 4, Charts 16660, 16640).

- **Guidelines can be changed more readily than federal regulations if warranted by lessons learned or changing circumstances.** In Cook Inlet the Winter Guidelines, first developed following the grounding of the *M/V Seabulk Pride* in 2006, are revisited by the U.S. Coast Guard and other stakeholders for review and, when appropriate, modification annually. Both environmental conditions and maritime operations are highly dynamic and may evolve over time, as may operators' and regulators' understanding of the risks in a particular system.
- **Guidelines can be tailored to focus on the greatest hazards, whether from weather conditions, vessel traffic patterns, or other features.** Guidelines should be developed based on consideration of all types of hazards, including vessel traffic patterns in the area (and not limited to environmental conditions). A federal regulation that sought to anticipate such hazards at all locations would be very likely to have unintended consequences due to being overly restrictive. For example, many operators serving Alaskan communities are accustomed to operating in conditions that might be considered extreme in other parts of the country. Restrictions based on what is "normal" in other parts of the U.S. may have unintended consequences for Alaskan communities if the delivery of fuel resources is hampered by a restriction such as a prohibition on conducting transfer operations in darkness.
- **Development of region-specific guidelines with the direct participation of other stakeholders fosters compliance education from the start and avoids potential unintended impacts or costs.** While we appreciate the U.S. Coast Guard's efforts to seek input through this Federal Register notice, we submit that direct input and discussion between the Captain of the Port staff, local stakeholders, and operators will yield a better outcome. As noted, this type of process is also conducive to continuous improvement without going through the time- and resource-intensive federal rulemaking process.

One of the Risk Reduction Options cited by the Cook Inlet Risk Assessment advisory panel for immediate implementation is the establishment of a Harbor Safety Committee. This will build on past efforts to address navigational safety issues based on recommendations made by operators and regulators knowledgeable about Cook Inlet conditions. Cook Inlet RCAC is spearheading the establishment of a Cook Inlet area Harbor Safety Committee. Like the many similar entities developed around the country

it will be well suited to support the development and continuous improvement of guidelines for transfer operations tailored to the local context.

If you have any questions or wish to discuss this further, I can be reached at (907) 283-7222 or via email at munger@circac.org.

Sincerely,

Stephen "Vinnie" Catalano for Michael Munger

Michael Munger
Executive Director