



*"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."*

November 20, 2018

Jen Duschane  
Alaska Ecological Research  
Via email: [jen.duschane@ak-ecological.com](mailto:jen.duschane@ak-ecological.com)

SUBJECT: Comments on draft Cook Inlet & Kodiak Marine Mammal Disaster Response Guidelines

Dear Ms. Duschane:

Thank you for the opportunity to review the draft *Cook Inlet & Kodiak Marine Mammal Disaster Response Guidelines* (the "Guidelines"). We welcome the development of this document as another tool to support prompt and effective response in the event of oil spills or other disasters affecting marine mammals in Cook Inlet. As an organization founded to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil operations, we are particularly focused on the portion of the document that refers to responses under the Oil Pollution Act of 1990 (OPA90). That legislation also included the mandate for the creation of our organization.

The draft Guidelines provide a useful and comprehensive overview of the roles and responsibilities of different organizations and agencies in the event of an oil spill – or other disaster – affecting marine mammals in Cook Inlet. The comments included for your consideration here are provided with the intent of further enhancing the clarity and utility of the document.

We did find one somewhat misleading statement on p. 25 that we think should be clarified to focus on marine mammal response and responders. The following statement, "An effective response to an oil spill in Cook Inlet and Kodiak Alaska would be severely challenged by the distances to transportation hubs and/or urban cities, expansive coverage areas, few trained personnel, and limited to non-existent supplies and infrastructure (depending on location)." With regards to spill response in general, this statement is misleading. There are many trained spill responders employed by three OSROs, along with many, many, trained fisherman that participate in the vessel of opportunity programs within each of the OSROs. While many areas of Cook Inlet are indeed remote, it is also home to most of the population of Alaska and has adequate response and other infrastructure in many areas. Consider rewording to; "An effective response to a marine mammal disaster resulting from an oil spill in Cook Inlet and/or Kodiak Alaska could be severely challenged by the distances to transportation hubs and/or urban cities, expansive coverage areas, few trained marine mammal responders, and limited to non-existent marine mammal response supplies and infrastructure (depending on location)."

- **Geographic boundaries:** CIRCAC is attuned to the definition of Cook Inlet in different contexts since our area of concern is newly incorporated with a much larger region for spill response planning purposes. The description of the geographic boundary of the Guidelines (p. 2 and Executive Summary) references the Arctic and Western Alaska Area Contingency Plan (ACP), and also describes the areas intended to be included in the Guidelines. The description in the Guidelines differs slightly from the ACP with regard to how far offshore they extend. We suggest either changing the language slightly to state "These *areas* are contained within the Arctic and Western Alaska Area Contingency Plan" if it is not intended that the specific boundaries in that plan should be referenced, *or* changing the description in the Guidelines – as well as the map in Figure 1 – to match the ACP exactly for consistency. Please also correct the name of the Area Contingency Plan as used in the Guidelines – it is incorrectly referred to

**Members**

*Tourism  
Organizations*

*Alaska Native  
Groups*

*Environmental  
Groups*

*Recreational  
Groups*

*Aquaculture  
Associations*

*Commercial  
Fishing  
Organizations*

*City of Kodiak*

*City of Kenai*

*City of Seldovia*

*City of Homer*

*Kodiak Island  
Borough*

*Kenai Peninsula  
Borough*

*Municipality  
of Anchorage*

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as the "Western and Arctic Area Contingency Plan" in some places (e.g., p. 2) so a minor correction is warranted.

- **Map correction:** Please switch the labels used for "Kachemak Bay State Park" and "Kachemak Bay State Wilderness Park" in the Cook Inlet Geographic Scope map.
- **Explanation regarding applicable state statutes:** In describing relevant laws (p. 5) it states, "In some State statutes, management and protection of wildlife resources are joint responsibilities between NMFS and the State." Please identify which State of Alaska statutes apply or note that there are no relevant statutes in Alaska.
- **Use of "RSC."** We realize that "RSC" stands for "Regional Stranding Coordinator" in this context (as noted in the acronym list). This acronym is also used in the Alaska Regional Contingency Plan and Arctic and Western Alaska ACP to refer to the "Regional Stakeholder Committee." We suggest spelling out "RSC" at first use and perhaps noting this overlap in terminology elsewhere within the document. Since it is possible that the two sets of planning documents will be used concurrently by response personnel and a spill response may also utilize a Regional Stakeholders Committee, it is important to avoid this confusion.
- **Clarify status of Alaska Sea Otter and Steller Sea Lion Commission.** Table 1 on page 9 notes that this group is not currently operational, but it is identified as one of the partners in Cook Inlet and Kodiak on page 10. We suggest clarifying what, if any, role the group may play at this time (or if their operational status is expected to change). Additionally, many of the organizations listed in Table 1 do not seem to be applicable to Cook Inlet and Kodiak; this table could be removed or pared down—to avoid updating if changes not applicable to the area of focus are made.
- **Clarifying edits needed to Kodiak "Services" paragraph.** Please review the first paragraph under "Services" on page 15 for edits to content and grammar. We recommend stating clearly that the communities on Kodiak Island are not all connected by a road system.
- **Cook Inlet description.** The description of Cook Inlet on p. 19 warrants a review. Seward is not actually adjacent to Cook Inlet. The Kenai Peninsula Borough should be mentioned. Consider adding Anchor Point since it sees more passing ship traffic than the communities on Knik and Turnagain Arms. Anchorage and the MatSu Borough are not "local industry" as stated. Since health services are generally available but distributed unevenly, it may be helpful to identify the large hospitals/clinics. A basic map of communities, the road system, airports, and harbors may be useful in this section and similarly for Kodiak.
- **Clarify introduction to Oil Pollution Act of 1990 section.** Clarity of the introductory paragraph for the section on OPA90 responses (p. 22) could be improved. OPA90, which modified the Clean Water Act and defined oil spill response roles for both the USCG (coastal zone) and EPA (inland waters). CERCLA is another pollution-related authority related to a range of chemicals and is implemented by EPA; since it is not mentioned further in the section we suggest removing the reference and keeping the section focused on OPA90. Additionally, the distinction made later in the section regarding how "undeclared spill events" would be handled could be made at the start of this section for the reader who is looking for information regarding oiled marine mammals.
- **Consider slight re-organization of Chapter 2.** Chapter 2 may be easier for the reader if organized according to 1) OPA90-specific information, 2) Stafford Act-specific information, and 3) information applicable in both cases (such as Hazing, etc.).
- **Confirm need for fresh water in communities identified.** In both the Kodiak and Cook Inlet sections it states that fresh water may be limited. Bringing fresh water to remote locations is a logistical hassle and cost, which may be unnecessary. Please confirm that this is in fact needed or if portable water treatment options such as chlorine tablets or pumps may suffice.
- **Confirm need for translation services in communities identified.** Similarly, while the Guidelines' attention to cultural sensitivity in communications is appreciated and warranted, it

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is unlikely to be necessary to find a translator in order to implement response activities in communities around Cook Inlet and Kodiak. There are, unfortunately, only 38 fluent speakers of Sugt'stun, for example (according to Chugachmiut) and they likely all speak English. Instead, coordinating with the local tribal health organization or government should be sufficient to ensure that activities or risk messaging are communicated appropriately. (An exception to this may be if response activities were needed in the Russian-speaking communities of Kachemak Bay, which are not mentioned but should be.) This comment is not intended to detract from the efforts to approach marine mammal response with the utmost sensitivity with regard to the species' importance to Alaska Native people, but rather to avoid unnecessary delay or cost to a response effort.

- **Add to list of smaller Cook Inlet communities that could be overwhelmed by a response.** In addition to the Kachemak Bay communities identified on page 20, we suggest the same applies to Tyonek and Beluga, as they should be added.
- **Consider role for community spill response trailers and personnel.** While not specific to marine mammal response, ADEC has response trailers stationed around Cook Inlet which may be useful sources of Personal Protective Equipment (PPE). Many of the personnel responsible for them locally – such as the SOS Team in Seldovia (<http://www.sosrt.org/>) - will have some basic level of training such as HAZWOPER and an understanding of oil spill response communication protocols and ICS. The SOS Team in Seldovia, for example, would not handle oiled wildlife but could provide PPE for arriving responders or flag and monitor a beach. ADEC can provide information on the connex program.
- **Small modification to responsible party terminology.** We suggest removing the term "Responsible Party Incident Commander" as this is not a common term or acronym in spill response. The Responsible Party may indeed provide an Incident Commander, so "Incident Commander" or "Responsible Party" and/or the acronym "RP" should suffice on p. 30.
- **Notifications of an oil spill.** It is repeated multiple times in the document that community members often are the first to notice and report a disaster developing. While this may be true for mortality events or other non-oil spill events, and sometimes for "mystery" oil spill events, it is also very likely that the responsible party will be the first to be aware of a problem (e.g., a vessel grounding, collision, or allision; or leak from a pipeline or platform). A language change may be warranted for the section that is specific to oil spills. Alternatively, if the authors believe it is important to emphasize the role of communities in observing and notifying emergencies; a modified version of Figure 4 could be created to reflect the process (which starts with community members notifying the NMFS who in turn notifies the Scientific Support Coordinator) if notification begins locally. A reference to the appropriate flow chart in Chapter 3 could also serve this purpose.
- **Consider adding specific reference to communities or organizations consulted.** There is a general reference to your having consulted various groups to develop the draft Guidelines, but a specific list would give acknowledgment to those who provided input and strengthen the credibility of the document with local buy-in. We suggest you may add this when circulating more widely for review, especially if there remain opportunities for additional groups to contribute going forward.
- **Consider referencing community profiles in the Arctic and Western Alaska ACP.** These profiles provide useful contacts at the community level. (However, we realize that you may well have already included this information in the Appendices that did not accompany the draft.)

Thank you for sharing this draft of the Guidelines, and for your efforts to enhance response to marine mammal disasters in Cook Inlet and Kodiak. Please do not hesitate to contact me at (907) 283-7222 or via email at [MikeMunger@circac.org](mailto:MikeMunger@circac.org).

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Sincerely,



Steve "Vinnie" Catalano  
Director of Operations

CC: Sadie Wright, NOAA Fisheries