COOK INLET REGIONAL CITIZENS ADVISORY COUNCIL

"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."

Photo courtesy of CIRCAC & Alaska ShoreZone Partnership

Board of Directors Meeting
2020 Annual Meeting

Friday, April 3, 2020 – 9:00 a.m.
TELECONFERENCE ONLY

COOK INLET REGIONAL CITIZENS
ADVISORY COUNCIL

BOARD of DIRECTORS MEETING

****AGENDA****

TELECONFERENCE

Friday, April 3, 2020

9:00 am **Cook Inlet RCAC Board Meeting**
Call to Order/Roll Call
Approval of Agenda *(Action Item)*
Safety Minute *(Information Item)*

Approval of Minutes – Dec. 5 and 6, 2019 *(Action Items)*

Welcome & Introductions

Agency Ex Officio Directors Remarks

CIRCAC Member or Public Comment – None *(3 minute limit per speaker)*

9:20 am **Special Board Recognition Presentations**

Presentations on Related Activities - None

9:40 am	**Executive Committee Report** • 2020 Budget & Statement of Financial Position – through 2/29/20 *(Information Item)*	
10:00 am	**Executive Director's Report** *(Information Items)*	**1**
10:30 am	**Staff Reports - Status of Programs & Projects** *(Information Items)*	
	• Administration	**2**
	• Environmental Monitoring	**3**
	• Prevention, Response, Operations and Safety	**10**
	• Protocol Control	**12**
	• Public Outreach	**15**
11:15 am	**Calendars & Miscellaneous** *(Information Item)*	
48	**Closing Comments**	
11:45 am	**Adjourn**	
	NOTE: CIRCAC's Annual Meeting will begin after a brief break.	**17**

Alaska Department of Environmental Conservation (ADEC)
Oil Spill Prevention and Discharge Contingency Plan (C-Plan) Regulation Scoping

Cook Inlet Regional Citizens Advisory Council (CIRCAC) Outreach and Comments Summary

March 30, 2020

In October 2019, the ADEC announced that they would be accepting public comments on C-Plan statutes and regulations with the goal of reducing the burden on regulated businesses. The Council took note, realizing that this action represented a threat to the oil spill prevention and response regime in the State, and particularly Cook Inlet. Executive Director Mike Munger penned an opinion article that was published in the Anchorage Daily News raising concern about this action, and asking readers to submit comments urging ADEC not to weaken existing regulations.

Mr. Munger, in conjunction with Prince William Sound Regional Citizens' Advisory Council, formed an outreach workgroup and a technical review workgroup. The two RCACs coordinated with other groups to identify 289 influential individuals and groups from which to solicit comments in support of Alaska's existing oil spill response planning standards. Council staff and volunteers reached out to communities and stakeholders to make them aware of this regulatory scoping process and encourage comments. Lynda Giguere developed a communications plan with talking points for stakeholders to use when developing their comments. At the same time Council staff, with the assistance of contractors, developed comments to submit to ADEC, pointing out the importance of these regulations. Vinnie Catalano led the effort.

On February 27th, in the final drive to alert the public of the need to submit comments to the ADEC, Board President John Williams submitted another opinion article stressing the importance of the C-Plan regulations, our continued vigilance, and robust oil spill prevention and response in Alaska. The Council submitted its comments on March 12th. Altogether, the ADEC received 130 comments which can be viewed on their website. The majority of these comments supported preserving strong oil spill prevention and response regulations to protect the waters, coastlines, and users in Alaska. The Council's efforts were a big part of bringing this important issue to light, promoting public participation, and encouraging comments. The ADEC is now considering the input they received. The Council is awaiting their decision on how to move forward with any changes. The Council will continue their efforts to oppose any weakening of these important legal and regulatory standards whenever necessary.

Administration Report
Cook Inlet RCAC Board of Directors Meeting – April 3, 2020

Below you will find a brief update on the primary administrative tasks performed – or assistance provided – by your Administrative staff since the December 2020 Board of Directors meeting:

Board Elections/Appointments – The seats on the Council Board of Directors which terms are scheduled to expire in April 2020 are: Environmental Group, Alaska Native Group, Kodiak Island Borough and Kenai Peninsula Borough. The processes for launching these elections and appointments has concluded; the Council's Credentials Committee has reviewed the process, and has certified that it met the requirements of our council bylaws and policies.

Recertification – The triennial application has been completed and submitted to the U.S. Coast Guard for review. It will be published in the Federal Register for 60 day public comment – probably by late April. Once we receive a federal docket number, we will begin the process of soliciting letters of support. We will also notify the public and stakeholders of their ability to comment via our newsletter, website, and paid advertisements in newspapers and social media.

Grants – Staff is working to wrap up both the Borough Ice Camera grant and the National Park Service grant for our intertidal research.

Financial Audit – The field audit is scheduled to start the week of May 13; we will confirm that, given the Covid-19 virus disruptions.

Budgets – Development of the 2021 operating and program budgets will begin within the next couple of months.

Scholarships – The scholarship process for 2020 has concluded. At this writing, staff is reviewing the 15 applications received to determine qualification; the teleconference interviews of finalists will be held in mid-April.

Corporate Funding – Funding is on schedule for 2020 to date; additional invoices if necessary will be distributed in May/June.

By-Laws and Policies – As per Policy and Board direction, staff is engaged in an ongoing review of policies for necessary changes. Additionally, a review of optional investment instruments is underway.

Organizational Support – Administrative staff participates with the Cook Inlet Harbor Safety Committee and Kenai Peninsula's Local Emergency Planning Committee (LEPC) as an Alternate Member (supporting Vinnie Catalano's primary role on both).

Support – Administrative staff supported directors, public members, staff and guests in logistics for meetings and travel. That said, Council travel and meetings have been restricted, so that function has been diminished short-term. Such conferences and expos as Kodiak ComFish, International Oil Spill Conference, Clean Pacific, Alaska Oil Spill Technology Symposium and more have been cancelled or postponed.

EMC activities – Since December 2019 Board Meeting
Staff Report: Susan Saupe

Chemical and Biological Monitoring Program
Subtidal/Water Quality Monitoring and GIS/Database

1. Earlier this month, I was asked by Hilcorp contractors for CIRCAC data that we had for contaminants in Cook Inlet, specifically for the lower Cook Inlet OCS lease sale area. I provided all of our EMAP and ICIEMAP data and pointed them to other data sources. However, it was a good reminder to continue pushing forward with our project to provide all of our historical data (and other related data) on-line for easy access to anybody working on Cook Inlet issues. I believe this request was for their development of a monitoring project per EPA requirements of a discharge permit for exploratory drilling. I will request that EPA allow us to review the sampling plan.
2. In January, I met with Dr. Steve Okkonen and Dr. William Burt of UAF to discuss submission of a proposal (by Dr. Burt) to conduct baseline surveys of Radium isotopes across Cook Inlet to assess the potential utility of Radium as a freshwater tracer and to estimate residence time for waters in the Inlet. We had originally met by teleconference prior to submission of a Letter of Intent to the Coastal Marine Institute (CMI). CMI expressed interest to Dr. Burt in receiving a full proposal so, at our January meeting, we narrowed some potential research questions that Dr. Burt will submit. CIRCAC will be a potential collaborator along with Principal Investigators at the University of Hawaii, Kachemak Bay Research Reserve, and the Ocean Acidification Research Center at UAF.
3. A robust CIRCAC on-line data-access tool is still a high priority and I am working with various contractors and partners to compile disparate datasets into an integrated database for query on-line. This is a complex problem given that data collected over decades will have (1) different method detection and reporting limits, (2) different site selection criteria that limit the ability to aggregate data, and (3) different studies collected data on different parameters, matrices, and analytes.

Kamishak Bay/Lower Cook Inlet Intertidal Habitats – Data Analyses and Report Writing

1. With our partners at NPS, NOAA, and UAF, we finalized data analyses and report writing and submitted our final report to BOEM for the Lower Cook Inlet Habitat Assessment Project. The "final draft" was submitted in December 2019 and was accepted by BOEM in January 2020. We have transferred the final database to BOEM, as well. I will update you when the report is posted by BOEM for download.
2. We are in the process of identifying and outlining potential manuscripts for publication in peer-reviewed journals and have had several teleconferences among the various PIs.
3. Vaito'a and I are working together to close-out the NPS agreement for this project. With our EMC funds, we will continue working with database and GIS contractors to refine some of the analyses and graphics for manuscripts and on-line data portals.
4. We are discussing potential long-term monitoring based on our site assessments. We will continue to explore potential partnerships for incorporating a subset of our study sites into a long-term monitoring program such as the Gulf Watch Alaska or NPS's SouthWest Area Network (SWAN).

Coastal Habitat Mapping Program

ShoreZone

1. The Alaska ShoreZone Program website hosted by NOAA is transiting from flash to javascript since flash is discontinuing support of their product in 2020. As that happens, the Shore Station database will also be moved to the javascript site. With our contractors at Archipelago Marine Research Inc. (ARCHI) and Coastal and Ocean Sciences, Inc. (CORI), we've been talking with NOAA's data team during this transition and are working to update the data to include the dozens (or more) of taxonomic changes that have taken place over the years.
2. We have also begun a redesign of the Shore Station data and imagery so that we can migrate that information and develop a data visualization layer to be served on AOOS data portals. With our EMC funds, we are prioritizing the Alaska Peninsula, Kodiak Island, Katmai Coast, Cook Inlet, and the Outer Kenai Peninsula as datasets to serve on-line. We are seeking additional partners to expand the effort to include all shore stations from Alaska.
3. Last week I was contacted by NOAA's SZ team about updating the Alaska ShoreZone five-year plan. We will be reviewing it in the coming weeks and deciding whether to recommend new priorities.
4. For a subject related to ShoreZone, I was asked to participate in a review of NOAA's Environmental Sensitivity Index (ESI) program this spring. ESI data and maps provide shoreline habitat and use data to aid in oil spill planning and response. The data collected for ESI goes hand-in-hand with the imagery and data reported by ShoreZone methods and we have worked hard to integrate the two programs. With budget shifts within NOAA, there are questions regarding their ESI program's future and are working with users to identify how the data are used and how best to focus future data updates and methods of serving the data to the oil spill planning and response community. However, the meeting planned for March 10-12 in Silver Springs, MD (at NOAA Headquarters) was cancelled and will be rescheduled for most likely the fall.

Macrocystis

1. Since our last survey of the Kodiak, Afognak, and Shuyak Island *Macrocystis* beds, additional reports of *Macrocystis* kelp in the western Gulf of Alaska have been reported. One was several years ago for several plants observed on the east side of Afognak Island and a very recent observation of extensive beds in Zachary Bay near Sand Point (https://www.leonetwork.org/en/posts/show/49EFB342-AFF4-4812-918E-4A5E57967566). This most recent sighting is a western range extension. I have talked with several researchers about collaborating to conduct a new survey in the Kodiak area and for parts of the Alaska Peninsula and work on genetic comparisons of the western Gulf of Alaska kelps compared to other areas. This kelp grows in thick beds very near shore and has implications for oil spill risk and oil retention, and is likely to respond to changes in sea surface temperature and circulation related to climate change.
2. I had hoped to meet with Kodiak-area researchers and fishermen in April while at the Kodiak Area Marine Science Symposium. This was to narrow a survey area for aerial and boat

fieldwork for mapping *Macrocystis* kelp in our areas of concern. However, like many other meetings, this has been cancelled. I will follow-up at some later point and do what I can via email. I am uncertain of whether we will be conducting surveys this summer or not.

Cook Inlet Response Tool (CIRT)

1. Since our Cook Inlet Response Tool (CIRT) was migrated along with hundreds of other data sources to AOOS's Next Generation User Interface, we continue to provide training support and looking to update data layers. We were requested to provide additional training to ADEC this spring, but that will also be delayed until later this year.
2. By working with NOAA's National Centers for Coastal Ocean Sciences (NCCOS) National Status and Trends (NS&T), we will be expanding a data portal to integrate contaminants data from our Integrated Cook Inlet Environmental Monitoring and Assessment Program (ICIEMAP) into an on-line contaminants database developed by NCCOS. We are also planning to incorporate results from the southcentral Alaska coastal bays and estuaries EMAP, CIRCAC's archived study results (1993-2002), and a depositional habitat study by MMS (now BOEM). However, started by working with the Kachemak Bay Ecological Characterization to serve ICIEMAP data from sites just within Kachemak Bay. Based on that visualization tool, we'll expand out to include the most recent contaminants data, which is our ICIEMAP database. From there, we will work backwards to include older data. A portion of these database will be one of the final deliverables to BOEM for our Lower Cook Inlet Habitat study report, as well, focusing on hydrocarbons. We have also been asked to provide recommendations for monitoring contaminants associated with Outer Continental Shelf (OCS) activities in lower Cook Inlet that may impact nearshore subsistence species in lower Kachemak Bay near Nanwalek and Port Graham.

Physical Oceanography

1. AOOS has requested input into the development of their next five-year plan. I am reviewing our prior recommendations in light of accomplishments over the past five years and will submit recommendations to them. As users of Cook Inlet, I would be interested in hearing from you (EMC committee members, CIRCAC staff, Board Members) on observations or tools that could improve our understanding of Cook Inlet or provide real-time information.
2. I have been in conversation with Dr. Tahzay Jones of NPS regarding their efforts to better understand Cook Inlet circulation in the very nearshore environment, especially adjacent to Lake Clark National Park shorelines. He is working with physical oceanographers and modelers at UAF for plan for data collections this summer. Their needs overlap strongly with our needs regarding a better oil spill trajectory model for Cook Inlet so we will be coordinating with them and with NOAA (see bullets below).
3. NOAA's Cook Inlet Operational Forecast System (CIOFS) circulation and hydrographic model transitioned from developmental mode to operational mode in July and in the process it was moved from NOAA's Center for Operational Oceanographic Products and Services (CO-OPS) branch to its National Centers for Environmental Predictions (NCEP). This was a decade-long effort by NOAA that started with deployments of current meters and Acoustic

Doppler Current Profilers (ADCPs) throughout the Inlet. The model will predict water levels, three-dimensional currents, temperature, and salinity based on inputs of meteorological and hydrological conditions. Its scope includes Cook Inlet and Shelikof Strait. This model can be used operationally by NOAA's Office of Restoration and Response for oil spill modeling in the event of a significant spill.

At this time, CIOFS is not available for web-access or public use. However, both PROPS and EMC have strong interests in an oil spill trajectory model (using the operational Cook Inlet water level and 3-D circulation model) that would be available to users for oil spill planning (e.g. contingency plans, drills) and response. In the mid-90s, PROPS developed a simple desk-top oil spill trajectory model that was invaluable for drills and contingency planning. It is no longer operational and was based on a very simplified interpretation of Cook Inlet's circulation (e.g. model had to be "hinged" to simulate density-driven currents). EMC will be working with PROPS, AOOS, UAF, NPS, and NOAA to work towards developing a tool that takes advantage of the new high resolution CIOFS model (and other Cook Inlet models that may model nearshore areas more effectively) but that can be made available for on-line use as an oil spill trajectory model. This will likely involve (1) model tests against observational data, (2) discussions among model developers, physical oceanographers, and oil spill responders, (3) summaries of existing Cook Inlet hydrodynamic models describing their strengths and weaknesses (e.g. ability to resolve known Cook Inlet convergence zones, ability to predict oil movement in nearshore waters), and (4) development of an on-line tool that is available to the wider oil spill planning and response community.

Oil Fate and Effects Programs

1. We presented the results of our research on oil-related marine snow in Cook Inlet at the PWS RCAC Science Night in December. Jesse Ross and I coordinated our presentation to include the need for that type of information for understanding potential oil fate, transport, and effects within the oil spill planning and response community (my presentation) and the specific field and laboratory work that was done in 2018 and 2019 (Jesse's presentation). We also had a poster presentation at the Alaska Marine Science Symposium (AMSS) in January 2020 in Anchorage and at the Gulf of Mexico Oil Spill and Ecosystem Symposium (GOMOSES) in February in Tampa.
2. At GOMOSES in February 2020, I met with Dr. Nancy Kinner of CRRC and other scientists conducting research on Marine Oil Snow. During one of the meetings, we discussed potential thesis tasks for a new graduate student for the summer of 2020. A larger group met to plan larger proposal and a manuscript. In December I worked with partners to develop a Study Plan idea to submit to BOEM, which we submitted under the umbrella of NOAA's Office of Response and Restoration.
3. For summer 2020 fieldwork, we outlined some tasks for a new graduate student since Jesse Ross completed his thesis and has moved on to new opportunities. I will share these with you as we refine them and figure out what will be possible this spring and summer, given

complications with travel. However, we have identified several tasks that could be done with the graduate student staying at University of New Hampshire, including (1) compiling data on areas in Alaska's marine environment where the environmental drivers for the formation of oil-related marine snow potentially exist (e.g. oil spill risk, high primary production, and link to benthic habitat) and (2) having me send carboys of seawater throughout the spring and summer (beginning in April) via Fedex for oil, sediment, and dispersant roller-bottle experiments at UNH. Of course, these plans will most likely be modified until we figure out what sampling surveys will be able to move forward in the near future.

4. At GOMOSES, our proposal team also discussed the potential opportunity to submit study ideas for collection and analyses of oil-related marine snow during some future Canadian oil-on-water experiments as part of their Multi-Partner Research Initiative (MPRI). MPRI is led by Dr. Ken Lee by DFO under Canada's Oceans Protection Plan and focuses on the generation of scientific knowledge for the regulatory approval of Alternative Response Measures.

Technical Review Program

1. We are still awaiting ADEC's final decision regarding the Cook Inlet general oil and gas discharge permit and I will update you when the final permit is announced. As you know, in 2019, ADEC opened the draft Alaska Pollutant Discharge Elimination System (APDES) **General Permit** to Discharge to Waters of the United States - Oil and Gas Exploration, Development and Production in State Waters in Cook Inlet. We reviewed the permit and associated fact sheet, mixing zone model results, and other associated documents. The Permit would replace the expired 2007 general permit AKG315000 for discharges to state waters. The draft Permit also included mixing zones for discharges from a previously zero-discharge platform.
2. We are also awaiting a decision by ADEC regarding an Individual Permit that we reviewed in 2019. As a reminder: On April 24th, ADEC announced that they had prepared an Alaska Pollutant Discharge Elimination System (APDES) Draft Permit AK0053309 available for a 30-day public review. This was a proposed **Individual Permit (IP)** for Cook Inlet Energy, LLC, Osprey Platform. This platform was originally developed as a zero-discharge platform for produced water and has been operating as such since its inception. The General Permit (GP) above also included produced water discharges from the Osprey Platform in the proposed permit, so Cook Inlet Energy likely applied for an IP in case the GP was challenged in court. Comments were originally due on May 27th, just 5 days after the comments on the GP were due. They extended that deadline after receiving numerous requests from CIRCAC and others, though by only 5 days. The review period ended May 31st and CIRCAC comments were presented to the Protocol Committee for review, revision, and approval.
2. Through the Protocol Committee, we submitted review comments on NOAA's 2019 proposed rule to authorize the take of marine mammals incidental to oil and gas activities in Cook Inlet, over the course of five years (2019-2024) by Hilcorp Alaska LLC. The proposed rule activities included 2D seismic nearshore surveys between Anchor Point and Kasilof, 3-D seismic surveys offshore in their OCS lease blocs, geohazard surveys in the lower and middle Inlet, exploratory wells in the lower and middle Inlet, exploration and development on the

Iniskin Peninsula, Trading Bay and North Cook Inlet Unit well abandonment activities, and Drift River terminal de-commissioning. One of our main concerns was that NOAA did not require even Passive Acoustic Monitoring devices in Cook Inlet during the planned fall 2019 seismic surveys. Even though these data collections were not required by NMFS of Hilcorp, a group of scientists scavenged funding and partners to deploy sensors in the Inlet. We helped in the planning and provided some logistical support for deploying the sensors and collecting zooplankton samples. At a future meeting, we will request a presentation on the results of these October/November 2019 data collections.

Additional Activities

1. As a Board Member on the Oil Spill Recovery Institute (OSRI) Advisory Board, I attended the winter meeting on February 11, 2020 via teleconference. During that meeting, I was re-seated for another two years as one of two representatives of coastal communities in OSRI's areas of concern and elected as Secretary, which also places me on the Executive Committee (which very rarely meets). I will also hopefully attend a Workplan Committee Meeting in Anchorage in July. At that meeting, we will develop a proposed budget and workplan for FY21 (OSRI follows a federal fiscal year so its FY21 begins October 1st, 2020).
2. In 2018, I was asked to join the Alaska Research Consortium (ARC) to provide the perspective of marine research in the Kodiak region towards their mission of "Supporting sustainable fisheries and marine science in the north Pacific." One of their most recent efforts was to lobby the Alaska legislature to include language in the bill reauthorizing the Technical Vocational Education Program (TVEP) that included giving the Kodiak Seafood and Marine Science Center (KSMSC) a 1.9% allocation of the annual TVEP fund (about $292,000/year). It did not make it out of committee, which is unfortunate as these funds would have gone to UA, with stipulations that it be used for program purposes consistent with the mission of the KSMSC (formerly Fisheries Industrial Technical Center, or FITC). This aligns with one of CIRCAC's goals of their scholarship program, which is to provide opportunities in marine trades.
3. Prior to the December 2019 Board meeting, I worked with other CIRCAC staff to develop and present draft language for strategic planning and potential council priorities. The Board reviewed and finalized their council priorities for the year at the December 2019 meeting. The organization will I've also worked with Lynda Giguere on numerous public outreach activities including annual report writing and design and screen displays at the Kenai airport.
4. Following the February 2020 GOMOSES meetings in Tampa, FL, I drove with a friend to see the 656-ft. car carrier (RORO) *M/V* Golden Ray that capsized in September 2019 at the mouth of St. Simons Sound off of Brunswick, GA. The vessel has been in place since then and recent litigation has delayed the salvage plan. They have a salvage plan ready and will be conducting dye-tracer studies to help better understand the trajectories of potential contaminant releases during the salvage operations. If you are interested in this bizarre and fascinating response, you can follow their plans at https://ssiresponse.com

Photo from MarineLog.

Ice Monitoring Cameras

Staff and our contractors have been working to ensure each of the cameras within the Ice Monitoring Camera system is functioning. Tests have revealed the camera at the Port of Alaska requires replacement. CIRCAC already has replacement cameras on hand, one of which has been prepared for installation. We are currently working to contract with an appropriate electrical contractor that can accomplish the camera replacement at the Port of Alaska. Once we have an electrical contractor on contract we will monitor the installation and bring that camera back on line. Additionally, staff has been working closely with Hilcorp to establish a new camera location on the Tyonek platform. That camera has been installed on the platform; however, the wireless link, which belongs to Hilcorp, is not compatible at this point. Currently, Hilcorp technicians are working to allow our camera data feed to be transmitted to a shore side landline circuit that will carry the images provided by the camera to the National Oceanic and Atmospheric Administration (NOAA) Ice Forecaster.

Additionally, the work to include access to the camera system by the Southwest Alaska Pilots Association (SWAPA) marine pilots has been placed on hold until we get most of the cameras in the system converted to the new style camera. This decision was made to ensure better performance and troubleshooting when necessary.

Geographic Resource Inventory Database (GRID)

Staff and our primary contractor introduced GRID to the Hilcorp drill planning committee. In doing so it as discovered that there was a company system firewall that was preventing access to the GRID. CIRCAC staff and our contractors worked with Hilcorp personnel to identify a solution to allow GRID access to Hilcorp personnel during the April drill exercise. Staff is working with Hilcorp to provide GRID training prior to the drill exercise. Staff, along with our contractor, will provide drill injects to the drill planning committee that will thoroughly exercise the software within the drill scenario in an effort to tax the program and the users.

Once we have established the GRID program to be accessible and reliable, we will begin collecting data for upper Cook Inlet to complete the database for region. Once the database can cover the CIRCAC area of responsibility, we will include it in the Cook Inlet Response Tool (CIRT) for use during emergencies.

Alaska Regional Response Team Meeting

Staff attended the last Alaska Regional Response Team (ARRT) hosted at the BP training Center in Anchorage. Updates on the ARRT projects associated with the ongoing effort to transition to the Regional/Area plan model required by the National Contingency plan. Great progress has been made in that regard and work continues to develop and improve those newly developed plans. Staff also heard updates from each ARRT member regarding operations and project progress. Several presentations were given that included Wildlife Protection Guidelines; Historic Properties Specialist Workshops; Science and Technology Committee activities. Area Contingency Plan committees reported to the ARRT that included Prince William Sound, Southeast Alaska, Alaska Inland, Artic and Western Alaska Area Committee updates, Area Contingency Plan updates, Area Case Summary/enforcement updates, and Support Requirements.

Drill Planning

Hilcorp

Staff has been participating in planning the April 29th Hilcorp annual joint field exercise. This exercise centers will have a tabletop and field deployment. However, the field deployment will occur several days later.

The exercise centers on the Swanson River Field (SRF) operations; a sinkhole impact to the Swanson River Oil Pipeline (SROP) and a flowline (that is regulated by the Alaska Department of Environmental Conservation). Oil back flows into the rupture area and most of the line fill is released into the environment. Personnel safety, wildlife safety, and public information and liaison activities will be the focus for the tabletop portion of this exercise.

CIRCAC staff is helping to manage drill injects for this exercise. Injects are packets of information designed to direct the exercises progress as they are introduced (injected) throughout the exercise at various predesignated times (unknown to exercise participants). The goal of using injects is to mimic the sort of information that the Unified Command (UC) and the Incident Management Team (IMT) will encounter in a real event as operations progress. CIRCAC staff will also design and submit injects that will drive the use of the GRID program throughout this exercise.

Protocol Control Committee Staff Report

Since the last Council meeting the Protocol Committee has reviewed one Oil Discharge Prevention and Contingency Pan (ODPCP) and provided comments regarding the Alaska Department of Environmental Conservation's (ADEC) Public Scoping of the ODPCP Regulations.

Tesoro Kenai Pipeline Company Oil Discharge Prevention and Contingency Plan
This plan combined three previously approved plans for the Kenai Pipeline, Marathon Refinery, and Tesoro Truck Terminal and incorporated the requirements of the Alaska Oil Discharge Prevention and Contingency Plan, U.S. Coast Guard, EPA, DOT/PHMSA facility plan requirements into one comprehensive plan.

In light of the complexity of this consolidation and the required changes needed to make this plan a usable document, covering three different facilities, we were pleased to see that the Marathon plan writers chose to retain the State of Alaska ODPCP plan format. This format facilitated an easy plan review. Overall, the plan should provide good guidance and information in the event of an incident and planned exercises.

Oil Discharge Prevention and Contingency Plan Public Scoping on 18 AAC 75 Article 4
In developing these comments CIRCAC staff worked with Prince William Sound RCAC to ensure our message carried the weight or both organizations' concerns and perspectives. Both RCAC's staff members worked in a two arm approach through public outreach and a technical review workgroup. The technical review workgroup worked together to discuss various aspects of the regulatory process, interpretation and application of the regulations along with our varied experience and individual perspectives. In the end we settled on providing comments that reflected our individual perspectives, concerns, and observations while also retaining continuity between the two organization's comments.

Our comments pointed out that a company's responsibility under the plan requirements is tailored to the nature of their activities and potential spill risks. The plans are by necessity locally specific and require a consideration of the conditions, accessibility, resources, and sensitivity of the area where a spill response may occur. Reasonable incentives are in place for a company to prevent spills, while at the same time recognize that no operation is immune to unforeseen events or errors that may result in a spill. That the plans do not just inventory equipment, vessels, and personnel, but provide a holistic picture of how the many critical elements of a spill response would be brought together to protect Cook Inlet's environment and communities.

Our comments went on to list seven critical elements of the contingency planning process implemented under Alaska's regulatory framework.
We identified the following key functions:

1. Provide a usable emergency plan;
2. Provide a detailed response plan and procedures;
3. Demonstrate access to equipment and resources to meet response planning standards and the ability to protect environmentally sensitive areas;
4. Assess past and potential spills and how they can be prevented;

5. Demonstrate the use of best available technology by the plan holder;
6. Ensure a company's operations comply with Article 1 regulations (18 AAC 75.005-085)
7. Represent a permit to operate as required by law

Other areas of concerns we provided recommendations for were:

Supporting consistent application of the regulations
CIRCAC recommended that ADEC develop and adopt a training regime that ensures consistency in interpretation, implementation, and enforcement of the regulations. We emphasized the importance for the training to span the entire chain of command within the department, for supervisors and environmental specialists to act as one cohesive unit regarding regulatory application.

Suggested Minor changes to the regulations
CIRCAC requested that a standard methodology for determining oil recovery rates and efficiencies be required in regulation. We identified the ASTM F2709-19 standards as one methodology that could ensure that when response organizations, plan holders, and others compare the capabilities of skimming equipment they are comparing equivalent efficiency information.

Provide minor amendment documentation to identified plan reviewers at the time of submittal. That ODPCP regulations should be modified so that all copies of a plan holders' proposed minor amendment are provide to named reviewers prior to approval. This would ensure that we and other plan reviewers would have the opportunity to raise any concerns to ADEC before the Department issues a decision on the amendment.

Modification of the regulations to provide notification of non-readiness of equipment to named reviewers along with any conditions ADEC place on the plan holder.

Consider changes of ownership as a major amendment. We pointed out inconsistences between two regulatory citations within Article 4. We went on to point out that an effective spill response, including management of that response, is directly tied to the capabilities and capacities of the plan holder. And that those capabilities and capacities cannot be assumed to be the same when ownership transfers from one owner/operator to another. Consequently, actual change of owners (as opposed to simple name changes) should be treated as major amendments. CIRCAC requested that all amendment applications changing the owner or operator of a facility or operation for an approved ODPCP be treated as “major amendments” subject to public review.

Our comments go on to address inconsistencies in the organization and content of sections for the ODPCP contents and approval criteria (18 AAC 75.425 and 18 AAC 75.445).

Two sections of Article 4 describe what is required in an ODPCP, with many other subsections referenced within them. Section 18 AAC 75.425 describes the required plan *contents* and organizes those contents into five parts and facilitates plan review. Section 18 AAC 75.445 lists requirements for plan *approval*. The two sections identify somewhat different requirements and

in a different order. This organization means that plan writers and reviewers must follow two different sections of the regulations at the same time, in addition to other referenced subsections in order to comprehensively write or review an ODPCP.

Aligning 18 AAC 75.425 and 18 AAC 75.445 sections (and the referenced subsections) would reduce the burden of both compliance and review.

Additionally, Article 4 goes on to require a contingency plan to provide for the use of the Best Available Technology (BAT). This requirement has been hotly contested for many years, for a number of different reasons. The individualized analysis called for by the BAT regulations has not been consistently applied by ADEC staff and consequently by industry. Finally, ADEC has not used the process set out in Article 4 to identify and then require use of new technologies in individual contingency plans.

CIRCAC strongly recommended that the ADEC develop and adopt a training regime that would ensure that all plan reviewers are trained to interpret, implement, and enforce the BAT regulations consistently. CIRCAC also recommended that the ADEC seek renewed funding and regulatory focus to identify break-through technologies for use in contingency plans and require their application in appropriate contingency plans. CIRCAC recommends that the 18 AAC 75 should be re-evaluated with specific attention given to better description and clarity in the regulations of what technologies under must undergo the individualized BAT analysis. Finally, CIRCAC recommends that the requirements set forth be exercised vigorously to identify and promote the use of BAT.

Process going forward

Regarding the process going forward, if ADEC chooses to initiate a revision of the Article 4 regulations, CIRCAC believes that it is critical for the process to be cooperative and must involve interested stakeholders. Convening a work group that includes ADEC staff, industry representatives, and public-interest representatives to work cooperatively on revising the regulations will ensure that the process is transparent and comprehensive. This approach should yield a beneficial effect for subsequent public reviews.

Likewise, CIRCAC requested that if any changes to regulations are proposed the public review period should be significantly longer than the 30 days required under regulation. This will allow the public sufficient time to thoroughly review any revisions. We also requested that all comments received should be posted on the ADEC website as was done for this first scoping to uphold the highest level of transparency around this unprecedented "open-ended" process.

Public Outreach Report to the Board – April 2020

New Director

In February, we welcomed our new Director of Public Outreach to the CIRCAC team. Shaylon Cochran will take over for Lynda Giguere, who will remain on staff as she transitions into retirement later this year. Her experience will be valuable as we continue our campaign raising awareness about ADEC's public scoping process (more on that below). Shaylon comes to us from KDLL Public Radio in Kenai, where he worked as a host and reporter since 2011, writing extensively on the Cook Inlet oil and gas industry.

Exhibits

In January, we exhibited at the Alaska Marine Science Symposium poster sessions in Anchorage. Maddie Jamora assisted the Directors of Science and Research and Public Outreach during the two-evening sessions. Since then, national and international public health emergencies have forced us to reconsider several annual events. We had planned to attend but cancelled our exhibit at ComFish Expo, which we have attended for the past six years. Since cancelling, however, we have been informed that this event is rescheduled for September and we are still registered. We have also withdrawn our application to exhibit at the IOSC (International Oil Spill Conference) in May. This conference has not yet been officially cancelled. We look forward to being at regularly scheduled events later this summer and fall, as conditions allow.

Special Projects

We continue our communications campaign, along with Prince William Sound RCAC, to increase public awareness about the Alaska Department of Environmental Conservation's public scoping process for oil spill prevention and contingency plan regulations and statutes. The RCACs believe this could weaken long-established rules that, for three decades, have worked as intended and been refined and reviewed at regular intervals, with input from the state and industry. We were pleased to see the Kenai Peninsula Borough Assembly adopt a resolution at its February 25th meeting, supporting the current regulations and asking DEC to put forth only those proposals that will strengthen existing law. Mike Munger spoke to the resolution, and took several questions from the assembly about the scoping process, DEC's stated intentions, CIRCAC and its role in this process. The public comment period ended March 16. Both RCACs submitted comments urging DEC to focus on staff training and retention as part of the broader goal to provide industry consistent direction in the approval and application of C-Plans and other regulatory matters. DEC received more than 120 comments by deadline.

Scholarships

The deadline to apply for CIRCAC's scholarship program was March 25. We will announce winners after applicants have been interviewed by the Scholarship Committee.

Newsletters

March – The March newsletter was the first written by our new Director. It focused on our outreach efforts and the timeline for the public to submit comments to the state, including an op/ed by Board President, John Williams.

Elections

Public Outreach is assisting the Directors and Administrative Director with the upcoming elections for Alaska Native Organizations, Environmental Groups, Kodiak Island Borough and Kenai Peninsula Borough.

Paid Advertising

We have renewed our airport display at the recently remodeled Kenai Airport for 2020. Unlike our previous static display, this year's display is digital and consists of three rotating images about our work. Special credit goes to Sue Saupe, who pulled together the final design and presentation.

Other paid advertising since December includes a small campaign on social media, promoting deadlines for both scholarship applications and public comments to ADEC. Our social media presence will continue to grow in the coming months. These avenues represent a cost-effective way to reach our stakeholders and beyond by sharing our story and relaying important developments as they occur.

In the News (Earned Media, year to date)

Our outreach campaign for ADEC's public scoping process saw some traction, especially locally. John Williams' commentary was featured in print and broadcast media. Recording a commentary for radio was a first, and something we will likely return to in the future.

- 03.18.20 – Spill response comments range from status quo to modernization, Alaska Journal of Commerce
- 03.11.20 – Guest Commentary: Alaska's oil spill response rules are working, Alaska Journal of Commerce
- 03.02.20 – Commentary: Pressures are mounting on Alaska's oil spill prevention and response system, KBBI
- 02.26.20 – Assembly passes resolution supporting current state laws regulating oil and gas, KDLL
- 02.26.20 – Alaska Voices: Pressures are mounting on Alaska's oil spill prevention and response system, Peninsula Clarion

2020 Planned Upcoming Exhibits

August--Kenai Peninsula Fair and Industry Day

November—Pacific Marine Expo, Seattle

COOK INLET REGIONAL CITIZENS ADVISORY COUNCIL

ANNUAL MEETING
****AGENDA****

Friday, April 3, 2020
TELECONFERENCE ONLY

12:15 pm (est.) **Cook Inlet RCAC 2020 Annual Meeting** **17**

Call to Order

Roll Call

Approve Agenda

<u>Seating of Members of the Board of Directors</u>

Directors – 3 year terms *(Action Item)*

- Re-election of Michael Opheim, Alaska Native Group
- Re-election of Deric Marcorelle, Environmental Group
- Re-appointment of Grace Merkes, Kenai Peninsula Borough
- Appointment of Scott Arndt – Kodiak Island Borough

Election of Officers *(Action Item)*

- President (1 year term)
- Vice-President (1 year term)
- Secretary/Treasurer (1 year term)

(For information purposes, the 2019 Officers were: President – John Williams; Vice-President – Robert Peterkin, II; and Secretary/Treasurer – Gary Fandrei)

Selection/Appointment: Committee Members

Executive Committee *(Action Item)*

- President (Serves as Chair) (1 year term)
- Vice-President (1 year term)
- Treasurer (1 year term)
- 2 Board members At-Large (1 year terms)

(For informational purposes, the 2019 Members were: John Williams, Robert Peterkin, Gary Fandrei, Deric Marcorelle and Bob Flint)

Audit Committee *(Action Item)*

- Treasurer (Serves as Chair) (1 year term)
- 2 Board Members At-Large (1 year term)
- 1 Board Member Alternate (1 year term)

(For informational purposes, the 2019 Members were: Gary Fandrei, Molly McCammon, Grace Merkes and Robert Peterkin as Alternate)

Credentials Committee *(Action Item)*

- Vice-President (serves as Chair) (1 year term)
- 2 Board Members At-Large (1 year term)
- 1 Board Member Alternate (1 year term)

(For informational purposes, the 2019 Members were: Grace Merkes, Gary Fandrei, Robert Peterkin and Michael Opheim as Alternate)

Protocol Control Committee *(Action Item)*

- 5 Board Members (1 year term)
- 1 Board Member Alternate (1 year term)

(Committee elects Chair. For informational purposes, the 2019 Members were: Robert Peterkin, Bob Flint, Deric Marcorelle, Paul Shadura, Rob Lindsey and Gary Fandrei as Alternate

Prevention, Response, Operations & Safety Committee *(Action Item)*

- 3 Board Members (1 year term)
- 3 Board Member Alternates (1 year term)

(Committee elects Chair. For informational purposes, the 2019 Members were: Rob Lindsey, Deric Marcorelle, Bob Flint, Michael Opheim, Carla Stanley and Walt Sonen)

- 6-8 Public Members (2 public members nominated for seating)
  - John Bauer (re-appointment – 3 yrs.)
  - James McHale (re-appointment – 3 yrs.)

Environmental Monitoring Committee *(Action Item)*

- 3 Board Members (1 year term)
- 3 Board Member Alternates (1 year term)

(Committee elects Chair. For informational purposes, the 2019 Members were: Michael Opheim, Kyle Crow, Molly McCammon, Carla Stanley, Deric Marcorelle)

- 6-8 Public Members (2 public members nominated for seating):
  - Dan Urban (re-appointment – 3 yrs.)
  - John Morton, PhD (New appointment – 3 yrs.)

12:45 pm (est.) **Adjourn**