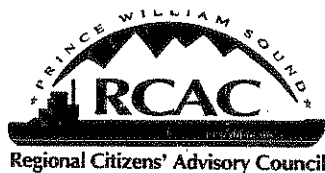


RCAC Retrospective:

**The successes and lessons of a
citizens' advisory group**



Prince William Sound Regional Citizens' Advisory Council

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Introduction

The Prince William Sound Regional Citizens' Advisory Council (RCAC) provides voice to the interests of people and communities at risk from oil transportation through Prince William Sound. The guiding rationale is that citizens with the most at risk from the Valdez Marine Terminal and the tankers that carry crude oil from the terminal, ought to have a say in decisions that could affect them.

Citizens organized RCAC in 1989, in the aftermath of the Exxon Valdez oil spill. RCAC funding comes from Alyeska Pipeline Service Company, the consortium that operates the trans-Alaska pipeline and the pipeline terminal in Valdez on behalf of the seven owner companies. The RCAC also fulfills a federal requirement under the Oil Pollution Act of 1990, for a citizens' oversight group in Prince William Sound.

Public advisory groups were hardly a new phenomenon, but this one was unusual in several respects: it was mandated by federal law, well funded, independent, and it was assured a high level of access to pipeline terminal facilities.

The RCAC has grown and changed since 1989. Like any new organization, it has made course corrections along the way. No doubt, more fine tuning lies ahead.

There have been clear successes. Citizens in our region have a more influential voice than seemed possible considering the political climate before the 1989 oil spill. Oil transportation in the region is indisputably safer, and citizens and industry are working together to solve problems.

This report offers up our experience in hopes that it will be useful to citizens interested in forming similar groups; to resource companies committed to meaningful citizen participation; and to the U.S. Congress, should it consider establishing citizen advisory groups at other crude oil terminals in the United States.

For more information, contact the RCAC office in Anchorage: 750 W. 2nd Ave. Suite 100, Anchorage, Alaska 99501-2168. Phone: (907) 277-7222.

Louis "Tex" Edwards, President
Stan Stanley, Executive Director
December 6, 1996

I. History

*"Citizens promoting environmentally safe operation
of the Alyeska terminal and associated tankers."*

Mission, Prince William Sound Regional Citizens' Advisory Council

On March 24, 1989, the tanker Exxon Valdez grounded on Bligh Reef, spilling 11 million gallons of North Slope crude oil into Prince William Sound, Alaska. Over the weeks that followed, the spilled oil spread west and south, oiling shorelines and beaches in Prince William Sound, lower Cook Inlet, the Alaska Peninsula and the Kodiak Archipelago.

Public and political reaction were swift. The Governor of Alaska convened a special commission to investigate the oil spill and develop recommendations. The Alaska State Legislature passed stronger laws. In Washington, D.C., Congress dusted off revisions to the Clean Water Act, which had languished for years, and began rewriting federal pollution laws in what would become the Oil Pollution Act of 1990.

People from Cordova – a fishing community southeast of Valdez – had approached Alyeska before, urging the company to work with local citizens. Alyeska consistently rebuffed the idea.

In late April 1989, Jonathan Wills, a journalist from Shetland, Scotland, visited Cordova and told friends there of the protections in place at Shetland's Sullom Voe Terminal in the North Sea. At Sullom Voe, a citizen council oversees terminal and tanker operations and advises the oil industry. Wills lit a fire under his friends – Riki Ott and Rick Steiner – and together with fellow Cordovans Michelle O'Leary and Jeff Guard, they began their push for a citizens' council to be required as part of the federal legislation beginning to gather steam.

In early May, Cordovans testified before a Congressional committee and met with Alaska Senator Frank Murkowski, urging that a citizens' advisory group be formed in the area impacted by the Exxon Valdez. Within a month or two, the idea was proposed to Alyeska Pipeline Service Company, and this time, Alyeska was receptive.

Organizational meetings started up in July 1989, with representatives from communities and interest groups in the area affected by the Exxon Valdez oil spill.

That summer, the group – initially called the Alyeska Citizens Advisory Committee – had three primary tasks: to review and comment on Alyeska's new oil spill contingency plan, develop the bylaws for a permanent citizens' group, and negotiate a contract with Alyeska.

Through the summer and fall of 1989, the citizens researched and considered different structures for the permanent organization. They settled on incorporation as a non-profit and began negotiating terms of a contract with Alyeska. The citizens won four important provisions: independence from Alyeska, access to Alyeska facilities, a secure level of funding and assurance of long term existence.

The Regional Citizens' Advisory Council, or RCAC, incorporated as a non-profit corporation on Dec. 26, 1989. Alyeska and RCAC signed a contract February 8, 1990. Under the terms of the contract, in effect as long as oil flows through the pipeline, RCAC monitors terminal and tanker operations, conducts research and environmental monitoring, provides Alyeska with local and regional input, and advises Alyeska and the public on terminal and tanker operations.

Throughout the last half of 1989 and into 1990, citizens also were working with Congress on what would become the Oil Pollution Act of 1990. The provision for a citizens' advisory group was part of the legislation. In final form, the law required two citizen advisory groups in Alaska to oversee terminal and tanker operations in Prince William Sound and Cook Inlet. The advisory councils are demonstration projects; the idea was that Congress would consider requiring such councils at all crude oil terminals in the country.

The advisory groups described in Section 5002 of the Oil Pollution Act are modeled on Scotland's Sullom Voe Terminal. In the OPA 90 model, the governor appoints the citizens' group, and the group advises an association composed of representatives of the terminal operators and owners, and state and federal regulatory agencies.

OPA 90 includes an alternative mechanism that permits an existing group to be the advisory council if it meets certain conditions. Both the Prince William Sound and Cook Inlet councils are certified as alternative groups.

Thus, both OPA 90 and the Alyeska contract guide the Prince William Sound RCAC.

Contract

RCAC's basic duty under the contract is to advise Alyeska and the public on issues related to the Valdez Marine Terminal and crude oil transportation in the region.

Specifically, RCAC:

- Reviews, monitors and comments on Alyeska's oil spill response and prevention plans, Alyeska's prevention and response capabilities, Alyeska's environmental protection capabilities, and the actual and potential environmental impacts of terminal and tanker operations;
- Increases public awareness of Alyeska's oil spill response and prevention capabilities, Alyeska's environmental protection capabilities, and the actual and potential environmental impacts of terminal and tanker operations;
- Comments on and participates in monitoring and assessing the environmental, social and economic consequences of oil related accidents;
- Provides input on actual or potential environmental impacts in or near Prince William Sound;
- Comments on the design of measures to mitigate the potential consequences of oil spills and other environmental impacts of terminal and tanker operations;

- Participates in development of the spill prevention and response plan, annual plan review, and periodic review of operations under the plan, including training and exercises;

- Comments on and participates in selection of research and development projects.

The contract states that the council may work on other related issues not specifically identified in the original contract.

The contract is explicit about RCAC's independence, and the importance of public perception regarding its independence. The citizens negotiating the contract with Alyeska felt that independence was essential to RCAC's credibility. Alyeska agreed.

Under the contract, RCAC receives at least \$2 million per year. (OPA 90 calls for the Prince William Sound RCAC to receive "up to" \$2 million per year. Citizens involved at the time say the wording was in error, and should have read "at least" \$2 million a year). RCAC and Alyeska renegotiate the funding every three years.

The funding level was renegotiated in 1993 and 1996. In 1993, Alyeska agreed to maintain the funding level at \$2.24 million per year and allow RCAC to retain funds not spent. In 1995, RCAC and Alyeska negotiated a funding level of \$2.1 million per year for 1996 through 1998.

In the 1993 negotiations, RCAC agreed to some limits on lobbying. Within a year, however, the RCAC Board began negotiating with Alyeska to soften the lobbying limits. The board felt it infringed on RCAC's independence and its ability to freely advise the public and the public's representatives. Through a series of talks, it became clear that Alyeska's biggest concern was being surprised by RCAC positions and not having the chance to talk them through. Alyeska wanted to be forewarned about RCAC's positions on issues and activities, especially if they conflicted with Alyeska's.

RCAC and Alyeska ultimately agreed on a protocol that ensures attempts will be made to resolve disagreements. The protocol does not mean that RCAC and Alyeska must agree on every issue; it does ensure a good faith effort is made to seek consensus before they agree to disagree. RCAC and Alyeska committed to keeping each other informed and the limits on RCAC lobbying were removed.

Oil Pollution Act of 1990

OPA 90 established two demonstration projects in Alaska, one in Prince William Sound, the other in Cook Inlet. According to the act's intent language, the demonstration projects were designed to promote partnership and cooperation between local citizens, industry and government; to build trust; and to provide "citizen oversight of environmental compliance by oil terminal facilities and tankers."

The law specifically allows an alternative, existing organization to fulfill the requirement for a citizen group and RCAC has done so since 1991. Each year, the U.S. Coast Guard assesses whether the RCAC fosters the general

goals and purposes of OPA 90 and is broadly representative of the communities and interests as envisioned under OPA 90.

As the certified council for Prince William Sound pursuant to OPA 90, RCAC:

- Advises and makes recommendations on policies, permits, and site-specific regulations relating to the Valdez Marine Terminal and tankers operating in Prince William Sound;
- Monitors the environmental impacts of the terminal and tankers;
- Monitors terminal and tanker operations that affect or may affect the environment in the terminal vicinity;
- Reviews the adequacy of oil spill prevention and contingency plans for crude oil tankers operating in Prince William Sound;
- Advises and makes recommendations on Valdez port operations, policies and practices;
- Recommends standards and modifications for the Valdez Marine Terminal and tanker operations in Prince William Sound to minimize the risk of oil spills and other environmental impacts, and enhance prevention and response.

RCAC also monitors and reports on actual spills and incidents.

II. RCAC Structure

Board of Directors

The RCAC has a 19-member Board of Directors, representing the council's 18 member organizations. The City of Valdez has two seats on the board because it is home to the pipeline terminal. The member organizations include two boroughs, seven cities, two villages in Prince William Sound and an association of villages on the Kodiak Archipelago, a Native regional corporation, and five groups representing tourism, environmental, commercial fishing, aquaculture and recreation interests.

The original board consisted of 14 member entities. The Board added four seats from 1990 to 1992 to represent tourism, recreation and the villages of Tatitlek and Chenega Bay.

The Board of Directors meets at least four times a year – in March, May, September and December. The annual meeting is always held in Valdez in March to observe the anniversary of the Exxon Valdez oil spill. The December meeting is held in Anchorage. The spring and fall meetings are rotated among the other communities. Additional board meetings and work sessions are held to address the budget and long range planning, and on other issues, as needed.

Member organizations appoint representatives to sit on the board for two-year terms. There is no limit to the number of terms a board member may serve.

A five-member Executive Committee meets every week or two, usually by teleconference, to handle issues that come up between board

meetings. The Executive Committee operates on consensus; if one member objects, the action either dies or is referred to the full Board of Directors.

Representatives of nine state and federal regulatory agencies sit as ex-officio members of the board.

Technical Committees

Four technical committees advise the board. The committees address specific topic areas in the region: oil spill prevention and response (OSPR), terminal operations and environmental monitoring (TOEM), port operations and vessel traffic systems (POVTS) and science (SAC). The Scientific Advisory Committee also works with the other committees.

Except for the Scientific Advisory Committee, which consists of scientists from different fields, most of the committee members are interested citizens from the region and other communities in Southcentral Alaska.

Until mid 1996, the committee role was broad and not clearly defined. Most of RCAC's work and recommendations came through the committees, which sponsored projects and worked closely with staff assigned to them. Some committees were very hands-on, working closely with consultants and doing some of the work themselves.

Under changes approved in May 1996, the Board redefined the staff and committee roles. Staff, alone, became responsible for managing projects under direct supervision of management. The committees are resources for the Board of Directors and staff. They advise the Board, the Executive Committee and staff, but they are not responsible for projects. However, staff may tap individual committee members for assistance on specific projects.

The Board appoints committee members to two-year terms. Prospective committee members are solicited from throughout the region through advertising and word of mouth.

Staff

During the first organizational meetings in the summer of 1989, the board assumed it could get by with two permanent employees: an executive director and an executive assistant. It soon became clear, however, that the amount of work the council intended to take on would require significantly more employees.

Staff was hired to support and work with each of the technical committees, and as the work expanded, so did staff. As of December 1996, RCAC has 16 full time positions. Eleven employees are based in Anchorage, and five in Valdez.

With the 1996 restructuring, RCAC has an executive director, two deputy directors, six project staff (two of whom also provide administrative support to the committees), a public information director, a community liaison, and five administrative and support staff.

III. Effectiveness

The work of RCAC takes several forms. RCAC submits written comments on oil spill contingency plans, legislation, regulations and permits, and industry policies and procedures. The comments usually include recommendations for changes and positions on specific issues. RCAC's positions are generally based on recommendations from staff, committees and technical consultants. Individual board members with extensive knowledge on particular issues also make recommendations to the full board.

RCAC commissions reports and funds independent scientific research. Reports and findings may be used to develop policy positions and recommendations, or they may be made available to the public as general information.

RCAC also participates in working groups and joint projects with industry and government representatives. RCAC is a major funding source for many of these joint projects. As of September 1996, RCAC was participating in half a dozen joint working groups and projects, on issues ranging from tanker transportation risks in Prince William Sound, to fire safety, to pollution discharge permits.

Joint projects have been especially successful in promoting effective working relationships among citizens, industry and regulators. Joint projects generate a cooperative spirit of shared problem-solving. When stakeholders develop and manage a project together, disagreements are worked out early. Stakeholders are able to focus on action, rather than reaction, and they avoid no-win debates among dueling scientists. Joint projects minimize conflict and lead to common ground.

* * *

There have been profound changes since 1989 in the oil transportation industry's efforts to prevent oil spills and improve its spill response capabilities. RCAC has played a pivotal role in making oil transportation safer.

Avenue for citizens to be heard

The Prince William Sound RCAC provides a forum within decision-making arenas for citizens' interests and perspectives. Industry and regulators routinely consult RCAC on oil transportation and related environmental issues.

Industry and regulatory officials pay attention. They don't always agree; nor do they always take RCAC's advice. But they do listen and they usually give serious consideration to RCAC's views.

Contributions to safer oil transportation

RCAC has been directly responsible for changes that have made oil transportation safer. For example, RCAC led a two-year effort to obtain federal funding for new weather monitoring equipment in Prince William Sound. The equipment makes oil transportation safer by providing more accurate

and timely information about weather and sea conditions in different parts of Prince William Sound.

In one of the most important projects to date, RCAC played a key role in a study of disabled tanker towing. The study, funded by the shippers and RCAC, generated valuable information about the capabilities and limits of tanker escorts used in Prince William Sound and the Gulf of Alaska. The study resulted in changes in escort procedures, and tighter restrictions and performance requirements.

RCAC has also played a significant role in a more recent study, the Prince William Sound Risk Assessment. This is a scientific analysis of the entire tanker transportation system in Prince William Sound. The study is a unique approach to marine risk assessment and may set the standard for similar studies elsewhere. RCAC is the single largest contributor of funds for this important undertaking.

Contributions to improved spill response capability

One of RCAC's most fundamental responsibilities is to review oil spill contingency plans and recommend improvements.

In the fall of 1989, RCAC first submitted extensive comments and recommendations on Alyeska's contingency plan for a tanker spill in Prince William Sound. Alyeska adopted approximately 75 percent of RCAC's comments. Review of various state and federal contingency plans continues to be a major responsibility for RCAC.

RCAC relays its comments and recommendations to the appropriate regulatory agencies, as well as the "plan holder," the entity responsible for having the contingency plan.

RCAC led the effort to develop nearshore response as an integral component of oil spill response. Nearshore response is the effort to contain spilled oil close to shore before it reaches shorelines. After the Exxon Valdez oil spill, local fishing fleets demonstrated their ability to respond quickly in those situations. Local fishers were intimately familiar with the geography, terrain, currents and weather in the area. Their vessels were designed for those waters and conditions.

Local citizens and their vessels play important roles in nearshore response, and in the wider on-water spill response, as well. RCAC continues to encourage the use of these local resources.

Regulatory agencies and industry continue to incorporate many of RCAC's recommendations into the various oil spill contingency plans required under state and federal law.

RCAC also contributes to effective spill response by monitoring spill drills and exercises, and participating in large drills. RCAC provides perspective and constructive suggestions after every drill and exercise.

In an actual oil spill – such as the 8,400 gallon spill from the tanker Eastern Lion in Port Valdez in 1994 – RCAC observes the incident and response efforts, keeps its member entities informed of developments, verifies information from the command center, and advises the incident

command. Much of the advice and information from RCAC comes from people in the communities; RCAC serves as an important communication link between affected communities and the incident command.

Defense against complacency

Complacency was widely viewed as a major factor in the Exxon Valdez spill. In the early years of RCAC, the battle cry was to keep complacency at bay. As the Exxon Valdez oil spill recedes from the consciousness of most people, RCAC continues to pay close attention.

Complacency can take the form of reduced funding for oil spill prevention and response efforts. RCAC monitors state funding levels and calls public attention to reductions that could undermine spill prevention and response capabilities. RCAC monitors state and federal legislation and regulations, and submits formal comments on oil transportation and environmental issues. RCAC sometimes assists individual member entities on issues of mutual interest.

RCAC keeps the public apprised of important issues through reports, press releases and a quarterly newsletter. RCAC also periodically publishes reports for the general public on issues such as improvements in tanker safety, and changes in oil spill prevention and response capabilities. In 1996, RCAC began a community outreach program to strengthen the relationships between RCAC and its member organizations.

Contributions to mitigating the environmental and community impacts of oil terminal and tanker traffic

RCAC is working to mitigate the environmental impacts of the crude oil terminal and tanker traffic. Most recently, RCAC has taken the lead on efforts to determine whether Prince William Sound is at risk of invasion by non-indigenous species through tanker ballast water.

At RCAC's urging, government agencies and industry reactivated work groups to determine whether there are gaps in coordination of fire fighting response at the Valdez Marine Terminal, and on tankers at berth and underway.

RCAC raised public awareness about air and water issues associated with the Valdez Marine Terminal, and has worked with Alyeska and regulators to identify and address potential problem areas. For several years, RCAC urged Alyeska to control and reduce hydrocarbon vapors emitted from tankers loading crude oil at the terminal. RCAC then worked with Alyeska and the U.S. Environmental Protection Agency on the new regulations to control these emissions.

One of the obstacles to gauging the biological impacts of the Exxon Valdez oil spill was a lack of sound baseline data. RCAC has been gathering baseline data since 1993 on the presence and source, if any, of hydrocarbons at sites in the area affected by the Exxon Valdez oil spill.

The '89 oil spill demonstrated the profound social and psychological impacts that a catastrophic oil spill can have on a community. RCAC is

funding and directing a project designed to provide communities with tools to help deal with the mental health impacts of a big oil spill.

Cooperative working relationships with industry and government agencies

The Oil Pollution Act of 1990 envisioned a "long-term partnership of industry, government and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals," and a change from "continual mistrust and confrontation" to consensus.

While disagreements continue to arise – and likely always will – RCAC's existence and efforts have resulted in better communications, better understanding, and better problem-solving between citizens, industry and government.

The relationship between RCAC and Alyeska improved considerably in 1995, when they were able to agree on how to handle sensitive and controversial issues. The "protocol" establishes a process for disagreeing. The cornerstone is a no-surprises policy, in which each organization commits to keeping the other informed and up-to-date. While the relationship between RCAC and Alyeska has improved, there is still room for more improvement. It takes constant effort to maintain cooperation, openness and honesty.

RCAC has applied the no-surprises policy to its dealings with shippers and regulatory agencies, as well. When all parties follow it, the no-surprises policy promotes frank and timely communication, good faith efforts to seek consensus, and a commitment to treat all parties with courtesy and respect.

No small part of RCAC's overall effectiveness has been its relationships with the U.S. Coast Guard and the Alaska Department of Environmental Conservation (ADEC). Formal and informal meetings, frequent communications, and a policy of sharing information have all contributed to good working relations between RCAC and the agencies. Like other state and federal agencies, the Coast Guard and ADEC serve as ex-officio members of the RCAC Board.

RCAC encourages regulators and industry representatives to attend board and committee meetings, comment on issues before the RCAC Board, and confer frequently on issues of common concern and interest.

IV. Lessons Learned

1. Cooperation works better than confrontation.

RCAC became more effective when it adopted a cooperative approach to resolving differences with industry, instead of criticizing them publicly or through the press. This cooperative approach entails a good faith effort to resolve conflicts and disagreements through regular meetings, formal work groups and work sessions. This approach promotes better understanding and cooperation.

2. Conflict is inherent.

The priorities of citizens and those of the oil industry are fundamentally different and sometimes directly opposed. However, such differences do not preclude citizens and industry from finding common ground.

3. Trust between citizens and industry is difficult to establish and even harder to maintain.

RCAC has found that trust and mutual respect are fragile; they can develop on some issues and projects, only to break down on another issue. Transience in the oil industry contributes to the difficulty, since new relationships must be built. This problem is being mitigated through regular formal and informal meetings between RCAC representatives and industry executives. Informal meetings are important because they allow people to speak frankly and openly.

4. Sufficient funding is essential.

One of the most important differences between RCAC and other advisory panels is that RCAC has enough money to hire technical consultants and conduct independent research. When citizens have access to independent technical experts, they are best able to present credible positions to industry and regulators. Strong funding also provides RCAC with the resources to monitor effectively. Just as important, strong funding allows RCAC to co-sponsor joint projects with industry and regulatory agencies. Joint projects foster cooperative working relationships, enhance RCAC's credibility, and result in high quality work.

5. A citizens' group can be independent even with industry funding.

The contract explicitly protects RCAC's independence and promises continued funding as long as oil flows through the trans-Alaska pipeline. However, the level of funding is renegotiated every three years.

An industry-funded citizens' group will likely always face some cynicism about its independence. RCAC has concluded that its work must speak for itself and that public confidence in RCAC's integrity will flow from the quality of its work.

6. Agreeing on how to disagree reduces conflict.

Once RCAC and Alyeska agreed on a process for handling disagreements, the relationship improved dramatically. They developed a protocol, outlining communication procedures and a quasi-mediation process. The protocol is designed to eliminate surprises and foster consensus whenever possible.

7. Logic is persuasive; passion is not.

The Exxon Valdez oil spill personally affected many of the people involved in RCAC. Passions still run high for some. But arguments based on

n and emotions don't work with corporations. Citizens earn credibility they base their recommendations on sound information, reason and The effectiveness of an advisory group ultimately hinges on its ability to forward credible proposals that make sense.

8. It pays to acknowledge industry and regulators when they do right.

Positive recognition reinforces the notion that good works generate reward. It also makes constructive criticism more palatable. An advisory group willing to publicly recognize positive efforts reinforces its own credibility and dispels criticism that it only wants to bash industry.

9. All affected citizens should be represented on the Board of Directors.

The RCAC Board of Directors represents 18 different communities and interest groups, stretching over a large, fairly diverse expanse of Alaska. The member entities range all over the political spectrum. Decisions by the board carry influence precisely because of the diversity of its members.

10. A smaller board would be more efficient and easier to manage.

An 8-10 member Board of Directors would be ideal. RCAC's board has 19 members, which makes it difficult to manage.

11. Expectations of directors should be realistic.

When RCAC was first organized, board members did all the work. Many of them devoted 20 to 40 hours a week on RCAC business. For some directors, RCAC work became part of their regular jobs, but for most of them, time spent on RCAC was at the expense of, or on top of, their regular jobs.

The level of activity and participation by board members has declined dramatically over the years. A few board members – usually those who serve on the Executive Committee – continue to be very active, but the organization has had to re-examine assumptions about the amount of work board members could reasonably accomplish.

In retrospect, many of those assumptions were not realistic. The energy level generated by a major catastrophe naturally declines over time. Board members could not have continued to do the amount of work they did in the first couple of years.

12. Expectations of Directors should be clearly communicated and enforced.

RCAC needs an active and engaged Board of Directors, since it is the board members who represent citizen and community interests. Inactivity and absenteeism are problems on the RCAC Board. However, there are few actual requirements for board members and selection of board members is at the discretion of the member organization.

The Board of Directors does have authority to remove a member organization because of inactivity, but it has not chosen to exercise that authority.

13. Board members do not have to be experts.

They do need to be diligent, use common sense, know when to hire technical experts, and how to use them. However, one of RCAC's weaknesses has been its failure to develop an orientation program for new board members and committee volunteers.

14. The role of advisory committees should be clear from the start.

RCAC's technical committees always advised the Board of Directors, but they frequently functioned more like staff, albeit without the accountability and management oversight that staff normally have. Conflicts between the committees, the board and management might have been avoided if internal systems had been developed to match the committees' actual working function.

15. Concerned citizens should have the opportunity to participate in a meaningful way.

Each member of the Board is responsible for representing the interests and perspectives of his or her member entity, but the organization should provide avenues for participation by other citizens, too. Citizens can contribute valuable knowledge, ideas and perspective. At RCAC, citizens may apply to be on the advisory committees and they assist project staff in areas in which they have expertise.

16. A diverse constituency needs strong community outreach.

One of RCAC's long-standing challenges has been community outreach, in part because of differing opinions about the appropriate mechanism for obtaining citizen advice and conveying information. RCAC had envisioned that part of the board members' job was to act as a liaison between RCAC and their community or group. That has proved to be difficult for most directors because of the significant demands that RCAC already makes on their time.

RCAC conveys information to constituents through a quarterly newsletter and press releases, but those communications are only one-way. Many of RCAC's directors feel that their communities are not sufficiently aware of RCAC, nor do they understand what it does. They believe RCAC needs visible support from the communities it represents if it is to be viable and effective in the long term. In response to these concerns, in mid 1996, the board approved a new staff position of community liaison to foster closer communications with RCAC member communities and organizations.

17. Funding should not have strings attached.

Under the contract, Alyeska will fund RCAC as long as oil flows through the Alyeska pipeline. However, the level of funding is renegotiated every three years. Some people believe a third party should decide the funding level, to ensure independence and protect the advisory group from

undue pressure. Maintaining an adequate level of funding is essential. The best protection for funding is to have it required in state or federal law.

18. Advisory groups should be mandated by state or federal statute.

By the time the Oil Pollution Act was enacted in August 1990, with the provision requiring a citizens' advisory group for Prince William Sound, RCAC had been functioning for months under its contract with Alyeska.

However, Alyeska had incentive to negotiate a contract with citizens because it was clear that federal law would require it, anyway. It is not at all clear that the contract would have become reality without the prospect of OPA 90. Should RCAC's contract be voided, OPA 90 would require Alyeska to fund a new citizens' group.

The oil industry is very transient and different leaders have different priorities. Statutory requirements ensure continuity for citizen advisory groups, regardless of turnover among industry leaders.

19. A clear mission and identity should be established early on.

RCAC suffered an identity crisis the first few years. Was RCAC a watch dog or a partner? To be a watch dog implies oversight, challenge, a hint of enforcement, and a somewhat adversarial relationship. To be a partner implies none of that.

The contract with Alyeska stresses RCAC's independence, but clearly envisioned RCAC as a friendly advisor. The Oil Pollution Act is somewhat confusing. It refers to "citizen oversight," which carries a tone of regulatory-type authority. It also refers to a partnership among local communities, industry and government.

Over the last couple of years, RCAC settled into a position of vocal advisor. RCAC does challenge the industry, but does so face to face. It attempts to handle differences with a minimum of adversarial confrontation.

There is still disagreement about RCAC's proper role. Some in the oil industry believe RCAC should be a public relations arm of Alyeska Pipeline. On the other hand, some citizens – including committee volunteers – think RCAC should take stronger stands and be more aggressive.

20. Citizens are more effective if they have formal relationships with those who make decisions.

OPA 90 requires the operator of the Valdez Marine Terminal – Alyeska Pipeline Service Co. – to fund a citizens' advisory group. RCAC's contract is with Alyeska, a consortium of the seven oil companies that own the pipeline. The contract specifically refers to Alyeska as a party to the contract, itself, and as agent for the owner companies. However, RCAC does not have a true relationship with the owner companies, which exert hands-on control over Alyeska.

Nor does RCAC have formal relationships with the companies that ship North Slope crude, even though it has been dealing with the shippers increasingly since 1992. RCAC's relationship with the shippers has been rocky

at times, but progress is being made. To date, the shippers have shied away from a contract or formal agreements. However, their executives meet with RCAC on a regular basis, and RCAC and the shippers are working together cooperatively on several important projects.

RCAC's relations with state and federal regulatory agencies have been mostly smooth and positive. RCAC works most closely with the U.S. Coast Guard's Marine Safety Office in Valdez and the Alaska Department of Environmental Conservation.

21. Backsliding is always a threat.

Catastrophes frequently generate a flurry of public and political activity, but as memories dim, commitments can wane. RCAC has found it must constantly be alert to backsliding. For example, in response to declining revenues, the State of Alaska has cut back its spill prevention and response budgets. A decline in regulatory oversight makes it increasingly important that RCAC be vigilant to potential degradation of spill response capability and complacency among operators that could lead to a catastrophic accident.

For more information about the Prince William Sound Regional Citizens' Advisory Council, contact the Public Information Director, (907) 277-7222.

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