

**Cook Inlet Regional Citizens  
Advisory Council  
Strategic Plan:  
2014 - 2019**  
*with recommended edits  
and revision from  
November 29, 2018*





# The Cook Inlet Regional Citizens Advisory Council

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*Tourism  
Group*

*Alaska Native  
Group*

*Environmental  
Group*

*Recreation  
Group*

*Aquaculture  
Associations*

*Commercial  
Fishing Group*

*City of Kodiak*

*City of Kenai*

*City of Seldovia*

*City of Homer*

*Kodiak Island  
Borough*

*Kenai Peninsula  
Borough*

*Municipality of  
Anchorage*

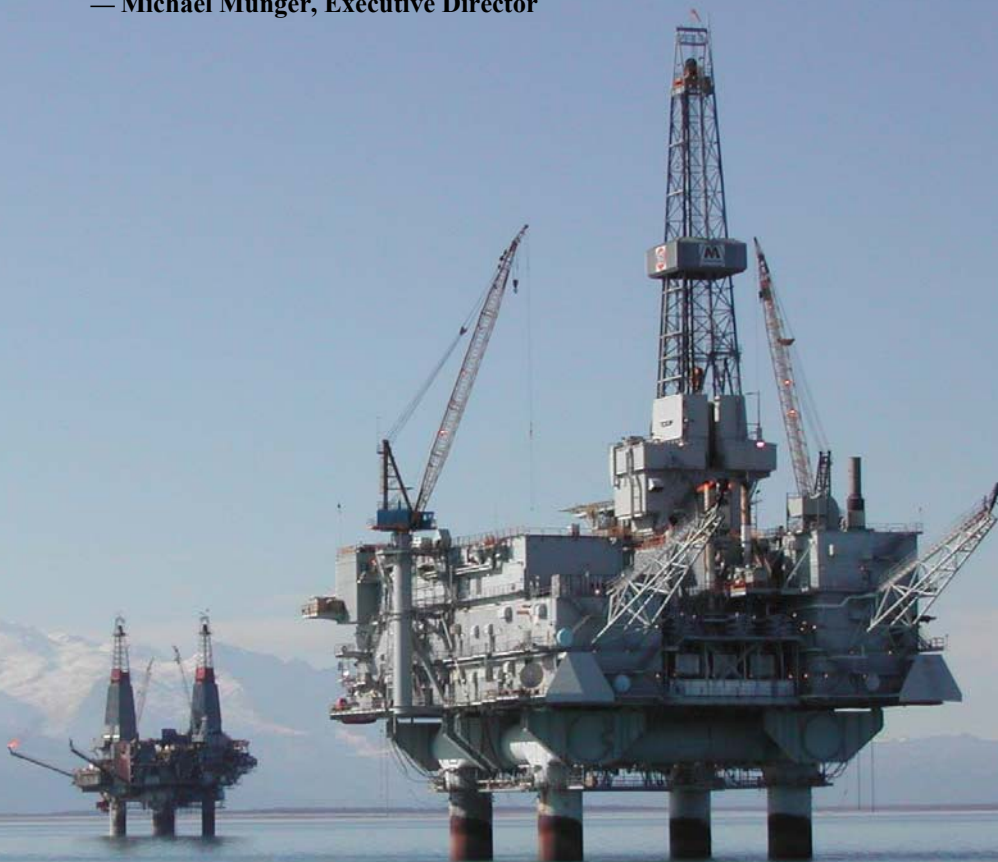
## Message from the Executive Director

On behalf of the Cook Inlet Regional Citizens Advisory Council (RCAC) I am pleased to present our 2014 - 2019 Strategic Plan.

This latest Strategic Plan illustrates how our programs tie to the congressional act that drives our organization, the Oil Pollution Act of 1990 (OPA 90). Each program is organized to easily convey its purpose, goals, strategies, and outcomes.

This plan provides the direction for our organization to fulfill the mandates of OPA 90 and Cook Inlet RCAC's mission and serves as a tool to develop our programs and partnerships.

— Michael Munger, Executive Director



## **Update & Review – December 5, 2014**

*The following Priority Goals were established and approved by the Cook Inlet RCAC Board of Directors, to be presented and included in the Strategic Plan document, along with the date of the last review.*

### **Council Priority Goals**

The Council identified these priority goals:

- Continue to seek legislative changes, including amendments to OPA 90, and establish adequate funding levels to satisfy federal mandates.
- Continue seeking additional funding from other sources for non-OPA 90 issues.
- Develop a sustained program to collect and integrate biological and chemical environmental data in the Cook Inlet region, and ensure their use for appropriate governmental and private purposes.
- Comprehensive risk assessments for oil facilities and infrastructure.
- Continue to make Cook Inlet RCAC data and information widely accessible.
- Ensure detailed habitat data for all shorelines in Cook Inlet are available, and facilitate their integration and use in oil spill planning and response.
- Support formation of, participation in, and seek funding opportunities for a Cook Inlet area Harbor Safety Committee.



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## Introduction

### Background:

In the wake of the 1989 Exxon Valdez Oil Spill, the United States Congress passed the Oil Pollution Act of 1990 (OPA 90), establishing the Cook Inlet Regional Citizens Advisory Council (RCAC) to create an avenue for public participation in the oversight of the Cook Inlet oil industry.

Since its inception, the Cook Inlet RCAC has formed partnerships and encouraged consensus decision making. Through this process we bring stakeholders together to create environmental monitoring and oil spill prevention programs to promote safe production and transportation of oil in Cook Inlet.

The programs presented in this five-year strategic plan are specifically developed to address our tasks and mandates outlined in OPA 90. The plan and its programs are used as a tool to guide our annual work plan.





### **Mission:**

Our mission is to represent the citizens of Cook Inlet in promoting environmentally safe marine transportation and oil facility operations in Cook Inlet.

### **Core Values:**

- ◆ Respectful communication
- ◆ Valid and relevant science and research
- ◆ Broad citizen participation

### **Overall Goals:**

- ◆ Provide a leadership role in improving our understanding and protection of Cook Inlet RCAC's area of concern
- ◆ Coordinate partnerships to further the goals of Cook Inlet RCAC
- ◆ Educate the public to enhance long-term stewardship of Cook Inlet
- ◆ Make Cook Inlet RCAC data and information accessible



### Cook Inlet RCAC Area of Responsibility:

As stated in OPA 90 section 5002 (b) (3): “The Cook Inlet Program shall be responsible for environmental monitoring of the terminal facilities and crude oil tankers operating in Cook Inlet located South of the latitude at Point Possession and North of the latitude at Amatuli Island, including offshore facilities in Cook Inlet.” This section clearly defines the location of the facilities and tanker operations for which we are responsible.

### Cook Inlet RCAC Area of Concern:

Our areas of concern are both geographic and programmatic.

- ◆ Geographically, our area of concern is Cook Inlet and the areas potentially impacted by oil industry activities within our OPA 90-defined area of responsibility.
- ◆ At the program level, our area of concern includes pursuing any project that helps meet the program goals that accomplish the program’s outcome.







## Map of Cook Inlet and Kodiak Island





## **Biological and Chemical Environmental Monitoring**

### **Program Purpose:**

Monitor the biological and chemical environment in Cook Inlet and nearby areas to detect impacts of oil industry operations.

### **Program Goals:**

1. Identify and evaluate risks and potential impacts of oil industry operations to ecosystem components of the Cook Inlet RCAC area of concern.
2. Assess and monitor status and trends of biological and chemical components in the Cook Inlet RCAC area of concern.
3. Make data accessible to stakeholders to improve the understanding of biological and chemical environments in the Cook Inlet RCAC area of concern.

### **Program Strategies:**

- ◆ Conduct field sampling and laboratory, statistical, and data analyses for Cook Inlet biological, oceanographic, habitat and contaminant studies.
- ◆ Provide periodic summaries detailing progress of the program.
- ◆ Solicit periodic scientific peer review.
- ◆ Collect, compile and disseminate chemical and biological monitoring compliance data.
- ◆ Identify a subset of historical sampling sites in Cook Inlet and nearby areas for potential long-term status and trends monitoring program.
- ◆ Support or lead efforts to incorporate lower Cook Inlet sampling sites into Gulf Watch Alaska Program or other partnership programs that provide long-term monitoring support.

### **Program Outcome:**

A Cook Inlet sediment and water quality assessment partnership that integrates local, regional, state, and national initiatives for monitoring ambient contaminants.

### **OPA 90 Language That Guides This Program :**

- 5002 (e) (2) Duties-In fulfilling its responsibilities, the [EMC] shall-
- (A) advise the Council on a monitoring strategy that will permit early detection of environmental impacts of terminal facility operations and crude oil tanker operations while in ...Cook Inlet;
  - (B) develop monitoring programs and make recommendations to the Council on the implementation of those programs;
  - (C) at its discretion, select and contract with universities and other scientific institutions to carry out specific monitoring projects authorized by the Council pursuant to an approved monitoring strategy;



## Coastal Habitat Mapping

### Program Purpose:

Assess coastal habitats in the Cook Inlet RCAC area of concern.

### Program Goals:

1. Inventory and characterize coastal habitat in the Cook Inlet RCAC area of concern.
2. Identify and characterize habitats that are unique, sensitive to impacts, good indicators of change, of high-value, or have historical records.
3. Make data accessible to resource and oil spill response agencies, industry, the public and other organizations.

### Program Strategies:

- ◆ Conduct biophysical mapping at broad and site-specific scales.
- ◆ Conduct more detailed studies, mapping, and characterization of species or habitats identified as unique, sensitive to impacts, good indicators of change, of high-value, or that have historical records.
- ◆ Identify a subset of habitat types in Cook Inlet and nearby areas for potential long-term status and trends monitoring program.
- ◆ Make information available through web-accessible database.
- ◆ Develop tools for effective application of data in oil spill planning and response.
- ◆ Participate in efforts to coordinate an Alaska or North Pacific-wide biophysical mapping program of near-shore habitats.

### Program Outcome:

A coordinated and contiguous database for the entire Gulf of Alaska and an oil spill prevention and response tool that incorporates detailed coastal habitat data.

### OPA 90 Language That Guides This Program:

5002 (f) (2)

- (C) study wind and water currents and other environmental factors in the vicinity of the terminal facilities which may affect the ability to prevent, respond to, contain, and clean up an oil spill;
- (D) identify highly sensitive areas which may require specific protective measures in the event of a spill in Prince William Sound or Cook Inlet;



## Physical Oceanography

### Program Purpose:

Understand and model Cook Inlet’s complex circulation to inform oil spill response decisions and better evaluate potential impacts of contaminants to Cook Inlet.

### Program Goals:

1. Support the collection of high resolution observational oceanic and atmospheric data, including sea ice and bathymetry, to develop accurate models and tools that can be integrated into oil spill prevention and response planning.
2. Promote collaborations and partnerships between and among researchers and organizations to support “Program Goal 1”.
3. Encourage and support development of a comprehensive Cook Inlet physical oceanography observing system.
4. Make data accessible to resource agencies, industry, the public, and other organizations.

### Program Strategies:

- ◆ Identify gaps in data and models; work with agencies to obtain and enhance data.
- ◆ Fill in data and modeling gaps as needed to improve real-time information.
- ◆ Support improved and accessible ocean circulation, atmospheric, and wave models.
- ◆ Collaborate with Alaska Ocean Observing System (AOOS) and other regional programs to develop a comprehensive Cook Inlet area data system.
- ◆ Compile and integrate Cook Inlet RCAC oceanographic data into on-line data portals at Alaska Ocean Observing System.

### Program Outcome:

An ocean observing system and models for Cook Inlet that nests within a larger regional and state-wide Alaska Ocean Observing System to provide real-time data and forecasts.

### OPA 90 Language That Guides This Program

5002 (f) (2)

- (C) study wind and water currents and other environmental factors in the vicinity of the terminal facilities which may affect the ability to prevent, respond to, contain, and clean up an oil spill;



## Oil Transport, Fate and Effects

### Program Purpose:

Understand and predict the potential transport, fate, and effects, including environmental, of oil discharged into Cook Inlet to guide oil spill planning and response activity.

### Program Goals:

1. Develop an understanding of the transport, fate, and effects of oils that have the potential to be spilled in the Cook Inlet area of concern.
2. Develop an understanding of transport, fate, and effects of oil treated by various response methods likely to be used on oil spills in the Cook Inlet RCAC area of concern.
3. Make data accessible to improve oil spill planning and response decisions.

### Program Strategies:

- ◆ Gather and summarize existing information relating to oil transport, fate, and effects for the Cook Inlet RCAC area of concern.
- ◆ Identify, prioritize, and fill data-gaps for transport and fate models, taking into consideration parameters such as emulsification, dispersal, biodegradation, aggregation with mineral fines, deposition, photo-chemical oxidation, and food-web interactions.
- ◆ Identify environmental parameters, such as salinity, temperature, energy, and suspended sediments that can influence efficacy, transport, fate, and effects of various oil spill response options, especially those that have the potential to most influence behavior of oils spilled in Cook Inlet.
- ◆ Promote development and refinement of oil transport models to improve the ability to model Cook Inlet rip zones, freshwater buoyancy driven currents, seasonality, ice movement, and boundary forcing from the Gulf of Alaska.
- ◆ Advocate for thorough evaluation of Cook Inlet hydrodynamic models through model hindcasts and comparison to observational data.
- ◆ Advocate for research project funding by various agencies and institutions and build collaborations on approved research projects.

### Program Outcome:

Large scale studies of oil transport, fate, and effects that include Cook Inlet conditions and scenarios.

### OPA 90 Language That Guides This Program

5002 (f) (2)

- (C) study wind and water currents and other environmental factors in the vicinity of the terminal facilities which may affect the ability to prevent, respond to, contain, and clean up an oil spill;
- (E) monitor developments in oil spill prevention, containment, response, and cleanup technology;



## Technical Review

### Program Purpose:

Provide expert guidance to evaluate permits, regulations, findings, proposed legislation, and other information relating to Cook Inlet oil industry and regulatory agencies.

### Program Goals:

1. Gather and summarize relevant information gaps and effectively evaluate issues.
2. Monitor compliance through permits, regulation, and legislation.
3. Provide advice to the Cook Inlet RCAC Board of Directors and appropriate committees and agencies.

### Program Strategies:

- ◆ Develop and maintain a mechanism to initiate reviews and provide comments on legislation, regulation, and policies affecting the Cook Inlet RCAC area of concern.
- ◆ Develop a tracking system for comments provided by each review process.
- ◆ Evaluate discharge monitoring reports and develop recommendations and mechanisms to ensure compliance, including third party audits.

### Program Outcome:

Mechanisms to ensure a timely response on issues of concern to Cook Inlet RCAC and an integrated database that links reviews and comments to program goals and strategies.

### OPA 90 Language That Guides This Program

5002 (f) (2)

- (A) periodically review the respective oil spill prevention and contingency plans for the terminal facilities and for the crude oil tankers while in Prince William Sound or Cook Inlet, in light of new technological developments and changed circumstance;”
- (E) monitor periodic drills and testing of oil spill contingency plans for the terminal facilities and crude oil tankers while in Cook Inlet;”



## Geographic Response Strategies

### Program Purpose:

Provide a guide for oil spill responders to minimize response times. The program also serves to enhance the effectiveness of response efforts at environmentally sensitive areas and to not only protect the marine and onshore environments but also the cultural, historical and archeological resources of the Cook Inlet area.

### Program Goals:

1. Prioritize and develop specific protection tactics for environmentally sensitive areas in the Cook Inlet area of concern through a workgroup process.
2. Identify, catalog, and map cultural, historic, archeological, and other significant resources to be protected during oil spill response.
3. Identify and develop shore based GRS to address stream crossings, prioritizing anadromous streams, along highway routes supporting crude oil transport by truck.

### Program Strategies:

- ◆ Work as a consensus team with industry, federal, state and local governments, oil spill co-ops, and communities to prioritize the sensitive areas.
- ◆ Identify equipment, protection strategies, and personnel needed to protect each designated site through a workgroup process.
- ◆ Use industry drills and other opportunities to verify Geographic Response Strategies effectiveness; re-evaluate and make changes as needed.
- ◆ Work to ‘ground truth’ GRS sites periodically to ensure changes in topography, bathymetry, or other factors considered in the GRS development have not affected the GRS.

### Program Outcome:

Geographic Response Strategies incorporated as part of the Area Plan, industry contingency plans, and oil spill response organization operations.

### OPA 90 Language That Guides This Program

- 5002 (f) (1) TECHNICAL OIL SPILL COMMITTEE...assess measures designed to prevent oil spills and the planning and preparedness for responding to, containing, cleaning up, and mitigating impacts of spills.
- 5002 (f) (2) Duties - In fulfilling its responsibilities...
- (D) identify highly sensitive areas which may require specific protective measures in the event of a spill...



## Prevention and Response

### Program Purpose:

Develop oil spill and response projects and studies to minimize the risk of oil discharge into Cook Inlet. Provide a basis for recommendations to enhance prevention and response activities and facilitate communication among citizens, regulatory groups, special interest groups, and industry.

### Program Goals:

1. Provide guidance for oil spill prevention, response, and planning.
2. Monitor, evaluate, and make recommendations on marine firefighting procedures.
3. Decrease response time by streamlining permitting procedures.
4. Ensure the public is informed and represented during oil spill prevention activities and potential or actual oil discharges into Cook Inlet.
5. Emphasize oil spill prevention.

### Program Strategies:

- ◆ Attend oil spill drills and evaluate effectiveness.
- ◆ Advocate for increased fire-fighting capabilities, including training, for on-water response to vessels, facilities and platforms.
- ◆ Share emerging technology with stakeholders.
- ◆ Streamline permitting procedures to decrease response time.
- ◆ Develop and maintain oil spill response forms and applications to follow contemporary user systems.
- ◆ Develop pre-permitting options.
- ◆ Advocate for strengthened oil spill prevention measures.

### Program Outcome:

Oil spill prevention is accepted as the first line of defense by Cook Inlet industries and its stakeholders and is supported by a solid foundation of response plans, training, and stakeholder involvement.

### OPA 90 Language That Guides This Program

5002 (f) (1) TECHNICAL OIL SPILL COMMITTEE... assess measures designed to prevent oil spills and the planning and preparedness for responding to, containing, cleaning up, and mitigating impacts of spills.

5002 (f) (2) Duties - In fulfilling its responsibilities...

- (C) study wind and water and other environmental factors in the vicinity of the terminal facilities which may affect the ability to prevent, respond to, contain and cleanup an oil spill;





## Risk Assessment

### Program Purpose:

Prioritize and focus Council efforts to identify and quantify Cook Inlet risk factors, and maximize the effectiveness of projects designed to address health, safety, and environmental impact throughout Cook Inlet.

### Program Goals:

1. Identify and assess vessel traffic, facility operations, and pipeline safety in the Cook Inlet RCAC area of concern.
2. Evaluate response equipment, personnel, training, and other mechanisms to cope with potential or actual oil discharges into Cook Inlet.
3. Seek out and assist state and federal efforts to conduct and administer risk assessments unique to current and future Cook Inlet conditions.

### Program Strategies:

- ◆ Determine necessary changes in navigational procedures to decrease the risk of oil discharges in the Cook Inlet RCAC area of concern.
- ◆ Verify the continued structural integrity of pipelines in the Cook Inlet RCAC area of concern through maintenance program monitoring.
- ◆ Promote and support the continued use of a standby assist tug or tugs.
- ◆ Continue to promote safe marine transportation in the Cook Inlet RCAC area of concern.
- ◆ Work to implement Cook Inlet risk assessment recommendations. Advocate for facility and infrastructure risk assessment.
- ◆ Support Harbor Safety Committee activities through our membership, participation in Harbor Safety Committee projects, and development of Cook Inlet RCAC projects in support of the Harbor Safety Committee mission.

### Program Outcome:

Continue to evaluate risks associated with Cook Inlet infrastructure and maritime operations; seek out and develop avenues to minimize those risks.

### OPA 90 Language That Guides This Program

5002 (f) (2) Duties - In fulfilling its responsibilities...

(G) periodically review the standards for tanker bound for, loading at, exiting from, or otherwise using the terminals;

5002 (f) (2) Duties - In fulfilling its responsibilities...

(C) study wind and water currents and other environmental factors in the vicinity of the terminal facilities which may affect the ability to prevent, respond to, contain, and clean up an oil spill;

## Contingency Planning

### Program Purpose:

Review, evaluate, and comment on new and existing oil discharge, prevention, and contingency plans for Cook Inlet exploration, production, crude oil facilities and tankers.

### Program Goals:

1. Review, evaluate, and comment on the adequacy of the Regional, Area and Industry contingency plans.
2. Review, evaluate, and comment on legislative and regulatory development.
3. Include non-tank vessel and refined product facility operations as a routine part of contingency plan review, when possible.
4. Evaluate industry contingency plans for use of the best available technology.

### Program Strategies:

- ◆ Review and provide comments for all proposed changes to existing or new regulations affecting the Cook Inlet RCAC area of concern.
- ◆ Review all portions of the contingency plans and provide comments that ensure regulatory compliance and improve industry readiness.
- ◆ Provide comments to ensure implementation of best available technologies.

### Program Outcome:

All contingency plans meet regulatory intent and requirements.

### OPA 90 Language That Guides This Program

5002 (f)(2)

- (A) periodically review the respective oil spill prevention and contingency plans for the terminal facilities and for the crude oil tankers while in Prince William Sound or Cook Inlet, in light of new technological developments and changed circumstance;
- (E) monitor periodic drills and testing of oil spill contingency plans for the terminal facilities and crude oil tankers while in Cook Inlet;”



## Public Involvement

### Program Purpose:

Raise awareness and increase participation by the public and stakeholders in Cook Inlet RCAC activities.

### Program Goals:

1. Keep the public and stakeholders informed of the Council’s activities.
2. Involve citizens in Cook Inlet RCAC activities.

### Program Strategies:

- ◆ Provide regular correspondence through different media - internet, pamphlets, brochures and newsletters.
- ◆ Perform presentations at regional meetings.
- ◆ Attend conferences and tradeshow to promote the RCAC model.
- ◆ Provide periodic “State of the Inlet” reports.
- ◆ Communicate with remote communities in the Cook Inlet area through community visits and electronic correspondence.
- ◆ Provide volunteer opportunities.
- ◆ Provide opportunities to serve on council committees.
- ◆ Provide continuing education to committee and council members through facility tours, guest speakers, and archived information posted on the Cook Inlet RCAC website.
- ◆ Involve teachers/students in Cook Inlet RCAC projects and activities through lesson development and field experience opportunities.
- ◆ Develop tools and provide training on access and use of web accessible data and results.

### Program Outcome:

Recognition and participation in Cook Inlet RCAC activities by stakeholders and program activities that are relevant nationally and internationally.

### OPA 90 Language That Guides This Program

- 5002 (e) (2) Duties - In fulfilling its responsibilities...
- (E) provide written reports to the Council which interpret and assess the results of all monitoring programs.
- 5002 (f) (2) Duties - In fulfilling its responsibilities...
- (I) provide written reports to the Council outlining its findings and recommendations.



## **OIL POLLUTION ACT OF 1990—SECTION 5002**

### **TERMINAL AND TANKER OVERSIGHT AND MONITORING**

#### **(a) SHORT TITLE AND FINDINGS-**

(1) SHORT TITLE- This section may be cited as the 'Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Act of 1990'.

(2) FINDINGS- The Congress finds that--

(A) the March 24, 1989, grounding and rupture of the fully loaded oil tanker, the EXXON VALDEZ, spilled 11 million gallons of crude oil in Prince William Sound, an environmentally sensitive area;

(B) many people believe that complacency on the part of the industry and government personnel responsible for monitoring the operation of the Valdez terminal and vessel traffic in Prince William Sound was one of the contributing factors to the EXXON VALDEZ oil spill;

(C) one way to combat this complacency is to involve local citizens in the process of preparing, adopting, and revising oil spill contingency plans;

(D) a mechanism should be established which fosters the long-term partnership of industry, government, and local communities in overseeing compliance with environmental concerns in the operation of crude oil terminals;

(E) such a mechanism presently exists at the Sullom Voe terminal in the Shetland Islands and this terminal should serve as a model for others;

(F) because of the effective partnership that has developed at Sullom Voe, Sullom Voe is considered the safest terminal in Europe;

(G) the present system of regulation and oversight of crude oil terminals in the United States has degenerated into a process of continual mistrust and confrontation;

(H) 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;

(I) a pilot program patterned after Sullom Voe should be established in Alaska to further refine the concepts and relationships involved; and

(J) similar programs should eventually be established in other major crude oil terminals in the United States because the recent oil spills in Texas, Delaware, and Rhode Island indicate that the safe transportation of crude oil is a national problem.

#### **(b) DEMONSTRATION PROGRAMS-**

(1) ESTABLISHMENT- There are established 2 Oil Terminal and Oil Tanker Environmental Oversight and Monitoring Demonstration Programs (hereinafter referred to as 'Programs') to be carried out in the State of Alaska.

(2) ADVISORY FUNCTION- The function of these Programs shall be advisory only.



(3) PURPOSE- The Prince William Sound Program shall be responsible for environmental monitoring of the terminal facilities in Prince William Sound and the crude oil tankers operating in Prince William Sound. The Cook Inlet Program shall be responsible for environmental monitoring of the terminal facilities and crude oil tankers operating in Cook Inlet located South of the latitude at Point Possession and North of the latitude at Amatuli Island, including offshore facilities in Cook Inlet.

(4) SUITS BARRED- No program, association, council, committee or other organization created by this section may sue any person or entity, public or private, concerning any matter arising under this section except for the performance of contracts.

### **(c) OIL TERMINAL FACILITIES AND OIL TANKER OPERATIONS ASSOCIATION-**

(1) ESTABLISHMENT- There is established an Oil Terminal Facilities and Oil Tanker Operations Association (hereinafter in this section referred to as the 'Association') for each of the Programs established under subsection (b).

(2) MEMBERSHIP- Each Association shall be comprised of 4 individuals as follows:

(A) One individual shall be designated by the owners and operators of the terminal facilities and shall represent those owners and operators.

(B) One individual shall be designated by the owners and operators of the crude oil tankers calling at the terminal facilities and shall represent those owners and operators.

(C) One individual shall be an employee of the State of Alaska, shall be designated by the Governor of the State of Alaska, and shall represent the State government.

(D) One individual shall be an employee of the Federal Government, shall be designated by the President, and shall represent the Federal Government.

(3) RESPONSIBILITIES- Each Association shall be responsible for reviewing policies relating to the operation and maintenance of the oil terminal facilities and crude oil tankers which affect or may affect the environment in the vicinity of their respective terminals. Each Association shall provide a forum among the owners and operators of the terminal facilities, the owners and operators of crude oil tankers calling at those facilities, the United States, and the State of Alaska to discuss and to make recommendations concerning all permits, plans, and site-specific regulations governing the activities and actions of the terminal facilities which affect or may affect the environment in the vicinity of the terminal facilities and of crude oil tankers calling at those facilities.

(4) DESIGNATION OF EXISTING ORGANIZATION- The Secretary may designate an existing nonprofit organization as an Association under this subsection if the organization is organized to meet the purposes of this section and consists of at least the individuals listed in paragraph (2).

### **(d) REGIONAL CITIZENS' ADVISORY COUNCILS-**

(1) MEMBERSHIP- There is established a Regional Citizens' Advisory Council (hereinafter in this section referred to as the 'Council') for each of the programs established by subsection (b).

(2) MEMBERSHIP- Each Council shall be composed of voting members and nonvoting members, as follows:



## ***Oil Pollution Act of 1990—Section 5002***

(A) VOTING MEMBERS- Voting members shall be Alaska residents and, except as provided in clause (vii) of this paragraph, shall be appointed by the Governor of the State of Alaska from a list of nominees provided by each of the following interests, with one representative appointed to represent each of the following interests, taking into consideration the need for regional balance on the Council:

(i) Local commercial fishing industry organizations, the members of which depend on the fisheries resources of the waters in the vicinity of the terminal facilities.

(ii) Aquaculture associations in the vicinity of the terminal facilities.

(iii) Alaska Native Corporations and other Alaska Native organizations the members of which reside in the vicinity of the terminal facilities.

(iv) Environmental organizations the members of which reside in the vicinity of the terminal facilities.

(v) Recreational organizations the members of which reside in or use the vicinity of the terminal facilities.

(vi) The Alaska State Chamber of Commerce, to represent the locally based tourist industry.

(vii)(I) For the Prince William Sound Terminal Facilities Council, one representative selected by each of the following municipalities: Cordova, Whittier, Seward, Valdez, Kodiak, the Kodiak Island Borough, and the Kenai Peninsula Borough.

(II) For the Cook Inlet Terminal Facilities Council, one representative selected by each of the following municipalities: Homer, Seldovia, Anchorage, Kenai, Kodiak, the Kodiak Island Borough, and the Kenai Peninsula Borough.

(B) NONVOTING MEMBERS- One ex-officio, nonvoting representative shall be designated by, and represent, each of the following:

(i) The Environmental Protection Agency.

(ii) The Coast Guard.

(iii) The National Oceanic and Atmospheric Administration.

(iv) The United States Forest Service.

(v) The Bureau of Land Management.

(vi) The Alaska Department of Environmental Conservation.

(vii) The Alaska Department of Fish and Game.

(viii) The Alaska Department of Natural Resources.

(ix) The Division of Emergency Services, Alaska Department of Military and Veterans Affairs.



(3) TERMS-

(A) DURATION OF COUNCILS- The term of the Councils shall continue throughout the life of the operation of the Trans-Alaska Pipeline System and so long as oil is transported to or from Cook Inlet.

(B) THREE YEARS- The voting members of each Council shall be appointed for a term of 3 years except as provided for in subparagraph (C).

(C) INITIAL APPOINTMENTS- The terms of the first appointments shall be as follows:

(i) For the appointments by the Governor of the State of Alaska, one-third shall serve for 3 years, one-third shall serve for 2 years, and one-third shall serve for one year.

(ii) For the representatives of municipalities required by subsection (d)(2)(A)(vii), a drawing of lots among the appointees shall determine that one-third of that group serves for 3 years, one-third serves for 2 years, and the remainder serves for 1 year.

(4) SELF-GOVERNING- Each Council shall elect its own chairperson, select its own staff, and make policies with regard to its internal operating procedures. After the initial organizational meeting called by the Secretary under subsection (i), each Council shall be self-governing.

(5) DUAL MEMBERSHIP AND CONFLICTS OF INTEREST PROHIBITED- (A) No individual selected as a member of the Council shall serve on the Association.

(B) No individual selected as a voting member of the Council shall be engaged in any activity which might conflict with such individual carrying out his functions as a member thereof.

(6) DUTIES- Each Council shall--

(A) provide advice and recommendations to the Association on policies, permits, and site-specific regulations relating to the operation and maintenance of terminal facilities and crude oil tankers which affect or may affect the environment in the vicinity of the terminal facilities;

(B) monitor through the committee established under subsection (e), the environmental impacts of the operation of the terminal facilities and crude oil tankers;

(C) monitor those aspects of terminal facilities' and crude oil tankers' operations and maintenance which affect or may affect the environment in the vicinity of the terminal facilities;

(D) review through the committee established under subsection (f), the adequacy of oil spill prevention and contingency plans for the terminal facilities and the adequacy of oil spill prevention and contingency plans for crude oil tankers, operating in Prince William Sound or in Cook Inlet;

(E) provide advice and recommendations to the Association on port operations, policies and practices;



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(F) recommend to the Association--

(i) standards and stipulations for permits and site-specific regulations intended to minimize the impact of the terminal facilities' and crude oil tankers' operations in the vicinity of the terminal facilities;

(ii) modifications of terminal facility operations and maintenance intended to minimize the risk and mitigate the impact of terminal facilities, operations in the vicinity of the terminal facilities and to minimize the risk of oil spills;

(iii) modifications of crude oil tanker operations and maintenance in Prince William Sound and Cook Inlet intended to minimize the risk and mitigate the impact of oil spills; and

((iv) modifications to the oil spill prevention and contingency plans for terminal facilities and for crude oil tankers in Prince William Sound and Cook Inlet intended to enhance the ability to prevent and respond to an oil spill; and

(G) create additional committees of the Council as necessary to carry out the above functions, including a scientific and technical advisory committee to the Prince William Sound Council.

(7) NO ESTOPPEL- No Council shall be held liable under State or Federal law for costs or damages as a result of rendering advice under this section. Nor shall any advice given by a voting member of a Council, or program representative or agent, be grounds for estopping the interests represented by the voting Council members from seeking damages or other appropriate relief.

(8) SCIENTIFIC WORK- In carrying out its research, development and monitoring functions, each Council is authorized to conduct its own scientific research and shall review the scientific work undertaken by or on behalf of the terminal operators or crude oil tanker operators as a result of a legal requirement to undertake that work. Each Council shall also review the relevant scientific work undertaken by or on behalf of any government entity relating to the terminal facilities or crude oil tankers. To the extent possible, to avoid unnecessary duplication, each Council shall coordinate its independent scientific work with the scientific work performed by or on behalf of the terminal operators and with the scientific work performed by or on behalf of the operators of the crude oil tankers.

### **(e) COMMITTEE FOR TERMINAL AND OIL TANKER OPERATIONS AND ENVIRONMENTAL MONITORING-**

(1) MONITORING COMMITTEE- Each Council shall establish a standing Terminal and Oil Tanker Operations and Environmental Monitoring Committee (hereinafter in this section referred to as the 'Monitoring Committee') to devise and manage a comprehensive program of monitoring the environmental impacts of the operations of terminal facilities and of crude oil tankers while operating in Prince William Sound and Cook Inlet. The membership of the Monitoring Committee shall be made up of members of the Council, citizens, and recognized scientific experts selected by the Council.





- (2) DUTIES- In fulfilling its responsibilities, the Monitoring Committee shall--
- (A) advise the Council on a monitoring strategy that will permit early detection of environmental impacts of terminal facility operations and crude oil tanker operations while in Prince William Sound and Cook Inlet;
  - (B) develop monitoring programs and make recommendations to the Council on the implementation of those programs;
  - (C) at its discretion, select and contract with universities and other scientific institutions to carry out specific monitoring projects authorized by the Council pursuant to an approved monitoring strategy;
  - (D) complete any other tasks assigned by the Council; and
  - (E) provide written reports to the Council which interpret and assess the results of all monitoring programs.

**(f) COMMITTEE FOR OIL SPILL PREVENTION, SAFETY, AND EMERGENCY RESPONSE-**

- (1) TECHNICAL OIL SPILL COMMITTEE- Each Council shall establish a standing technical committee (hereinafter referred to as 'Oil Spill Committee') to review and assess measures designed to prevent oil spills and the planning and preparedness for responding to, containing, cleaning up, and mitigating impacts of oil spills. The membership of the Oil Spill Committee shall be made up of members of the Council, citizens, and recognized technical experts selected by the Council.
- (2) DUTIES- In fulfilling its responsibilities, the Oil Spill Committee shall--
- (A) periodically review the respective oil spill prevention and contingency plans for the terminal facilities and for the crude oil tankers while in Prince William Sound or Cook Inlet, in light of new technological developments and changed circumstances;
  - (B) monitor periodic drills and testing of the oil spill contingency plans for the terminal facilities and for crude oil tankers while in Prince William Sound and Cook Inlet;
  - (C) study wind and water currents and other environmental factors in the vicinity of the terminal facilities which may affect the ability to prevent, respond to, contain, and clean up an oil spill;
  - (D) identify highly sensitive areas which may require specific protective measures in the event of a spill in Prince William Sound or Cook Inlet;
  - (E) monitor developments in oil spill prevention, containment, response, and cleanup technology;
  - (G) periodically review the standards for tankers bound for, loading at, exiting from, or otherwise using the terminal facilities;
  - (H) complete any other tasks assigned by the Council; and
  - (I) provide written reports to the Council outlining its findings and recommendations.

**(g) AGENCY COOPERATION-**

On and after the expiration of the 180-day period following the date of the enactment of this section, each Federal department, agency, or other instrumentality shall, with respect to all permits, site-specific regulations, and other matters governing the activities and actions of the terminal facilities which affect or may affect the vicinity of the terminal facilities, consult with the appropriate Council prior to taking substantive action with respect to the permit, site-specific regulation, or other matter. This consultation shall be carried out with a view to enabling the appropriate Association and Council to review the permit, site-specific regulation, or other matters and make appropriate recommendations regarding operations, policy or agency actions. Prior consultation shall not be required if an authorized Federal agency representative reasonably believes that an emergency exists requiring action without delay.

**(h) RECOMMENDATIONS OF THE COUNCIL-**

In the event that the Association does not adopt, or significantly modifies before adoption, any recommendation of the Council made pursuant to the authority granted to the Council in subsection (d), the Association shall provide to the Council, in writing, within 5 days of its decision, notice of its decision and a written statement of reasons for its rejection or significant modification of the recommendation.

**(i) ADMINISTRATIVE ACTIONS-**

Appointments, designations, and selections of individuals to serve as members of the Associations and Councils under this section shall be submitted to the Secretary prior to the expiration of the 120-day period following the date of the enactment of this section. On or before the expiration of the 180-day period following that date of enactment of this section, the Secretary shall call an initial meeting of each Association and Council for organizational purposes.

**(j) LOCATION AND COMPENSATION-**

(1) LOCATION- Each Association and Council established by this section shall be located in the State of Alaska.

**(k) FUNDING-**

(1) REQUIREMENT- Approval of the contingency plans required of owners and operators of the Cook Inlet and Prince William Sound terminal facilities and crude oil tankers while operating in Alaskan waters in commerce with those terminal facilities shall be effective only so long as the respective Association and Council for a facility are funded pursuant to paragraph (2).

(2) PRINCE WILLIAM SOUND PROGRAM- The owners or operators of terminal facilities or crude oil tankers operating in Prince William Sound shall provide, on an annual basis, an aggregate amount of not more than \$2,000,000, as determined by the Secretary. Such amount--

(A) shall provide for the establishment and operation on the environmental oversight and monitoring program in Prince William Sound;

(B) shall be adjusted annually by the Anchorage Consumer Price Index; and

(C) may be adjusted periodically upon the mutual consent of the owners or operators of terminal facilities or crude oil tankers operating in Prince William Sound and the Prince William Sound terminal facilities Council.



(3) COOK INLET PROGRAM- The owners or operators of terminal facilities, offshore facilities, or crude oil tankers operating in Cook Inlet shall provide, on an annual basis, an aggregate amount of not less than \$1,400,000, as determined by the Secretary. Such amount--

(A) shall provide for the establishment and operation of the environmental oversight and monitoring program in Cook Inlet;

(B) shall be adjusted annually by the Anchorage Consumer Price Index; and

(C) may be adjusted periodically upon the mutual consent of the owners or operators of terminal facilities, offshore facilities, or crude oil tankers operating in Cook Inlet and the Cook Inlet Council.

### **(I) REPORTS-**

(1) ASSOCIATIONS AND COUNCILS- Prior to the expiration of the 36-month period following the date of the enactment of this section, each Association and Council established by this section shall report to the President and the Congress concerning its activities under this section, together with its recommendations.

(2) GAO- Prior to the expiration of the 36-month period following the date of the enactment of this section, the General Accounting Office shall report to the President and the Congress as to the handling of funds, including donated funds, by the entities carrying out the programs under this section, and the effectiveness of the demonstration programs carried out under this section, together with its recommendations.

### **(m) DEFINITIONS- As used in this section, the term--**

(1) 'terminal facilities' means--

(A) in the case of the Prince William Sound Program, the entire oil terminal complex located in Valdez, Alaska, consisting of approximately 1,000 acres including all buildings, docks (except docks owned by the City of Valdez if those docks are not used for loading of crude oil), pipes, piping, roads, ponds, tanks, crude oil tankers only while at the terminal dock, tanker escorts owned or operated by the operator of the terminal, vehicles, and other facilities associated with, and necessary for, assisting tanker movement of crude oil into and out of the oil terminal complex; and

(B) in the case of the Cook Inlet Program, the entire oil terminal complex including all buildings, docks, pipes, piping, roads, ponds, tanks, vessels, vehicles, crude oil tankers only while at the terminal dock, tanker escorts owned or operated by the operator of the terminal, emergency spill response vessels owned or operated by the operator of the terminal, and other facilities associated with, and necessary for, assisting tanker movement of crude oil into and out of the oil terminal complex;

(2) 'crude oil tanker' means a tanker (as that term is defined under section 2101 of title 46, United States Code)--

(A) in the case of the Prince William Sound Program, calling at the terminal facilities for the purpose of receiving and transporting oil to refineries, operating north of Middleston Island and bound for or exiting from Prince William Sound; and

(B) in the case of the Cook Inlet Program, calling at the terminal facilities for the purpose of receiving and transporting oil to refineries and operating in Cook Inlet and the Gulf of Alaska north of Amatuli Island, including tankers transiting to Cook Inlet from Prince William Sound;



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(3) 'vicinity of the terminal facilities' means that geographical area surrounding the environment of terminal facilities which is directly affected or may be directly affected by the operation of the terminal facilities; and

(4) 'Secretary' means the Secretary of Transportation.

### **(n) SAVINGS CLAUSE-**

(1) REGULATORY AUTHORITY- Nothing in this section shall be construed as modifying, repealing, superseding, or preempting any municipal, State or Federal law or regulation, or in any way affecting litigation arising from oil spills or the rights and responsibilities of the United States or the State of Alaska, or municipalities thereof, to preserve and protect the environment through regulation of land, air, and water uses, of safety, and of related development. The monitoring provided for by this section shall be designed to help assure compliance with applicable laws and regulations and shall only extend to activities--

(A) that would affect or have the potential to affect the vicinity of the terminal facilities and the area of crude oil tanker operations included in the Programs; and

(B) are subject to the United States or State of Alaska, or municipality thereof, law, regulation, or other legal requirement.


(2) RECOMMENDATIONS- This subsection is not intended to prevent the Association or Council from recommending to appropriate authorities that existing legal requirements should be modified or that new legal requirements should be adopted.

### **(o) ALTERNATIVE VOLUNTARY ADVISORY GROUP IN LIEU OF COUNCIL-**

The requirements of subsections (c) through (l), as such subsections apply respectively to the Prince William Sound Program and the Cook Inlet Program, are deemed to have been satisfied so long as the following conditions are met:

(1) PRINCE WILLIAM SOUND- With respect to the Prince William Sound Program, the Alyeska Pipeline Service Company or any of its owner companies enters into a contract for the duration of the operation of the Trans-Alaska Pipeline System with the Alyeska Citizens Advisory Committee in existence on the date of enactment of this section, or a successor organization, to fund that Committee or organization on an annual basis in the amount provided for by subsection (k)(2)(A) and the President annually certifies that the Committee or organization fosters the general goals and purposes of this section and is broadly representative of the communities and interests in the vicinity of the terminal facilities and Prince William Sound.

(2) COOK INLET- With respect to the Cook Inlet Program, the terminal facilities, offshore facilities, or crude oil tanker owners and operators enter into a contract with a voluntary advisory organization to fund that organization on an annual basis and the President annually certifies that the organization fosters the general goals and purposes of this section and is broadly representative of the communities and interests in the vicinity of the terminal facilities and Cook Inlet.

An aerial photograph of a rugged coastline. In the foreground, a grassy hillside slopes down towards a large, dark, circular tide pool. The pool is surrounded by a rocky shore covered in brown seaweed. A large pile of light-colored driftwood is scattered along the edge of the pool. In the background, the ocean extends to the horizon, with several small, rocky islands visible. The sky is a pale, clear blue.

*“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.”*

**- Oil Pollution Act of 1990**



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