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June 1, 2009

Commissioner Larry Hartig  
Alaska Department of Environmental Conservation  
Juneau, Alaska 99811  
[dec.commissioner@alaska.gov](mailto:dec.commissioner@alaska.gov)

Dear Commissioner Hartig:

Kachemak Bay Conservation Society (KBCS) is submitting comments regarding the “Comprehensive Evaluation and Risk Assessment of Alaska's Oil and Gas Infrastructure Proposed Risk Assessment Methodology.”

KBCS has several concerns regarding the Cook Inlet, Kachemak Bay, and associated coastline.

1. Cook Inlet

KBCS would like to make sure that the Risk Assessment considers the following important aspects of oil development and transport in the Cook Inlet:

- The Cook Inlet **pipelines and platforms** are aging and need special risk assessments. There are old and abandoned pipelines at the bottom of the Cook, the Assessment should address what risks are associated with those and what can be done. What will be done with dead oil platforms must be addressed as well.
- **Contingency plans** should be evaluated and brought up to the same requirements as the Prince William Sound. Expanded role of tugs should be assessed and evaluated. Double-hull tankers should also be looked at.
- The **Drift River Terminal** should be re-evaluated as to the soundness of its location at the base of an active volcano. Alternatives should be identified that take into consideration not just the lost economics for oil industry workers and companies, but the potential lost economics of those in the fishing and tourism industries which far outnumber that of the oil industry. Currently, there is more discussion of lost wages of workers from the terminal shut-down than there is of the potential lost incomes of the thousands that rely on the Cook Inlet for their livelihood of fishing and tourism.
- **Transportation** issues, such as the loss of tankers from the dock moorings at the Kenai docks, are of particular concern. Assessment should identify these problems with docking and be addressed.
- **Oil Spills:** Assessment should identify issues with transportation and shipping in waters that for a significant part of the year contain ice and large chunks of ice. There is currently no way to clean oil out of ice laden waters. This is a risk that affects the entire state. Cook Inlet has never had sufficient contingency plans for an oil spill during icy water months. This risk should be assessed and evaluated, then addressed.

- The exemption from aspects of the Clean Water Act, as permitted in the **NPDES permitting process** should be examined for its necessity and appropriateness given current industry profits and needs. These exemptions were designed for an ailing industry. The last few years has changed the economics and the industry clearly no longer needs these exemptions. These exemptions are not allowed in any other coastal body of water in the United States for oil industry. Why they are provided here is questionable. Clearly the exemptions benefit the industry at the expense of other valuable industries that rely on clean water and a clean environment, mainly fishing and tourism.

## 2. Terminals in Danger zones

- 85% of the state's tank farms are located in risky locations and there are no state regulations regarding the placement of tank farms. This oversight needs to be rectified in the assessment. This should be an unacceptable risk for Alaskans and the state. Evaluation of other options and what to do about the siting of these terminals should be considered.
- Evaluation of current contingency plans for response to Redoubt calls into concern overall response plans for the Drift River Terminal. Both state and federal contingency plans were insufficient in the current Redoubt crisis.

## 3. Kachemak Bay

- Kachemak Bay is used as a "safe anchorage" for tankers when there are storms or other issues related to safe transport.
- The use of Kachemak Bay should be re-evaluated given these important issues regarding the area:
  - i. Kachemak Bay is a Critical Habitat Area.
  - ii. Kachemak Bay is National Estuarine Research Reserve
  - iii. Fox River Flats at the head of Kachemak Bay is also a Critical Habitat Area.
- Kachemak Bay remains an inappropriate location for tankers and other large vessels seeking shelter. A spill or accidental release of oily bilge is a direct threat to the health of our environment, and more importantly could directly impact our fishing and tourism based economy. Thousands of people and families are at risk by the continued use of Kachemak Bay as an anchorage.
- Other options, such as not leaving dockage in Kenai until weather has passed or docking at Kenai during storms should be considered. The convenience of pulling into Kachemak Bay rather than going farther up the Cook Inlet to Kenai should be evaluated in comparison to the risks given to the people and economy of Kachemak Bay and Lower Cook Inlet.
- Evaluation of oversight effectiveness for bilge release into Kachemak Bay by tankers and other large shipping traffic should be evaluated.

## 4. Finally, KBCS would like to remind the Assessment team of the following **important aspects of the Cook Inlet and Kachemak Bay that should be reflected in the risk assessment final document** and considered as risks are assessed.

- **Significant commercial, sport, subsistence and personal use fisheries** are located in the Cook and Kachemak Bay, including the world renowned Kenai River
- **The economy of the lower Cook Inlet and Kachemak Bay is dependant on the Cook Inlet for tourism and fishing incomes.**
- Lower Cook Inlet is extraordinarily **rich in fish and wildlife species** and their critical coastal or marine habitats.
- The inlet and its shoreline are home to the **only National Estuarine Research Reserve in the state** (KBNERR aka KBRR)
- **2 National Parks** have local coastline (Lake Clark and Katmai)

- Several islands within **Alaska Maritime National Wildlife Refuge** are located in Cook Inlet region
- Significant **seabird rookeries** are in Cook Inlet and Kachemak Bay
- **6 state Critical Habitat Areas** (Redoubt Bay, Kalgin Island, Clam Gulch, Anchor River-Fritz Creek, Kachemak Bay and Fox River Flats)
- **2 state game refuges** (McNeil and Trading Bay) and the **McNeil State Wildlife Sanctuary** are located on the western Cook
- **Western Hemisphere Shorebird Network Site** is in Kachemak Bay
- **Numerous coastal and marine species of special concern** (some listed, some recovering, others unique or declining) exist within our waters: Steller sea lions, Beluga whales, fin, minke, and humpback whales, Northern sea otters, harbor seals, the Pribilof subspecies of Rock sandpiper that winters in Cook Inlet, and Steller's, Spectacled, King eiders among other seabirds, the Peregrine falcon, Bald Eagle, and KP brown bear.
- The region is relied on as well for **subsistence foods**, some of which were impacted by EVOS.

In conclusion, KBCS takes issue with the statement, “[The Assessment] will identify and rank risks based on consequences to state revenue, safety, and the environment and will assist the state in making mitigation recommendations.”

**KBCS believes that local and regional economics should play a significant role in the Assessment.** Without a state tax, one area of the state and one industry – in this case oil – can take precedent over the needs and issues of local and regional issues, concerns, and risks. Clearly, if the state makes its money not on state taxes but on purely oil revenue, this assessment could be skewed to benefit the oil industry rather than residents and other businesses and industries.

**Mitigation cannot – and did not – repair the lives of most of the victims of oil spills or industry accidents, such as the Exxon Valdez Oil Spill.** Yet, mitigation is relied upon as a solution to inconvenient realities like the potential risks associated with oil spills in icy waters.

**KBCS believes that Alaskans have the right to know what the true and real risks associated with oil development are.** However, we are not confident that the current Risk Assessment process will successfully identify these issues. We also are concerned that the risks – and the threats they pose to local Alaskans not employed in the oil industry – will be equally weighed against state revenue from oil.

KBCS has high expectations of the state’s role in regulating the oil industry and we are happy to see the National Academy of Sciences a part of this study.

Sincerely,

Roberta Highland  
President