Alaska Regional Response Team
Submitted via e-mail to decsparplanning@alaska.gov

RE: Comments on Unified Plan, Annex B, Process for Community Outreach

April 6, 2016

To Whom It May Concern:

Cook Inlet Regional Citizens Advisory Council (RCAC) submits this letter on behalf of our constituents as part of the public comment on the proposed changes to the Unified Plan, Annex B, Process for Community Outreach.

Cook Inlet RCAC Mission
Cook Inlet RCAC is a non-profit corporation organized exclusively for the oversight, monitoring, assessing and evaluation of oil spill prevention, safety and response plans, terminal and oil tanker operations, and environmental impacts of oil tanker and oil terminal operations in Cook Inlet under the provisions of Section 5002 of the Oil Pollution Act of 1990. Our mission is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet. Cook Inlet RCAC consists of 13 members from Cook Inlet communities, as well as Alaska Native groups, commercial fishing and aquaculture, tourism, recreational and environmental interest groups that have a significant stake in the environment and resources at risk from oil production and transportation in the region.

Comments
Cook Inlet RCAC has identified several areas where we recommend changes or clarifications to the proposed draft.

1. Clarification needed regarding how and where proposed changes replace or supplement existing Annex B
The Alaska Regional Response Team (ARRT) has published draft changes to *part* of Annex B. While the header indicates that these changes are meant to be inserted into Annex B (starting at page B-11) and Appendix VIII (starting at page B-30), there is no further indication within the document as to where the new pages fit into the current document, and whether they would replace parts of Annex B or supplement it. The section numbering and headers in the public comment draft do not correspond to the current version of Annex B.

Cook Inlet RCAC recommends that the ARRT publish a full and cohesive public review draft of Annex B that clearly shows how the revised content is meant to supplement or replace information in the current draft, and re-initiate public comment. We cannot provide meaningful comment on this excerpt without the full context of how it relates to the current Annex B.

2. Deletion of RCAC description undermines OPA 90 language and intent

Assuming that the contents of pages 1-3 of the public comment draft are meant to replace the contents of page B-11, the ARRT has deleted the paragraph numbered 4 on page B-11 entitled "Regional Citizens Advisory Councils," which reads:

> "The Oil Pollution Act of 1990 (OPA 90) established two RCACs in Alaska: the Prince William Sound RCAC and the Cook Inlet RCAC. The RCACs are independent, non-profit organizations that monitor and advise on oil industry programs to include areas such as spill prevention and response, tanker safety, and environmental impact assessments. The RCACs' role in the spill response organization are defined in the Prince William Sound, Cook Inlet, and Kodiak Subarea Contingency Plans. The normal contribution of the RCAC is to provide local knowledge and technical expertise within the ICS structure (e.g., as part of the Operations and Planning Sections and the Joint Information Center)."

The Oil Pollution Act of 1990 created the Regional Citizens Advisory Councils after the *Exxon Valdez* oil spill to "involve local citizens in the process of preparing, adopting, and re-vising oil spill contingency plans."[1] The legislation states, "only when local citizens are involved in the process will the trust develop that is necessary to change the present system from confrontation to consensus."[2] Cook Inlet RCAC is concerned that the ARRT's proposed changes to Annex B directly contravene this principle by marginalizing citizen involvement in oil spill response and moving us backward toward a pre-*Exxon Valdez* approach.

Cook Inlet RCAC has taken an active role in oil spill response within our region, including active engagement with the ICS structure during drills and incidents that occur within our region. We are concerned that the proposed changes to Annex B have the potential to limit the RCAC's opportunity to continue to provide "local knowledge and technical expertise within the ICS structure."

Cook Inlet RCAC recommends that Annex B retain the paragraph currently on page B-11 entitled "Regional Citizens Advisory Councils" in its entirety to preserve the opportunity for RCACs to provide local knowledge and technical expertise within the ICS structure.

3. Transition from RSCs to TLG/ASG has implications to Subarea Plans that may result in a substantially reduced role for RCACs

Assuming that the contents of pages 1-3 of the public comment draft are meant to replace the contents of page B-11 in the current Unified Plan, it appears that the RRT is recommending that the Regional Stakeholder Committee (RSC) be dissolved and replaced by two groups: the Tribal and Local Government Group (TLG) and the Affected Stakeholder Group (ASG). The draft indicates that the Affected Stakeholder Group "may include RCACs."

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[1] OPA 90 Section 5002(a)(2)(C).
[2] OPA 90 Section 5002(a)(2)(F).

The current draft of Annex B states that the RSC composition "is specifically defined in each of the ten subarea contingency plans to include specific composition and basic responsibilities." The Cook Inlet Subarea Plan describes our RSC as:

> "A Regional Stakeholder Committee will be activated for significant incidents to advise the Unified Command and provide recommendations or comments on incident priorities, objectives and community concerns. RSCs do not play a direct role in setting incident priorities or allocating resources, however the RSC can advise the Unified Command (usually through the Liaison Officer) and provide recommendations or comments on incident priorities, objectives, and the incident action plan. The RSC is not directly involved in tactical operations, though some of its members may be. Each RSC will be facilitated by a chairperson elected by the RSC members. RSC composition may vary from incident-to-incident and may include community emergency coordinators, local or tribal government representatives, local or private landowners and leaseholders, Native organizations, non-profit and volunteer organizations, and other stakeholder groups affected by the spill. For spills affecting the Cook Inlet Subarea, one of the Regional Citizens' Advisory Councils may be called upon to assume the role of the RSC until one is formally seated by the Unified Command."

Cook Inlet RCAC is concerned that the shift from RSC to the TLG and ASG in the Unified Plan will require a similar change in Subarea Contingency Plans. As noted above, Cook Inlet RCAC plays an active role the ICS structure during Cook Inlet spills, not only in the RSC, but also as part of the incident management structure, and we hope that the ARRT's intent is not to subvert this opportunity by confining the RCACs to a possible role in the ASG. Under the Cook Inlet SCP, the RCAC becomes the *de facto* RSC in the event that the Unified Command has not yet designated one. The ASG as described in the ARRT's proposed revisions to Annex B would seem to change this system, and we are concerned that the next step would be requiring subarea plans to conform to this change, resulting in an unwelcome change to the RSC system that has been vetted through the Cook Inlet Subarea Committee and works well for our region.

Cook Inlet RCAC recommends that the ARRT clarify how the proposed changes to Annex B would impact Subarea Contingency Plans. We strongly oppose any Unified Plan changes that would result in changes to the Cook Inlet Subarea Plan that reduce the role of Cook Inlet RCAC in either the ICS or the RSC.

4. Conspicuous absence of RCACs in outreach discussions
Cook Inlet RCAC reviewed Table 1 and Tab B of the draft Annex B, and were astounded that there is not a single mention of the RCAC in either place. Table 1 is entitled "Activity Timeline" and seems to provide a very generalized discussion of outreach activities that might occur pre-incident, during the emergency response phase, and afterward during the project management phase. Many of the activities described in

the pre-incident and project management phase overlap with Cook Inlet RCACs core missions.

As you are no doubt aware, Cook Inlet RCAC promotes citizen awareness and participation in Council activities through our Public Involvement program. A proactive outreach program is crucial to gaining citizen support for the work we do. Our outreach efforts take place on many fronts. A monthly newsletter, *Cook Inlet Navigator*, keeps people informed about our activities and opportunities to get involved. We give presentations on Cook Inlet RCAC's role and progress in protecting Cook Inlet to interest groups, city councils, and various other organizations and make community visits. Cook Inlet RCAC staff meet with local officials, talk with students, and hear first-hand some of the local concerns.

Since our inception, Cook Inlet RCAC has worked to bring stakeholders together to create environmental monitoring and oil spill prevention programs to promote safe production and transportation of oil in Cook Inlet. We fund and administer active programs in areas such as biological and chemical monitoring, coastal habitat mapping, physical oceanography, oil behavior, GRS development, oil spill contingency plan review, drill and exercise evaluation, marine risk assessment, and scientific research into oil spill fate and behavior. We are an obvious and critical resource for interacting with local citizens during all phases of an oil spill response.

Cook Inlet RCAC recommends that the ARRT acknowledge that the RCACs have significant resources, community connections, and scientific and technical data to contribute to the outreach process before, during, and after an oil spill occurs.

5. Transition from RSC to TLG/ASG divides RCAC members
As specified in the Oil Pollution Act of 1990, RCAC voting membership includes representatives of stakeholder groups such as commercial fishing, aquaculture, tourism, environmental organizations, and recreational users, along with Alaska Native organizations in our region and the local municipalities of Homer, Seldovia, Anchorage, Kenai, Kodiak, the Kodiak Island Borough, and the Kenai Peninsula Borough. The ARRT's proposal to split the RSC into a tribal/local and a stakeholder entity creates an awkward situation where the RCACs, who are assigned to the ASG, represent organizations that are also represented in the TLG.

The ARRT's preamble to the proposed revisions to Annex B lay out the rationale for treating tribal and local governments separately from other stakeholder groups, but Cook Inlet RCAC does not necessarily agree with this assessment. Our organization has successfully and productively brought together local, tribal, and stakeholder groups to address a range of issues over the years, and we don't necessarily understand why they need to be separated for the purpose of spill response.

Cook Inlet recommends that the ARRT reconsider whether the change from one stakeholder group to two creates sufficient benefits to outweigh the costs and challenges in changing from the RSC approach. If the change from an RSC to TLG/ASG is

implemented, Cook Inlet RCAC requests that the ARRT establish a working group that includes both RCACs to consider mechanisms to coordinate across the two groups.

Thank you for considering these comments. Please contact me at 907-283-7222 if you have any questions.

Sincerely,

Mike Munger

Executive Director