

**COOK INLET REGIONAL CITIZENS ADVISORY COUNCIL**  
**Anchorage**  
**December 6, 2019**  
**Approved Minutes**

**Members Present:** John Williams, Robert Peterkin, Gary Fandrei, Molly McCammon, Carla Stanley, Paul Shadura, Walt Sonen, Rob Lindsey, Bob Flint, Michael Opheim, Kyle Crow

**Members Present by Teleconference:** Deric Marcorelle

**Members Absent:** Grace Merkes (excused)

**Staff Present:** Michael Munger, Susan Saupe, Jerry Rombach, Lynda Giguere, Vaito'a Heaven, Maddie Jamora, Cindy Sanguinetti

**Staff Present by Teleconference:** Vinnie Catalano

**Others Present:** Rich Novcaski, Harvest Alaska; Tim Robertson, Nuka Research & Planning Group; Bart Buesseler, NOAA Coast Survey; Linda Swiss, PWSRCAC; Robert Archibald, PWSRCAC; Angelina Fuschetto, Crowley AK Tankers; Kevin Reeve, DHS & EM; Jason Brune, Commissioner, ADEC; Graham Wood, ADEC; Captain Sean MacKenzie, USCG; Lisa DiPinto, NOAA ORR; Nancy Kinner, Coastal Response Research Center; Jonathan Schick, ADNR Div. of Oil & Gas; Jonathan Dale, USCG D-17; Patrick Bergt, AOGA; Lori Nelson, Hilcorp; Ona Bramse, MOA; Ethan Berkowitz, MOA

**Others Present by Teleconference:** Chase Stout, BOEM

**1. CALL TO ORDER/ APPROVAL**

President John Williams called the meeting to order at 9:02 am. Roll was called, establishing quorum.

**Robert Peterkin moved to approve the agenda. Carla Stanley seconded. Robert Peterkin moved to amend the agenda to move Commissioner Brune's presentation to first, with Tim Robertson's presentation third. The second agreed. The agenda was approved as amended.**

Jerry Rombach conducted the safety minute.

**Gary Fandrei moved to approve the minutes of September 6, 2019. Robert Peterkin seconded. The minutes were approved.**

**Commissioner Jason Brune, Alaska Department of Environmental Conservation**, apologized for missing previous meetings and said he will attend in the future. He provided an overview of his past experience with oil spills and drills in Prince William Sound and Cook Inlet, saying he is still learning, and can benefit from Council members' expertise. He acknowledged the extensive concern from both RCACs regarding the Scoping process, and felt he'd had a good meeting with Mr. Munger earlier in the week.

When he first took the job, people from Industry, the regulated community, and local communities expressed concerns about c-plans. The Governor asked each department to identify regulations which could either be eliminated or improved. *“C-Plan regulations are not going to be eliminated.”* There is opportunity for improvement, which the Commissioner announced last year when speaking to the RDC. *It will be a slow, methodical and transparent process.* The department is in “listening mode” and a 90-day comment period started a couple of months ago to receive comments about what people like or don’t like in the entire Chapter about c-plans. *“The intention is to make the process better without impacting environmental oversight.”*

Comments expressed early on need to be submitted and these are being placed on the website (dec.ak.gov) for all to read. “Transparency in government, and good government should be letting the public know what the other members of the regulated community and other folks in the public are saying about the process.” The public will be given an opportunity to provide comments to proposed changes to the regulations. *“There is no commitment to making any changes at all. We are committed to listening, hearing feedback, and if appropriate, making changes. As part of this process we also included requesting the public (to comment on recommended) statutory changes.”* These require 21 votes in the House, 11 in the Senate and the signature of the Governor to approve. If there are changes that should be made, let us know. *“Governor Dunleavy has asked all of the departments to do what we can to show Alaska is open for business, to remove regulatory red tape, if appropriate, and at the same time not to impact the environmental protections that we have in this state that is incredibly important to us.”* Mike made a request that we extend the comment period 60 days; we will extend it to March 15.

Guests introduced themselves.

- **Ex-Officio Comments**

**Sean MacKenzie, USCG**, commended CIRCAC for promoting the Harbor Safety Committee which has taken ownership of the Ice Guidelines, which are voluntary best practice standards developed by Industry, Pilots and CIRCAC. Industry sponsors ship simulations in ice conditions, and CIRCAC has been involved. As well, CIRCAC sponsors the ice cameras, contributing to preparedness.

**Jonathon Schick, ADNR**, reported there is a new State Pipeline Coordinator. ADNR is working on a supplement to the Cook Inlet Area Wide Lease sale which will include the Iniskin Peninsula. Maps can be found on the website.

**Kevin Reeve, DHS & EM**, invited members to participate in the Dec. 17 HAZMAT working group to discuss the FEMA Region 10 Alaska Annex which will allow FEMA Headquarters to launch resources if the Alaska Emergency Operations Plan becomes overreached due to a disaster.

**Bart Buessler, NOAA Coast Survey**, announced that paper charts will be retired over 5 years. They will be available electronically and can be printed. Findings will still be incorporated. Mr. Buessler requested Ms. Saupe to use the Beta tool and provide feedback. Rob Lindsey said there is sound reason to have paper charts.

- **Public Comments**

**Linda Swiss, PWSRCAC**, expressed appreciation for the cooperative relationship with CIRCAC, saying the RCACs are stronger when they work together. PWSRCAC wants to ensure the environmental protections are maintained in the regulations.

**Robert Archibald, PWSRCAC**, reiterated concerns about the regulatory scoping process; he hopes there will be consensus between the organizations.

**Lori Nelson, Hilcorp & Rich Novcaski, Harvest Alaska**, gifted Cook Inlet RCAC with the life ring from the now decommissioned Christy Lee Platform. Mr. Munger expressed appreciation for the pipeline and that DROT is shut down. Mr. Novcaski stated that just less than 1 billion barrels of oil were loaded through the Christy Lee since 1967.

**John Williams** thanked Hillcorp for the expense armoring Drift River following the last volcanic eruption and further great cost building the pipeline.

**John Dale, 17<sup>th</sup> District**, spoke in behalf of Admiral Bell and thanked Mr. Rombach for the good work on the recertification packages. The Coast Guard has been accepting electronic charts since 2012 and will be working with NOAA through the change.

- **Welcoming Remarks**

Mayor Ethan Berkowitz, Municipality of Anchorage, welcomed the Council to Anchorage and gave an update on the Port of Alaska, which was impacted by last year's earthquake. He outlined work to be done in 4 stages: 1) Replacement of the petroleum cement terminal, which is fully funded, to be constructed by summer '21; 2) the cargo docks; design is in progress, and would require state funding; 3) the military strategic port, for which military funding is being sought; and 4) clean up the failed expansion project with funds recovered through the lawsuit. The Mayor promotes the passage of a general obligation bond for ports and harbors across the state. Federal funds are being sought as well. The construction season is short, the conditions challenging and the port is necessary to the state.

\*\*\*\*\*PRESENTATIONS\*\*\*\*\*

**Commissioner Jason Brune, Alaska Department of Environmental Conservation** mentioned he has a lot of experience in Cook Inlet.

**Michael Munger** explained that many on the board were involved first hand in the Exxon Valdez oil spill; CIRCAC is generally concerned about the lack of specificity regarding what ADEC would like to see changed and about the process in general, as expressed in letters and the OP ED. CIRCAC does not want to see significant changes or backsliding on the environmental protections that have taken 30 years to put in place. The regulations have gone through many significant revisions. Mr. Munger said that what he had heard from Cook Inlet industry is not so much they are burdened by the regulations, but by the inconsistencies by which the regulations are applied. C-plan regulation review is a highly specialized process. The ADEC reorganization combined spill responders and contingency plan reviewers, this and the need for training have resulted in more inconsistencies. He was surprised at the announcement of a potential sweeping overhaul of the regulatory regime for c-plan reviews because they were too burdensome for industry.

**Kyle Crow** said the comments made by the department regarding sweeping changes, eliminating or changing perhaps 50% of the regulations are fairly alarming, without knowing specifics. The scoping process concerns him, because the issue is not on the public's radar screen. Board members represent large groups of people, taking the responsibility to be aware and to educate constituents. As a manager of a petroleum terminal for the Coast Guard he had to be compliant with regulations; which took some time to understand, but were not unreasonable. It's wise to have good regulations that everyone

complies with. He did not anticipate there would be a lot of public comments, and even knowledgeable people don't know what to comment on because it's not known what industry is saying is a problem. If industry would reveal what is difficult to comply with or what is redundant then that could be addressed, but at this point it feels like the worse-case scenario because of comments like, "sweeping change" or "open for business" and the Council is very concerned. Mr. Crow will take resolutions to his constituents and urge them to write letters to the Governor and he hopes they will act with concern. He hoped Mr. Brune would address those concerns, provide specifics and give time for methodical response, providing assurance the process is working. The economy of Alaska is severely impacted by oil spills; we don't want to lose the economic benefits of a pristine environment.

**John Williams** quoted Commissioner Brune from a 3/19 article, "In terms of reviewing DEC's regulation, DEC has identified nearly ½ of more than 100 regulatory packages that the administration thinks can be eliminated or significantly reformed. Regulations governing oil spill contingency plans provide an example of an opportunity for efficiency and improvement." CIRCAC has taken the position in opposition "to any attempt to roll back oil spill prevention and response laws because they're too "burdensome and cumbersome to the industry". These laws have effectively kept oil out of our waters, and off of our beaches for more than 30 years." Many members clearly remember the Exxon Valdez. It is very confusing what DEC wants to eliminate from the regulations.

**Commissioner Brune** declared he is not disagreeing. DEC doesn't know what it wants to change. The 50 regulations are not all c-plan regulations; we never said 50 % of the regulations. "We never said we are going to make sweeping changes. We are in listening mode." He hoped everyone read Lynn Kent's response. "We have no desire whatsoever to roll back the environmental protections that we have in place. We do development better than anywhere in the world and the protections that we have in place, and the preparedness and the prevention that we put in place to make sure nothing like (the Exxon Valdez oil spill) ever happen again are absolutely vital. That said, we are in listening mode, and we want to hear from the regulated community what changes could be made that could make this process better." If we do propose any changes there will be another public process. "I've heard a lot of generalities, "C-plans keep getting bigger, no one will use these in the event of a spill, they've said." "They've told me they're not based in regulations; they're not based in statute." We're having this scoping process to learn what needs to be fixed. No one wants to roll back environmental protections, but only to eliminate unnecessary, outdated things. "Sometimes things are added to c-plans that aren't based in regulations or statutes that are really good...maybe we should add those to the regs or the statutes." "Let's look at the whole process; originally we were going to only look at two sections." But at PWSRCAC someone pointed out that changes in one section would impact another section, so we opened it all up. "There was no nefarious point on my part to open it all up. I think we owe it to ourselves to look at everything that governs the responsible efforts that we make to ensure that something like the Valdez Oil Spill will never happen again." "It doesn't mean I expect you to go through every regulation and tell me what you really, really like." If you choose to remain quiet, you'll have another opportunity to comment if changes are proposed. "I will absolutely take the blame for the language that I used...to show that Alaska is open for business and to try to remove regulatory red tape. That is our ultimate goal; it is not at all to roll back protections for ensuring that another spill like this never happens again." Are bonding requirements sufficient? That's a great question. "I commit to you to a fully transparent process; I commit, as I said in my opening comments, that all comments, that's never been done at DEC before, every single comment will be available for you to review." The fuel shippers submitted for the record the last 5 or 7 minutes of their meetings so you can see their concerns. I will read your comments in agreement or disagreement to any proposed changes. "This is meant to be a slow and long process." The extension will be to March 16. "Lynn and I both have

experience with the Valdez Oil Spill. In no way would we ever want our reputation tied to eliminating requirements that were put in place to make sure something like that never happens again. But there are ways that we can, not just from a c-plan perspective, but for all of our regulations, look at things to ensure that red tape, duplicative, unnecessary outdated technological things are removed. That new technology, best-available technology is incorporated that makes the process better and if possible makes it more encouraging for investment to happen in Alaska.”

**Carla Stanley** spoke to her surprise at the Commissioner’s printed comment regarding the view “that contingency plans are unnecessarily burdensome while lacking corresponding environmental benefits.” As a teacher she reviewed and revised curriculum. Prevention is the best medicine, she said. No amount of insurance can restore what is destroyed. She doesn’t want to see the loss of pristine environment. Members on the Council have many years of experience. The broadness of the scoping process is too much. While some corrections or deletions may be appropriate, some of the regulations may need to be strengthened and prioritized. The RCAC’s are comprised of volunteers who care about the environment; she was brokenhearted by the Exxon Valdez oil spill. While reassured by what the Commissioner just said, Ms. Stanley stated there has to be a lot of thought behind what is said; it needs to be clear and transparent. The task to comment on all of the regulations and statutes is overwhelming. If the complaints were made known, and the specific areas of regulations highlighted for review, the Council would give the matter thoughtful, careful consideration. But for now, she said she doesn’t even know where to look.

**Commissioner Brune** stated that his experience with education and curriculum revision led him to want to look at the regulations, but he agreed that there are foundational things that will never be changed. “We’re not gutting those things put in place to make sure something like EVOS never happens again.” He urged the audience to imagine a new company trying to come to Alaska to invest faced with the overwhelming pile of paper, but with the choice of investing in a 3<sup>rd</sup> World country that does not have such regulations. “I’m not saying we should not have regulations, I’m saying we should look at that overwhelming pile of papers and determine is all of that necessary?” We all want to ensure that our waters, beaches, fishing, tourism are protected, but we also want to encourage new investment to come to our state. “We owe it to ourselves to make sure that what’s in that overwhelming stack of papers is necessary. I want to reiterate, we aren’t proposing sweeping changes right now; we are in listening mode. If the Cook Inlet RCAC chooses to not comment, I would understand, because you are going to get another bite of the apple, and there will be specifics.” DEC wants to hear what the citizens and regulated community has to see. It may be that there are no changes.

**Carla Stanley** responded that the website lists 41 comments. There needs to be more exposure about what’s going on, and the verbal complaints received from industry should be included. People need to know what industry is complaining about. Hilcorp has been transparent with CIRCAC, and has spent millions. There are concerns about them going into the arctic. Those regulations need to be looked at carefully to keep that environment safe. She said we really need to know the big picture.

**Robert Peterkin** said he could see the Commissioner’s position on both sides of the issue. We all agree no one wants to hurt the environment. What does CIRCAC want? We want transparency on what is being proposed by industry. We’ve heard the Commissioner is meeting with industry. They need to put it to the pen. Mr. Peterkin was glad the shippers have provided information. The Cook Inlet industry has assured the RCAC they haven’t proposed any earth shattering changes. The board needs to understand the process going forward. Which department will be reviewing the comments? “The more communication we have, the less confrontation we’ll have. Hearing the commitments you (the

Commissioner) made today are very important and encouraging.” He said he will encourage the board and his constituents to comment in support of strengthening regulations that need to be strengthened, and to identify areas that are sacred, not to be touched. The RCAC is written in the regulations and doesn’t want to be written out because it serves a good purpose. Mr. Peterkin said he is pro-industry, but he loves Alaska’s environment.

**Commissioner Brune** said industry’s verbal comments were in generalities; he has encouraged them to make written comments. If they do not supply specifics it will be very difficult to propose changes, and likely no changes will happen. All comments will be posted online. Regarding the process, the comment period has been extended to March 16. The Commissioner and SPAR team will reviewing them. Lynn Kent committed to come back after retirement to mentor Mr. Brune for 3 months, and has now been with the department for a year. If she retires again, he assured the RCACs it will not be in response to her Compass piece statement, “I will not let this happen on my watch.” He feels he could have co-authored that piece. The SPAR staff has been asked to identify what changes they would make. Following the review of the comments, ADEC may come forward in May or June with some proposed changes. He won’t open public comment during fishing or tourism season, unless it is a very long comment period. Timing matters, proposed changes might be released in August or September, it might be in phases. He said he doesn’t want to overwhelm reviewers. He will speak with the RCACs about what DEC is contemplating. Statutes are passed by the legislature; regulations flow from the statutes. No statute changes will happen overnight, or during this legislative session. That would not happen until 2021, if there is going to be any statute changes. “I assured you, that Mike and I are going to have conversations if any statute changes are going to be proposed.”

**Robert Peterkin** declared that the dialogue had calmed the storm. While not wanting to diffuse the importance of environmental concerns, he said he is glad the Commissioner came to speak to the RCAC.

**Paul Shadura** applauded the Commissioner for listening to the concerns, providing feedback, and extending the comment period. When there is a lack of communication fears are generated. I don’t know what to tell the fishing industry. They wonder if government is intending to act without public involvement, which has raised the fervor. In the *Journal of Commerce* the Governor acknowledged he did not communicate well, and he said he was going to try harder. He hopes that’s the reason the Commissioner came to the board meeting, noting Mr. Brune responded in an affirmative fashion to comments the Council members made. He knows the Commissioner to be a fair person. He said he would just like to hear more from the department. One of the great things about being on the CIRCAC board is the interaction with industry and governance and the Coast Guard. A lot of the discussions may be informal, but they work, the give and take works so much better, than abrupt changes or confrontations through other avenues that cost a bunch of money and create more hardness with each other and less communication. As the process goes on, we need more discussions from DEC. From 1990 until now there have been 3 reviews in the Cook Inlet area, and a streamlining process. Audits are healthy. You don’t know if you’re doing it right unless somebody looks through it and self-evaluates and identifies if things need to be changed. But when we read articles like from the *Petroleum News* that say, “They’re getting way too burdensome, Brune said, we need to make sure we have good c-plans, but we need to make sure they are effective tools for industry as well as for agencies.” After your presentation at the RDC there were other industry advocates that talked about c-plans. So it would appear from this statement and from others that there were already conceived contingency plans that need to be changed. CIRCAC’s Protocol Committee goes through the contingency plans; a lot of changes that are made are compromised to some degree. Your agency takes care of that as the lead. I know that a new budget is coming out on December 15<sup>th</sup>. Do you have the staff; do you have the tools to

undertake a large project such as this? Do you think you can sufficiently address many changes that are recommended by industry in an efficient manner that's not going to create even more turmoil and add to the inconsistency that industry, stakeholders and others feel is the biggest problem. The department needs to be that catalyst, having the expertise and the training; even if that requires hiring contractors to be a third party so we can do this in a more efficient manner without having these emotional tie-ins from all these different entities.

**Commissioner Brune** responded that a lot of the comments appearing in media are not presented in full context. The Governor has tasked his Commissioners to look at the regulations; they have been told they are overly burdensome. Not just the oil and gas industry, but communities have said that c-plans are a pain. They need to show what changes need to be made. Our staffs are the foundation of DEC; that expertise is incredibly important. When I came in I learned we have 21% annual turnover rate at DEC. It made me ill. When you're trying to work with the regulated community you want folks that have expertise, that have institutional knowledge, and that have done it before. I have made it a priority to focus on improving retention. I am trying to provide opportunities to prove to our employees that they matter. As to the budget, we have a money problem in this state, we have a large deficit this year also, and there has been downward pressure on DEC. Our budgets are 30-40% less than they were 4-5 years ago, and there will be further reductions. The funding of SPAR is from a throughput surcharge of \$.09/gallon, but significant exemptions were put in place, roughly worth a million dollars. A lot of the biggest spills are from the communities. Your points are well said that we need good staff.

**Paul Shadura** said that is something CIRCAC could help with. That is the kind of communication the RCAC is good at as it represents a lot of stakeholders. Industry would love to have more consistency with DEC and less impromptu oversight that creates all kinds of confrontations and consternations.

**Commissioner Brune** said he will not undermine his boss by lobbying for additional funding other than the budget they are proposing.

**Paul Shadura** stated that the effort would be advocating for the agency. He said he understands the Commissioner has restrictions with the position he holds. But if CIRCAC can make the situation better, it wants to.

**Commissioner Brune** appreciates all effort.

**Paul Shadura** said, "Now we have communication."

**Molly McCammon** asked how ADEC can do a sweeping review of the regulations and statues with limited staff. DEC has always had the challenge of keeping qualified, trained personnel. They leave; it's an ongoing issue, so she appreciates the efforts to improve retention. DEC has the challenge to assure the RCAC and other members of the public that it has the technical capacity to thoroughly and neutrally assess input received. Industry has a lot of the expertise, trained by ADEC. Equal technical expertise is needed on the State's side. She asked, "How can you assure that the government will represent the public's interest in having that technical ability, given the fact that the budget likely will be hit again next week, and that DEC has the issue of staff retention?"

**Commissioner Brune** said more time will be spent to review the comments, and if need be, contractors will be hired, if appropriate. Any changes proposed will go out for public comment so that the technical expertise CIRCAC and PWSRCAC can be brought to the table. DEC is trying to incorporate technology

and now has 7 drone pilots. The department is trying to do more with less. "I'm proud of the expertise we have at DEC, we just don't have as much of it as we once did, and we will not go as fast in reviewing it. We're going to do our best."

**Susan Saupe** observed that it's easy to say that media puts a spin, and that it's not coming from you or Dunleavy, but that's a failure of communication. There have been a lot of interviews with the Governor who admits he's learned there can never be too much communication. "This is a perfect example. You need to understand that part of the reason that everybody is so concerned about this is the way it's talked about within the agency, by you and by Governor Dunleavy. It's very hyperbolic language. "The regulations are job killing, unnecessarily burdensome, we're open for business." Which business? We have commercial fishing and tourism that rely on the clean environment, and the perception that it's going to remain clean." It's important to keep in mind. Without identifying what the targeted regulations are, while saying that you will "not compromise on environment or safeguards, you're looking at ones that weaken our ability to prevent and respond catastrophic spills," specifically contingency plans. So why can't you say which ones? You say it's just generalities, but it appears that it's more than that by the way it's discussed and the way you present to different groups. That's a communication thing that's helped feed into the concerns that people have. You opened up all of the statutes of Article 4; it's much more than 50-60 pages. You specifically requested industry to submit comments on regulations that seem unnecessary, that's easy. But industry that supports environmental protections, and is therefore in favor of all of the regulations is being asked to comment in support of all of them. That's a significant request. She commended him for extending the deadline, and thanked him for coming to address the RCAC regarding some of the breakdown of communication.

**Commissioner Brune** declared he did make the hyperbolic statements. "And I do stand by them. But the entire thing I said was not captured." None of these changes will be made in a vacuum. When it comes to other industries, I am about holding everyone to high standards. I am not about lessening environmental protections; I'm about raising them, and raising the environmental ethic for everyone, including what local communities discharge. While they have serious concerns about the big operators and the damage done by the Exxon Valdez, they don't pay attention to their own back yard. We need to have those same high standards. Yes, there are many regulations in this state which discourage people from coming here in the first place. We're looking at them; we need to look at them. I think we need to look at every single regulation and statute that we have on the books on an ongoing basis. If I were king I would say every 10 years every single law should be sun-setted to force the legislature to go back and look at those laws and determine whether or not they're appropriate. Are we using best available technology? Are we making sure we have the staff and the fiscal notes to support them? We have so many unfunded mandates on our books right now. These were great ideas 15-20 years ago that I'm supposed to be responsible for, but I'm not given the budget for them. C-plans are just one of the items, and all of the many components of c-plans. We need to make sure we can justify them. We have technology, digital versions that we could just reference rather than include 60 extra pages in a c-plan. I'm still learning; that's why I've sought feedback; I will read the comments, ask questions and then act. I could have just gone and proposed changes, but that's not the kind of person I am.

**Bob Flint** identified that it's not a regulatory change issue, it's a consistency issue. Consistency is training and that's always been a real problem. The other thing is retaining institutional knowledge; that is a problem with every organization. The department could put together a desk manual to help people know what they need to look at when reviewing c-plans, so there would be consistency on the regulations, which is critical. It is the obligation of the department to help people through the system, not just point them to the regulations for compliance. That's a training option. I would encourage you

to do that. In my last years with the department the reviewer would review the plan and hand it to the supervisor to sign off. There was no team overview to determine whether the work was consistent. C-plans are critical. They provide assurance to the citizens of Alaska a proof of resources. They also provide the company with a basic training document. It's guidance for response. I do a lot of responses now. The c-plan is like a map book. If they get stuck, it's there. They're key for Geographic Response Strategies. No spill is the same, but there are similarities. Regulatory review is good, because there are things that become outdated and could be improved. You have to be careful what you take away. In spill response there is the term "net environmental benefit," and sometimes to get the best effect overall you may trash a beach, but you're saving something else. That's where the c-plan, the training, the practices come in. "Practice does not make perfect, it makes permanent. How you practice is how you will play." Before the Exxon Valdez the management system was totally crazy, now the ICS system allows people from different organizations to come in and to fall into a position and know the roll. And that's what c-plans do. They're not perfect. But when they are practiced they can be tweaked. When GRSs were tested it helped identify what didn't work. "Spill response is not a science; it's an art." But you need that guidance, you need that training. I feel for you for the loss of people, and the ones coming in who don't have the experience. Prevention is horribly expensive; but it is tremendously cheaper than an event. He cited an on land spill in Seward where prevention could have saved the ship owner and his insurance company a lot of money. C-plans are not the total solution, but they help. It's not necessarily the regulations that are the problem, it's how are they implemented and how do we train our people. Outgoing employees need to leave some sort of guidance document. He thanked the Commissioner for coming.

**Commissioner Brune** said Mr. Flint's comments were amazing, with the focus on consistency. He is always asking what the foundation is for a recommendation. What are the regs behind it? "I think consistency of application might be more of an issue than I even know. Instead of the regs needing to be changed, or the statutes needing to be changed, it might be that there needs to be consistent application of what's currently on the books." It's a great point; it's one I'm going to redouble our efforts on to make sure if someone does propose something and it's a good idea, but not a regulatory requirement, that may be what ends up happening with my staff putting things that might be good to have but do not have regulatory foundation. Maybe some of those things should be regulation or statute additions, because they are good thing. Drilling what is in a c-plan gets you ready so if something does happen, you're team is ready. Having DEC, industry and the regulated community prepared on what is in c-plans is important; it's not something I'm looking to gut.

**Rob Lindsey** said rules are there for protection. He said he misses Glen Glenzer who had an outspoken, pragmatic view of the way things used to be and a sense of reality about how things can take care of themselves. Most of my questions you answered in answering Sue's questions. I did hear, in retrospect, you would have come to us early in the process. Vinnie and Mike have the ability to cut through c-plans, Bob and Sue can put their wisdom in a way a layman can understand. The value of the expertise on the Council is beyond belief. Now you have a two-pronged attack. You're listening to industry; it sounds like you have wide open ears for everyone. Find the expertise to help you ferret out the true answer, because none of it's easy; there are layers by necessity. I know Alaska doesn't look like low hanging fruit, not when you can go to Nigeria. Exxon is going to punch 30 wells off of Guyana. They get to make the rules. A whaling captain from Kaktovik said the oil industry has treated them well. Mr. Lindsey asked if through the process so far Mr. Brune has received any positive feedback from industry that hadn't considered Alaska. He didn't think the statement that Alaska is open for business was bad, because hearing it may open doors for people who hadn't considered the state. He hopes the

Commissioner will utilize CIRCAC's resources, as an effective tool in the tool box. The Council, with its members and staff has established itself as a valuable go-between between agency and industry.

**John Williams** said the Commissioner understands the Council's deep concerns. He offered the services of CIRCAC's Protocol Committee which regularly comments on c-plans.

**Kyle Crow** said he felt better after the meeting than before. He appreciated the dialogue. The biggest take away is it's the bureaucratic application of regulations that needs to be looked at if not more than the regulations themselves. While managing the terminal the application of the regulation by individual regulators was frustrating. There is a value in maturity of those tasked at applying regulations at a bureaucratic level. When they apply the regulations appropriately and consistently there is a good outcome.

**John Williams** suggested the Commissioner clearly understands what concerns CIRCAC and why and that the RCAC can become a partner in the process.

**Commissioner Brune** pledged to be at the RCAC meetings, if it gets on the calendar early. I love the recommendation of a document to help the public understand c-plans; getting the public engaged is incredibly important. It's important to make sure we have strong c-plans so that we're protecting our environment, but also providing opportunities for the regulated community that needs c-plans. He said he's fortunate to have folks like Graham on his team, and he needs to do everything he can to retain them. If the Council wants issues elevated to him, tell Graham and he'll let him know. He thanked the Council for the communication and said he looks forward to working in the future.

**John Williams** asked the Commissioner to attend the April 3<sup>rd</sup> Council meeting in Anchorage.

**Commissioner Brune** said while there is no requirement to respond in a scoping process, the Council can provide input to him at the April 3<sup>rd</sup> meeting on comments made by the regulated community that the RCAC deemed inappropriate.

**Dr. Lisa DiPinto, NOAA Office of Response and Restoration-Supporting the Science of Oil Spills and Response**, was asked to address CIRCAC since she was in Anchorage to work with the Arctic Domain Awareness Center on Oil Spill Trajectory Modeling in the Arctic. She listed responsibilities of the organization (formerly NOAA HAZMAT), including emergency response, assessment and restoration, disaster response, and marine debris. As Senior Scientist she does research to support those missions.

With multiple partners, and multi-year funding by the Bureau of Safety & Environmental Enforcement, research is being done to characterize oil slicks using remote sensing. Researchers used synoptic sampling where data collected by satellite, planes, helicopters and drones are compared with on water sampling collected at the same time, at a test tank, offshore and nearshore. Mapping products were developed to direct response assets or for damage assessment. The final reports are available on-line. The marine pollution surveillance program monitors events 24/7, ORR partners with Ohmsett to verify satellite images.

Another project, also funded by BSEE, is water column characterization using various sizes of underwater vehicles outfitted with sensors and cameras to collect samples. Ms. Saupe suggested testing in Cook Inlet. The sensors were also tested side-by-side in the lab.

The environmental effects of floating oil on organisms were studied using an in-situ bioassay system that drifts with oil to collect toxicity information along with a tethered sample collection system. A paper is being written on the pairing done with a drone to measure oil thickness.

With funding from Canada, researchers and end users were invited to a workshop to design side-by-side comparative testing in both a controlled environment and in the field to test floating oil thickness detection methods to identify available tools.

Dr. DiPinto is working with the Coast Guard Research Center to develop a project to develop mapping from synoptic sampling of oil in ice at an ice testing facility in New Hampshire. Field testing in Alaska may follow. Mr. Peterkin mentioned the test tank at CISPRI.

**Dr. Nancy Kinner, UNH Coastal Response Research Center/Center for Spill in the Environment**, said the University has one of the top marine programs in the country, and she and Dr. DiPinto have worked all over the world, such as China and Russia, where they were instrumental in the interaction between the Russian Marine Rescue Service and the Coast Guard for spill response in the Arctic. The Centers oversee basic and applied research, and transform the results into practice. IRMA was created at UNH, which serves as a hub for R & D. The Center facilitates interactions between NGOs, industry, agencies, and academics.

The Center gathered toxicologists to write the “State of Science of Dispersant Use in the Arctic” white papers, which are available on the website. Much is still unknown about how dispersed oil will behave in arctic waters.

The CRRC, working with NOAA, coordinated with state and federal management fisheries to develop best practice guidance for pre-impact protection strategies for seafood products following a spill.

The Center has Shoreline Cleanup Assessments, Dispersants and Submerged Oil working groups which seek to stay abreast of research conducted in each respective field. All notes and updates are posted on the website.

The project funded by the Arctic Domain Awareness Center is focusing on identifying the needs for oil spill modeling and improved response for arctic maritime spills. The core team includes the Coast Guard, NOAA and ADEC.

Dr. Kinner spoke about a project seeking to understand how submerged oil sticks to the sediments; and a subsequent project using oiled ice to understand what affects the stripping velocity.

Another project seeks to determine the efficacy of SNARE. The Marine Snow flux rates are high in the arctic, so funding is being sought for that extended study to answer how it changes the fate of oil, making it available to the benthic food web.

**Tim Robertson, Nuka Research**, provided a report on the Cook Inlet Pipeline Integrity Assessment conducted to anticipate potential problems with the aging pipelines and to recommend risk reduction measures for implementation before further loss of integrity issues arise. The project was conducted in 3 phases: 1) a description of the regulatory framework, 2) a verified inventory and 3) the convening of an expert panel to review the collected information, interact with the operators and the public and provide recommendations on best practices. The panel’s recommendations were made by consensus

after evaluating pipelines in similar service by a number of hazards, such as internal/external corrosion, incorrect operations, fabrication defects, equipment failure, mechanical damage and weather/outside forces.

The panel developed scenarios to capture what could go wrong, the probability of frequency of occurrence and scored the potential consequences of such an occurrences to human safety, environment or the socio-economic impacts.

Some of the general recommendations were to maintain inventories of all the pipelines, including the inspections and maintenance; follow common ground alliance best practice guidelines for underground utilities; develop and implement a systematic management of change program; and apply recommendations to all lines not formally abandoned. Further recommendations were made specific to potential hazards, conveying that the best practices standards recommended should apply to all service lines. The recommendations have been shared with ADEC and the Cook Inlet operators. A final report will be complete in 45-60 days. The operators are already following most of these practices. Mr. Munger said, as with the past risk assessment, CIRCAC will review the recommendations to identify which to push for adoption by the industry and regulators.

## **2. EXECUTIVE COMMITTEE REPORT**

- **2020 Proposed Budgets**

President Williams reported that the Executive Committee met twice since the last Council meeting to review budgets, banking records, the 2020 budgets, edit proposed amendments to the Personnel policies, receive updates from staff, and to consider personnel matters in Executive Session.

**Gary Fandrei moved to approve the 2020 Operating and Program Budgets. Michael Opheim seconded.**

Mr. Munger explained the increase to wages and insurance costs to cover the transition period while Ms. Giguere trains her replacement. The Executive Director expressed his appreciation for Lynda's value. The Public Outreach budget has also been increased. Otherwise the budget remains similar to last year, though there is an increase in income due to the rise in the CPI index.

**The budget was approved unanimously by roll call vote.**

- **2020 Meeting Schedule**

The Executive Committee approved the 2020 schedule for Council meetings in Kenai on April 3<sup>rd</sup>, in Seldovia on August 28<sup>th</sup> and in Anchorage on December 3<sup>rd</sup> and 4<sup>th</sup>.

- **Revised Personnel Policies 7 and 8**

The Executive Committee approved revisions to Personnel Policy #7, Benefits Package, to insure only the employee in the future as it is unsustainable to ensure whole families. Employees will have the option to buy premiums for more coverage.

At the advice of legal counsel, Personnel Policy #8, Retirement/ Benefit Options has been simplified to allow flexibility without needing to revise the policy. The annual incentive payment equal to 3% of employees' gross salary was retained. The Council is switching to a simple IRA as the vendor will no longer offer the non-profit version of the 401K. Both revisions were thoroughly reviewed by counsel

and the Executive Committee. Mr. Munger said he feels it is important to retain good employees by providing generous benefits.

### **3. EXECUTIVE DIRECTOR'S REPORT**

One of the Charter Funding Companies has filed for bankruptcy; the attorney is monitoring the issue. There are no apparent bidders. CIRCAC is protected contractually, so that the other funders will cover the payment.

Funding negotiations have been ongoing and the new contracts for 2021 should be finalized at the end of the first quarter of 2020.

The Harbor Safety Committee, the result of a recommendation of CIRCAC's Navigational Risk Assessment, has now taken over preparation of the Ice Guidelines. The Committee is seeking other revenue streams.

Mr. Munger stated that the strength of the organization is its staff. He thanked the Council for its support and said he is proud of the respectful interaction. He mentioned that Ms. Saupe has put CIRCAC on the map; she's a gem! He applauded the board as highly specialized, thoughtful and deliberate and noted that many members have served long term. He appreciated the dialogue with the Commissioner, but said the issue will be monitored closely. The Council will continue to work with PWSRCAC on the technical comments and still considers the regulatory review issue as its #1 priority. CIRCAC will work with municipalities or organizations that will consider passing resolutions based on the boiler plates prepared.

### **4. STAFF/COMMITTEE REPORTS**

- **Environmental Monitoring**

Mr. Saupe stated she is working on the revision to the draft Lower Cook Inlet Habitat Study report after receiving comments back from BOEM. The final report should be out in early 2020.

There are recent reports of very significant expansion of Mycrocystis Kelp, which has implications for both the food web and spill response because it is so dense. Ms. Saupe is looking for partners to survey along the coast, and revisit previously discovered beds to determine if they have grown or there is habitat limitation.

Training on the CIRT was provided for ADEC and Marathon, and more will be scheduled. The tool is commonly used at spills and drills.

Staff is waiting for DEC's response to comments on the APDES permit and Osprey independent permit. CIRCAC recommended the deployment of passive acoustic monitoring devices in comments to Hilcorp's permit for marine mammal takes; and good information was collected.

Ms. Saupe recommended members attend the Alaska Marine Science Symposium and the Alaska Forum on the Environment.

- **Public Outreach**

Ms. Giguere thanked all who helped on the Pacific Marine Expo. She recommended that the Coast Guard have someone in the Joint Information Center at future drills. She agreed there needs to be a lot

of communication with ADEC with regard to the regulatory review. Concerned citizens' signatures were gathered at the Pacific Marine Expo. The draft resolutions will be modified to include quotes from the Commissioner and then each organization needs to personalize theirs.

- **PROPS**

The GRID was tested at the Marathon Drill where staff and Committee members participated as visiting VIPs. Hilcorp will also incorporate the GRID at their next drill. A new operating system is being installed for the Ice Forecasting cameras which are a useful tool for various users.

- **PROTOCOL**

The Protocol Committee commented on the Arctic & Western Alaska Area Contingency Plan; two requests were to insert language to ensure the responsible party is monitored by Federal and State agencies during a response and to use more direct language regarding tribal interaction.

Staff is working with the PWSRCAC Technical Committee and the contractor and has identified 21 areas in Article 4 of the C-Plan Regulations on which to comment. There are sufficient funds to cover the expenses.

- **Administration**

Mr. Rombach reported that the process has launched to elect Directors to represent Alaska Native and Environmental groups and to appoint KIB and KPB representation for the next 3 years.

The scholarship application is posted on line. AVTEC and CIRCAC are offering a joint scholarship as well.

## 5. **CALENDAR/ MISCELLANEOUS**

- **Alaska Marine Science Symposium – January 27-31 in Anchorage**
- **Alaska Forum on the Environment - February 10-14 in Anchorage**
- **Kodiak ComFish – March 26-28 in Kodiak**
- **CIRCAC Board/Annual Meetings – April 3 in Kenai**
- **International Oil Spill Conference – May 11-14 in New Orleans**

\*\*\*\*\*Closing Comments\*\*\*\*\*

**Michael Ophem** said the amount of information to absorb is overwhelming, he's always learning and is astounded at the knowledge in the room. It was a great meeting.

**Walt Sonen** felt the discussion with the Commissioner covered in detail the feelings and thoughts of the Council; he appreciated that the participants were so knowledgeable and articulate.

**Paul Shadura** felt his questions were answered, and he was grateful for the opportunity to raise them.

**Gary Fandrei** commented the meeting was good and he enjoyed attending Science Night with the PWSRCAC.

**Bob Flint** stated both meetings were good. He appreciated the Commissioner's presentation, but said the Council needs to keep after its due diligence. He applauded the staff, the packet and the venue.

**John Williams** noted he was especially interested in the topic discussed at Science Night regarding using in-situ burning to burn off contamination below water. He spoke about the method used to address pollution at the site where the courthouse was built.

**Robert Peterkin** agreed the meetings were constructive. The Commissioner stuck it out, and the Council collectively asked good questions. He agrees the RCACs need to keep the pressure on, while recognizing the positives. CIRCAC will continue to do its job and not allow complacency. He thanked the staff for their good work.

**Carla Stanley** said she is always blown away by how much she doesn't know; she's thankful for those who are so experienced and know what to say.

**Kyle Crow** felt it was the most productive and important meeting he's attended. He was grateful for the Executive Session to develop a strategy for approaching the Commissioner, who seemed sincere in his desire to listen and open-minded to the Council's comments. He appreciated the dialogue and thinks it had an impact. He's glad for the audience members who stayed through the whole meeting.

**Deric Marcorelle** stated he's been carrying the telephone for two long days; he's glad the steam has been relieved a bit. CIRCAC needs to keep an eye on it.

**Lynda Giguere** said she is working on the rewrite the resolutions, and will get exact quotes.

**Maddie Jamora** stated it was a good meeting.

**Sue Saupe** thanked the Council for all of its support.

**Michael Munger** thanked everyone.

**Angenlina Fuschetto, Crowley AK Tankers**, commented that she has heard Commissioner Brune at other meetings and he is consistent.

**Bart Buessler, NOAA Coast Survey**, said he learns so much from CIRCAC's meetings. He will be back.

**Jonathon Dale, USCG Dist. 17**, noted the recertification process will start soon. He loves everything CIRCAC does; the proactive prevention is awesome.

The meeting adjourned at 3:38 pm.