

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
1	Alternatives to Dispersants	Mechanical Recovery	Planning for and deploying dispersants takes resources that could be better used on mechanical recovery or oil spill prevention technologies such as blowout preventers and capping stacks. Rather than authorizing chemical dispersants, the ARRT should focus on requiring more robust oil spill prevention and mechanical recovery technologies.	The ARRT seeks to encourage the highest state of preparedness to respond and availability of all proven response technologies and methods appropriate for Alaska. However, the ARRT's authority to directly regulate industry prevention practices and equipment inventories is limited; these authorities are reserved for individual federal agencies (e.g., USCG and Bureau of Safety and Environment Enforcement) and the State of Alaska.
2	Alternatives to Dispersants	Absorbents	Recommend ADSorb-it Fabric as an oil fence for shoreline protection, rather than dispersants. Effective removal of oil from the water is key to preventing environmental damage. See website at www.eco-tec-inc.com (Photos submitted in separate PDF attachment.)	Recommendation acknowledged.
3	Alternatives to Dispersants	Absorbents	Proposing new technology that would use diatomaceous earth to absorb oil in the water column, rather than to just disperse it.	The ARRT is open to all National Response Team (NRT)-approved, National Contingency Plan (NCP) Product Schedule-listed, proven response technologies and techniques appropriate for Alaska.
4	Alternatives to Dispersants	Absorbents	Promoted his product, a non-toxic alternative to dispersants and the need to use non-toxic alternatives.	The ARRT is open to all NRT-approved, NCP Product Schedule-listed, proven response technologies and techniques appropriate for Alaska.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
5	Alternatives to Dispersants	Bioremediation Agent Enzyme Additive Type	Enact authorization for the use of Bioremediation Agent Enzyme Additive Type in the Alaska Unified Plan as a fully-qualified, first response method that already meets all EPA efficacy requirements [listed as B53 on the National Contingency Plan Product Schedule] which has passed extensive toxicity testing and assessment criteria. After examining existing science and documentation on its efficacy, we encourage commencing with field application pilot projects in Alaskan waters and sensitive environments under multiple conditions ¹ This technology is in use in many other countries, it rapidly detoxifies hydrocarbon-based compounds, removes the spill completely and is safe for humans and the fisheries so critical to Tribal and Alaska's economy and subsistence.	Based on review of the August 2015 NCP Product Schedule, this product could be considered for use during a response under the terms described in the NCP at 40 Code of Federal Regulations (CFR) 300.910(b).
6	Alternatives to Dispersants	General	There is technology in existence today that, if used to replace dispersants, would not only completely remediate an oil spill but restore ecosystems suffering from the long-term effects.	The ARRT is open to all NRC Team-approved, NCP Product Schedule-listed, proven response technologies and techniques appropriate for Alaska.
7	Alternatives to Dispersants	in-situ burning	The Alaska RRT published ISB guidelines in 2008, which is posted in the Alaska Department of Environmental Conservation web site (Office of Spill Prevention and Response). The dispersant plan should not reference ISB unless the ISB Guideline is also included or referenced. Note that ISB is authorized in Cook Inlet which is not a preauthorized dispersant area in the draft dispersant plan. The two guidelines now have conflicting information.	While not all areas approved for in situ burning overlap with the preauthorization zone for dispersant use, there are some portions of the preauthorization zone where both countermeasures could be employed. Therefore, the checklists in the <i>in situ</i> burn (ISB) guidelines must account for that possibility.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
8	Alternatives to Dispersants	In-situ burning	In-situ burning should also be subjected to further study to make sure that soot and carbon particulate does not affect human health.	In September 2009, the Science and Technology Committee developed, and the ARRT approved, revisions to the In-Situ Burning Guidelines for Alaska. This update was conducted to ensure that Alaska's guidelines were consistent with the National Ambient Air Quality Standard of 35 µg/m ³ for PM 2.5 (particulate matter with a diameter of 2.5 microns or less). Work included updating recommendations to limits for short-term exposure and safe distances from public populations to conduct in situ burning. These guidelines also state that air monitoring must be conducted whenever there is a potential of impacting populated areas to verify that safe distances and public health/safety standards are maintained at all times during the burning operations.
9	Alternatives to Dispersants	Less Toxic Dispersants	The better approach at this time would be to conduct research and development of new types of less-harmful and fully biodegradable dispersants; comprehensive testing and certification by EPA for use in mass quantities under pre-defined appropriate conditions; their manufacture in commercial quantities; and pre-deployment at locations of possible future need.	The ARRT is open to all NRT-approved, NCP Product Schedule listed, proven response technologies and techniques appropriate for Alaska.
10	Alternatives to Dispersants	Mechanical Recovery	Mechanical methods are designed for locations such as PWS, not the Gulf of Alaska; open ocean.	Comment acknowledged.
11	Alternatives to Dispersants	Mechanical Recovery	OPA90 requires effective mechanical recovery within specific timeline.	This policy does not address standards for mechanical recovery, but rather presents an alternative countermeasure— dispersants—in the event mechanical recovery proves inadequate.
12	Alternatives to Dispersants	Mechanical Recovery	Mechanical recovery is a safer and more effective tool for responding to oil spills.	Comment acknowledged.
13	Alternatives to Dispersants	Mechanical Recovery	Endorses prevention as the best measure, and mechanical response as the best alternative. Pleas the guidelines say that mechanical will be the "primary method".	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
14	Alternatives to Dispersants	Mechanical Recovery	By allowing a preauthorization zone, the plan is effectively retarding growth and development of mechanical means of recovery in other areas. What is needed are more Oil Spill Response Organizations (OSRO) and particularly a salvage tug in the Aleutian Islands. The State should do more to financially encourage OSROs in areas that need this coverage.	Establishing requirements for development of more Oil Spill Response Organizations is beyond the ARRT's authority.
15	Alternatives to Dispersants	Mechanical Recovery	The plan must emphasize mechanical cleanup, but more importantly prevention. Adequate training, planning and equipment in place around the Gulf of Alaska will help in prompt, effective cleanup if a spill occurs.	Prevention is always best. This policy addresses circumstances when prevention measures fail and the spill is beyond the capacity of mechanical recovery.
16	Alternatives to Dispersants	Mechanical Recovery	Can you allow dispersant application before you meet regulatory requirements of mechanical recovery required in OPA90?	This policy does not address standards/requirements for mechanical recovery, but rather provides for an alternative countermeasure—dispersants—in the event mechanical recovery proves inadequate.
17	Alternatives to Dispersants	Mechanical Recovery	When does mechanical recovery stop?	Mechanical recovery is the primary tactic used for spill response. Use of dispersants does not preclude or supplant mechanical recovery.
18	Alternatives to Dispersants	Mechanical Recovery	Planning for dispersant use is resource intensive and may interfere with mechanical recovery, which is preferred under both state and national oil spill response policy.	This policy does not address standards/requirements for mechanical recovery, but rather presents an alternative countermeasure—dispersants—in the event mechanical recovery proves inadequate.
19	Alternatives to Dispersants	Mechanical Recovery	The document is potentially misleading in terms of preferred response. Mechanical recovery is the preferred option in Alaska and dispersants should be considered for use only when that is not possible. Even within the preauthorization zone, they should be used as a last resort and only when specific conditions are met.	This policy does not address standards/requirements for mechanical recovery, rather an alternative countermeasure— dispersants—in the event mechanical recovery proves inadequate.
20	Alternatives to Dispersants	Mechanical Recovery	A concern was raised on the lack of mechanical response resources in the Aleutians.	The Aleutian Island Risk Assessment (AIRA) assessed optimal response strategy and possible increases and improvement of mechanical recovery options in the Aleutians. The ARRT is considering the AIRA recommendations, where able.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
21	Alternatives to Dispersants	Mechanical Recovery	Doesn't the National Contingency Plan and national policy give primacy to mechanical recovery – its just not an Alaska-specific policy?	This is correct, it is a national policy to give primacy to mechanical recovery.
22	Alternatives to Dispersants	Mechanical Recovery	Dispersants impede the effectiveness of mechanical spill recovery mandated by OPA 90 as amended and state law. Dispersants should therefore not be used unless, and until full compliance with all state and federal spill prevention and response requirements are met with equipment that is effective and reliable in our severe Alaskan maritime conditions. Both state and federal regulations require development of oil spill response plans that fully consider severe local conditions when planning to recover specific quantities of oil under stringent timelines and these requirements have been unlawfully subverted with Alternative Planning Criteria that allows the use of response equipment blatantly deficient for use in open ocean spill recovery, particularly in winter/Arctic conditions. This decided lack of appropriate mechanical response equipment in turn forces the use of dispersants to abate certain spill effects on surface waters while creating a more destructive effect from the toxic dispersants and dispersed oil in the water column below.	Mechanical recovery is always the preferred oil spill response tactic, and dispersant use should never impede the effective use of mechanical means. The ARRT does not approve Alternate Planning Criteria. This is solely a USCG authority.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
23	Alternatives to Dispersants	Mechanical Recovery	What is the equipment to be used for mechanical response?	<p>There are five different Oil Spill Response Organizations (OSROs)— Alaska Chadux, Alaska Clean Seas, Cook Inlet Spill Prevention & Response, Inc., Ship Escort/Response Vessel System, and Southeast Alaska Petroleum Response Organization —that all maintain their own mechanical response equipment. The amount of equipment that each of these OSROs maintains is regulated by the USCG under 33 CFR 154 Appendix C (Facilities) and 33 CFR 155.1050 (Vessels). The Alaska Department of Environmental Conservation (ADEC) and USCG also maintain containers of response equipment in many communities throughout the state. Information about the ADEC's response containers can be found at http://dec.alaska.gov/spar/perp/local_resp.htm. Information about the USCG's response containers can be found at http://www.uscg.mil/d17/D17%20Divisions/drm/DRAT/DRATpage.asp.</p>
24	Alternatives to Dispersants	OSE II	<p>There is an alternative (OSE II) that is proven technology, that can be legally used and has been used, with no destruction to the environment, no human health concerns, and which removes oil from the environment. (Substantial additional information about this product in the comment letter and attached documentation.) Noted that US EPA RRT VI stated "they cannot find a scientific reason why not to use OSE II after reviewing all of OSE II's information". It is an obligation that the ARRT do the right thing and utilize this proven technology, OSE II.</p>	<p>Based on review of the August 2015 NCP Product Schedule, this product could be considered for use during a response under the terms described in the NCP at 40 CFR 300.910(b).</p>

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
25	Alternatives to Dispersants	Seek new alternative response tools	Set up a task force consisting of the best and most qualified minds in Science and Technology associated with hazardous spills to find workable solutions to be incorporated into the Unified Plan to solve the problems chemical dispersants do not solve. This would include liaison with the efforts by the Arctic Council taking place throughout the Circumpolar Arctic hemisphere. The task force must consist of members of independent scientific expertise; and experts who have no financial ties to the oil and gas industry who are open, unbiased and willing to be objective. The Change Oil Spill Response Global Alliance will assist with vetting and locating qualified people.	Comment acknowledged.
26	Alternatives to Dispersants	Seek new alternative response tools	Ask ARRT to rigorously explore other methodologies that are alternatives to dispersant use. The technologies do exist, there are lots of alternatives that should be considered. There is a perception that this process of presenting and inviting comments on the preauthorization plan is not balanced, in that it is not also considering alternatives to dispersant use.	The ARRT is open to all NRT-approved, NCP Product Schedule-listed, proven response technologies and techniques appropriate for Alaska and will continuously monitor new developments in that regard.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
27	Alternatives to Dispersants	Seek new alternative response tools	<p>All concerned U.S. Federal Government agencies and members of the ARRT would better serve the public if they employed current science and the best scientific solutions to oil spills in its spill response plans and engaged with all sectors to find and use better technology that does not put the arctic environment and resources, wildlife and people in danger.</p> <p>We recommend the set up of a task force consisting of the best and most qualified minds in science and technology associated with hazardous spills – those who have shown they can effectively clean up oil spills in the field - to find workable solutions to be incorporated into the National Contingency Plan to solve the problems chemical dispersants do not solve. This would include liaison with the research efforts ongoing by the Arctic Council to devise Oil Spill Response Plans throughout the Circumpolar Arctic hemisphere. This would include qualified Tribal representation and Change Oil Spill Response Global Alliance experts.</p>	Comment acknowledged.
28	Alternatives to Dispersants	Seek new alternative response tools	<p>As part of a phase out of chemical dispersants in Alaskan Response Plans, adopt our proposal for Standardized Criteria Assessment and Sustainable Oil Spill Cleanup Methodology Selection. (on the web at: http://protectmarinelifenow.org/identification. Utilize this Standardized Criteria to properly assess your preauthorization plan for dispersants.</p>	This proposal is under consideration by the NRT and EPA.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
29	Alternatives to Dispersants	Seek new alternative response tools	Thoroughly review the documentation originally submitted to you in May 2013 with specific attention to attached documents and the summary (Overview-A New Look at Oil Spill Response, An Analysis of the BP Macondo Spill Cleanup) and the complete 44-page position paper addressing alternatives to dispersants -- A Twenty-First Century Solution to Oil Spill Response.	This proposal is under consideration by the NRT and EPA.
30	Alternatives to Dispersants	Seek new alternative response tools	There are legally available products that are not toxic.	Comment acknowledged.
31	Alternatives to Dispersants	Seek new alternative response tools	The ARRT refuses to look at any alternative. What alternatives/replacements for dispersants have you looked for? The NOAA science advisor and others on the ARRT are not using due diligence to find alternative(s) to toxic dispersants.	While mechanical removal remains the primary method for cleaning up oil spills in Alaska, alternatives like in situ burning and dispersant use must be considered for instances where mechanical removal is incapable or ineffective at cleaning up a spill. The ARRT, through the Science and Technology Committee, continues to look at new and evolving spill response technologies. Information gained through ongoing research helps inform the decision-making process when any alternative to mechanical recovery is considered.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
32	Alternatives to Dispersants	Seek new alternative response tools	The current revision process should underscore the need for tangible progress toward improved oil spill response capabilities that go beyond traditional methods in the "toolbox", including truly biodegradable dispersants, more effective booms and sorbents, increased capacity of emery at-sea storage vessels for recovered oil or product, more robust and redundant blowout preventers, functional capping stacks that are pre-deployed and in a state of constant readiness, larger-scale and more capable skimming vessels appropriately suited to Alaskan meteorological and sea-state conditions, and proximate pre-deployment of rigs and vessels capable of quickly drilling relief wells.	Comment acknowledged.
33	Alternatives to Dispersants	Seek new alternative response tools	Recommend establishment of a task force of the most qualified minds in science and in the technologies associated with hazardous spills, to find workable solutions to incorporate into the National Contingency Plan to solve the problems that chemical dispersants do not solve. This would include liaison with ongoing research efforts by the Arctic Council to devise Oil Spill Response Plans throughout the circumpolar Arctic.	Revisions to the NCP are the purview of the NRT.
34	ARRT / Unified Plan	General	Question about the purpose, make-up and authority of the ARRT and how it keeps the public informed of its actions (e.g., newsletter, mailing list?).	For information on the purpose, make-up, and authority of the ARRT, please see NCP (40 CFR section 300.115). The ARRT maintains a comprehensive list of all persons and stakeholders that have expressed interest in ARRT meetings and activities and routinely alerts them of meetings and ARRT work products. The ARRT routinely reaches out to tribes and stakeholders through public meetings, emails, and at AlaskaARRT.org

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
35	ARRT / Unified Plan	General	Can an Oil Spill Symposium be brought to Alaska?	The ARRT is looking at improving how it brings in speakers to the ARRT meetings. Also note that every winter the Marine Science Symposium and Alaska Forum on the Environment are held in Alaska, and there are often multiple speakers or presentations on oil spill response. The State of Alaska, in collaboration with others, organized the first Alaska Oil Spill Technology Symposium in Fairbanks in March 2015.
36	ARRT / Unified Plan	Tribal consultation	Tribes must be involved in development of the ARRT's tribal coordination guidance document.	Input was solicited from all 229 federally recognized tribes in Alaska during development of the ARRT tribal engagement guidance; this information was used to develop the document, and the draft tribal engagement guidance was sent to all 229 tribes for comment prior to finalization.
37	ARRT / Unified Plan	Tribal representation	There should not be action on this draft plan until there is tribal representation on the ARRT and a final guidance document on tribal involvement.	The ARRT has been continuously open to representation on the ARRT by federally recognized tribes, and no federally recognized tribe has been closed out of this organization. Additionally, the ARRT finalized tribal engagement guidance that enhances engagement with tribes. The ARRT has also been actively reaching out to federally recognized tribes for several years, and at least 20 tribes have now indicated an interest and are being specifically invited to attend and participate in ARRT meetings.
38	ARRT / Unified plan	Tribal representation	Recommend that the draft plan be suspended to provide time to resolve Tribal Government representation on the ARRT and Area Committees	Comment acknowledged. See response in line 37.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
39	ARRT / Unified plan	Tribal representation	Appoint a neutral Tribal Government Natural Resources Observer and Liaison Committee to oversee and ensure every step of all planning and engagement processes by the ARRT and other government agencies concerned meet Tribal Government engagement statutory requirements. Alaska Inter-Tribal Council (AI-TC) in partnership with the National Tribal Emergency Management Council are qualified to act in this capacity. A special project would be formed up under these organizations which would be funded through the National Response Team to execute this function. Tribal Liaisons with the Coast Guard and other Federal Agencies would work with the AI-TC Natural Resources Tribal Government Liaison Committee. The Committee will advise the ARRT on Tribal Government matters, help form Tribal Area Response Teams (counter parts of the ARRT), provide research and educational support, information exchange and communications support with/for Tribal Governments to ensure response measures are adequate and fully in place and prepared.	Comment acknowledged. See response in line 37.
40	ARRT / Unified plan	Tribal representation	Concerned no seats on ARRT for tribal representation.	Currently, no federally recognized tribes have requested a seat on the ARRT. The ARRT has been continuously open to representation on the ARRT by federally recognized tribes, and no federally recognized tribe has been closed out of this organization. Additionally, the ARRT has been actively reaching out to federally recognized tribes for several years; currently, 20 tribes who have indicated an interest are being specifically invited to attend and participate in ARRT meetings.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
41	ARRT / Unified Plan	Tribal representation	The AI/TC wants to express disappointment that there are no tribal seats on ARRT or Science and Technology Committee. Do not understand the hurry in finalizing the guidance for tribal involvement, when it was not clear where tribes could have had input on the formulation of that policy.	Currently, no federally recognized tribes have requested a seat on the ARRT. The ARRT has been continuously open to representation on the ARRT by federally recognized tribes, and no federally recognized tribe has been closed out of this organization. Additionally, the ARRT has been actively reaching out to federally recognized tribes for several years; currently 20 tribes, who have indicated an interest are being specifically invited to attend and participate in ARRT meetings. Input was solicited from all 229 federally recognized tribes in Alaska during development of the ARRT tribal engagement guidance; this information was used to develop the engagement guidance document, and the draft tribal engagement guidance was sent to all 229 tribes for comment prior to finalization.
42	ARRT / Unified Plan	Tribal representation	Concern that there is no Tribal representation on ARRT. There is no current guidance on consultation processes with Tribes.	Currently, no federally recognized tribes have requested a seat on the ARRT. The ARRT has been continuously open to representation on the ARRT by federally recognized tribes, and no federally recognized tribe has been closed out of this organization. Additionally, the ARRT has been actively reaching out to federally recognized tribes for several years; currently, 20 tribes who have indicated an interest are being specifically invited to attend and participate in ARRT meetings. Input was solicited from all 229 federally recognized tribes in Alaska during development of the ARRT tribal engagement guidance; this information was used to develop the engagement guidance document, and the draft tribal engagement guidance was sent to all 229 tribes for comment prior to finalization. In regards to the proposed Oil Spill Guideline revision, agency consultation policies and tribal liaisons were utilized as part of the Dispersant Work Group team due to the extensive scope of the project and to ensure a consistent and formalized consultation process.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
43	ARRT / Unified Plan	Tribal representation	<p>Remedy Tribal engagement issues in Alaska between the RRT and Tribal Governments so as to ensure that Tribes whose peoples will be affected by dispersant use and spill response plans are heard and their opinion is factored into any decision made. We suggest the creation of a neutral Tribal Government Natural Resources Observer and Liaison Committee with voting members serving on the ARRT to observe and ensure every step of all planning and engagement processes by the ARRT and other government agencies concerned meet the legal requirements that Tribal sovereignty is entitled to receive.</p> <p>We believe that Alaska Inter-Tribal Council (AI-TC) in partnership with the National Tribal Emergency Management Council would be qualified to act in this capacity. These organizations could be tasked to form up area Tribal emergency management, preparedness and hazardous spill response teams in designated regions as well as form up a core team of science and technology specialists to provide expert consultation for the tribal regions that would be funded through the National Response Team. Tribal Liaisons with the Coast Guard and other Federal Agencies would work with the AI-TC Natural Resources Tribal Government Liaison Committee. The Committee would advise the ARRT on Tribal government matters, help form Tribal area response teams (counterparts of the ARRT), provide research and educational support, information exchange and communications support with/for Tribal Governments to ensure response measures are adequate and fully in place and prepared.</p>	Comment acknowledged. See response in line 37.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
44	ARRT / Unified plan	Tribal representation	<p>Concur with the recommendation of the Change Oil Spill Response (COSR) Global Alliance to create a neutral tribal Government Natural Resources Observer and Liaison Committee with voting members serving on the ARRT. This committee should ensure that all actions of the ARRT meet legal requirements of tribal sovereignty. The Alaska Inter-Tribal Council (AI-TC), in partnership with the National Tribal Emergency Management Council, would be qualified to act in this capacity - tasked with convening area tribal emergency management, preparedness and hazardous spill response teams in designated regions, as well as establishing a core team of science and technology specialists to provide expert consultation for the tribal regions that would be funded through the National Response Team. Agency tribal liaisons would work with the AI-TC National Resources Tribal Government Liaison Committee, which would advise the ARRT on tribal government matters, help form tribal areas response teams (counterparts of the ARRT), provide research and educational support, information exchange, and communications support in conjunction with tribal governments.</p>	Comment acknowledged. See response in line 37.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
45	ARRT / Unified Plan	Tribal representation	Neutral tribal liaison officer to represent tribal interests, such as Alaska Inter-Tribal Council or Tribal emergency management council. These organizations should be funded by National Response Team or ARRT.	Comment acknowledged. See response in line 37.
46	ARRT / Unified Plan	Tribal representation	Why aren't tribes seated on ARRT?	Comment acknowledged. See response in line 37.
47	Dispersant products and application	Alaska Marine Environment	The final plan should address subsea dispersant use and use in ice, and include a discussion of relevant modeling and sampling. The ARRT should review the American Petroleum Institute (API) report on recommended practices for modeling and sampling subsea dispersant use and reference this report in its final plan.	Subsea dispersant use is addressed in the case-by-case protocol of the new policy. However, it is a novel technique and not expected to be employed. The presence of ice is a condition evaluated in Tab 1, Part 2 of the Dispersant Use Request checklist in the case-by-case protocol.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
48	Dispersant products and application	Alaska Marine Environment	Are dispersants actually effective at dispersing oil in cold water temperatures in Alaska?	There are many uncertainties regarding the effectiveness of dispersants, and ongoing research is working to help answer this question. The effectiveness of a dispersant depends on a number of site-specific variables, as well as the type of dispersant used. Because of these site-specific variables, the dispersant use plan calls for a field test, with monitoring, prior to authorizing a full-scale dispersant application. This field test will help determine if dispersants could be a viable response option for the incident.
49	Dispersant products and application	Alaska Marine Environment	Dispersants may not be effective at dispersing oil in Alaskan waters. In 2005 the National Academy of Science review concluded that little to no evidence exists for the two main assertions that dispersants reduce the impact of oil on shorelines and reduce the impact to birds and mammals on the water surface. ⁸ The 2005 study also found that older tests that displayed enhanced biodegradation of chemical dispersants applied to oil were flawed due to unrealistic conditions. ⁹ Additionally, dispersants have not been proven effective in cold water, ¹⁰ and they are known to be less effective in freshwater.	Comment acknowledged. See response in line 48.
50	Dispersant products and application	Alaska Marine Environment	Use of dispersants aren't proven in Alaskan natural environment; plenty of test tube studies on effectiveness in sterile conditions, but effectiveness in arctic is not proven. Any conditions would be attuned to test. Don't want to see Alaska waters as the test in large spill.	Comment acknowledged. See response in line 48.
51	Dispersant products and application	Alaska Marine Environment	City of Cordova applauds recognition that seasonal variable conditions such as salinity, water temperature and mixing energy are critical impacts for the efficacy of dispersants.	Comment acknowledged.
52	Dispersant products and application	Alaska Marine Environment	Dispersant effectiveness is not proven in our climate and water conditions.	Comment acknowledged. See response in line 48.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
53	Dispersant products and application	Alaska Marine Environment	At the present time NOAA is unable to provide an overview on research papers on the use of a dispersant in cold water and varying salinity. Many dispersants are not formulated to work in cold water areas. The decision making process as to the proper dispersant for use is lacking discussion and science for these areas.	Comment acknowledged. See response in line 48.
54	Dispersant products and application	Alaska Marine Environment	The waters off Alaska tend to be colder and less saline than in other places, which can reduce the effectiveness of a dispersant. The unique conditions of Alaska warrant a different approach than other places, where preauthorization zones are common. At this time, there is insufficient publicly available data on which to base a presumption that dispersants will be effective in Alaska, especially given the colder and less saline water often found here.	Comment acknowledged. See response in line 48.
55	Dispersant products and application	Alaska Marine Environment	Concerned that none of the presentations today recognize uniqueness of Alaska oceans. We're dealing with world class fisheries that occur offshore in the dispersant preauthorization zone. We've got ocean currents continental slope 20-50 nm off PWS to 10 nm offshore in Aleutians. Deep ocean, nutrients washing up slope and Alaska current into Bering Sea and nutrients carry up to feed critters in Chukchi Sea. What happens affects everything within that preauthorization zone. To make science work, need to be able to do ecological risk assessments to integrate science—the ocean is less well studied than the moon. Climate change is also driving conditions.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
56	Dispersant products and application	Alaska Marine Environment	For Alaska's cold waters in particular, the effectiveness and long-term effects of chemical dispersants is unproven and unknown. Cited US GAO report indicating that more research is needed to quantify the rate at which dispersants biodegrade, the effects of dispersants applied subsurface (where higher pressures may affect effectiveness), and effectiveness in the Arctic (where cold temperatures may slow the process down). Report - Oil Dispersants: Additional Research Needed, Particularly on Subsurface and Arctic Application, GAO-12-585; Published May 30, 2012.	Comment acknowledged. See response in line 48.
57	Dispersant products and application	Alaska Marine Environment	We know that dispersants don't work as well in cold water with low salinity.	Comment acknowledged. See response in line 48.
58	Dispersant products and application	Alaska Marine Environment	Dispersant effectiveness is unproven in Alaska's cold and seasonably low salinity waters.	Comment acknowledged. See response in line 48.
59	Dispersant products and application	Alaska Marine Environment	Dispersant effectiveness is not proven in our climate and water conditions. In colder climates, dispersants can make the oil persist even longer than if the oil were left alone.	Comment acknowledged. See response in line 48.
60	Dispersant products and application	Alaska Marine Environment	Dispersant effectiveness is unproven in Alaska's cold and seasonably low salinity waters.	Comment acknowledged. See response in line 48.
61	Dispersant products and application	Alaska Marine Environment	Effectiveness in low temperature and seasonably low salinity Alaska waters has not been definitively substantiated.	Comment acknowledged. See response in line 48.
62	Dispersant products and application	Alaska Marine Environment	Prince William Sound Regional Citizens' Advisory Committee has some significant concerns on both toxicity and efficacy. Efficacy concerns largely in regards to efficacy in low salinity water and cold waters.	Comment acknowledged. See response in line 48.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
63	Dispersant products and application	Alaska Marine Environment	Dispersant use is an "act of desperation" that should never be allowed to happen anywhere, but particularly in Alaska's sea-states and meteorological conditions, in conditions with ice, darkness, inadequate infrastructure, distant response locations, and severe storms.	Comment acknowledged.
64	Dispersant products and application	Dispersant Storage	Is there no other mechanism to require operators to stock dispersants available without the preauthorization?	Under current regulations, there is no mechanism requiring operators to stock dispersants available without preauthorization.
65	Dispersant products and application	Dispersant Storage	Concern about storage of dispersants onshore and possible hazardous effects or environmental impacts. Has there been a risk assessment of the storage of dispersants? What type of quantity would be used (stockpiled)? If you need 500,000 gallons for response to oil spill, is there the risk of another accident with the quantity of dispersants stored?	There would be a few stockpiles to cover statewide facilities/vessels, rather than one stockpile per facility. Safety Data Sheets (SDSs) describe storage requirements. See Section 7 of the SDS, located online at: http://dec.alaska.gov/spar/perp/docs/dispersant_MSDS/Corexit%209500A%20MSDS.pdf . The ARRT is not aware of any "risk assessment" on dispersant storage.
66	Dispersant products and application	Dispersant Storage	Are dispersants already staged in Unalaska? Important that if we are going to use dispersants, we need to look at staging in areas like Unalaska and Adak. Also, looking at designated routes for vessel traffic. Who would be responsible for taking care of these pre-staged products?	Comment acknowledged. The USCG is only aware of current dispersant stockpiles in Anchorage. Staging and maintaining dispersant stockpiles is a business decision and would be decided by planholders or their OSRO, based on the need to meet regulatory requirements.
67	Dispersant products and application	Effectiveness	There are ample scientific studies (post Exxon Valdez and now post BP oil spill in the Gulf of Mexico), which indicate the efficacy of chemical dispersants are, at best, questionable.	Comment acknowledged. See response in line 48.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
68	Dispersant products and application	Effectiveness	A form of Corexit was used during that response and was a colossal failure as it was in the 2010 Gulf BP spill. (See detailed information on the Alaska situation at: www.protectmarinelifenow.org under Alaska Briefing and facts on dispersants specifically related to Alaska at: http://www.pwsrcac.org/programs/environmental-monitoring/dispersants/)	Information forwarded to the NRT.
69	Dispersant products and application	Effectiveness	Dispersants are unlikely to have a moderate to high degree of effectiveness except in a limited range of situations. Four variables need to be aligned: (1) dispersant compatible with type of oil, as well as temperature and salinity conditions; (2) time window prior to oil emulsifying; (3) wind conditions in a proper range; (4) resting and monitoring affected by how remote and harsh conditions are at a spill. All variables must be "just right" for dispersant application to be effective. Under the proposed plan in most Alaska areas, the Federal On Scene Coordinator (FOSC) would rarely have adequate information about the efficacy of dispersant use during a test upon which to base their decision on whether or not to move forward with dispersant use.	Comment acknowledged.
70	Dispersant products and application	General	People don't realize how seldom dispersants are used. It's not an arbitrary decision to use dispersants in spill response.	This is correct; the dispersant policy provides the decision making process for the use of dispersants.
71	Dispersant products and application	General	Alyeska Ship Escort/Response Vessel System working with zero reduction in use of dispersants.	The meaning of this comment is unclear.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
72	Dispersant products and application	National Product List (NCP, Subpart J)	What type of dispersant products are on the list?	The NCP Product Schedule, dated January 28, 2014, lists 19 dispersant products: Accell® Clean DWD, Biodispers, COREXIT® EC9500A, COREXIT® EC9500B, COREXIT® EC9527A, Dispersit SCP 1000™, FFT-Solution™, Finasol® OSR 52, JD-109, JD-2000™, Mare Clean 200, Marine D-Blue Clean™, NEOS AB3000, Nokomis 3-AA, Nokomis 3-F4, SAF-RON Gold, Sea Brat #4, Supersperse™ WAO 2500, and ZI-400 . A current copy of the NCP Product Schedule can be found online at http://www2.epa.gov/emergency-response/alphabetical-list-ncp-product-schedule-products-available-use-during-oil-spill .
73	Dispersant products and application	National Product List (NCP, Subpart J)	Once a dispersant is on an approved list for use, how could it be removed?	The National Product List is in Subpart J of the NCP. A vendor may contact EPA to have there product removed from the list, and it is then added to the list of "removed products" in Subpart J.
74	Dispersant products and application	National Product List (NCP, Subpart J)	A moratorium must be put into effect on the approval of use of COREXIT and/or FINALSOL OSR 52 in Alaskan waters.	Comment acknowledged.
75	Dispersant products and application	National Product List (NCP, Subpart J)	Would like to have more information in the plan regarding the dispersants that would be used in Alaska.	As of August 2015, there are 19 dispersants products listed in Subpart J of the National Contingency Plan. Only products listed on the product list can be used in US waters. Corexit 9500 is known as a newer, less toxic dispersant product than previous Corexit compounds and a likely dispersant candidate to be used in Alaskan waters, at this writing.
76	Dispersant products and application	National Product List (NCP, Subpart J)	What is the chemical make-up of the dispersants used that would be going into the environment?	Dispersants are a mixture of surfactants, solvents, and other compounds designed to enhance the dispersion of oil into water. The chemical make-up of each dispersant is different. Safety data sheets list the chemical components for each product and can be found on the manufacturers' websites. Please note that some of the chemical compounds might be withheld for proprietary reasons.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
77	Dispersant products and application	National Product List (NCP, Subpart J)	What dispersant brand/type has been researched for planned use and storage for use in response?	Dispersant product selection is made by the OSROs that serve the shipping community, in conjunction with the Area Committee and subject to approval by the Federal On-Scene Coordinator (FOSO). Currently the only dispersant stored for use in Alaska is Corexit 9500.
78	Dispersant products and application	Risk Assessment	Would like to see exposure scenarios for dispersants. To what extent would people and important resources be exposed to the chemicals?	Exposure scenarios are very geographic and incident specific. There are a number of safety measures taken during a response to limit personnel's exposure to dispersants. These safety measures include well-developed site-safety plans, air monitoring, and safety zones surrounding dispersant application areas. Variables, such as time of year, weather, and location all play important roles in determining the safety precautions employed. The Area Committee for your geographic area can provide more specific information pertaining to your area. Please see the Subarea Contingency Plans listed online at alaskarrt.org for some specific planning scenarios.
79	Dispersants as a Primary Response Tool		The plan treats dispersants as a secondary or alternative response tool, used when mechanical or in-situ burning are not practicable. The plan places restrictions on dispersant use, requiring that it "not displace or interfere with mechanical or other response operations". This create a binding presumption against the use of dispersants. The Authorization Plan should incorporate the ample current scientific studies regarding dispersant use as a primary response tool, along with mechanical and in-situ burning.	Under national and state regulations, mechanical recovery must be considered the primary response tactic until proven inadequate or inappropriate.
80	Dispersants as a Primary Response Tool		The plan indicates that dispersants are an "alternative response tool" that may be used when conditions prevent using mechanical recovery and/or in-situ burning. Effective oil spill response uses all available tools; dispersant use should be considered along with other response methods.	Under national and state regulations, mechanical recovery must be considered the primary response tactic until proven inadequate or inappropriate. Like other alternative countermeasures, in situ burning is not given consideration above or below dispersants; each is considered based on the needs of the response and the pros/cons of the tactic.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
81	Edit		The title should be amended to reflect that dispersants are an alternative to the preferred response using mechanical recovery, and the document serves as a guide for decision-making -- not that dispersant use is already authorized.	The title has been changed to "Dispersant Use Plan for Alaska."
82	Edit		Efficacy and effectiveness are not the same. In this context, recommends using "effectiveness" (see recommended edit).	The recommended change has been made on page F-7.
83	Edit		Flowchart is incomplete. Endpoints are: - continue mechanical recovery - conduct in-situ burning - dispersant test Dispersant flow should include another decision block and the endpoint should be: - <u>conduct dispersant operations</u>	As the note states, this flowchart is a conceptual model rather than a step-by-step guide. The suggested endpoint of conduct dispersant operations falls under the "take appropriate action" block and does not need to be depicted in an additional decision block.
84	Edit		Another key question, especially in western Alaska and the Arctic, is: "Are there sufficient supplies and logistical resources to support dispersant operations?" (see recommended edit) Insufficient dispersant resources may cause more adverse impacts than positive, given that many dispersants modify the oil to the extent that the oil is incompatible with oleophilic skimmers or in-situ burning.	Once dispersant pre-authorization is in place, the shippers transiting the "pre-authorization area" are required to ensure that effective dispersant application capability is maintained. This requirement is regulated by the USCG.
85	Edit		Stating that the "primary" method is mechanical removal implies that mechanical removal is required, regardless of applicability. Perhaps "preferred" is a more accurate wording. (see recommended edit)	The ARRT understands the concern but believes that "primary" has a more emphatic connotation, without being binding. The ARRT has described our "primary" tool (i.e., mechanical recovery), which implies there are secondary and perhaps tertiary tools (i.e., in situ burning and/or dispersants).
86	Edit		This statement implies that dispersants are only to be used if conditions prevent mechanical recovery and/or in-situ burning. It does not address the case where mechanical capability is insufficient to effectively respond. In a very large spill, you could have both mechanical recovery and dispersant operations ongoing. This statement should mirror Tab 1, Part 2 "Response Considerations".	Comment acknowledged. Page F-11 has been changed to read: "The use of dispersants may provide an alternative response tool when mechanical recovery and/or in-situ burning, alone or in combination, are infeasible, ineffective or insufficient." Tab 1, Part 2 has been changed to read: "Is mechanical recovery and/or in-situ burning, alone or in combination, infeasible, ineffective or insufficient? If so, why?" The phrase "and/or in-situ burning" has been added to third question.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
87	Edit		Clarify what policy, for dispersant operations longer than 96 hours or subsea, will be used for dispersant operation authorization. (see recommended edit).	The following text has been added to the end of sentence in Tab 1, Part 1B: "and will be considered using the Process for Case-by-Case Dispersant Use Authorization."
88	Edit		What about non-petroleum spills?	These guidelines only address petroleum products; the ARRT does not anticipate the use of dispersants on non-petroleum spills.
89	Edit		The last bullet on page F-12 provides no guidance. Is the existence of shoreline types that can trap oil an indicator in favor of using dispersants? The first 6 bullets provide guidance regarding the potential effectiveness of dispersants, the rest, not so much.	Comment acknowledged. See response in line 243.
90	Edit		Regarding 5th bullet: USFWS Region 7 Chukchi Sea flight ops calls for fixed wing aircraft to remain more the 1,500 ft AGL and 0.5 miles horizontal from walrus haulouts. Helicopters are to remain more than 3,000 ft AGL and 1 mile horizontal from walrus haulouts. Other areas (Cape Newenham, Cape Pierce) have similar or more stringent requirements.	The seventh bullet under Conditions/Stipulations addresses the restrictions with which dispersant-related aircraft and vessels must comply, including those issued by the US Fish and Wildlife Service for walrus haul-out.
91	Edit		What about situations where there isn't a standard Unified Command structure, such as a spill threatening Russian waters?	There will always be a Unified Command structure for the US portion of the response, even in the case of a spill threatening Russian waters.
92	Edit		Regarding Tab 1, Part 2, Use Request Form, ADIOS Model: ADIOS is not the only applicable computer model. There are several commercial products that provide similar output. What constitutes a "qualified person"?	There are other oil fate and effect models, but the current preference of USCG and the National Oceanic and Atmospheric Administration (NOAA) is ADIOS. The NOAA Scientific Support Coordinator for Alaska is considered the "qualified person;" they work with a multidisciplinary team of scientists to interpret the ADIOS results for the FOSC.
93	Edit		Regarding Tab 1, Part 2, Use Request Form, Dispersant Use Plan: Consider incorporating DMP2 inputs/outputs here.	The Dispersant Mission Planner 2 program provides general performance estimates for dispersant applications. This information, while useful in a response, is better suited for examining staging locations and providing logistical support.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
94	Edit		Regarding Tab 1, Part 2, Use Request Form, Dispersant System Application, Basic Application System: It might be useful to actually call out the relevant ASTM standards: ASTM F1413-07 ASTM F1460-07 ASTM F1737/F1737M-10	The suggested changes were made; the relevant ASTM standards were incorporated into Tab 1, Part 2, Use Request Form.
95	Edit		Regarding Tab 1, Part 4, FOOSC Checklist, Boat Application ...: Call our the ASTM guidance. Is ASTM F1738-10 what you are referring to?	The suggested changes were made; the ASTM guidance has been incorporated into Tab 1, Part 4, FOOSC Checklist.
96	Edit		Title does not reflect document's contents or purpose.	Comment acknowledged. See response in line 81.
97	Edit		Figure 1 should refer to "ecosystem impacts" (see recommended edit).	Impacts cover many things, such as subsistence use, commercial fisheries, and wildlife. Thus, adding "ecosystem" would limit consideration of potential impacts.
98	Environmental effects	Ecosystem impacts	Need to examine long-term impacts to ecosystem and productivity of ecosystem to have a stronger understanding.	Comment acknowledged. The Area Committee is responsible for conducting the assessments as suggested.
99	Environmental effects	Effects in water column, on seafloor, on shore	Is it a worthy goal to disperse oil rather than have it come nearshore? Offshore ocean environments can be very productive and need to consider whether there should be [dispersed] oil in offshore environment. If decide what we do, are there still risks? We do know there are negative impacts on use of dispersants to fish and marine mammals and toxic effects.	Comment acknowledged. See responses in line 110 and 146.
100	Environmental effects	Effects in water column, on seafloor, on shore	Concerned that in Prince William Sound, it is highly likely that dispersed oil will not sink to the bottom or degrade but will, instead, circulate at various depths within the Sound for months or years. This makes the impact of dispersed oil on fishery and other marine resources dramatically more complicated. In our view, there remain too many unknowns about dispersed oil impacts over the long term.	Comment acknowledged. See response in line 110.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
101	Environmental effects	Effects in water column, on seafloor, on shore	The short and long-term effects of the hydrocarbon particle soup, which will be transported by natural means is not fully understood or addressed. This is very evident as further research emerges from the Deepwater Horizon Spill. The far-reaching effects of a dispersant effort will be far beyond current understanding as far as distribution and water column affected. These designated areas are sharing a major bathymetric feature being on the Continental Shelf with major ramifications for tremendous distribution due to upwelling.	Comment acknowledged. See response in line 110.
102	Environmental effects	Effects in water column, on seafloor, on shore	Concern about toxic components from dispersant and oil reaching shore even if applied in excess of 24 nm.	Comment acknowledged. See response in line 110.
103	Environmental effects	Effects in water column, on seafloor, on shore	Stated that dispersant application will cause oil droplets to sink in water column. Concern about impacts in this surface water, where 60 percent where marine species live.	Comment acknowledged. See response in line 110.
104	Environmental effects	Effects in water column, on seafloor, on shore	Concerned that dispersants would still allow for shoreline impacts.	Comment acknowledged. See response in line 110.
105	Environmental effects	Effects in water column, on seafloor, on shore	The sinking and dispersing of oil into the water column is a sure way to destroy marine species.	Comment acknowledged. See response in line 110.
106	Environmental effects	Effects in water column, on seafloor, on shore	Breaking up the oil and distributing it through the water column raises serious concerns for marine ecosystem over the long-term.	Comment acknowledged. See response in line 110.
107	Environmental effects	Effects in water column, on seafloor, on shore	Dispersants are only good for making oil companies look like they cleaned up their mess, yet it remains in the environment, just not on the surface.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
108	Environmental effects	Effects in water column, on seafloor, on shore	Dispersant use in Prince William Sound, with its protected shorelines and circulation, would most likely result in some oil still coming ashore, with even more oil being mixed into the water column.	Comment acknowledged. See response in line 110.
109	Environmental effects	Effects in water column, on seafloor, on shore	The plan relies on distance from shore and/or water depth as one evaluation gauge for pre-approval of dispersant applications. This is counterintuitive in light of damage done in the Gulf of Mexico by large subsea plumes of dispersant/oil mixtures resulting there. The proposed preauthorization zone includes many remote islands with sensitive lagoons, estuaries, intertidal zones, and double beaches that would be impacted by current- or wind-transported oil/dispersant mixtures.	There are no land masses, sensitive lagoons, estuaries, intertidal zones, or beaches in the preauthorization zone. Potential drift/transport of dispersed oil mixtures toward such features is considered in the decision-making process.
110	Environmental effects	Effects in water column, on seafloor, on shore	Expressed concern about oil and/or dispersants sinking to the sea floor.	Dispersants act to separate oil molecules, and this action typically occurs in the first 10 meters (30 feet) of the water column. To reduce impacts to the sea floor, the proposed Dispersant Use Plan for Alaska stipulates that dispersants will only be applied to areas where the water depth is greater than 10 fathoms (60 feet). Over time, usually about four weeks, the dispersed oil will be broken down by natural processes, including biodegradation.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
111	Environmental effects	Endangered Species	We have animals on the endangered species list that were not studied and were impacted, and are still impacted, from that spill that are affecting us. They are still not studied.	In accordance with the Endangered Species Act (ESA), in July 2015 the ARRT completed an ESA Section 7 consultation to evaluate impacts to endangered species and habitat, from oil spill response tactics outlined in the Alaska Unified Plan. The US Fish and Wildlife Service and National Marine Fisheries Service have issued Biological Opinions with recommended conservation measures and other mitigative actions that have brought the Unified Plan into compliance with ESA Section 7 consultation requirements. Among other required follow-on compliance activities, action agencies must still conduct incident-specific emergency Section 7 consultation at the time of an incident, if ESA-listed species might be affected by the response. Commenting on longitudinal studies of past spills and responses to those spills is beyond the scope of this process.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
112	Environmental effects	Marine life / fisheries	Studies have shown that dispersants create a toxic environment for fish by releasing harmful oil breakdown products into the water. Dispersed oil has been shown to be toxic to fish at all life stages, from eggs to larval fish to adults, according to numerous laboratory studies that have tested a variety of species.	The decision to chemically disperse oil always involves difficult trade-off decisions. In order to do the least harm to the environment the experts involved must advise the Federal On-Scene Coordinator whether less harm is likely to occur with or without the use of chemical dispersants, based on numerous incident-specific variables. The ARRT is aware that dispersants can create a toxic environment for fish by creating a pulse of oil contamination in the top few meters of the water column. However, studies also have shown that oil alone can also create a toxic environment. Oil that is not chemically dispersed will still disperse at sea and the fraction that may come ashore can be physically dispersed by surf and through mechanical cleanup actions.
113	Environmental effects	Marine life / fisheries	AI/TC is profoundly concerned about impacts to marine mammals and fisheries.	The ARRT member agencies share these concerns and hope never to have to use dispersants in Alaskan waters; however, it is recognized that there may be a future incident where dispersants could reduce the overall impact from the spill
114	Environmental effects	Marine life / fisheries	Deeply concerned about the impacts of any spill response on fishery resources and coastal habitats.	Comment acknowledged. See response in line 113.
115	Environmental effects	Marine life / fisheries	The fishing community which make a living in these areas deserve to know that the environment which they depend upon to produce a healthy product will not turn into a toxic mess, removing the biomass which the food chain depends on. The toxic effects on phytoplankton could cause a crash further up the food --- chain, which could decimate the entire biomass. This situation demands further studies on long term effects from various dispersants.	The toxic effects of dispersants are a concern, but the toxic effects of an untreated spill can cause much greater and longer lasting impacts. Federal and state agencies will rely on the latest science when determining whether the potential benefits of dispersant use outweigh the risks. In the meantime, it is necessary to have a preauthorization plan in place, so that in the rare case that dispersants are needed, response personnel will be trained in the necessary skills and monitoring techniques to maximize the safe use of this tool.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
116	Environmental effects	Marine life / fisheries	Dispersants represent a serious threat to ocean ecosystems and very high health risks to the smallest micro-organisms up through to mammals in the food web	The ARRT member agencies share these concerns and hope never to have to use dispersants in Alaskan waters; however, it is recognized that there may be a future incident where dispersants could reduce overall impacts from the spill. Dispersants themselves do not bioaccumulate in the food web, but chemically dispersed oil may bioaccumulate in some invertebrates and affect a variety of species. Any incident-specific decisions to use dispersants will focus primarily on protecting the marine and coastal resources that Alaskans depend on and care strongly about.
117	Environmental effects	Marine life / fisheries	The use of Corexit and Inipol devastated the fishing industries that are still suffering from the Exxon Valdez spill today. There is still oil on the seabed and shorelines; it was not removed from the environment.	The ARRT is aware of the legacy oil and environmental, commercial, subsistence, and community impacts caused by the Exxon Valdez spill. The persistence of the oil in Prince William Sound is an indication of what could happen in a future spill if mechanical recovery is inadequate and other tools like dispersants are unavailable. That response included multiple test applications of the dispersant Corexit 9527, but they were judged ineffective, initially because of calm weather conditions and later because of emulsified and weathered oil. Even if dispersants had been effective, however, there was not enough dispersant on hand in the first few days of the spill to dispel the spreading oil slick. There were also some experiments on using dispersant-based shoreline cleaners, but these were never approved for operational use. The proposed plan does not include any use of Inipol EAP22. This product is not a dispersant but is a fertilizer applied to promote bioremediation.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
118	Environmental effects	Marine life / fisheries	Believes that the herring decline due to the fish coming in contact with the dispersant/oil. Concern about how Corexit chemicals releases excess CO2 as it degrades.	A great deal of effort has been made to understand why the Prince William Sound stocks of herring remain low. Dispersants were used in Prince William Sound but were small in volume relative to the amount of oil that was spilled. A large fraction of the oil dispersed naturally or was dispersed by aggressive shoreline treatments. Studies have shown that herring eggs and larvae are vulnerable to low levels of oil contamination, and lingering or residual oil has been examined as one possible cause, but the areas of lingering oil do not clearly overlap with the herring spawning areas. A large body of the available research indicates that the best approach is to prevent and reduce the amount of oil that comes ashore. CO2 is a natural endpoint of oil degradation.
119	Environmental effects	Marine life / fisheries	The preauthorization zones are huge and cover some of the most productive fishery areas and fish habitats in the US. Have fishery management agencies considered the potential impacts dispersants would have on this marine life?	Yes, National Marine Fisheries Service reviewed the Essential Fisheries Habitat (EFH) analysis USCG and EPA performed (Spring 2015) as part of the environmental due diligence required to craft and implement this policy. Results can be found at www.alaskarrt.org . Some of the findings of the EFH are summarized here. Dispersants do transfer oil from the surface into the water column. Organisms, including fish that come into immediate contact with oil or a concentrated dispersed oil cloud (immediately after dispersant application), are likely to be affected. One consideration for dispersant use is to identify conditions and locations that will allow for rapid dispersion and dissolution of the oil to low concentrations to minimize harm to marine life. When used properly, dispersants reduce the risk of environmental harm. If oil is not treated, it may remain on the surface for a long time, increasing the probability of impacts to birds and marine life and/or reach the shoreline. Surface oil poses known risks to birds, marine mammals, and the shoreline environment.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
120	Environmental effects	Marine life / fisheries	Any studies on effect of dispersants on phytoplankton? It can be a vital sustenance for pollock.	Arctic research of dispersants on phytoplankton is limited. The ARRT agencies share your concern and dispersant use is intended to be used rarely and in limited circumstances. They should only be used in the event of a large spill where resources like pollock are already likely affected by the oil itself. Dispersants may not be the best choice in a given incident, but having them available at least allows for that option, if needed. The effect of dispersants and dispersed oil have been tested on a variety of marine life including phytoplankton. Although dispersed oil has been shown to negatively impact some organisms, satellite observations of the northeastern region of the Gulf of Mexico in August 2010 revealed increased phytoplankton biomass attributed to the Deep Water Horizon oil spill, but this was not a controlled experiment and impacts on phytoplankton communities may have been obscured by other sources of variability.
121	Environmental effects	Marine mammals	Concerned about marine mammals and other species being negatively affected by dispersants through contaminated prey, breathing in fumes, ingesting dispersants and dispersed oil, and/or direct contact.	Marine mammals can be exposed to oil through a variety of mechanisms. Dispersants may increase exposure to some animals but reduce it for others, so dispersants will be a trade-off. Animals close to the dispersant operations are at the greatest risk of exposure, so the proposed plan includes provisions to avoid marine mammals. The more oil that is recovered or dispersed offshore, the smaller the footprint of the slick, and the lesser likelihood that animals will encounter the oil.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
122	Environmental effects	Marine mammals	Concern that bowhead whales may be affected by dispersants applied within their migratory pathway.	The proposed plan recognizes that bowhead and other marine mammals should be avoided in any dispersant operations, with observers and setback areas, but a big spill during a migration period may result in animals being exposed to oil and dispersants. The exposure to oil is a greater risk. The more oil that is recovered or dispersed offshore, the smaller the footprint of the slick, and the lesser likelihood that animals will encounter the oil.
123	Environmental effects	Marine mammals	Concerned about effects on whales. No recovery plan for endangered species beluga whales?	The ARRT shares this concern and hopes that there never is a large spill that will affect marine mammals and fisheries. Formal consultation under Section 7 of the Endangered Species Act (ESA) was completed in July 2015. The action agencies (USCG and EPA) will also conduct emergency Section 7 consultation under ESA and implement the Terms and Conditions and Remedial Protective Measures documented in the National Marine Fisheries Service and U.S. Fish and Wildlife Service biological opinions.
124	Environmental effects	Marine mammals	Alaska Inter-Tribal Council is profoundly concerned about impacts to marine mammals and fisheries.	The ARRT shares this concern and hopes that there never is a large spill that will affect marine mammals and fisheries. However, if such a spill does occur, the ARRT wants to have all tools available for consideration. Dispersants may not be the best choice in a given incident, but having them available at least allows for that discussion.
125	Environmental effects	Marine mammals	Benefits to surface marine mammal health have not been proven to outweigh the destruction of the entire water column habitat that those same mammals rely on for survival.	There is a trade-off between surface and subsurface organisms, but the impact to the water column is short duration and close to the dispersant operation. There is no evidence of any dispersant operation causing the destruction of the entire water column. However, there is substantial evidence that oil that comes ashore can persist for generations and have long-term impacts.
126	Environmental effects	Marine mammals	Concerned about impact to animals that migrate to the arctic and impact to foods and resources used for subsistence and as food source.	The ARRT shares the concern. See response in line 123.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
127	Environmental effects	Marine mammals	Concern about impact of dispersants on whales – hunted for subsistence, rendered into oil for food and may be 100 years old.	The ARRT shares the concern. See response in line 123.
128	Environmental effects	Offshore environment	The 24nm is very deceiving. It sounds like it is a long distance but it is still very important for fish habitat and only a few hundred feet deep. Concerned about use of dispersants in this area.	Dispersants are generally used in deep ocean waters as a precautionary measure to minimize potential exposure of sea floor and nearshore organisms. One potential concern about dispersant use is the potential negative effect that they may have if used in shallow or confined waters. There is concern that dispersed oil droplets may not dilute as rapidly in these shallow areas and could affect water column and bottom dwelling plant and animal communities. Keeping dispersant operations offshore provides space and time for the dispersed oil to dilute to non-toxic levels. Most state preapproval zones elsewhere in the US are in waters more than 1 to 3 miles offshore and water depths of 30 to 60 feet or more. The proposed Alaska preapproval zone is far more cautious than that of other states. The 24-nautical mile limit means that most of the water depths are far deeper than prescribed elsewhere in the US. Most of the preauthorization zone is in water depths greater than 1,000 feet.
129	Environmental effects	Scientific review / Impact Analysis	For key areas in Alaska, the ARRT should conduct site-specific Net Environmental Benefit Analysis (NEBA) to show whether or not dispersants should be relied on as a key tool. The NEBA can serve as an important educational document for government agencies and the public.	Although many aspects of Net Environmental Benefit Analysis (NEBA) are incident and seasonally specific, the ARRT agrees that parts of the NEBA process may be useful in a general planning context, and several have already been conducted in Alaska. The basic concepts and framework in NEBA are the basis for trade-off decision-making in spill response.
130	Environmental effects	Scientific review / Impact Analysis	The plan does not reference the National Environmental Benefit Analysis (NEBA) approach.	The ARRT recognizes the importance of fully understanding the environmental tradeoffs inherent in oil spill response. As such, principles of NEBA have been incorporated into the dispersant decision-making protocol and followed in the decision-making process.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
131	Environmental effects	Scientific review / Impact Analysis	Inaccurate, outdated science is being used to legitimize chemical dispersant use and government Natural Resource Trustees are focused on the wrong problem--how to de-goo, dilute, sink and disperse the oil before it reaches shorelines and sensitive habitats rather than remove it completely from the environment. This has resulted in permitting and advocating an environmentally destructive 'solution' that has been part of the National Contingency Plan and industry spill countermeasure plan tool kits for oil and hazardous spills for more than two decades.	Comment acknowledged. The ARRT seeks to ensure that all proven spill response tools are available for use in Alaska in order to minimize environmental damage from oil spills.
132	Environmental effects	Sensitive habitats	Some of the more nutrient rich areas are along the continental shelf, which is within the preauthorization zone. These important nutrients are then mixed into the coastal waters.	The ARRT understands that the preauthorization zone includes valuable and nutrient-rich areas, and the decision whether to use dispersants will not be taken lightly. An oil spill that occurs in this area could have significant effects. Some oil will disperse even if no dispersants are added, and oil that comes ashore will also disperse in coastal habitats, either as it is remobilized by surf, or through shoreline cleanup actions. Dispersants will only be used if they can decrease the overall environmental impact.
133	Environmental effects	Sensitive habitats	Need to identify sensitive area near Port Moller – protect krill shrimp habitat; a key food source. Might prefer to see this type of area within a preauthorization zone, to protect the shoreline from oil coming ashore.	Port Moller and the State Critical Habitat Area are outside the 24-nautical-mile preauthorization zone; dispersant could only be used there under the case-by-case protocol. The commenter may work with the Aleutian Islands subarea committee on further designation of this area for the most protective measures.
134	Environmental effects	Toxicity	2btoxi-ethanol is a good marker for dispersant impacts, but it is also used in boat cleaner and when detected unclear whether it is from dispersants or detergents	Comment acknowledged.
135	Environmental effects	Toxicity	Concerned about toxicity. Would like to see proprietary information of dispersant ingredients. Proprietary information not available in research.	The ARRT agrees that proprietary information withheld is a concern and that it would be helpful to see all of the ingredients in these products. Some of the most common dispersant compounds are well known (like Corexit), but others are not. Unfortunately, some ingredients of dispersants and other products are withheld as trade secrets, protected under law.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
136	Environmental effects	Toxicity	Very concerned about toxicity of Corexit 9500. Corexit 9500 has warning information and it has proprietary chemicals on Safety Data Sheet (SDS) The national products list includes other toxic dispersants that are also proprietary that can be used in Alaska. The SDS says not to breathe it, it's flammable, don't get it in your eyes, keep away from heat, no smoking, etc. Are toxic secret products going to be used?	The Material Safety Data Sheet (MSDS) information for Corexit products is very similar to common household materials including dishwashing and laundry soaps. The MSDS refers to the health risk posed by the concentrated material, not in its intended application rate of approximately 5 gallons per acre of water. The toxicity of a chemical is related to the dose of exposure.
137	Environmental effects	Toxicity	Commenter stated that Chris Field, EPA, acknowledged that dispersants are a hazardous substance and a petroleum product and need for MSDS for handling. Consider the effects of dispersants in increasing toxicity and embryonic impacts on toxic dispersants and dispersed oil. Also the susceptibility on all biota and embryonic in early stages of life from toxic substances. 6) Need to reach mandated levels of OPA90 and state hazardous substance laws before addition of toxic substances at all.	See comment 136.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
138	Environmental effects	Toxicity	Concerned with adding toxic chemicals to a toxic oil spill, making a toxic soup that is more toxic than the oil alone. Concerned about toxic particulates.	The ARRT shares the concern. Oil is toxic. The more oil you put in the water, the more toxic the water is. Regardless of what actions responders take, some fraction of an oil spill will physically disperse. The amount depends on the type of oil and the weather and sea conditions. Chemical dispersants cause a temporary increase in the concentration of oil in the water column, but do not add to the inherent toxicity of oil - the inherent toxicity of the oil remains the same whether physically or chemically dispersed. Many researchers have shown that dispersants do not make oil more toxic, they just make it more available to marine organisms in the water and less available to animals on the surface. Many competent studies show that dispersants are substantially less toxic than the oils they are designed to disperse. Dispersants may increase the bioavailability of certain toxic oil constituents which can potentially impact certain marine organisms in particularly vulnerable life stages. Such impacts, and others, are considered during dispersant use decision-making.
139	Environmental effects	Toxicity	Concerned that studies of toxicity have not been done correctly (e.g. following Exxon Valdez), so environmental effects are not known.	The ARRT agrees that toxicity studies have varied in quality and many do not realistically represent conditions that organisms may be exposed to in the field. The commenter is referred to Bejarano et al., 2013, a critical review of "Issues and Challenges With Oil Toxicity Data and Implications for their use in Decision-Making: A Quantitative Review." Dispersants may increase the bioavailability of certain toxic oil constituents which can potentially impact certain marine organisms in particularly vulnerable life stages. Such impacts, and others, are considered during dispersant use decision-making.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
140	Environmental effects	Toxicity	Dispersants are proprietary compounds with toxic compounds of their own and with unknown toxic effects to the environment.	The proprietary nature of the products is a concern. The ingredients of the commonly used dispersants are well known, but the exact % of each ingredient in the formulation may be protected. Research has been done on all of the components of the corexit products so they are not "unknown".
141	Environmental effects	Toxicity	<p>There is not sufficient information about the toxic and other environmental effects of dispersants. In order to gain EPA approval for a dispersant, a manufacturer must only complete toxicity tests for two species. As a result, the EPA approves dispersants based on an extremely limited data set consisting of short-term, acute toxicity tests on two species. The EPA lacks data on other species, such as birds and marine mammals, as well as on sublethal, long-term, synergistic, and ecosystem effects. No testing relevant to assessing human health risks is required, and no testing of toxicity at conditions subsea is currently required before authorizing use under the surface of the water.</p> <p>What information we do have indicates that dispersants may do more harm than good. Dispersants and dispersed oil have been shown to have significant negative impacts on many forms of marine life, including plankton, fish, corals, and birds. Dispersants release toxic break-down products from oil that, alone or in combination with oil droplets and dispersant chemicals, can make dispersed oil more harmful to marine life than untreated oil.³ Just in the last year, several research teams have shown that oil dispersed by a common dispersant, Corexit 9500A, is more toxic than either spilled oil or dispersant alone.</p>	Comment acknowledged. The EPA process to regulate dispersants is being updated and many of these testing issues are being addressed. Also, see response in line 146.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
142	Environmental effects	Toxicity	<p>What is the science regarding toxicity and increased surface area of oil droplets? Concerned that increasing the surface area of the oil will increase its toxicity to marine mammals and other animals that come into contact with the dispersed oil.</p> <p>Plan is short-sighted in use of Corexit 9500 and its risks.</p>	Comment acknowledged. See response in line 146.
143	Environmental effects	Toxicity	<p>Concerns about dispersant toxicity: 'adding a toxic chemical to an already toxic spill doesn't make it less toxic.' A specific mention was made to the use of dispersants during the DWH response.</p>	Comment acknowledged. Oil spills are toxic. Dispersants are only meant to be used when they are expected to reduce environmental harm from large volumes of spilled oil. The case-by-case and preauthorization protocols in the proposed Dispersant Use Plan for Alaska require due consideration of efficacy vs. toxicity.
144	Environmental effects	Toxicity	<p>Concerned about long-term impacts of the release of these toxins in the water column.</p> <p>As oyster farmers, especially concerned that no research has been done on mixing zones. We are seeing unprecedented changes in the plankton blooms in our Bay. Plankton are the primary food source to shellfish, and the increase in toxic blooms in Kodiak has us very concerned about the delicate balance of the larger marine ecosystem that feeds our bay. Much more research needs to be done to understand the long-term impact of what is claimed in the DEC Dispersant Fact Sheet to be "short-term" toxicity.</p>	Comment acknowledged. Invertebrates are particularly susceptible to bioaccumulation of toxic oil constituents of crude oil made more bioavailable by chemical dispersants. Dispersants would, therefore, not be preapproved in areas near oyster beds or other aquaculture operations. Studies from Deepwater Horizon and other spills indicate that dispersants are not highly persistent in the water column and are less persistent than the oil being dispersed. Unfortunately it will be a trade-off. Dispersants may add short-term pulse of toxicity into the water column, but, used offshore, may be important in protecting coastal bays and habitats from long-term oil contamination. Having the tool available will allow responders to consider the trade-off. They may still decide not to use dispersants if the benefits do not outweigh the potential harm.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
145	Environmental effects	Toxicity	The toxicology of various dispersants in regards to crude oils needs to be addressed prior to any large--scale use. The on going research into long--term effects on the environment in the Gulf of Mexico need to be fully understood. Due to litigation many key issues are still sequestered. There are valid studies going on which point to mammal mortality due to hydrocarbon exposure and toxicity which need to be fully understood to make responsible decisions	Comment acknowledged. Data from the Gulf of Mexico is being published routinely and the data has revealed that some marine species are even more sensitive to oil than previously thought, especially marine mammals in the coastal bays and for some developmental stages of offshore fish including tuna and mahi mahi. But the ARRT also knows, from the Exxon Valdez and other spills, that oil on the shore can persist for decades and create a chronic source of oil exposure for birds, mammals, fish, and shellfish that live near shore. We do not want oil in the water column, and we do not want oil in our bays and shorelines. Dispersants do not remove oil from the water column, but they have been shown to help protect coastal habitats and reduce the risk to animals living near the shore and near the water surface.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
146	Environmental effects	Toxicity	The EPA approved list of dispersants is lengthy. The end result toxicity needs to be addressed for the best available product considered for use. The idea of proceeding without this important data is not in the best interest of the public.	<p>The toxicity of a substance is dependent on the availability of that substance to an organism. Dispersants are designed to take a surface oil slick and disperse it into the water column. This action increases the amount of oil that might be available to aquatic organisms. Lab studies have shown that dispersants alone are less toxic than oil alone or dispersant-oil mixtures (http://www.epa.gov/bpspill/dispersants-testing.html#p2report). After a dispersant application, oil will typically disperse into the first 10 meters of the water column with the highest concentration of oil near the water's surface. Oil concentrations will dilute in the hours and days following the application of dispersants. The initial spike of oil to the water column may cause toxicological impacts to some aquatic species. The extent to which a species may be impacted will depend on a number of variables, including, but not limited to, an organism's sensitivity to oil, type of oil dispersed, exposure concentration/duration, and environmental factors.</p> <p>Prior to a product being listed on the NCP product schedule, the manufacturer must conduct standard acute toxicity tests on two different aquatic species. The test methods and results can be found on EPA's website: http://www2.epa.gov/emergency-response/alphabetical-list-ncp-product-schedule-products-available-use-during-oil-spill. In addition, there are numerous studies that quantify the toxicity of oil, dispersant, and dispersed oil to a wide range of organisms and life stages, including ongoing studies that look at Arctic species. It is important to note that laboratory studies provide important information on toxicity, but they are not able to replicate all environmental conditions and do not consider all possible toxicological endpoints.</p>
147	Environmental effects	Toxicity	Concerned with toxicity of dispersants. It seems that everything on the EPA list of dispersants is toxic.	Comment acknowledged. See response in line 146.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
148	Environmental effects	Toxicity	Request for the references used to determine the safety of the dispersants, particularly in regards to toxicity and effect on the environment.	There are many references to consider. For starters, the commenter should review the 2005 National Research Council report entitled Understanding Oil Spill Dispersants: Efficacy and Effects, and the University of New Hampshire's report on the future of dispersant use in the US: http://www.crrc.unh.edu/sites/crrc.unh.edu/files/media/docs/Workshops/dispersant_future_11/Dispersant_Initiative_FINALREPORT.pdf . A very recent paper covers how to evaluate toxicity studies: Bejarano, A.C., J.R. Clark, G.M. Coelho. 2014. "Issues and Challenges with Oil Toxicity Data and Implications for Their Use in Decision Making: A Quantitative Review," Environmental Toxicology and Chemistry, Vol. 9999, pp. 1-11, 2014. In addition, the commenter may wish to review a series of research papers and workshops conducted by NOAA and the University of New Hampshire, including http://www.crrc.unh.edu/gomri_dispersant_forum ; http://www.crrc.unh.edu/workshop/cse/oil-spill-dispersant-research-forum ; and http://www.crrc.unh.edu/workshop/crrc/future-dispersant-use-spill-response .
149	Environmental effects	Toxicity	Concerned regarding long-term toxicity of use of dispersants; smaller droplets with dispersants added create a higher level of toxicity which makes it less digestible.	The ARRT has not found any documents that support the commenter's statement that chemically dispersed oil is less biodegradable than physically dispersed oil.
150	Environmental effects	Toxicity	The ARRT recognizes that there are other potential toxicities of dispersants (in addition to inhalation by marine wildlife) and encourage the ARRT to work to minimize additional toxic impacts.	Agree. Every effort should be made to protect marine life and inhalation is a concern. However, the dispersants will mix the oil into the top of the water column and will thereby reduce the surface area swept by the slick and reduce the extent of the concentration of oil contaminants in the area above the slick. Both processes should reduce acute exposure.
151	Environmental effects	Toxicity	New dispersants increase toxicity of oil. The Clean Water Act mandates that you cannot put a pollutant on a pollutant, therefore cannot do that using dispersants. The Exxon Valdez Oil Spill in 1989, salmon and herring fisheries were wiped out. Other means are being used in other countries. Dispersants violate Clean Water Act, how can you authorize and use what violates the Clean Water Act?	Chemical countermeasures, such as dispersants, may be utilized by the FOSC as long as the product is listed on the National Product Schedule and the use is concurred on by the EPA and the State of Alaska after consultation with federal natural resource trustees.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
152	Environmental effects	Toxicity	The Clean Water Act states you cannot apply a pollutant (toxic dispersants) to a pollutant (spilled oil).	Chemical countermeasures, such as dispersants, may be utilized by the FOSC as long as the product is listed on the National Product Schedule and the use is concurred on by the EPA and the State of Alaska after consultation with federal natural resource trustees.
153	Environmental effects	Toxicity	Offered three words: uncertainty; unintended consequences. Acute and chronic toxicity, but no long-term adverse effects of a short-term exposure. Review the consequences and command decisions on the use of agent orange [during Vietnam War]. The adverse consequences of use and implications of DDT were not considered. Read Rachael Carson's "Silent Spring."	The case-by-case and preauthorization protocols in the proposed Dispersant Use Plan for Alaska require due consideration of efficacy vs. toxicity. There is a NOAA-led national level workgroup of experts working on definitive descriptions of the state of the dispersant science, including particular focus on efficacy and short-term (acute) and long-term (chronic) toxicity.
154	Environmental effects	Toxicity	We don't want to take a terrible situation and make it exponentially worse by adding chemicals of unknown toxicity and persistence to the marine ecosystem.	Agree. The ARRT does not want to make a situation worse by not having all the potential tools available for responders. Dispersants are expected to be a rarely used tool in Alaska, but in some situations, such as a large offshore slick, dispersants may be the "least bad" option, help increase degradation rates, and give responders a tool to protect coastal habitats that may otherwise be coated with toxic oil.
155	Environmental effects	Toxicity	The literature in regard to toxicity and effectiveness of dispersants is overwhelmingly negative. Please do not allow Alaska to suffer the same consequences as the Gulf of Mexico.	The ARRT disagrees with the assessment that all dispersant literature characterizes the use of dispersants as negative. The literature is complex and nuanced. Even studies that have found adverse impacts acknowledge dispersants as an important tool when other cleanup methods are inadequate and when sensitive shorelines are threatened by large volumes of spilled oil. The decision to use dispersants is incident specific and based on expert analysis of which tactics will result in the least environmental harm.
156	Environmental effects	Toxicity	Adding chemicals to oils only poisons the water or area further, leaving both the dispersants and the oil to remain in the water/area. This makes the problem worse for the environment.	Comment acknowledged. See response in line 139.
157	Environmental effects	Toxicity	Concerned that adding a toxic chemical is will worsen effects of the oil spill.	Comment acknowledged. See response in line 139.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
158	Environmental effects	Toxicity	New evidence contradicts their safety in that they may actually increase the toxicity of oil. The public should not have to worry about use of dispersants, which may have their own problems regarding toxic material, in areas near communities and in waters where fishing is an important industry.	Comment acknowledged. See response in line 139.
159	Environmental effects	Toxicity	Any benefits from dispersants are outweighed by short and long term toxic impacts to important Alaskan marine life and habitat.	A comprehensive analysis of environmental tradeoffs, including beneficial and detrimental effects of all response tactics and options based on best available science and conducted during the response, is the best way to determine whether the use of dispersants is necessary to cause the least amount of environmental harm.
160	Environmental effects	Toxicity	There is a very sensitive environment that cannot handle the toxicity that would result from [dispersant] use.	Comment acknowledged. See response in line 159.
161	Environmental effects	Toxicity	These chemicals are a toxic mess. Please protect the ocean from these chemicals...	Comment acknowledged. See response in line 139.
162	Environmental effects	Toxicity	As we have seen from their use in the Gulf of Mexico, these dispersants greatly increase the toxicity of crude oil. The oil is never removed from the environment. By contrast, it is carried into the flesh of sea creatures by the solvent properties of the dispersants. We cannot afford this kind of tragedy when the productivity of our ocean is declining.	This comment is not supported by the available literature. Dispersants do not increase the toxicity of the oil; they make it more available in the surface water column. The oil is removed through biodegradation, which is enhanced by the small droplet size. Dispersants may increase the bioavailability of certain toxic oil constituents which can potentially impact certain marine organisms in particularly vulnerable life stages. Such impacts, and others, are considered during dispersant use decision-making.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
163	Environmental effects	Toxicity	Oil mixed with dispersants can be more toxic than just the oil alone, especially in colder temperatures. Dispersant can create a barrier around the oil droplets, causing the oil to be less available to the naturally occurring oil eating microbes. In addition, these microbes are typically found on the surface of the water, so driving the oil droplets into the water column only makes the toxic components of the oil more available to fish and other aquatic life.	Comment acknowledged. See response in line 162. Also note that microbes are found throughout the water column, not just on the surface.
164	Environmental effects	Toxicity	Any benefits from dispersants are outweighed by short and long term toxic impacts to important Alaskan marine life and habitat.	There is general consensus in the spill science community that dispersants are much less toxic than crude oil, but it is also recognized that dispersants can cause short-term toxicity, while chronic impacts have been observed from oil that comes ashore. However, the determination of benefits and tradeoffs is difficult in the abstract. Any decision to use dispersants will need to be made cautiously, on a case-by-case basis, based on the best available science and the circumstances of the spill. In some cases, the commenter may be correct, but in other scenarios there may be a net environmental benefit from using dispersants. However, unless dispersants are preauthorized, there is no guarantee that they will be available and that plans, training, and monitoring will be in place to maximize the potential benefits and minimize the potential harm.
165	Environmental effects	Toxicity	Any perceived environmental benefit is outweighed by long and short term toxicity impacts combined with oil to key Alaskan marine species and habitats.	Comment acknowledged. See response in line 164.
166	Environmental effects	Toxicity	Serious concerns with toxicity of dispersants.	Comment acknowledged. See response in line 164.
167	Environmental effects	General	Concerned that public is assuming the risk for dispersant use, while industry gets to "hide the oil by [its] application".	The responsible party is still liable for injuries caused by the incident and the response actions. Hopefully the combination of response actions reduce the overall impact of the spill, but impacts from response actions, including skimming, burning, booming, and dispersants, and shoreline disturbance are compensable under the Oil Pollution Act of 1990.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
168	Plan Implementation	Training	Recommend that the ARRT define a process for regular training to ensure that all relevant people understand their roles in carrying out the authorization plan.	This is an excellent suggestion and will be considered by the ARRT.
169	Plan Section 1.2 Background	Figure 1	In Figure 1, clarify the criteria and process to be used to assess feasibility and indicate who will make this assessment.	As the note to the figure states, this flowchart is a conceptual model and is not meant to clarify the criteria and process used to assess feasibility and indicate who will make this assessment.
170	Plan Section 1.2 Background	Figure 1	This is the first of many places where the FOCS's autonomy to make decisions about dispersant use has been strengthened and the authority of EPA and the State diminished. Prince William Sound Regional Citizens' Advisory Committee recommends that the State and EPA retain their current authority to approve or disapprove dispersant use decisions.	Some level of preauthorization is in place in nearly every coastal state in the nation. In waters covered by a preauthorization plan, the FOSC may authorize the use of dispersants without first obtaining the concurrence of the EPA and the affected state. This specific concurrence authority that is stipulated in the NCP is being relinquished by the EPA and State of Alaska for two reasons: (1) Preauthorization of dispersant use is critical to rapid deployment of this spill countermeasure. Rapid deployment is, in turn, critical to the successful use of dispersants. (2) To avoid unnecessary stockpiling of dispersant equipment, federal regulations require equipment only in areas where it has been predetermined that dispersants would be a viable oil spill mitigation technique and preauthorization has been established.
171	Plan Section 1.3 Dispersant Use Authorization	Definition of preauthorization	Definition of pre-authorization given by the USCG during the public meeting presentations differs from the definition used by the USCG elsewhere.	The standard for pre-authorization in the draft document is more stringent than that used elsewhere in the US; the Alaska guidelines contain more safeguards and requirements. Please note that the definition used in the draft guidelines is the same as that used in NCP, Subpart J.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
172	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	Concerned that preauthorization would empower USCG to make decisions that will affect local communities and Tribes and their subsistence and commercial resources without consultation. APIA does not believe the on-site coordinator, subjected to the pressures associated with responding to a spill, can or should make unilateral decisions of such a serious nature. I don't have confidence in the federal government to make the right decisions for Tribes or APIA.	Dispersant use decisions made by the FOSC in both the preauthorized and case-by-case protocols are not unilateral. They are made in consultation with the Unified Command and informed by natural resource trustees, federally recognized tribes, stakeholders, and science specialists.
173	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	Clarify the authority of the FOSC relative to local authorities in the event of a threat to human life (p. F-8, second bullet. This broad authority is incongruous with the otherwise careful delineation of FOSC authority in different designated areas, and also contradicts the specification in other parts of the plan that local authorities are responsible for responding to incidents that threaten human life or safety (see page B-5). Please clarify, or eliminate this confusing bullet point.	This phrase comes directly out of the NCP and is not unique to Alaska. An example of a situation that would allow the FOSC to use dispersants without consultation would be to reduce explosive vapors from a spill that pose an imminent threat to the safety and life of response personnel.
174	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	For the undesignated (case-by-case) protocol [Tab 1, Part 5], what happens if EPA and the State have differing opinions? For example, EPA selects, "Dispersants may be used in selected areas under attached conditions" and the State selected, "Dispersants may be applied as requested ..."? Does the FOSC become the tie-breaker, or is he/she limited to the most conservative decision authorized? The policy needs to anticipate and state this upfront in Appendix 1.	In accordance with the second bullet in Section 1.3, the FOSC does not become a tie-breaker. If EPA and the State disagree and the spill will impact state waters, then dispersants cannot be used until EPA and the State are in agreement per the NCP.
175	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	Concerned that Subpart J, definition of preauthorization will allow the FOSC to authorize use of product without concurrence with the agencies identified in this plan.	Concurrence of the agencies is gained upon their signature approval of the preauthorization plan. As an additional safeguard, the FOSC shall receive input from each of those agencies during the approval process under the preauthorization protocol.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
176	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	Concerned about the autonomy of the FOSC in decision making authority.	Dispersant use decisions made by the FOSC in both the preauthorized and case-by-case protocols are not unilateral. They are informed by natural resource trustees, federally recognized tribes, stakeholders, and science specialists.
177	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	Who are the FOSCs for the preauthorization zone?	Commander Joseph Lally is the FOSC for the Prince William Sound subarea, and Captain Paul Albertson is the FOSC for the four other subareas in the preauthorization zone.
178	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	On p. F-8, second bullet, why is the FOSC given authority to bypass consultation to reduce a hazard to human life? What does this mean?	This authority is specifically stated in the NCP in order to ensure that the FOSC can disperse potentially volatile or toxic vapors in the air from undispersed oil in the vicinity of human beings.
179	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	The FOSC has sole decision-making authority in preauthorized areas. The FOSC should have to consult with trustee agencies and attempt to reach consensus on dispersant use.	Dispersant use decisions made by the FOSC in both the preauthorized and case-by-case protocols are not unilateral. They are made in consultation with the Unified Command and informed by natural resource trustees, federally recognized tribes, stakeholders, and science specialists. The NCP does not require the FOSC or Unified Command to obtain consensus in the presence of a preauthorization plan. It does require consultation with natural resource trustee agencies and concurrence from the EPA and State of Alaska under the case-by-case protocol.
180	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	The draft provides significant autonomy to the FOSC and minimizes the opportunity for input from trustee agencies and the State of Alaska.	Comment acknowledged. See response in line 179.
181	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	On p. F-8, the first bullet says the FOSC will seek concurrence from trustee agencies for use of dispersants outside a preauthorization zone "when practicable". The document must provide clear guidelines for determining whether such consultations are practicable.	Comment acknowledged. See response in line 179.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
182	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	On p. F-8, the second bullet discusses situations when "the use of the product is necessary to prevent or substantially reduce a hazard to human life" as another situation where the FOSC's discretionary authority is quite broad. Specific examples of this type of situation should be provided.	This "hazard to human life" dispersant use authority is specifically authorized in the NCP to ensure that the FOSC can disperse potentially volatile or toxic vapors in the air from undispersed oil in the vicinity of human beings. An example would be crude oil accumulating on the surface of an aground, breached tanker.
183	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	On p. F-8, second paragraph, clarify and describe on what is meant by the statement that dispersants may be used without consultation in cases of immediate human health risks? (Note, the text reads: "to prevent or substantially reduce a hazard to human life.")	This phrase comes directly out of the NCP and is not unique to Alaska. An example of such a situation would be the use of dispersants to reduce explosive vapors from a spill.
184	Plan Section 1.3 Dispersant Use Authorization	Stakeholder Consultation	The process for stakeholder input and review of dispersant use decisions and redesignation of preauthorization zones is unclear.	Comment acknowledged, but no recommendations provided.
185	Plan Section 1.4 Dispersant Areas	Dispersant Use Avoidance Areas	Clarify the process for authorization/approval of dispersant use in Dispersant Use Avoidance Areas within the Undesignated area. The Cook Inlet RCAC recommends that the subarea process not be limited to 24 months after plan approval. Instead, allow stakeholders, federally-recognized tribes, and federal and state natural resource agency trustees to engage with FOSC and SOSC at least every five years, to submit any new information that may point to the need for new avoidance areas.	The first priority is the preauthorization zone, followed by the undesignated areas, which explains the 24-month time limit for the preauthorization zone. The timeframe for the undesignated areas is determined by the appropriate USCG FOSC, EPA FOSC, ADEC SOSC, federal and state natural resource trustees, federally recognized tribes, and stakeholders. Clarifying language has been added to the Undesignated Area paragraph in Section 1.4.
186	Plan Section 1.4 Dispersant Areas	Dispersant Use Avoidance Areas	Would like to see an addition to the plan that there be no dispersant use in Prince William Sound.	While parts of Prince William Sound may be identified as dispersant "avoidance areas" by the Subarea Committee, uniformly abandoning the option to use dispersants in Prince William Sound may expose the area to more environmental harm than Alaskans are willing to accept. Dispersant use in Prince William Sound will be handled on a case-by-case basis in consultation with the experts, and only if other cleanup methods are not adequate.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
187	Plan Section 1.4 Dispersant Areas	Dispersant Use Avoidance Areas	<p>On p. F-10, the third paragraph describes the process for re-designating locations within the preauthorization zone. Prince William Sound Regional Citizens' Advisory Committee recommends the ARRT provide a more detailed description of the process and timeline, specifically:</p> <ul style="list-style-type: none"> - Provide a timeline and structure to ensure that the requisite review is completed statewide within the 24-month timeframe. - Clarify how the preauthorization zone will be treated during the 24 months when the review is ongoing. We recommend it be case-by-case during this time period. - Once an area has been classified, develop a process and timeline for periodic review of that classification to determine if changes needed. 	<p>1. The first priority is the preauthorization zone, followed by the undesignated areas, which explains the 24-month time limit for the preauthorization zone. The timeframe for the undesignated areas is determined by the appropriate USCG FOSC, EPA FOSC, ADEC SOSC, federal and state natural resource trustees, federally recognized tribes, and stakeholders. 2. Section 1.4 has been clarified to state that the preauthorization zone will be treated by the case-by-case process for the first 24 months after approval of the proposed plan. Figure 2 and Tab 1 Parts 1A and 1B have all been footnoted as well. 3. After initial designation, future revisions of avoidance areas will be conducted in conjunction with regular Subarea Contingency Plan updates.</p>
188	Plan Section 1.4 Dispersant Areas	Dispersant Use Avoidance Areas	<p>P. F-10 seems to suggest that dispersants could be approved within Avoidance Areas through a case-by-case basis. Prince William Sound Regional Citizens' Advisory Committee believes that there are some areas where dispersant use is never appropriate and that these areas should be designated ahead of time. Recommend the guidelines provide a non-time-limited mechanism to designate certain areas both within the preauthorization zone and in undesignated areas as off-limits to dispersant use without condition.</p>	<p>The ARRT understands the concern but believes that the proposed case-by-case process would allow for incident-specific resources at risk and other considerations to be vetted by the process.</p>
189	Plan Section 1.4 Dispersant Areas	Dispersant Use Avoidance Areas	<p>Are there any areas where dispersant use might be banned?</p>	<p>Comment acknowledged. See response in line 188.</p>
190	Plan Section 1.4 Dispersant Areas	Dispersant Use Avoidance Areas	<p>Any future case-by-case agency decisions must fully respect "exclusion zones" developed in concert with tribes and other stakeholders.</p>	<p>The proposed plan is consistent with this request.</p>
191	Plan Section 1.4 Dispersant Areas	Preauthorization Area	<p>Current in the 24-200 nm area is primarily influenced by the Alaska and Aleutian trench and is generally moving to the west and not into PWS.</p>	<p>Comment acknowledged and not disputed.</p>

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
192	Plan Section 1.4 Dispersant Areas	Preauthorization Area	Recommend changes to the current Zones 1-3 in the Unified Plan. Provided PowerPoint slides with proposed changes (separate PDF attachment).	Zones 1 to 3 no longer exist in the updated policy. The dispersant areas are only classified as the preauthorization zone or undesignated areas (see Section 1.4).
193	Plan Section 1.4 Dispersant Areas	Preauthorization Area	The preauthorization zone should include all areas of existing or potential exploration or extraction of oil and gas, including areas in federal waters (not just limited to areas of shipping activity). This would include Cook Inlet, Prince William Sound, and the Beaufort and Chukchi Seas.	The inclusion of these areas was considered during development of the policy, but not all signatory agencies were in agreement.
194	Plan Section 1.4 Dispersant Areas	Preauthorization Area	City of Cordova strongly supports the revision deleting all pre-authorization areas inside any part of Prince William Sound.	Comment acknowledged.
195	Plan Section 1.4 Dispersant Areas	Preauthorization Area	Concerned about size and extent of the proposed preauthorization zone.	Comment acknowledged.
196	Plan Section 1.4 Dispersant Areas	Preauthorization Area	Supports no preauthorization zones within 24 miles of the coast.	Comment acknowledged.
197	Plan Section 1.4 Dispersant Areas	Preauthorization Area	Pleased to see draft guidelines remove preauthorization zones within Prince William Sound.	Comment acknowledged.
198	Plan Section 1.4 Dispersant Areas	Preauthorization Area	Prince William Sound Regional Citizens' Advisory Committee supports excluding Prince William Sound and Cook Inlet from the preauthorization zone.	Comment acknowledged.
199	Plan Section 1.4 Dispersant Areas	Preauthorization Area	Prince William Sound Regional Citizens' Advisory Committee recommends that the ARRT clarify whether EPA, DOI, DOC and the State approve the preauthorization zone (Figure 2). Further, as any oil spill response activities in these offshore federal waters would result in near certain impacts to adjacent state waters and fisheries, the Prince William Sound Regional Citizens' Advisory Committee recommends the state's agreement to and concurrence with the proposed dispersant guidelines and dispersant use preauthorization zone be explicitly required as a condition of their implementation.	There will a signature page for the new dispersant use policy that includes approval from the USCG, EPA, State of Alaska, Department of the Interior, and Department of Commerce.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
200	Plan Section 1.4 Dispersant Areas	Preauthorization Area	The line returning on the Contiguous Zone east along the Kenai Peninsula and Prince William Sound stops short of meeting the intersecting line perpendicular to the shore at 59-29.00N 144-03.00W. Instead of closing the area at 24 miles, it stops 3 nautical miles short and turns left to shore at Cape Suckling. This condition creates an area that is a "preauthorized area" that includes waters up to and including the shore line. On page F-10, paragraph 2, preauthorized areas are to only include the area between the 24 nautical mile boundary (the U.S. contiguous zone), and excludes nearshore sensitive areas from the Preauthorization Area. The area includes shoreline and is within a sensitive area listed in the Prince William Sound Subarea Contingency Plan (20nm radius of harbor seal populations and a stellar sea lion critical habitat off Cape St Alias). See pages D-58 and D-59 of the PWS Subarea C-Plan Sensitive Areas. It's also against the terms for bathymetry and distance to shore requirements listed in Section 2.2. Page F-12 of the Dispersant Plan.	The preauthorization zone has two anchor points at Cape Suckling and Cape Sarichef to ensure that tanker vessels cannot get around the preauthorization zone. Any dispersant use in these nearshore areas would comply with all conditions and stipulations, as listed in Section 2.0.
201	Plan Section 1.4 Dispersant Areas	Preauthorization Area	Expressed concern that areas outside of the pre-authorization area results in that area being less well-served and prepared. He recommended that the pre-authorization zone be extended into Bristol Bay.	The boundaries of the preauthorization zone are based on the location of common shipping routes followed by crude oil vessels regulated under the Final Rule. The 24-nautical-mile boundary, which corresponds to the US contiguous zone (a feature commonly depicted on nautical charts), excludes nearshore sensitive areas from the preauthorization zone.
202	Plan Section 1.4 Dispersant Areas	Preauthorization Area	Regarding the process for areas in authorization zone, question confirming that the plan states that the subarea committees are to identify areas where dispersant use should be avoided, and that if this is not done within 24 months the area will revert to case-by-case authorization of dispersant?	Yes, the purpose of the process in the Subarea Contingency Plan is to identify avoidance areas and to look at entire area within the Subarea Contingency Plan region. If the process is not completed in 24 hours, it will be all indicated as non-designated. This process is led by the FOSC.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
203	Plan Section 1.4 Dispersant Areas	Preauthorization Area	Regarding the Preauthorization Area boundaries, if the boundaries are intended to capture international shipping, how does this related to innocent passage.	These requirements were not intended to apply to international shipping. The trigger for a Vessel Response Plan is entering a US port. There are many vessels transiting the Great Circle to a US port. However, many vessels in this area are transiting between foreign ports and are not subject to US regulations.
204	Plan Section 2.1 Policies	Bullet 11	Bullet 11 discusses operational feasibility, but no framework is provided for how this will be assessed. Need to provide guidance on factors that are used to evaluated operational feasibility (i.e., visibility/ceiling, limits to available equipment, etc.?) See our recommendation on RMROL under comments on Sections 2.2 and 2.3.	The following text has been added to bullet 11: "(e.g., weather constraints due to visibility, ceiling, wind, and/or seas as determined by the FOSC)."
205	Plan Section 2.1 Policies	Bullet 11	Bullet 11 discusses operational feasibility, but no framework is provided for how this will be assessed. Need to provide guidance on factors that are used to evaluated operational feasibility (i.e., visibility/ceiling, limits to available equipment, etc.?) See our recommendation on RMROL under comments on Sections 2.2 and 2.3.	Comment acknowledged. See response in line 204.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
206	Plan Section 2.1 Policies	Bullet 12	<p>Bullet 12 assigned the FOSC with responsibility for ensuring that "all required monitoring" is carried out. Questions - What are the specific monitoring requirements? Ecological effects monitoring should be required. All monitoring efforts should be fully documented and made available to the public. Include a requirement for ecological effects monitoring.</p>	<p>Changes were made to the proposed plan to clarify that this statement refers to the monitoring as discussed in bullet 11. All Special Monitoring of Applied Response Technologies (SMART) monitoring, including how it was conducted and its results, will be documented in the Dispersant Use After Action Report. In addition, if monitoring for other "key indicators" is established during an incident, a description of how the monitoring was conducted and the results will be included in the after action report. This report will be made available to federal/state agencies, federally recognized tribes, and appropriate stakeholder groups.</p> <p>Representative and robust ecological effects monitoring cannot be carried out in a timeframe that is generally applicable to operational decision making about dispersant use during a spill. There are a few options for rapid-throughput, standardized toxicity tests (e.g., microtox and rotifer model) for biological effects, but interpreting the results of these single species, static exposure, acute toxicity tests and extrapolating them to ecological effects is not a quick or straightforward process. Furthermore, most toxicity tests, with the possible exception of microtox, which still requires specialized laboratory equipment and training, cannot be reliably performed outside of a laboratory setting.</p> <p>Typically, biological/ecological effects monitoring is conducted as part of the Natural Resource Damage Assessment.</p>

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
207	Plan Section 2.1 Policies	Bullet 12	Bullet 12 assigned the FOSC with responsibility for ensuring that "all required monitoring" is carried out. Questions - What are the specific monitoring requirements? Ecological effects monitoring should be required. All monitoring efforts should be fully documented and made available to the public. Include a requirement for ecological effects monitoring.	Comment acknowledged. See response in line 206.
208	Plan Section 2.1 Policies	Bullet 2	Dispersant as alternative response tool - This bullet places an unreasonable burden for the Responsible Party to prove that mechanical recovery cannot be achieved and while using valuable time where the use of simultaneous efforts, including non-mechanical options, should be employed.	The ARRT understands the concern but does not feel this is an unreasonable burden for the Responsible Party or the Unified Command. Further, this bullet has been revised to clarify that mechanical recovery, in-situ burning, and dispersant operations can be conducted simultaneously (see response in line 86).
209	Plan Section 2.1 Policies	Bullet 5	Bullet 5 - Does the current version of the plan state that the 96 hours begins at the start of the test application?	Bullet 5 has been deleted because it was redundant with bullet 10 and footnote 9. The 96-hour start time is defined in bullet 10 and footnote 9.
210	Plan Section 2.1 Policies	Bullet 5	Bullet 5 - Unclear what the "96 hours" in the plan refers to. When does that timeframe begin?	Comment acknowledged. See response in line 209.
211	Plan Section 2.1 Policies	Bullet 5	Bullet 5 - Clarify and expand on the restriction to 96 hours for pre-authorization to apply? Why this time frame?	See response to comment 209 for clarification of the 96-hour timeframe. This timeframe comes directly from the National Response Team as a lesson learned from the Deep Water Horizon. It reflects the FOSC's authority to use dispersants as an emergency authority. After a certain time, the EPA's authority to regulate dispersants under the Clean Water Act is asserted.
212	Plan Section 2.1 Policies	Bullet 5	Bullets 5, 10 and footnote 9 are redundant. The bullets should be consolidated.	Comment acknowledged. See response in line 209.
213	Plan Section 2.1 Policies	Bullet 6	Input to FOSC - The plan assumes that "all input ... will be provided ... within the timeframe required by the FOSC". This is unrealistic.	The word "all" has been deleted from this sentence.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
214	Plan Section 2.1 Policies	Bullet 6	Bullet 6 states "All input related to dispersant use authorization will be provided to the FOSC within the timeframe requested by the FOSC. The FOSC will provide sufficient time for that input." Questions -- From whom is this input being requested? How will "sufficient time" be measured? Input and participants in the process should be summarized and included in the after action report and made available to the public.	Input will be requested from the parties identified in Tab 1, Part 1A or 1B. Sufficient time is measured by the FOSC. The ARRT agrees that input and participants should be summarized and included in the after-action report and made available to the public. The after-action report has been updated accordingly.
215	Plan Section 2.1 Policies	Bullet 7	Bullet 7 states that preauthorization applies only to crude oil. Are bitumen (tar sands) products included in this category? Clarify this.	Yes, bitumen is included in this category because bitumen (tar sands) products are classified as crude oil. However, if they are a Group V (sinking oil), dispersant would not be applied.
216	Plan Section 2.1 Policies	Bullet 8	Bullet 8 indicates the evaluation of trade-offs and the basis for decisions will be documented. Questions -- Who, or what entities, will be evaluating the trade-offs? Will this documentation be available to the public? It should be, in the after action report.	The trade-offs will ultimately be evaluated by the FOSC. This documentation will be available to the public in the after-action report.
217	Plan Section 2.1 Policies	Bullet 9	Bullet 9 reads, "One or more dispersant application field tests to determine the effectiveness of oil dispersion under existing site-specific environmental conditions will be conducted. The resulting information will be analyzed to determine whether full-scale dispersant application(s) will begin. Questions -- What type of information will be collected? How and by whom will it be analyzed? Are there guidelines/parameters (SMART?) for acceptable results from these types of tests? Will the resulting information and analysis be made available to the public or part of the after action report?"	Changes were made to the proposed plan to clarify that SMART monitoring protocols will be used to determine the effectiveness of the dispersant field test. More information about SMART monitoring can be found in Tab 3 of the plan. The dispersant use after-action report will include a description of the SMART monitoring that was conducted and the results. The report will also include information about any incident-specific dispersant monitoring that is conducted. A copy of this report will be provided to federal/state agencies, federally recognized tribes and appropriate stakeholders.
218	Plan Section 2.1 Policies	General	Plan sections 2.1, 2.2 and 2.3 include policies, criteria and conditions/stipulations. ConocoPhillips cautions against incorporating rules that would unnecessarily constrain the flexibility that may be required to be most effective in any particular response situation.	The ARRT understands the concern but believes that the policies, criteria, and conditions/stipulations are important safeguards that do not unnecessarily constrain the flexibility of the response.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
219	Plan Section 2.2 Criteria	ADD - RMROL	Prince William Sound Regional Citizens' Advisory Committee recommends adding a section on Realistic Maximum Response Operating Limits (RMROL) identifying specific operational limits for dispersant use to inform the question of operational feasibility. (This also relates to Section 2.3.)	Comment acknowledged. See response in line 243.
220	Plan Section 2.2 Criteria	ADD - Water exchange / mixing	Under criteria in Section 2.2, suggest that you consider adequate water exchange in closed basins, like in fjords, you may not have that, please look at that.	Comment acknowledged. See response in line 243.
221	Plan Section 2.2 Criteria	ADD - Weather and sea conditions	Weather and sea conditions are not included in the criteria section, but visibility, wind, ceiling, and sea state conditions are discussed in the FOOSC checklist (Tab 1, Part 4). Do a thorough consistency review to ensure that all criteria included in the authorization checklists are discussed and, when possible, quantified in the guideline document.	Comment acknowledged. See response in line 243.
222	Plan Section 2.2 Criteria	ADD -Subsistence	Recommend crafting a separate bullet in the Dispersant Authorization Plan, Section 2.2 Criteria that addresses tribes and subsistence, that reflects the language in the ARRT Guidelines for Coordination and Consultation with Federally-Recognized Tribes. In the current draft, subsistence is given as an example of "human use activities" (such as fishing, boating). This is not an accurate reflection of the special significance of subsistence. See the ARRT Guidelines under "Tribal Resources".	"Subsistence" has been removed from Human Use Activities, and a separate bullet titled Subsistence Use Activities has been created.
223	Plan Section 2.2 Criteria	Bullet 1	Bathymetry - The plan uses 60 feet depth limit instead of the traditional 30 feet depth limit used elsewhere in the US. There is no justification for this variance.	Multiple depth limits are used throughout the US. Some regional plans (e.g., Region 4 and Region 6) use 10 meters or 30 feet, while others (e.g., Hawaii and Region 10) use 10 fathoms or 60 feet for the depth limit for dispersant use. The Alaska region chose 10 fathoms to ensure adequate mixing and dilution of the dispersant.
224	Plan Section 2.2 Criteria	Bullet 1	Bathymetry - The dispersant rule in the past has been 10 Meters or 30 FT and 3 miles from shore (whichever is greater). Please explain the reason for the changed depth parameter.	Comment acknowledged. See response in line 223.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
225	Plan Section 2.2 Criteria	Bullet 10	Other special areas - The preauthorization review process should consider whether certain special use areas should be designated as Dispersant Avoidance Areas, and that those be captured in the guidance document.	This process will be undertaken by the Subarea Committees during the 24-month preauthorization plan implementation period following final approval.
226	Plan Section 2.2 Criteria	Bullet 11	Historic properties -- Establish a minimum safe distance to buffer historic properties from potential adverse impacts from dispersant use.	Comment acknowledged. See response in line 243.
227	Plan Section 2.2 Criteria	Bullet 12	Human use activities - Establish a minimum safe distance to buffer human use areas from potential adverse impacts from dispersant use.	Comment acknowledged. See response in line 243.
228	Plan Section 2.2 Criteria	Bullet 13	Public and private facilities - Establish a minimum safe distance to buffer public and private facilities from potential adverse impacts from dispersant use.	Comment acknowledged. See response in line 243.
229	Plan Section 2.2 Criteria	Bullet 2	Distance from shore - Establish a minimum distance from shore, based on input from resource trustees.	Comment acknowledged. See response in line 243.
230	Plan Section 2.2 Criteria	Bullet 3	Wind and currents - Supports that seasonally and temporally variable conditions and mixing energies (which control dispersant effectiveness) are factored into the decision to use or not use dispersants.	Comment acknowledged. The decision to use dispersants will be based, in part, on the weather and oceanographic conditions. Calm weather will reduce the effectiveness of dispersants, and high winds and rough seas will make flight operations difficult and will promote natural dispersion. See response in line 243.
231	Plan Section 2.2 Criteria	Bullet 3	Wind and currents - Provide upper and lower limits to wind speeds and add a discussion of mixing energy. The relevance of currents to dispersant decision-making should be included.	Comment acknowledged. The decision to conduct dispersant operations will depend on a number of factors including upper and lower wind speeds. Natural dispersion is favored when winds exceed 30 mph, and calm seas favor mechanical response and/or in situ burning, provided there are enough personnel and mechanical response assets onhand to handle volume of oil spilled.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
232	Plan Section 2.2 Criteria	Bullet 3	Wind and currents - The dispersant plan states that dispersant use is not allowed where mechanical recovery is achievable. Mechanical recovery is achievable in seas up to and including Beaufort scale 4-5. Bullet 3 regarding winds & currents states that the benefits of dispersant application diminishes when winds speeds reach the Beaufort Scale 6 range, but that effectiveness is attributed to the mixing energy of the sea (not wind speed alone). The comment leaves a very ambiguous interpretation of when dispersants could actually be used. Please correct and/or explain.	Comment acknowledged. Wind speeds and sea state are not the only factor in whether mechanical recovery is feasible and achievable. While the skimmers may be able to operate, they may have trouble getting on station, maintaining operations, and unloading and lightering their cargo. Booms are one factor; well designed and operated containment booms are effective up to wave heights of about 1 m. Higher waves can overtop booms, and in wave conditions exceeding 2 m, oil cannot be effectively contained in booms for recovery by skimmers. The nature of the sea state must also be taken into account since 4-foot swells, for example, are much different than 4-foot chop with whitecaps.
233	Plan Section 2.2 Criteria	Bullet 5	Temperature - Provide minimum water temperature requirements for dispersant application.	The decision to conduct dispersant operations will depend on a number of factors including water temperature. Dispersants can be effective at near freezing temperatures, depending on the viscosity of the oil and other parameters. Since dispersants should only be used when other tactics are inadequate, many decision factors should be left to the experts within the Environmental Unit.
234	Plan Section 2.2 Criteria	Bullet 6	Response equipment - This is more of a logistical consideration but is mingled in with environmental factors. Suggest categorizing the criteria. For response equipment, additional information about windows-of-opportunity for dispersant use should be included.	Comment acknowledged. See response in line 243.
235	Plan Section 2.2 Criteria	Bullet 8	Sensitive habitat - Supports that there is more consideration for potential impacts to marine species and habitats.	Comment acknowledged.
236	Plan Section 2.2 Criteria	Bullet 8	Sensitive habitats - Provide more definitive rules of thumb for the types of habitats where dispersant use should not be permitted (e.g., nursery, endangered species critical habitat).	Comment acknowledged. See response in line 243.
237	Plan Section 2.2 Criteria	Bullet 9	Sensitive species - Supports that there is more consideration for potential impacts to marine species and habitats.	Comment acknowledged. See response in line 243.
238	Plan Section 2.2 Criteria	Bullet 9	Sensitive species - Make a stronger statement about dispersant use limitations in relation to threatened and endangered species. This could be addressed during the Section 7 ESA consultation in this draft document.	Comment acknowledged. See response in line 243.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
239	Plan Section 2.2 Criteria	Specificity of criteria	Criteria and Section 2.3 Conditions/Stipulations need to be more specific. If the ARRT cannot give a quantifiable criteria, condition or stipulation, it should give guidelines for a decisionmaker to consider. Use the best available science to set more quantitative guidelines for decisionmakers to follow. In Section 2.2 Criteria, the ARRT should incorporate information from ESA consultation to guide decisionmakers on how sensitive species may be affected by dispersants or dispersed oil.	Comment acknowledged. See response in line 243.
240	Plan Section 2.2 Criteria	Specificity of criteria	Decision-making criteria should specify quantitative limits for all measurable factors. Currently, the criteria are both quantitative and qualitative -- in some cases the measurable "500 m" and in others the qualitative "an adequate buffer". This needs to also be addressed in Section 2.3 Conditions/Stipulations.	Comment acknowledged. See response in line 243.
241	Plan Section 2.2 Criteria	Specificity of criteria	Come criteria and guidelines in plan are quantitative and some qualitative. Recommend that plan provide more specific criteria and "avoid soft, mushy zone."	Comment acknowledged. See response in line 243.
242	Plan Section 2.2 Criteria	Specificity of criteria	Concerned that there is a lot of criteria and some specific (60 feet, 500 meters, swarming fish) and some not very specific criteria (Section 2.2) and Conditions/Stipulations (Section 2.3). Urge more specificity to guide decisionmakers.	Comment acknowledged. See response in line 243.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
243	Plan Section 2.2 Criteria	Specificity of criteria	Prince William Sound Regional Citizens' Advisory Committee supports establishing well-defined criteria to guide dispersant use decision-making. However, the criteria are scattered through sections 2.2 and 2.3 and mix quantitative and qualitative measures, as well as environmental and logistical considerations. Criteria should be specific and measurable. The more discretionary are the criteria, the more difficult they will be to consistently apply. Specific changes are provided.	Work has been done to clarify the information presented in the criteria and conditions/stipulation sections of the proposed plan. The request for well-defined criteria for dispersant decision-making is understood but hard to implement. There are many variables that go into the decision-making process, some of which are quantitative (e.g., dispersant effectiveness is diminished in waters with salinity of less than 15 parts per thousand) and some that are qualitative (e.g., what are the environmental trade-offs if dispersants are used in a particular area). The relationship between decision-making variables is complex, making it hard to define criteria that will cover all potential incidents.
244	Plan Section 2.2 Criteria	Specificity of criteria	Reorganize Sections 2.2 and 2.3 to provide a clear reference for all limits that should apply to dispersant use decision-making. Wherever possible, objective and measurable criteria should be identified. Currently, it is not clear which of the criteria in Section 2.2 and Section 2.3 apply to preauthorization zones, which apply in case-by-case evaluations, and which apply in both. For limits that are tied to geographic location (such as water depth), it would be logical to change those areas to Dispersant Use Avoidance Areas. (This also relates to Section 2.3.) The clear criteria should be linked to checklists and decision aids.	Comment acknowledged. See response in line 243.
245	Plan Section 2.3 Conditions/Stipulations	ADD - Least toxic	Least toxic - Require that the least toxic and most effective dispersant be used. The EPA should have the power to veto the use of a particular dispersant, even in preauthorization zones. The ARRT should require that the ingredients of any dispersant that is applied in Alaska waters be disclosed to the public.	The ARRT Science and Technology Committee will be instrumental in identifying the least toxic and most effective dispersant products from the National Product Schedule for Alaskan waters. The EPA has a role in chairing the ARRT and the Science and Technology Committee. The ARRT will coordinate closely with the USCG and Alaska On-Scene Coordinators on the use of dispersants that meet these objectives.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
246	Plan Section 2.3 Conditions/Stipulations	ADD - Subsurface use ban	Subsurface use - Ban use of dispersants below the surface.	Subsea use, though covered in the case-by-case protocol, is not expected to be employed. Moreover, subsurface application was not part of the ESA Section 7 consultation on the Unified Plan, so use under the case-by-case protocol would be subject to ESA Section 7 emergency consultation.
247	Plan Section 2.3 Conditions/Stipulations	ADD - Walrus haulouts	Wildlife trustee agencies should consider whether there are additional areas, such as sea lion haul-outs, that should be given consideration.	This is part of the checklist preparation process in the Environmental Unit during a response. Also, sensitive areas such as this may be identified as "avoidance areas" in the respective Subarea Plan.
248	Plan Section 2.3 Conditions/Stipulations	Bullet 1	Field tests - Provide parameter for evaluating whether a portion of the slick is "representative" in terms of field test.	Comment acknowledged. See response in line 243.
249	Plan Section 2.3 Conditions/Stipulations	Bullet 2	Effectiveness and tradeoffs - Reference Tab 1.	Comment acknowledged.
250	Plan Section 2.3 Conditions/Stipulations	Bullet 3	Daylight - The plan limits dispersant application to daylight operations, but with the latest technology, vessel dispersant operation could be safely conducted at night (especially in ice).	It is the ARRT's policy to only use dispersants during daylight conditions. This policy is in place for a number of reasons, including foremost the safety of response personnel. Daylight also is required for operations that are related to a dispersant application, such as wildlife spotters and Tier 1 of SMART monitoring.
251	Plan Section 2.3 Conditions/Stipulations	Bullet 3	Daylight conditions - Limiting dispersant application to daylight conditions is typically intended as a planning standard and not a performance standard. In some circumstances, it may be possible (and safe) to safely continue use during non-daylight or low light conditions. ConocoPhillips requests the ARRT reconsider incorporating this condition/stipulation in the plan and instead allow the Unified Command to make the determination.	Comment acknowledged. See response in line 250.
252	Plan Section 2.3 Conditions/Stipulations	Bullet 3	Supports that dispersant application would only be allowed during daylight.	Comment acknowledged.
253	Plan Section 2.3 Conditions/Stipulations	Bullet 4	Water Depth and distance from shore - The 4th bullet restates the criteria (section 2.2) for water depth and distance from shore. Consolidate these.	Comment acknowledged. See response in line 243.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
254	Plan Section 2.3 Conditions/Stipulations	Bullet 4 / Bullet 5	The distance from sensitive areas and on water biomass to apply dispersants cannot be generalized. Using 60 feet of water depth and 500 meters distance to sensitive areas or animals is very short sighted due to the unpredictable energy that can transport a slick.	Comment acknowledged. The spirit and intent of these distance and depth guidelines is to protect Alaska's precious resources. The water depths in the preauthorization zone greatly exceed the 60-foot depth requirement, which is, by itself, designed to be a protective depth threshold. Dispersed oil rapidly mixes, both vertically and horizontally, and within hours is below levels of acute toxicity concerns. The 500-meter distance for marine mammals is also designed to be protective, both from dispersants and from unnecessary disturbance by the aircraft or vessel conducting the dispersant operations. The 500-meter distance (or 500 yards) is a commonly used buffer to reduce disturbance to marine mammals from seismic activity, vessel traffic, and marine construction that may disturb or injure the animals. While this may be a helpful and necessary planning parameter, conditions in the field at the scene during the response will dictate response decisions and may ultimately be more protective of marine life. Because the earliest life stages of fish are not observable, the best knowledge of the affected areas and species from resource trustees working within the EU is crucial to inform decision making.
255	Plan Section 2.3 Conditions/Stipulations	Bullet 5	Minimum distance from fish & wildlife - On p. F-13, the conditions require not using dispersants within 500 m of swarming fish. Appreciate the recognition of need to protect fish, but avoiding these species at or near the surface does not protect them, as this recommendation implies.	Comment acknowledged. See response in line 254.
256	Plan Section 2.3 Conditions/Stipulations	Bullet 5	Distance from wildlife - Our primary concern for toxic impacts from dispersant use is through the direct inhalation of dispersants by marine wildlife. We therefore strongly support the stipulation that dispersants will not be applied within 500 meters of marine wildlife but would appreciate justification for that distance rather than a further distance.	Comment acknowledged. See response in line 254.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
257	Plan Section 2.3 Conditions/Stipulations	Bullet 5	Minimum distance from fish & wildlife - The minimum distance of 1,640' may be extremely difficult to implement, as fish and wildlife move. Recommend agencies and spotters/observers be identified to provide expertise necessary in the field. Agencies should review these limits and provide additional guidance prior to their implementation.	Comment acknowledged. See response in line 254.
258	Plan Section 2.3 Conditions/Stipulations	Bullet 5	Minimum distance from fish & wildlife - How are "swarms of fish" identified?	Comment acknowledged. Identification is based on a visual observation. The pre-authorization guidelines define "swarms" as schools of fish breaking the surface, as seen for example, among bait balls and schooling salmon awaiting entry into a spawning stream. Because the earliest life stages of fish are not observable, the best knowledge of the affected areas and species from resource trustees working within the EU is crucial to inform decision making.
259	Plan Section 2.3 Conditions/Stipulations	Bullet 8	Aerial wildlife surveys - The requirement to conduct NRDA monitoring verse operational effectiveness monitoring should be separate. The "dispersant controller", who is required to be in a separate aircraft and who is qualified to ensure the avoidance of swarming fish, rafting birds, etc., ensure operational effectiveness. The dispersant plan, as currently written, would require a 3rd aircraft to conduct ESA impact assessments, which is not part of the operational delivery of dispersants in preauthorized areas. In preauthorized areas, only the ESA consultation is required. Please explain.	The ARRT is not conducting National Resource Damage Assessment (NRDA) monitoring or aerial wildlife surveys. The NRDA monitoring and operational monitoring of dispersants are conducted separately. The NRDA is not under the direction of the Unified Command, rather the intent is to ensure that a Department of the Interior and/or Department of Commerce specialist is involved in Tier 1 monitoring to help ensure compliance with wildlife-related conditions/stipulations.
260	Plan Section 2.3 Conditions/Stipulations	Bullet 9	Atypical dispersant use is not appropriate in Alaska and should not be accommodated under these guidelines.	The ARRT understands this concern but believes that the proposed case-by-case protocol would allow for atypical dispersant use considerations to be vetted by the process. However, such use would be subject to Endangered Species Act Section 7 emergency consultation requirements.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
261	Plan Section 2.3 Conditions/Stipulations	General	Strengthen the stipulations for dispersant use to more accurately reflect the narrow window of conditions under which dispersant use could be expected to be effective (narrower range of wind speeds, considerations of matching the dispersant available to the type of spilled oil and environmental conditions, the degree of oil weathering, and the ability to monitor and test for dispersant efficacy).	Comment acknowledged. See response in line 243.
262	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Agency consultation	Does there have to be a majority among the agencies to agree and go ahead with dispersant use?	No, a majority is not required. In "undesignated" areas the NCP authorizes the FOSC to go forward with dispersant use if EPA and the State On-scene Coordinator concur, and in consultation with the Natural Resource Trustees, referred to as the "case by case" process. In Preauthorized areas, the FOSC can initiate use of dispersants unilaterally. However, even though not required, since dispersants would only be used in large spill situations, the FOSC will be highly likely to seek advice from the experts and seek consensus within Unified Command.
263	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Agency Consultation	The plan should make clear that the FOSC must make the best technical decision on the merits to effectively respond to a spill, with timeliness remaining a key factor. While agencies should provide their best input directly to the FOSC, it should not undermine efficient and effective response.	Comment acknowledged. No change is required, since this concept is well covered in the NCP.
264	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Agency Consultation	Concerned there will be a lack of scientific representation and public input in decisions to authorize dispersants.	The ARRT understands this concern but believes that the process allows for adequate scientific and traditional ecological knowledge input from federal agencies, federally recognized tribes, and stakeholder groups to make the appropriate decision.
265	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Agency consultation	Back to Unified Command, in the Aleutians, we are all in the National Wildlife Refuge. If USFWS says no go with dispersants, do they have veto power?	No, the NCP does not give "veto power" to the US Fish and Wildlife Service. In an undesignated area, the requirement is for the FOSC to consult with Department of Interior and Department of Commerce. Also see response in line 262.
266	Plan Section Tab 1, Part 1A. Process for Dispersant Use	Agency Consultation	Supports the proposed stronger requirements for consultation with resource agencies in decision-making.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
267	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Decision timeframe	How much time is required for the decision making in preauthorization process vs. case-by-case process?	The case-by-case decision process can work almost as fast as a Preauthorized decision by the FOSC. In each case the FOSC seeks advice from scientists in the Environmental Unit. The biggest difference is in the requirement for dispersants to be available, along with the proper training and equipment for dispersant application, which is only guaranteed when preauthorization is in place.
268	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Decision timeframe	What is the time difference in the decision making process between the Pre-authorized and Undesignated areas?	The timing of the decision-making process will depend upon the spill. It is expected that the process for case-by-case approval will take slightly longer than the preauthorization process due to requirements for consultation and concurrence with other agencies.
269	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Endangered Species Act	<p>The Center recommends that the ARRT include the results of ESA consultations for specific dispersant applications in its reporting requirements.</p> <p>Because ESA consultation is essential to understanding the possible ecological impacts and tradeoffs involved in the use of chemical dispersants, it is critical that the ARRT complete the dispersant plan ESA consultation process for all species before authorizing the application of any dispersants into the water.</p>	It is anticipated that the FOSC's after-action report would contain this information.
270	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Environmental Unit	The make-up of the Environmental Unit is not subject to any clarity or transparency regarding who are they and their qualifications. Concerned that the people advising the FOSC may not be qualified.	Staffing of the Unified Command is subject to the authority of the FOSC, SOSC, and Incident Commander. Representatives of many state and federal agencies will be solicited by the FOSC and SOSC to participate in the Environmental Unit.
271	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Process inadequate	Concerned about the policies and procedures for dispersant applications.	Comment acknowledged.
272	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Process inadequate	The decision making criteria and process needs more detail.	The process detailed in Tab 1, Part 1A of the proposed plan is set up to walk an FOSC through each step that is to be taken to use dispersants in a pre-authorized area. Further details on dispersant policies, decision-making considerations, and conditions/stipulations for using dispersants can all be found in Section 2.0 of the plan.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
273	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Process inadequate	Pre-authorization will result in a "shoot first and ask questions later" oil spill response strategy which will hurt local communities around Alaska that depend on healthy fisheries.	The state and federal agencies responsible for this policy disagree with this assertion. This policy ensures a highly inclusive process and consideration of relevant equities and interests.
274	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Process too complex / time-consuming	The final plan should include a streamlined approval process, for both the preauthorization and case-by-case processes. The processes are too time-consuming and complex, and approvals must be obtained on a daily basis through too many steps. (This comment also applies to Tab 1, Part 1B. Process for Case-by-Case.) The processes are not the "efficient, coordinated and effective action to minimize damage from oil ... discharges" required by the Clean Water Act. Nor do they comprise a meaningful "preauthorization plan" required by Subpart (J) of the National Contingency Plan regulations. Any ARRT Authorization Plan should endeavor, in advance to an incident, to address the majority of issues relating to the circumstances in which dispersants could be used, rather than establish long processes to make the decisions.	The ARRT understands this concern but believes that the current robust and inclusive process provides an important safeguard to ensure appropriate decision making concerning dispersant use.
275	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	During a response, who decides who the stakeholders are and who notifies them?	Many, if not most, stakeholders are preidentified in the subarea contingency plans. Others are identified during the course of the response. State and federal agencies must follow stakeholder notification requirements, and stakeholder notifications are reviewed and confirmed by Unified Command. When the USCG is notified of a spill, the USCG conducts immediate notifications as required.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
276	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	The process is improved over the past, but still needs to be stronger. The Center recommends establishing a formal process for identifying stakeholders in the different areas covered by the plan. Moreover, the stakeholders' role should be more clearly defined. The current rule does not establish a process for receiving input from stakeholders. Although it appears that stakeholders are informed of the Federal On- Scene Coordinator's decisions in the current process, it is not clear if or when stakeholders can actually influence decisions.	The Alaska Unified Plan contains separate policy under Annex B for identification and involvement of tribal and local governments and other stakeholders during emergency responses. This policy is also being revised and improved under a separate initiative.
277	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	Encourages stronger emphasis placed on the use of local, institutional knowledge and consultation with stakeholders in the decision-making process.	Comment acknowledged.
278	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder consultation	Kuroshima spill in Summers Bay impacted fisheries. Want to make sure that fish processors are part of the stakeholder input.	FOSCs, operating in accordance with the NCP and ARRT guidance, would reach out to affected stakeholders in the area as appropriate. Also see response in line 280.
279	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	Caution that mandatory engagement with a significant number of stakeholders could be a potential threat to timely process for dispersant use authorization, reducing the viability of this tool. The plan should include a statement that notice will be given to appropriate federally-recognized tribes and other stakeholders and their timely input will be considered for the purpose of identifying potential dispersant use avoidance areas. It is important that the plan not impose a more burdensome process or preconditions that would, in effect, preclude the use of dispersant. In most cases, the ability to move quickly is critical to an effective response. (This also applies to Part 1B, Case-by-Case Dispersant Use Authorization.)	The ARRT understands this concern, but Section 2.1 (6th bullet) and footnote 1 on Tab 1, Parts 1A and 1B are very clear that input related to dispersant use authorization(s) will be provided to the FOSC within the timeframe requested by the FOSC.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
280	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	Concerned about the process for stakeholder input in decisions about dispersant use. Communities and people in Prince William Sound continue to suffer psychologically, economically and environmentally with the lingering effects of the Exxon Valdez Oil Spill. Much of that damage was inflicted by the choices made by the entities in power in the heat of the moment, and without due consideration and discussion with local communities and people most affects.	The Alaska Unified Plan contains a separate policy under Annex B for identification and involvement of tribal and local governments and other stakeholders during emergency responses. This policy is also being revised and improved under a separate initiative.
281	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	Concerned there will be a lack of scientific representation and public input in decisions to authorize dispersants.	The Dispersant Policy as well as the ADEC and USCG adherence to the National Incident Management System (NIMS) ensure a highly inclusive process and a robust Environmental Unit (EU) staffed with appropriate scientists and subject matter experts to advise the Unified Command on the need for alternative cleanup countermeasures, including dispersants.
282	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	To engage stakeholders, would you focus on adjacent areas? How much input do stakeholders have in this decision-making process?	The FOSC and Unified Command will attempt to engage all affected stakeholders, as time allows. There are numerous examples of past spills that demonstrate this, including the Selendang Ayu, where Unified Command held daily public meetings to seek community and stakeholder input to the spill response process. The Tuck Polar Wind response is another example of effective stakeholder engagement.
283	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	The process for consultation with stakeholders and resource trustees within each region to change from preauthorization to a case-by-case basis is not detailed. Who will lead this process and how will it be conducted?	The process for consultation with stakeholders and resource trustees within each region will be led by the appropriate USCG FOSC, EPA FOSC, ADEC SOSC, federal and state natural resource trustees, federally recognized tribes, and stakeholders, as specified on page F-10.
284	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	A follow-up question on the stakeholders and the proposed/potential changes to regional stakeholder committees as described in the Unified Plan. The RSC looks like it is pre-spill stakeholder group standing up. If there are not RSC's, then who are you calling? The group doesn't get this information. Need to know how decision is made. For the effective stakeholder's group, who are you going to call?	Subarea committees attempt to pre-identify appropriate stakeholders. Potentially impacted entities are invited to participate in the subarea planning process. In addition, during spills, the Unified Command and their liaison officers will actively seek additional impacted parties to participate, as appropriate.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
285	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder consultation	What are the other agencies/organizations that are not specified in the preauthorization plan that must be consulted or contacted?	See response in line 284. Additional stakeholders may be identified in the Subarea Contingency Plan.
286	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Step 13	Teleconference - The State's participation is modified by "when appropriate". The state should have a more definitive role, regardless of whether the use of dispersants would occur in federal or state waters, as every spill has the potential to impact state waters.	The State of Alaska and USCG conduct joint spill planning and utilize the Incident Command System based on the concept of Unified Command. Within the domain of the Alaska Federal/State "Unified Plan," the role of the State of Alaska is well defined. With his/her counterparts in the Unified Command, the SOSOC contributes to the process of determining incident objectives and priorities, selecting response strategies, developing tactics, and resolving conflicts.
287	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Step 15	Action Action Report - The report should include documentation of all decision-making, including completed checklists. This should all be made available to the public.	The after-action report section has been updated to include this documentation.
288	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Step 4	ESA Section 7 - It takes weeks, if not months, to complete an ESA Section 7 consultation. A timely FOSC decision should not be delayed for this.	Under the 2001 Memorandum of Understanding between the federal natural resource trustee agencies (US Fish and Wildlife Service and National Marine Fisheries Service) and the action agencies (USCG and EPA), emergency consultation under the Endangered Species Act Section 7 is expedited. This is possible due to the comprehensive biological assessment of spill response tactics completed by USCG and EPA and biological opinions issued by the services in early 2015.
289	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Step 4	ESA Section 7 - Recommend that areas where it would be "appropriate" to do Section 7 consultation be determined in advance, through the consultation that the ARRT will have with USFWS and NMFS prior to approving this plan.	As stated in footnote 1 on page F-5, prior to the ARRT's approval of this plan, ESA Section 7 consultation with the US Fish and Wildlife Service and National Marine Fisheries Service has been completed. Steps 4 in Tab 1, Parts 1A and 1B have been edited to reflect "incident specific consultation(s)."
290	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Step 7 & Step 13	Teleconference procedures - Tab 1, Part 1B (case-by-case) includes teleconference procedures for Steps 7 & 13. Should such procedures also be included in Tab 1, Part 1A (preauthorization zone)?	The procedures are specifically different because Tab 1, Part 1A provides a streamlined process for informing the FOSC's decision to use dispersants. Tab 1, Part 1B (case-by-case) provides a more detailed process for the purpose of the EPA, Department of the Interior, Department of Commerce ARRT representatives, and, when appropriate, the SOSOC, to take action on the Dispersant Use Request.
291	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Tribal consultation	Would like to see stronger tribal concurrence required for dispersant use.	The process outlined in the proposed plan affords federally recognized tribes the opportunity to directly provide their input to the FOSC. The National Contingency Plan prescribes who has concurrence authority.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
292	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Tribal consultation	Wants to see Tribal input in decision-making.	Tab 1, Parts 1A and 1B specifically provide federally recognized tribes with the opportunity to provide input into the decision-making process.
293	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Tribal consultation	In reference to dispersant use authorization, did not see any where that concurrence from Tribes is sought and that there are tribal interests represented for preauthorization.	Comment acknowledged. See responses in lines 291 and 292.
294	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Tribal consultation	What is role of Tribe in decision to use dispersants in either a preauthorization zone or in an undesignated area?	Once the Dispersant Policy and Pre-authorization Plan have been finalized, tribes and other stakeholders will be engaged to assist in designating avoidance areas. During an actual oil spill response, tribes impacted by the spill area would be engaged by the FOSC through either Unified Command or the Regional Stakeholder Committee.
295	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Tribal consultation	Concern tribes will not be adequately involved in rapid decision-making about use of dispersants.	The ARRT made extensive efforts to engage federally recognized tribes regarding the proposed plan and obtain substantive input from tribes regarding the proposed plan. Specifically, the ARRT sent information and an invitation for government-to-government consultation regarding the proposed dispersant preauthorization plan in September, October, and November 2013 to 76 tribes in sub-areas located near the area of the proposed plan (three separate emails to all 76 tribes in addition to original postal mail letter). Seven formal tribal informational meetings were held as part of this effort, including five in hub locations in subareas within the proposed plan region. More than 60 representatives from 38 federally recognized tribes throughout Alaska attended project meetings and discussed merits, concerns, and issues regarding dispersant use and other response tactics, and tribal representatives gave substantive input both during and after these meetings. Additionally, all tribes providing comments will receive a written response addressing their concerns and will have opportunities to request further consultation.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
296	Plan Section Tab 1, Part 1B. Process for Case-by-Case	Non-crude oil	The introduction to the case-by-case process needs to be reworded to clarify that any use of dispersants in response to discharge of other than crude oil within the preauthorization zone would be addressed through the case-by-case process. The preauthorization process applies only to use of dispersants in response to a crude oil discharge, and only within the preauthorization zone. This wasn't clear to this reader.	The introduction to Tab 1, Part 1B has been modified as recommended.
297	Plan Section Tab 1, Part 1B. Process for Case-by-Case	Stakeholder Consultation	Cook Inlet RCAC acknowledges the intent to involve stakeholders and requests additional clarification of the anticipated interaction between the Unified Command and stakeholder groups regarding a case-by-case authorization. Further Cook Inlet RCAC recommends that this document prescribe that identification of stakeholder groups be accomplished within individual sub-area plans.	The ARRT understands these concerns but believes that the proposed plan provides sufficient clarity on the interaction between the stakeholder groups and the Unified Command. Further, the Subarea Contingency Plan process already identifies most stakeholders. Thus, the ARRT does not see the need to rescribe that in this document.
298	Plan Section Tab 1, Part 1B. Process for Case-by-Case	Step 2	FOSC Notification - In Step 2, Native Corporations should not be listed along with federally-recognized tribes as receiving notification of a Dispersant Use Request.	In Tab 1, Part 1A and 1B, Step 2, the Native Corporations are listed as part of the stakeholder group, which is a separate listing from the federally recognized tribes.
299	Plan Section Tab 1, Part 1B. Process for Case-by-Case	Step 2	FOSC Notification - The final bullet under step 2 refers to FOSC notification of "appropriate stakeholder groups" when dispersants may be used. The plan should describe how these will be identified and whether this would be done ad hoc during a response or whether there would be standing groups established for each Subarea. Prince William Sound Regional Citizens' Advisory Committee would advocate for the latter. This could be done as part of the Subarea's effort to identify avoidance areas. The guidelines should also provide more detail about how stakeholder input will be incorporated into decision-making.	Comment acknowledged. See response in line 297.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
300	Plan Section Tab 1, Part 1B. Process for Case-by-Case	Step 6	NOAA SSC and EU - This step does not include the following sentence, that is in Step 6 of Tab 1, Part 1A (the preauthorization process): "The completed Parts 2-4 are provided to other members of the Unified Command (UC) and representatives identified in Step 2 above." It seems like this should be included.	This information was contained in the second bullet of the teleconference procedure. However, for standardization, it has been added to Step 6 as recommended.
301	Plan Section Tab 1, Part 1B. Process for Case-by-Case	Step 7	Teleconference - In Step 7, for case-by-case decisions, don't see where Tribes as trustees are included in the FOSC teleconference.	Step 7 includes the phrase "With individuals identified in Step 2" to clarify that federally recognized tribes would be asked to participate in the teleconference.
302	Plan Section Tab 1, Part 2, Dispersant Use Request	Wildlife Information	This section of the form needs to be aligned with the guidance in the plan, in Sections 2.2 Criteria and 2.3 Conditions/Stipulations. It is not clear how this section (that says to identify and estimate numbers "near the oil slick") relates to the criteria for a minimum 1,640' distance. It is also not clear what the process is for identifying and monitoring wildlife.	The wildlife information captured in the dispersant use request includes estimates of wildlife that could be in the area of an oil slick. This information is gathered from overflights and boats near the spill site. Decision makers use this information to understand what wildlife could be impacted by dispersant use. Spotter planes containing a trained wildlife observer (usually from US Fish and Wildlife Service, National Marine Fisheries Service, or Alaska Department of Fish and Game) use this information when they go out with the dispersant application platform and fly the proposed dispersant use area. The observer will inform the dispersant application platform of any wildlife that need to be avoided and areas where the 1,640-foot buffer needs to be observed.
303	Plan Section Tab 1, Part 4, FOSC Dispersant Authorization Checklist	ADD - All parameters considered	Include a step early in the checklist that prompts the FOSC to consider whether other parameters may apply that negate the preauthorization (e.g., non-daylight hours, temperature or salinity parameters not met, etc.)	The FOSC checklist has been revised to include all criteria, conditions, and stipulations (temperature, salinity, winds/currents, and distance from shore).
304	Plan Section Tab 1, Part 4, FOSC Dispersant Authorization Checklist	ADD - Response equipment	Want to see a line in preauthorization checklist regarding what response equipment is available. Regarding boats, there are many of us that do not have boats to help. We will be doing what we can to tell tribes to stay off the beaches and not touch anything.	The dispersant use request (Tab 1, Part 2) already requires this information regarding response equipment availability to be attached to the request (Attachment 4 on page F-23).
305	Plan Section Tab 1, Part 4, FOSC Dispersant Authorization Checklist	ADD - Notifications & compliance	Does not see a check-offs for the following: Human populations have been notified. Clean Water Act compliance. Federally recognized Tribe notified.	Step 2 of the FOSC Dispersant Authorization Checklist (Tab 1, Part 4) covers all pertinent notifications, including federally recognized tribes. Additionally, public notifications have been added to the FOSC Dispersant Authorization Checklist as a condition/stipulation. Finally, the proposed plan is in compliance with the Clean Water Act.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
306	Plan Section Tab 2, Dispersant Use After-Action Report		Require a quantitative assessment of efficacy be published in a formal, publicly-accessible report within 90 days of any dispersant application in order to enhance understanding and documentation of the efficacy of dispersant use in Alaska.	The dispersant use after-action report, as detailed in Tab 2 of the plan, will include a description of SMART monitoring that was conducted and the results. The report will also include information about any incident-specific dispersant monitoring that is conducted. A copy of this report will be provided to federal/state agencies, federally recognized tribes, and appropriate stakeholders.
307	Plan Section Tab 3	SMART monitoring	How can a boat get to the preauthorized zone in 7 hours? SMART Florometer is old technology and new technology and methodology is being developed.	The commentor is correct; remote areas within the preauthorization zone may not allow the Tier 2-3 monitoring resources to get on scene within 7 hours in which case the dispersant decision reverts back to the case-by-case protocols (see Section 2.1 and Tab 1, Part 1A). However, Tier 1 (visual) monitoring can be performed from aircraft, often the same aircraft used to disperse or as on-scene spotter/observers. The proposed plan allows for the use of the most current SMART protocols, which are currently the August 2006 version. If these protocols are updated, they will be incorporated into the plan.
308	Plan Section Tab 3	SMART monitoring	Requiring Tier II and Tier III SMART monitoring for field tests would be a severe and unlimited limitation. Tier II and III cannot be accomplished in a timely manner. SMART Monitoring Protocol states that "dispersant application should not be delayed" to allow deployment of SMART teams. Requiring more than Tier I conflicts with existing Alaskan agency response planning approvals. A more sensible option would be to permit Tier I SMART to be the initial basis for dispersant operational approval, followed by other Tiers as they can be deployed.	The ARRT understands this concern but believes that SMART Tier 1-3 monitoring provides better information regarding the effectiveness of dispersant use. See the response in line 307 for revised changes addressing Tier 1-3 monitoring being utilized in a timely manner.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
309	Plan Section Tab 3	SMART monitoring	There is room for improvement in the SMART protocols. A recent Government Accountability Office report summarized some of the problems with the current SMART protocols (see letter for GAO quote). The SMART protocols are currently being updated. The Center recommends incorporating the updated protocols if they are issued in a reasonable timeframe. Regardless of the status of these updates, the ARRT should supplement the SMART protocols with additional information-gathering requirements. For example, the ARRT should require monitoring of the human health and ecological impacts of any dispersant application, including long-term effects.	The proposed plan allows for the use of the most current SMART protocols, which are currently the August 2006 version. If these protocols are updated, they will be incorporated into the plan. For further information about ecological effects monitoring, see the response in line 206.
310	Plan Section Tab 3	SMART monitoring	KBCS is very aware of the Biodiversity of this entire area. The complex bathymetry has a significant effect creating many upwelling systems that produce a healthy environment. The Special Monitor of Applied Response Technologies Protocol (SMART) has specific goals as to the monitoring to be completed according to each Tier. As a general observation, the assumption that this monitoring can be carried out as projected may be false. As we all know, the weather is a determining factor for all marine operations. The task of these efforts needs to address all contingencies and have viable alternative plans. KBCS understands that this protocol is under review and hopes that further monitoring as to Fate, Effects and possible impact of diffused oil would be addressed.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
311	Plan Section Tab 3	SMART monitoring	The decision-making process, as proposed, will likely only be able to use Tier 1 monitoring capabilities of the Special Monitoring of Applied Response Technologies (SMART) described in the Draft Oil Dispersant Authorization Plan. In real world conditions, it is difficult to accurately determine dispersant efficacy, as emulsified oil can take on a creamy appearance and broken into small clumps. There are very few locations in Alaska where in-the-water testing could be done in a timely manner (Tier 2 and 3 of SMART monitoring).	Comment acknowledged. See response in line 309.
312	Plan Section Tab 3	SMART monitoring	Plan should require as a stipulation for dispersant use that Tier 2 SMART monitoring demonstrate the efficacy of dispersant use prior to full-scale dispersant application(s).	Comment acknowledged. See response in lines 308 and 309.
313	Plan Section Tab 3	SMART monitoring	Will the work group be looking at/able to address comments on the SMART protocols with this comment period, or are part of another document but incorporated into this plan for reference? Concern that these are inadequate.	NOAA is currently revising monitoring requirements and a comment period will be part of this process. The ARRT recommends that comments on this matter be submitted during those comment periods.
314	Plan Section Tab 3	SMART monitoring	State regulations have a requirement for real-time monitoring on use of dispersants. Concern expressed for measurement and evaluation of currents; Alaska coastal currents and regional currents from runoff from glaciers. If any energy in ocean have to have subsurface monitoring.	Comment acknowledged. See response in line 309.
315	Plan Section Tab 3	SMART monitoring	Supports more detailed monitoring requirements using SMART protocols.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
316	Plan Section Tab 3	SMART monitoring	The updated SMART protocols should be available for review alongside the draft dispersant use guidelines for Alaska, since SMART monitoring is a key factor in evaluating dispersant effectiveness and in estimateing subsurface dispersed oil concentrations, trajectories, and associated toxicities. If the timing of these two processes does not align, the ARRT should consider the need to reevaluate and potentially revise the guidelines for conformance with the SMART revisions. The ARRT should also consider the need to provide for enhanced monitoring in Alaska, and specifically the importance of monitoring ecological impacts from dispersant use, which are currently not addressed in SMART protocols.	Comment acknowledged. See response in line 309.
317	Plan Section Tab 3	SMART monitoring	The ARRT must ensure that the Alaska guidelines are consistent with any changes in or additions to the SMART protocol.	Comment acknowledged. See response in line 309.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
318	Plan Section Tab 3	SMART monitoring	<p>Comments regarding SMART monitoring:</p> <p>1) Plan provides that if SMART Tier 2 and Tier 3 monitoring is not "operationally feasible", then dispersant use will be considered through the case-by-case process. Need to define "operationally feasible".</p> <p>2) Noted that it is unlikely that a vessel with SMART 2 & 3 monitoring capability could get to all locations within the preauthorized area within 7 hours. The planholder must, however, provide a degree of capability that meets the Area Plan. "Capability" needs to be defined so the plan holder understand the measure of compliance as it relates to readiness.</p> <p>3) The SMART protocols imply that Tier I visual observation alone is suitable for determining dispersant effectiveness, especially for the initial test, and that Tier II and III are used for additional clarity. This protocol is in direct conflict with the requirements in the Dispersant Plan, which requires all three Tiers regardless of the size of spill, location, and timing of dispersant application.</p> <p>4) Why are the SMART protocols and National Response Team Atypical Dispersant Operations attached to the plan? It would be better to include references to these protocols in case they are changed or amended in the future. Including particular language from SMART in the plan makes it s regulatory requirement, due to its inclusion [as an Annex] to the Unifed Plan.</p>	<p>1) The term "operationally feasible" has been further defined in Section 2.1.</p> <p>2) See response in line 307.</p> <p>3) The ARRT understands this concern but believes that SMART Tier 1-3 monitoring provides better information as to whether dispersant use is effective.</p> <p>4) The SMART protocols and NRT Atypical Dispersant Operations are attached to the proposed plan so that the FOSC and Unified Command will have all pertinent information available in one document. Additionally, the plan allows for updates to the SMART protocols and NRT Atypical Dispersant Operations as they become available.</p>
319	Plan Section Tab 3	SMART monitoring	<p>Regarding SMART Teams, is there enough qualified teams and support resources available for a response in Alaska? Are you looking to develop additional SMART teams?</p>	<p>Given the 24-month implementation period, industry is expected to ensure adequate availability of SMART Teams, as necessary, to service the preauthorization zone as prescribed in the proposed plan. The USCG Pacific Strike Team can also provide SMART Teams on short notice.</p>

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
320	Plan Section Tab 3	SMART monitoring	Is SMART Monitoring, Tier 1-3, required throughout the pre-authorization area? What would be the definition of capability for monitoring? (difficult to understand due to poor phone connection).	Yes, the SMART Tier 1-3 levels are spelled out in an enclosure in the policy.
321	Plan Section Tab 4, FOSC Dispersant Authorization Checklist	Marine mammals	On p. F-27: Would like to see Marine Mammal Protection Act consultations included with Essential Fish Habitat and Endangered Species Act Consultations.	Comment acknowledged. Compliance with MMPA was discussed during formal consultations with the Services (NMFS and USFWS) conducted under ESA Section 7. There is no emergency consultation provision under MMPA. Moreover, section 109(h) of the MMPA exempts takings of marine mammals, regardless of ESA listed status, by government officials under certain circumstances, including "the protection or welfare of the animal" or "the protection of the public health and welfare." The USCG has a statutory environmental protection mission. As such, the USCG coordinates with the Services to minimize takings of marine mammals pre-spill and during oil spill response operations including use of dispersants. Language has been added to page F-17 under "Sensitive species..." to reflect this priority.
322	Plan Section Tab 4, FOSC Dispersant Authorization Checklist	Paperwork burden	The plan requires the FOSC to complete voluminous paperwork at multiple stages prior to authorization of dispersant use. While documentation is important, mandating its completion prior to taking essential action in an emergency response will be counterproductive.	The FOSC and Unified Command will utilize sufficient support staff to ensure timely completion of all required tasks. Deployment of response equipment and personnel will not be delayed. The policy ensures adequate time to consider all facets of an incident and the decision to employ dispersants while the equipment is enroute to the scene.
323	Plan Signatories		Need to clarify in the plan the procedure for the State to withdraw their approval of the use of dispersants after initial approval and application.	The decision to continue, postpone, or end dispersant use is reviewed on a daily basis, based on SMART monitoring results and information received from ARRT members, including the State, whenever State waters may be affected. There are also several points during the approval process when the FOSC consults with ARRT members, including the State, to ensure that he/she is taking the appropriate course of action. Therefore, the State is provided several opportunities to withdraw support for use (or continued use) in the plan, as written.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
324	Plan Update	Coalition's "Option 1" - National Contingency Plan Issues requiring resolution	<p>The Coalition identified the following issues with the National Contingency Plan that must be addressed and resolved. The following issues are detailed in the Coalition's 02-14-14 comment letter:</p> <p>A) Completion of all tasks in correctiive action plan recommended by <i>EPA Office of Inspector General in Revisions Needed to National Contingency Plan Based on Deepwater Horizon Oil Spill</i> (Aug. 25, 2011).</p> <p>B) Publication by EPA and OMB of proposed revisions to the National Contingency Plan Subpart J dispersant regulations in the Federal Register.</p> <p>C) Consideration and resolution of public concerns raised in resolutions, petition, and lawsuits, relating to the EPA rulemaking on revisions to the National Contingency Plan.</p> <p>D) Resolution of EPA Region 10 ESA lawsuit over ESA Section 7 consultation.</p> <p>E) Resolution of Freedom of Information Act Request #2013-000593.</p> <p>F) Inclusion of federally-recognized Tribes in National Contingency Plan.</p>	These are national level issues that should be addressed to the NRT or other national federal agency offices.
325	Plan Update	Coalition's general comment	<p>In light of the outstanding need to revise Alaska's very outdated oil spill contingency plans, the Coalition requests that the ARRT either:</p> <p><u>Option 1</u>) Wait prior to revising Annex F or any part of Alaska's contingency plans until EPA addresses and resolves the issues of public concern that have been raised as part of the revisions to the National Contingency Plan; <u>or</u></p> <p><u>Option 2</u>) Adopt revisions to Annex F - Alaska Product Use Authorization Plan to address issues of public concern as we have proposed. (A separate attachment shows the revisions that the Coalition recommends be made to Annex F for Alaska, which would address concerns they have with the current National Contingency Plan and its application in Alaska.)</p>	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
326	Plan Update	Coalition's Option 2: Proposed Rewrite of Annex F	<p>The Coalition summarily reject in its entirety the ARRT's proposed revisions to Annex F – <i>Appendix I: Alaska Regional Response Team Oil Dispersant Authorization Plan</i> (draft dated Sept. 25, 2013). Instead, the Coalition has submitted a recommended revision to Annex F, that differs substantially from the Sept. 2013 draft distributed by the ARRT for public review and comment. The Coalition's justification for its proposed revisions to Annex F is provided in its 02-14-14 comment letter, with the revisions to Annex F submitted as a separate document. The Coalition is asking that the ARRT adopt this amendment to Annex F, in lieu of the Sept. 25, 2013, draft, in response to EPA's failure to respond to public concerns with the National Contingency Plan in a timely manner. The key features of the Coalition's proposed revision to Annex F include:</p> <ol style="list-style-type: none"> 1) Clarifies that the EPA representative to the ARRT may list products on, and remove products from, the Alaska Product Schedule; 2) Clarifies the the priorities of oil spill response as mechanical containment and recovery of oil from the environment and minimizing human health and environmental impacts from the oil and response operations; 3) Adds new or revised definitions to support these priorities; 4) Expands the decision-making authority for product use to include federally-recognized Tribes, federally-recognized Regional Citizens' Advisory Councils, and OSHA, the latter to better support the priority of minimizing impacts of oil and response activities to response workers; 5) Provides requirements to list products on the Alaska Product Schedule, including additional and/or updated listing, testing protocols, data requirements, and monitoring 	Comment acknowledged.
327	Plan Update	Improved over earlier plan	Appreciates public process and improvements to the plan and appreciate the agencies undergoing consultation under Endangered Species Act and more robust process for authorizing dispersants than previously.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
328	Plan Update	Improved over earlier plan	The Center appreciates the ARRT's attempt at improving the dispersant authorization process. The current revision improves upon many aspects of the prior authorization plan, with a stakeholder process, a more robust authorization process, and a commitment to complying with the ESA. The Center also appreciates the ARRT's efforts to involve the public in the revision process and hopes the ARRT will be open to further improvements to the plan.	Comment acknowledged.
329	Plan Update	Improved over earlier plan	Overall, the proposed revisions represent an improvement on the current draft of the plan, which has otherwise not changed significantly since it was developed in 1989, except for the 2008 change to the pre-authorization approach.	Comment acknowledged.
330	Plan Update	Improved over earlier plan	Prince William Sound Regional Citizens' Advisory Committee largely considers the dispersant use authorization plan as an improvement over current guidelines.	Comment acknowledged.
331	Plan Update	Improved over earlier plan	The plan is a good base document; much better than before. (However, offers other comments of concern.)	Comment acknowledged.
332	Plan Update	Improved over earlier plan	Prince William Sound Regional Citizens' Advisory Committee recognizes the large improvements in this plan over the 1989 plan (itemized improvements, included in Prince William Sound Regional Citizens' Advisory Committee talking points written statement; include increased distance from shore of preauthorization zone; requirements for consultation, increased monitoring, etc.)	Comment acknowledged.
333	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use in Alaskan waters.	Comment acknowledged.
334	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use.	Comment acknowledged.
335	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use. The risk of misuse of dispersants outweighs the risks associated with real-time consultation with Tribes during an emergency event.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
336	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use. Use of dispersants should only be considered on a case-by-case basis and with consensus by the Tribes whose resources may be affected.	Comment acknowledged.
337	Pre-authorization of dispersants	Not Support	The Center opposes the application of chemical dispersants in Alaska because their effectiveness has not been proven, and there are many unanswered questions about their long-term impacts on human health and the environment. The Center therefore requests that the ARRT withdraw preauthorization for the use of chemical dispersants and prohibit their use unless and until they can be proven safe and effective.	Comment acknowledged.
338	Pre-authorization of dispersants	Not Support	City of Cordova does not support the use of dispersants.	Comment acknowledged.
339	Pre-authorization of dispersants	Not Support	As part of the ongoing national review process, many citizens, organizations, and Alaska Tribes, including some of the signatories to the Coalition's comment letter, have filed or endorsed resolutions, petitions and lawsuits calling for a ban in the use of chemical dispersants, because of concerns about harm to human health and the environment. The Coalition finds it disingenuous of the ARRT to try to rush preapproval for substances that may be highly restricted or even banned in the near future. In light of the ongoing review of the National Contingency Plan, <u>the Coalition summarily rejects ARRT's proposed revisions to Annex F – Chemical Countermeasures in entirety.</u>	Comment acknowledged.
340	Pre-authorization of dispersants	Not Support	Oppose pre-authorization of toxic dispersants in Alaskan waters. Making a wrong spill response easier to implement is unacceptable.	Comment acknowledged.
341	Pre-authorization of dispersants	Not Support	KBCS is opposed to the use of Oil Dispersants especially in the Gulf of Alaska Region.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
342	Pre-authorization of dispersants	Not Support	Does not support pre-authorization. Should remove dispersants altogether as a response strategy, since it is so undesirable, and put time and energy into alternatives.	Comment acknowledged.
343	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use in Alaskan waters. Preauthorization in a sea of uncertainty does not improve preparedness.	Comment acknowledged.
344	Pre-authorization of dispersants	Not Support	LAEO, along with the Change Oil Spill Response Global Alliance, a growing number of Native American Tribes, citizen's coalitions, government officials and public throughout the world have a clear position on chemical dispersants: don't use them. THE NRT/ARRT MUST DISCONTINUE EFFORTS TO GAIN PRE- AUTHORIZATION FOR DISPERSANT AGENT USE IN ALASKAN/ARCTIC WATERS AND WITHDRAW PRE-AUTHORIZATION ALREADY PUT IN PLACE ALONG ALL U.S. COASTLINES	Comment acknowledged. ARRT oversight is limited to Alaska lands and waters out to the Exclusive Economic Zone.
345	Pre-authorization of dispersants	Not Support	The majority of the peoples of Alaska (including qualified scientists and professionals who have reviewed ARRT's plan—for example Prince William Sound Regional Citizen Advisory Council (PWSRCAC) object to the use of chemical dispersants in their waters and have done so with ample scientific documentation going back to the 1989 Exxon Valdez spill, which, to this day, exhibits un-cleaned oil still contaminating the beaches and seabed.	Comment acknowledged.
346	Pre-authorization of dispersants	Not Support	Do not support including preauthorization zones in the draft plan. We recommend the ARRT remove the preauthorization zone from the draft plan and to ensure adequate testing is done showing the effectiveness of dispersant use in the field on a spill before dispersant use is authorized.	This policy requires test application of dispersant and comprehensive monitoring to ensure efficacy before authorizing full-scale use under both the preauthorized and case-by-case protocols.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
347	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use. Why preauthorize? Just use dispersants on a case-by-case basis. If preauthorization, the guys on a rig will use dispersants.	Comment acknowledged. Preauthorization for use of dispersants is needed in order to ensure the USCG is able to regulate industry dispersant capabilities; without preauthorization, the USCG has no authority to regulate this important response capability.
348	Pre-authorization of dispersants	Not Support	The ARRT, Coast Gard and EPA representatives are basically attempting to force toxic dispersants pre-authorization upon the Alaskan environment, and or its people!	Comment acknowledged.
349	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use. The State of Alaska should stand up as the first state to permanently ban the use of dispersants in all of its waterways. If oil cannot be collected, it should be let go. It is absurd to dump toxic chemicals on top of an oil spill, and even more so to suggest this combination is better for humans and the ecosystem.	Comment acknowledged.
350	Pre-authorization of dispersants	Not Support	Oppose pre-authorization of dispersants and the Dispersant Authorization Plan. I firmly believe that dispersants should never be used in any situation.	Comment acknowledged.
351	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use in Alaskan waters.	Comment acknowledged.
352	Pre-authorization of dispersants	Not Support	I do not support pre-authorization of the use of dispersants in any Alaskan waters.	Comment acknowledged.
353	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use.	Comment acknowledged.
354	Pre-authorization of dispersants	Not Support	DO NOT ALLOW OIL COMPANIES TO HAVE THE A-OK TO USE DISPERSANTS!!! There is a very sensitive environment that cannot handle the toxicity that would result from it's use.	Comment acknowledged.
355	Pre-authorization of dispersants	Not Support	Please choose against the use of dispersants in our waters.	Comment acknowledged.
356	Pre-authorization of dispersants	Not Support	DON'T ALLOW!!! These chemicals are a toxic mess. Please stand up against the use in Alaska. My family owns large plots of land in the State and we are nature lovers. Please protect the ocean from these chemicals...	Comment acknowledged.
357	Pre-authorization of dispersants	Not Support	Do not authorize the use of chemical dispersants anywhere in Alaska.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
358	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use in Alaskan waters.	Comment acknowledged.
359	Pre-authorization of dispersants	Not Support	I oppose the ARRT response plans.	Comment acknowledged.
360	Pre-authorization of dispersants	Not Support	Prince William Sound Regional Citizens' Advisory Committee does not support the use of chemical dispersants.	Comment acknowledged.
361	Pre-authorization of dispersants	Not Support	Prince William Sound Regional Citizens' Advisory Committee has taken a position opposing dispersant use.	Comment acknowledged.
362	Pre-authorization of dispersants	Not Support	Does not support pre-authorization of dispersant use.	Comment acknowledged.
363	Pre-authorization of dispersants	Process inadequate	A blanket pre-authorization is an invitation to carelessness, less planning, and a more laissez faire attitude about oil in water.	The ARRT disagrees with this statement. The policy presented in the proposed plan is perhaps the most comprehensive, balanced, judicious, conservative, and protective dispersant use policy and preauthorization plan in the nation.
364	Pre-authorization of dispersants	Process inadequate	Pre-authorization will result in a "shoot first and ask questions later" oil spill response strategy which will hurt local communities around Alaska that depend on healthy fisheries.	The ARRT disagrees with this statement. The policy presented in the proposed plan ensures a highly inclusive process and consideration of relevant equities and interests.
365	Pre-authorization of dispersants	Support	As drafted, the plan places unwarranted and imprudent restrictions on the use of dispersants, both as a matter of policy and process. The plan fails to acknowledge dispersants as a primary response tool and fails to provide a mechanism for timely and efficient decision-making regarding dispersant use for emergency response. The plan would impede the timely and judicious use of dispersants and may inadvertently compound negative environmental impacts. It is critical that Alaska have an efficient preauthorization process and a robust Authorization Plan.	Comment acknowledged. Dispersants may be an important tool in a large spill response when other tactics are inadequate, but their impacts need to be weighed against the impacts of an untreated spill. The ARRT believes the policy presented in the proposed plan balances the need for comprehensive dispersant use criteria with appropriate protocols to ensure informed, inclusive, and timely response decision-making.
366	Pre-authorization of dispersants	Support	Supports ARRT effort to establish a more formalized process for authorization in Alaska. Improves the current guidelines in Annex F by specifying procedures and incorporating present planning standards and guidelines, such as SMART protocols for dispersant use monitoring.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
367	Pre-authorization of dispersants	Support	Support the proposed changes (with suggested edits to plan).	Comment acknowledged.
368	Process for Plan Development	General	Concerned that USCG had lead in development of the plan; has vested interested in the process to receive training and funding for response.	The Dispersant Workgroup, while led by the USCG, included representatives from ADEC, EPA, US Department of the Interior and NOAA. The workgroup reached consensus on the Policy as written.
369	Process for Plan Development	Public involvement	Requested to receive a copy of all communications information and have the comments entered in administrative record. He requested administrative record be established and all state/federal agencies establish AR in accordance with AR procedures act.	The ARRT will comply with all pertinent regulations regarding the establishment of an administrative record.
370	Process for Plan Development	Public involvement	Agencies should create an administrative record for this process.	The ARRT will comply with all pertinent regulations regarding the establishment of an administrative record.
371	Process for Plan Development	Public involvement	Current ARRT activities amount to federal government interagency officials running a chemical dispersant public information and education campaign along with legally questionable Tribal government to government engagement practices using taxpayer dollars to ram through a predetermined decision to use Corexit/dispersants. This is being done regardless of citizens' strenuous objections to dispersant use and the known negative impacts to Alaska Native community's subsistence, commercial fisheries and the long-term risks posed to the ecological and human health of the region. The ARRT's public comment and Tribal consultation activities regarding this dispersant plan has been a public deception conveying only questionable positive attributes of dispersants while omitting any negative information on the subject.	<p>The ARRT is not advocating the use of dispersants in Alaska, nor for a particular "brand" of dispersant if used, but rather has undertaken a revision of decades-old policy to include response tools currently considered for use in major spills. Revision of these guidelines includes specific provisions to ensure tribal government inclusion in response operations and provides a framework for how decisions will be made in these situations. Furthermore, comments regarding toxicity and local conditions have been addressed in the final guidelines.</p> <p>For further information, see response in line 295.</p>

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
372	Process for Plan Development	Public involvement	Strong concerns that the review process for the draft preauthorization plan (including the ARRT-hosted public meetings) was not open to concerns raised with the pre-authorization. The meetings were simply a venue for the Coast Guard, EPA and NOAA to justify and defend the use of toxic dispersants. Waste of public funds and a violation of the public trust.	Comment acknowledged.
373	Process for Plan Development	Public involvement	The ARRT needs a more transparent, deliberate process before allowing the use of dispersants.	Comment acknowledged.
374	Process for Plan Development	Public involvement	The ARRT needs a more transparent, deliberate process before allowing the use of dispersants.	Comment acknowledged.
375	Process for Plan Development	Public involvement	The plan must carefully incorporate public input by all parties of interest.	Comment acknowledged.
376	Process for Plan Development	Public involvement	Would have liked to have DOI USFWS representative present at the public meeting in King Salmon.	The Department of the Interior representative was unable to attend the public meeting in King Salmon in person and had planned to participate via telephone. However, the phone system was unavailable.
377	Process for Plan Development	Public involvement	AI/TC has sent some communications on dispersant use and lack of Tribal involvement. However, what other outreach has occurred. Have you approached the State of Alaska Board of Fish, Prince William Sound Regional Citizens Advisory Committee, North Pacific Council, Community Development Quota groups and what are their concerns?	A subset of ARRT members conducted robust public outreach and tribal consultation in five hub communities, in a rigorous effort to hear from all affected stakeholders. Public notices were placed in newspapers across the state, and online announcements through ADEC's and the ARRT's website and the Alaska Online Public Notice website. The ARRT hosted informative seminars at the Alaska Forum on the Environment and at the BIA Providers' Conference. Direct letters were sent to 76 federally recognized tribes within affected subareas offering formal tribal consultation. Additional letters were sent to known stakeholders in all five subareas where the pre-authorization plan applies. Outreach was also conducted with the Prince William Sound Regional Citizens Advisory Committee and the fisheries management councils.
378	Process for Plan Development	Public involvement	This process is not conducive to effective public engagement.	See response in line 377. The ARRT made a significant effort to reach all affected Tribes and stakeholders, far exceeding the standards described in State regulations and statutes.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
379	Process for Plan Development	Public involvement	There is a benefit and need for coordinating and consulting with both federally-recognized tribes, particularly as a source of local knowledge on sensitive sites and resources. However it is also important to coordinate with corporations and with local governments who are staffed to respond and who have response services.	The federal agencies on the Dispersant Working Group have been pursuing government-to-government consultations with tribes, as well as outreach to ANCSA corporations, local governments, and stakeholders regarding the draft proposed plan. During an oil spill response, the FOSC will communicate with all of these parties, as outlined in the Subarea Contingency Plan.
380	Process for Plan Development	Public involvement	Recommend using venues such as Fish Expo in Seattle as a location to outreach. Fishermen and fish processors will already be in attendance.	Comment acknowledged.
381	Process for Plan Development	Risk Assessment	Expressed desire to see a risk assessment and transparency on what dispersants will be used before acceptance of a plan before preauthorizing the of use of dispersants in Alaskan waters.	In compliance with Section 7 of the ESA, the USCG and EPA completed a comprehensive biological assessment of spill response tactics, including use of dispersants, in early 2014. US Fish and Wildlife Service and National Marine Fisheries Service have issued Biological Opinions with recommended conservation measures and other mitigative actions that have brought the Unified Plan into compliance with Endangered Species Act Section 7 requirements.
382	Process for Plan Development	Scientific review / Impact Analysis	Recommend that draft plan be suspended to provide time to clarify uncertainties in the science on the matter.	Comment acknowledged.
383	Process for Plan Development	Scientific review / Impact Analysis	Would like to see ARRT Science and Technology Committee (STC) report on dispersants.	The ARRT STC has not produced a report on dispersants. There is a NOAA-led national-level workgroup of experts working on an analysis of the current state of dispersant science, in the wake of significant data generated during the Deep Water Horizon spill. The ARRT STC is tasked with scheduling dispersant experts to provide briefings at regularly scheduled ARRT meetings, which are open to the public.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
384	Process for Plan Development	Scientific review / Impact Analysis	The ARRT should provide a summary of science consulted in determining decision to use dispersants, that can be understood by the Tribes and the public. Are there scientific references that support the decision to preauthorize dispersant use in Alaska? There is contrary science regarding dispersant use. The Science and Technology Committee was not fully formed within ARRT and were not addressing the preauthorization of dispersants. Recommend that you suspend this plan until science is certain.	The ARRT strives to do just as the comment suggests. Although dispersant science can be confusing, due to widespread conflicting statements and opinions, there is a significant amount of research and testing within academia and the government that has resulted in sound science findings regarding the toxicity and efficacy of the most common dispersant products. It is the goal of the ARRT leadership to utilize ARRT meetings to present the latest science and research to ARRT members, federal and state OSCs, and Alaska Tribes and stakeholders. Mechanical recovery of oil is always the preferred response tactic, but dispersants can be a very important tool when mechanical and other methods are inadequate. This dispersant policy is crucial to ensure that dispersants are a viable tool for oil spill response when other tactics are deemed inadequate.
385	Process for Plan Development	Scientific review / Impact Analysis	When asked for a listing of what science the ARRT plan was based on regarding chemical dispersant efficacy in Alaskan waters, this information was not produced.	The body of science on dispersant use is vast, yet there are areas for further inquiry. It is likely that more unknowns will emerge even as the body of scientific knowledge grows; this is the nature of scientific inquiry. That said, the ARRT is familiar with and believes the overall scientific evidence supports the inclusion of dispersants in the responder toolkit. This new policy ensures that tool can be used responsibly in Alaska.
386	Process for Plan Development	Scientific review / Impact Analysis	Concerned that the preauthorization zone is extremely vast and encompasses widely varying weather and ecosystems. A plan should not be put into place until a full scientific review for Alaska-specific ecosystems is completed.	Comment acknowledged. It would be impossible to create criteria for dispersant use that accounts for all ecosystem and metocean variables. This is why the checklists are so extensive and there are numerous parties involved in the decision chain.
387	Process for Plan Development	Scientific review / Impact Analysis	How can you preauthorize any application without an impact analysis? A component of decision-making analysis require OPA90 – science criteria.	In compliance with Section 7 of the ESA, the USCG and EPA completed a comprehensive biological assessment of spill response tactics, including use of dispersants, in early 2014. The US Fish and Wildlife Service and National Marine Fisheries Service have issued Biological Opinions with recommended conservation measures and other mitigative actions that have brought the Unified Plan into compliance with ESA Section 7 requirements. The protocols for preauthorized and case-by-case use also require review by the Environmental Unit.
388	Process for Plan Development	Scientific review / Impact Analysis	Urge the ARRT to conduct a thorough review of updated scientific evidence prior to finalizing these guidelines.	Comment acknowledged. See response in line 385

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
389	Process for Plan Development	Scientific review / Impact Analysis	The ARRT and its member agencies should support more independent (not industry funded) research on dispersants in Alaska.	Comment acknowledged. See response in line 385
390	Process for Plan Development	Scientific review / Impact Analysis	A full scientific review should be completed prior to finalizing these guidelines and appropriate scientific studies should be reference in the document. The best available science for Alaska-specific ecosystem dynamics should be referenced and incorporated into the revised guidance document. This should be done by outside entities (e.g., National Research Council). Offers Prince William Sound Regional Citizens' Advisory Committee's dispersants research database (see comment letter for weblink).	Comment acknowledged. See response in line 385
391	Process for Plan Development	Scientific review / Impact Analysis	Spoke to the importance of neutral government science over industry funded science. Credible science available in the public domain is essential. He credited the value of the 2012 GAO Report on Dispersants. Concerned that the current science as a result of the BP Deepwater Horizon is not yet public and looks forward when the assessment and determinations made the science is made public.	Comment acknowledged.
392	Process for Plan Development	Scientific review / Impact Analysis	Scientific lines of inquiry should be supported that can lead toward the reevaluation of the pre-authorization status of chemical dispersants throughout all US regions to ensure that unequivocal peer-reviewed research supports their safe and effective use.	Comment acknowledged.
393	Process for Plan Development	Suspend process / revise plan	Recommend suspending Chemical Dispersant Pre-Authorization Plans proposed by ARRT in Alaska with the public comment period deadline of 14 Feb, 2014. Extend public comment, Tribal Government Engagement and scientific review periods until such time that the contrary data and uncertainties in science and efficacy of chemical dispersants can be reconciled. {OBJOBJ}	Comment acknowledged. See response in line 385

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
394	Process for Plan Development	Tribal consultation	Was the 2009 plan to develop tribal consultation used in the development of this plan?	Input was solicited from all 229 federally recognized tribes in Alaska during development of the ARRT tribal engagement guidance; this information was used to develop the engagement guidance document, and the draft tribal engagement guidance was sent to all 229 tribes for comment prior to finalization. Regarding the proposed Oil Spill Guideline revision, agency consultation policies and tribal liaisons were utilized as part of the Dispersant Work Group team due to the extensive scope of the project and need for a formalized consultation process.
395	Process for Plan Development	Tribal consultation	Active consultation required all Tribes, need to be provided full disclosure under Executive Order 13175 in decision-making process.	All 76 federally recognized tribes in the subareas in the region of the proposed Oil Spill Guideline revision were invited to a multi-stage tribal consultation, which included initial tribal government informational hub meetings, followed by an invitation for formal government-to-government consultation meetings.
396	Process for Plan Development	Tribal consultation	Very disappointed at blunt disregard for tribal member participation in meetings hosted to present and hear comment on draft plan.	All 76 federally recognized tribes in the subareas in the region of the proposed Oil Spill Guideline revision were invited to a multi-stage tribal consultation, which included initial tribal government informational hub meetings, followed by an invitation for formal government-to-government consultation meetings. These meetings were reserved for duly authorized representatives of federally recognized tribes and tribal government input. Non-tribally authorized participants were invited to participate in duplicate public sessions regarding the proposed guidelines.
397	Process for Plan Development	Tribal consultation	Very difficult to get engaged with the process of reviewing draft plan. Hard for tribal members to share comments and concerns.	Comment acknowledged. See response in line 396.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
398	Process for Plan Development	Tribal consultation	Concerned that Tribal members were not involved during development of the draft plan and do not have access to all of the information that was considered during planning. We need to be in the table where these decisions are occurring. We need to understand what is being discussed to understand where these decisions are occurring and why. It affects how we continue to participate in the process. We are not engage in a good way with this process you all had meetings behind closed doors and we were not engaged. You made decisions on the process and how you would be developing this plan but we were not there and do not understand your process. We are given what you decided to give us not allow us to work with the plan that is being developed.	Comment acknowledged. See response in line 396.
399	Process for Plan Development	Tribal consultation	Recommend that the draft plan be suspended to provide for Tribal Trustees to have formal and substantive due process participation in the plan.	All 76 federally recognized tribes in the subareas in the region of the proposed Oil Spill Guideline revision were invited to a multi-stage tribal consultation, which included initial tribal government informational hub meetings, followed by an invitation for formal government-to-government consultation meetings. All 76 tribes were notified of the project by letter and follow-up emails in September, October, and November of 2013 (three separate emails to all 76 tribes in addition to original postal mail letter). More than 60 representatives from 38 federally recognized tribes throughout Alaska attended the project meetings and gave substantive input both during and after these meetings. Additionally, all tribes providing comments will receive a written response addressing their concerns, and have opportunities to request further consultation.
400	Process for Plan Development	Tribal consultation	Expressed concern that the process to develop the draft plan had no tribal inclusion or public input and that tribes only have a few months to review the plan.	Comment acknowledged. See response in line 295.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
401	Process for Plan Development	Tribal consultation	Concern there is a lack of Government to Government consultation has occurred and process within ARRT and federal agencies within National Contingency Plan to include tribal trustees. Federal recognized tribal governments have not been consulted and not included.	Comment acknowledged. See response in line 295.
402	Process for Plan Development	Tribal consultation	Why weren't tribes involved in the draft development?	Although Tribal involvement in the ARRT has been widely solicited by the EPA and USCG, in Alaska to date, very few Tribes have chosen to participate in ARRT meetings or proceedings. After a small group of active ARRT participants produced a draft Policy, EPA and USCG conducted formal Tribal Consultation, and Tribal comments and concerns were considered in the development of the final document.
403	Process for Plan Development	Tribal consultation	Current ARRT activities amount to federal government interagency officials running a chemical dispersant public information and education campaign along with legally questionable Tribal government to government engagement practices using taxpayer dollars to ram through a predetermined decision to use Corexit/dispersants. This is being done regardless of citizens' strenuous objections to dispersant use and the known negative impacts to Alaska Native community's subsistence, commercial fisheries and the long-term risks posed to the ecological and human health of the region. The ARRT's public comment and Tribal consultation activities regarding this dispersant plan has been a public deception conveying only questionable positive attributes of dispersants while omitting any negative information on the subject.	Comment acknowledged. See responses in lines 295 and 371.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
404	Process for Plan Development	Tribal consultation	Tribal liaisons within the agencies need to have a process for engagement and stick to it.	In regards to the proposed Oil Spill Guideline revision, agency consultation policies and tribal liaisons were utilized as part of the Dispersant Work Group team due to the extensive scope of the project and to ensure a consistent and formalized consultation process. Additionally, the ARRT has developed tribal engagement guidelines to help increase consistency of tribal engagement and consultation efforts in ARRT activities. Note that input was solicited from all 229 tribes during development of the ARRT tribal engagement guidance and used in development of the engagement guidance, and the draft tribal engagement guidance was sent to all 229 tribes for comment prior to finalization.
405	Process for Plan Development	Tribal consultation	Regarding the survey that was sent to the tribes, was it sent to just Alaskan tribes or was it a national survey?	The survey was sent to all 229 federally recognized tribes in Alaska. Twenty responses were received.
406	Public health	Cumulative Effects	What about the cumulative effect of these exposures to us? What about the piece meal process of assessing these exposures? This is important to us because the product are released and there isn't enough information to what it is going to do to us.	Dispersants are rarely used in the US and have only been used once in Alaska in the past 25 years. Moreover, they are not persistent and do not bioaccumulate, so there is little potential for cumulative exposure. There are thousands of oil spills annually, and a variety of other sources of hydrocarbons released into the environment. Baseline testing of hydrocarbons is included in the national mussel watch program. Most areas of the US have some baseline exposure of petroleum hydrocarbons. The commenter is referred to http://cma.nos.noaa.gov/about/coast/nsandt/musselwatch.aspx for more information about cumulative exposures of oil and chemicals in coastal regions of the US.
407	Public health	Food safety	We are a whaling culture and some of our whales are over a hundred years old. The process is important to us for the future generations. We know chemicals from other areas are coming to the Arctic and they are getting into our bodies. What does it mean to add more chemical exposures to us? How does this affect our health and our foods?	Comment acknowledged. Please note that scientific research indicates that many dispersant products are less toxic than oil itself. Dispersants should only be used if their use reduces the overall toxic effect of oil spills (e.g., short term vs. long term). Once oil is spilled into the environment, recovery is very challenging in the best of conditions. Dispersants might offer another way of reducing environmental damage from the spill and should be a tool in the response tool box.
408	Public health	Food safety	Concern about impacts to foods.	Comment acknowledged. The ARRT has formed a task force to research the effects of oil spills and dispersant use on food safety. Also see responses in lines 406 and 447.
409	Public health	Food safety	Requests continued research on the impact of dispersants in food chains.	Comment acknowledged. The ARRT has formed a task force to research the effects of oil spills and dispersant use on food safety.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
410	Public health	Food safety	Are there any studies showing whether or not the Corexit products are showing up in the food chain?	After the BP Deepwater Horizon spill response, a large amount of seafood samples were tested for dispersants. No samples showed contamination above levels of concern. Among numerous informative websites available for this type of data, please see www.gulfspillrestoration.noaa.gov/
411	Public health	Human health	We know people who worked with the dispersants got very sick. There are no studies to understand what happened.	While the ARRT cannot speak directly to the case referred to here, we agree that one of the greatest concerns during an oil spill response is ensuring the health and safety of the response workers and the public from the effects of the spilled oil, response options, and cleanup efforts. There are many potential worker hazards and potential human exposure pathways at an oil spill, including working on large and small vessels, construction equipment, vehicles, handling booms and skimmers, recovery of oil from beaches, burning of oil, and application of dispersant by vessels and aircraft. In a large spill, all of these activities can result in potential occupational exposures to oil vapors, chemicals, and physical hazards. Dispersants are just one health concern and, as with any chemical compound, it is a good practice to minimize exposure. While research shows that many dispersants are less toxic than oil, ARRT agrees that dispersants need to be handled carefully, and good planning and preparedness is important. The preauthorization process will allow for careful planning, training, and monitoring. If the ARRT waits until a big spill occurs to rapidly develop a dispersant capability during the chaos around the spill, there is a concern that individual responders may not have all the necessary training and skills. Potential effects on humans theoretically could occur through dermal (skin) exposure and/or inhalation of oil and dispersants at or near the site where they are applied. For both of these potential exposure pathways, measures are being taken to ensure that human health impacts are minimized. Workers applying dispersants at sea, and those working with them and near them, have the personal protective equipment recommended by the dispersant maker. In addition, air monitors on offshore response boats are used to measure and maintain exposure levels within safe occupational exposure limits. There are long-term and on-going studies aimed at dispersants and human health from the deepwater horizon oil spill. Preliminary findings reported in "Health Hazard Evaluation of Deepwater Horizon Response Workers" by the National Institute of Occupational Safety and Health (NIOSH) found "mixed low-level exposures to crude oil, dispersant, and other chemicals; heat stress, psychosocial strains, ergonomic and other injury hazards; and pre-existing personal health risk factors all may have contributed to health symptoms reported by response workers. An additional potential contributing factor for the acute respiratory symptoms

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
412	Public health	Human health	Human health assessment of use of dispersants for workers applying dispersants..	Comment acknowledged. See response in line 411.
413	Public health	Human health	Do not see studies that evaluate impacts to human health.	Comment acknowledged. See response in line 411.
414	Public health	Human health	Deeply concerned about the impacts on responder safety.	Comment acknowledged. See response in line 411.
415	Public health	Human health	Concerned about human health.	Comment acknowledged. See response in line 411.
416	Public health	Human health	Dispersant are documented to bring grave risks and impacts to the health of human beings.	Comment acknowledged. See response in line 411.
417	Public health	Human health	There were numerous tests performed on 2 butoxy ethanol in the 70's and 80's and the US EPA had knowledge of these tests showing very adverse characteristics in regards to humans. The Valdez spill compromised the health of thousands of responders, causing the eventual death of thousands of responders as well. People shared stories of compromised human health at the ARRT-sponsored public meetings for the dispersant pre-authorization plan.	Comment acknowledged. See response in line 411.
418	Public health	Human health	The Center for Biodiveristy states that dispersants such as Corexit 9527A pose significant humanhealth risks, including injury to red blood cells, kidney, or liver with "repeated or excessive exposure" according to the MSDS. Cleanup workers on the Exxon Valdez were exposed to Corexit 9527 and suffered health problems.	According to the Centers for Disease Control, the risks regarding blood, kidney, and liver damage is for "repeated or excessive exposure" of straight product by "staff handling and transporting the material" (http://www.cdc.gov/nceh/oil_spill/docs/Oil%20Spill%20Dispersant.pdf). Also see response in line 411.
419	Public health	Human health	Concern about the health risk to spill response workers (blood in urine).	Comment acknowledged. See response in line 411.
420	Public health	Human health	Question to clarify under what conditions might there be an immediate concern to human health due to dispersant application.	In theory, dispersants might be used to reduce toxic fumes and explosive hazardous materials, but this would be a very limited scenario.
421	Public health	Human health	Would like to have NIOSH and OSHA hazard information and education to tribes.	Since the US Department of Health and Human Services/Centers for Disease Control/Agency for Toxic Substances and Disease Registry and US Department of Labor/Occupational Safety and Health Administration are both members of the ARRT, please contact the ARRT via the website at www.alaskarrt.org to clarify and formalize this request.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
422	Public health	Human health	Health and social impacts from the economic and emotional effects of oil spills needs to be considered and addressed, including post traumatic stress effects.	The ARRT agrees that spills can have a significant social and human dimension and responders need to be aware of this and manage the response operations accordingly.
423	Social & Economic impacts	Financial compensation for environmental impacts and losses	What are provisions for economic compensation, such as from impacts of the Lone Star?	The Oil Pollution Act of 1990 has a provision for claims for economic impacts. If the responsible party does not have the assets, the Oil Spill Liability Trust Fund (OSLTF) can be utilized for compensation. If a spill results in increased costs for local government, the local government can seek reimbursement from either the responsible party or the OSLTF.
424	Social & Economic impacts	Fisheries	Enormous risk to natural resources which are vital to economy of local residents.	Comment acknowledged.
425	Social & Economic impacts	Fisheries	Concerned about impacts on fishing and shellfish industry.	Comment acknowledged. See response in line 447.
426	Social & Economic impacts	Fisheries	Did not know a lot about dispersants, but during Selendang Ayu, there was concern. Were there any impacts studies on dispersants on seawater used for processing if it gets into the plants?	The ARRT is not aware of any studies on seawater used for processing, however, it is important to note that dispersants would only be present in the midst of large volumes of spilled oil, which poses an even greater toxicity threat. Dispersants are applied at a ratio of 1:20, dispersant to oil. The Food and Drug Administration and NOAA established safety protocols; 90% samples collected did not show any sign of dispersants, the other 10% was below action levels. There would be careful considerations for vessel transit areas during oil spills and dispersant use. So dispersants would not likely be used in proximity to water intakes for processing or cooling afloat or ashore.
427	Social & Economic impacts of oil spill	Fisheries	Concern about how to deal with real and perceived safety concerns of seafood products and dealing with the economic impacts.	Comment acknowledged.
428	Spill preparedness & response	Arctic shipping	No one has looked at spills in arctic conditions spelled out in non-tank regs. Cannot rely on OSROS. Concern about icing, high seas and currents and extreme weather conditions.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
429	Spill preparedness & response	Arctic shipping	Traffic in Western Alaska and the Arctic is going to increase. Chemical dispersants should not be used as a safety net to allow for future development.	The proposed plan focuses on current highest spill risk areas, especially tankers carrying crude on non-innocent passage to/from the US on the Great Circle Route.
430	Spill preparedness & response	Arctic shipping	What measures are being taken in regards to Arctic shipping through Bering Straits and the Bering Sea?	The Bering Straits and Bering Sea are covered under the Undesignated Areas portion of the dispersant use policy.
431	Spill preparedness & response	BP Deepwater Horizon	Unprecedented use of dispersants in the BP Gulf Disaster highlights industry's ultimate desire to keep oil spills "out of sight, out of mind", regardless of ecological consequences.	Comment acknowledged.
432	Spill preparedness & response	BP Deepwater Horizon	BP chose to use Corexit during the Gulf of Mexico spill, when there were other more effective and less toxic dispersants that could have been used. Such a choice made here in Alaska would be disastrous. Noted Corexit is banned in Great Britain.	Comment acknowledged.
433	Spill preparedness & response	BP Deepwater Horizon	The unprecedented use of dispersants in the BP Gulf Disaster highlights industry's ultimate desire to keep oil spills "out of sight, out of mind," regardless of the ecological consequences.	Comment acknowledged.
434	Spill preparedness & response	BP Deepwater Horizon	The unprecedented use of dispersants in the BP Gulf Disaster highlights industry's ultimate desire to keep oil spills "out of sight, out of mind," regardless of the ecological consequences.	Comment acknowledged.
435	Spill preparedness & response	BP Deepwater Horizon	The BP Deepwater Horizon accident and subsequent events have provided a model of failure, including a disregard for common sense safety measures, lack of attention to precautionary science, and an overwhelming disregard for the marine environment and dependent economies. Permission to discharge dispersants should not have been granted and it should not be pre-approved anywhere at this time.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
436	Spill preparedness & response	BP Macondo	The legacy of the BP Macondo spill has shown that dispersants (especially the two Corexits) do not protect shorelines. Oil came ashore in the form of large plumes and tar balls. Use of dispersants (Corexits) also compromised the health of responders and health affects in nearby populations, just as the Valdez application of dispersants and products with 2 butoxy ethanol caused.	Comment acknowledged.
437	Spill preparedness & response	Federal funding	If there is a federal government shutdown, is there money in event of oil spill?	During a government shutdown, emergency services, such as oil spill response, would not be interrupted.
438	Spill preparedness & response	General	Request Region 10 /ARRT and the National Response Team to better invest its time and resources into finding effective solutions for: 1) Effectively addressing the threat of a major oil spill or chemical accident. 2) The devastating effects of existing toxic waste spills that are not being effectively addressed throughout the US, including toxic waste at abandoned military bases in Alaska. 3) Holding industry to higher standards in spill countermeasure plans. Their current plans remediate less than 25% of any hazardous spill, which is unacceptable.	Comment acknowledged.
439	Spill preparedness & response	international shipping	Who has jurisdiction and who responds if oil spilled from Canada or Russia?	Regarding spills involving multiple boundaries, the US has arrangements with Canada and Russia through Joint Contingency Plans and performs ongoing exercises to maintain and improve preparedness. On the international front, Alaska is involved in the Arctic Council (Arctic Council States – Canada, Kingdom of Denmark, Finland, Iceland, Norway, Russian Federation, Sweden, and the United States of America – and the six Arctic Council indigenous permanent participant organizations) and recently signed an agreement in May of 2013 that council members will notify each other of spills in international/domestic sovereign waters. This agreement covers spill response, communications, equipment, and how to work together to respond to a trans-boundary spill.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
440	Spill preparedness & response	international shipping	Are foreign vessels transiting Unimak Pass required to use the Automated Identification System (AIS) and Vessel Management System (VMS)?	The USCG says that most vessels going through Unimak Pass use the AIS, but is unsure whether they are using VMS. AIS is a large electronic chart providing vessel track line, heading, and vessel name. It does not provide the USCG with crew or carriage details. The USCG uses the AIS to identify vessels that have reduced power, loss of power, and are possibly adrift; then will contact the vessel to arrange tug boat assistance.
441	Spill preparedness & response	Prevention	The overriding factor that needs attention by the ARRT, all Federal and State Agencies is the fact that we need to keep the oil out of the water. As such, a concerted and combined effort must be made to ensure shipping through this area is done with proper safeguards and up to date machinery. Without this, all involved had best be ready to use this plan. The burden to ensure this action must be established, whether it be users or governments. We should use Europe as an example to follow. The need for equipment to fit the size of ships and environment they travel, needs to be addressed. Resolve Marines presence in Dutch Harbor is a first step, however, even with their vessel which is a Offshore Support Vessel (OSV) built in the 1980s, adequate Rescue Towing resources are not available on a full time basis. This is a complicated problem and until all involved can agree upon a funding source the fact will remain that we have very little safeguards for this entire area.	The ARRT's authority to implement prevention measures is limited. These measures fall under the authority of discrete federal agencies (e.g., USCG and Bureau of Safety and Environmental Enforcement) and the State of Alaska. By mandate of the National Contingency Plan, the focus of the ARRT is spill planning and preparedness.
442	Spill preparedness & response	Prevention	The remote and harsh conditions of the region make oil spill response difficult at best. We therefore strongly support actions and policies that the Coast Guard, State of Alaska, and others have taken to make shipping accidents less likely.	Comment acknowledged. Also please see response in line 441.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
443	Spill preparedness & response	Prevention	The bottom line is prevention. Let's put out money and planning into better plans for overseeing transportation of oil and other toxic materials, providing tug service where needed, and deploying equipment into areas where the potential for spills is higher. Prevention is much more cost effective, safer, cleaner, and doable.	The ARRT agrees that prevention is the best remedy; however, oil spills do happen. The ARRT's authority to implement prevention measures is limited. By mandate of the National Contingency Plan, the focus of the ARRT is spill planning and preparedness.
444	Spill preparedness & response	Response drills	Appreciates the efforts for improved oil spill preparedness. Need to continue response drills, including ICS drills.	Comment acknowledged.
445	Spill preparedness & response	Spill response plans	Agencies of jurisdiction and the tribes must hold industry to higher standards in spill countermeasure plans. Current capabilities remediate less than 25% of any hazardous spill, even in optimum conditions, which is unacceptable. There are no spill plans in place that would prevent or mitigate the catastrophic consequences of a major oil spill in Alaskan waters.	Comment acknowledged. See response in line 443.
446	Spill preparedness & response	Stakeholder Consultation	Consultation with stakeholders during spill response, especially to obtain local knowledge from communities, is essential. Strongly endorse Prince William Sound Regional Citizens' Advisory Committee comments in this regard.	Comment acknowledged. See response in line 280.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
447	Subsistence	Effects on subsistence resources / Food Safety	Impacts to biota important for subsistence need to be understood.	The ARRT agrees that impact to subsistence species is an important consideration. If a large spill occurs and mechanical recovery is ineffective, a large amount of oil could come ashore and affect coastal and intertidal species. The oil would be the bigger concern, in terms of both volume and toxicity. Because invertebrates are particularly susceptible to bioaccumulation of toxic oil constituents of crude oil made more bioavailable by chemical dispersants, testing of subsistence species would need to be conducted to evaluate the safety of the seafood and any tainting from oil and dispersants. Studies of the Deepwater Horizon spill found very low or no detectable levels of dispersants in seafood.
448	Subsistence	Effects on subsistence resources / Food Safety	Concern about impacts on subsistence resources.	Comment acknowledged. See response in line 447.
449	Subsistence	Effects on subsistence resources / Food Safety	Concern about impacts on subsistence resources.	Comment acknowledged. See response in line 447.
450	Subsistence	Effects on subsistence resources / Food Safety	Concern for food security and a serious matter and express respect with people we work with.	Comment acknowledged. See response in line 447.
451	Subsistence	Effects on subsistence resources / Food Safety	In Alaska where the people subsist off the land and waters in the Arctic, a healthy environment is crucial to the health of the native peoples and their children.	Comment acknowledged. See response in line 447.
452	Subsistence	Effects on subsistence resources / Food Safety	Concerned about impacts to foods.	Comment acknowledged. See response in line 447.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
453	Subsistence	Effects on subsistence resources / Food Safety	Reality: this will impact food and waters. These are chemicals that can affect human health and animals; cumulative effect on our resources that we use furs, skins, and what it means. These issues are important and applications of dispersants, because of impacts to our food resources, as we try to feed our families. There is so much discussion shows these should not be used. When you make these decisions, should not use bad chemicals that would affect health, life and safety should be considered. Thanks to everyone involved; to give cultural use of our lands and waters in these discussions.	Dispersants should rarely be used and only when other spill response tactics are inadequate. The primary reason to use dispersants would be to protect sensitive resources from being ravaged by the harmful effects of significant crude oil spills. By preventing crude oil from reaching nearshore and stranding onshore, precious resources are protected, and the recovery time is significantly reduced after an oil spill.
454	Support comments from other organization		The Coalition supports in entirety the comments submitted by the Prince William Sound Regional Citizen's Advisory Council (letter 02-04-14).	Comment acknowledged.
455	Support comments from other organization		Supports comments submitted by the Prince William Sound Regional Citizens' Advisory Committee (letter 02-04-14).	Comment acknowledged.
456	Support comments from other organization		KBCS strongly supports comments made by other environmental entities involved in reviewing this document including Prince William Sound RCAC (letter 02-04-14), and the Coalition that includes the Cook Inletkeeper and Riki Ott (02-14-14).	Comment acknowledged.
457	Support comments from other organization		Support comments submitted by Prince William Sound Regional Citizens' Advisory Committee (letter 02-04-14) and Coalition letter signed by Riki Ott and others (letter 02-14-14).	Comment acknowledged.
458	Process for Plan Development	Second Public Comment Period	North Slope Borough requests that the plan be revised to address their comments, as well as those of other stakeholders, and be reissued for a second comment period.	All comments/questions are reviewed, assessed for relevance to the proposed policy, incorporated as appropriate, and responded to. This is a lengthy process that does not afford a second comment period.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
459	Plan Section 1.4 Dispersant Areas	Preauthorization Area	Pleased that there are no pre-authorization areas within 24 nautical miles of coastline. Mos subsistence seal harvests occur within that near-shore area, although some hunting (particularly walrus) occurs beyond 24 nm. Also concur that the preauthorization zone not extend into the Arctic Ocean, as there is insufficient peer-reviewed scientific and technical evidence to support dispersant application in the Arctic Ocean at this time.	Comment acknowledged.
460	Plan Section 2.2 Criteria		Pleased that the draft plan recognizes that seasonably variable conditions can impact dispersant effectiveness and must factor into decisions regarding their use. There is no marine area of the state within which seasonal conditions change more dramatically than they do in the Arctic.	Comment acknowledged.
461	Plan Section 2.3 Conditions/Stipulations	Bullet 3	Daylight - It is appropriate that dispersant use would only be allowed during daylight hours. It should be made clear the extent to which this provision would restrict their use during the prolonged darkness of the arctic autumn and winter.	Comment acknowledged. See response in line 243.
462	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	We see no specific mandate that spill response officials must consult directly with either subsistence organizations with which trustee agencies have entered into co-management agreements, or with local regional or city governments. Particularly where a majority of residents depend on wild-harvested resources for the majority of their diet, those residents possess the greatest and most intimate knowledge of their environments, would have the most at stake, and deserve to be consulted as decisions are being made.	The ARRT understands this concern; however, as noted in Tab 1, Parts 1a and 1B, the FOSC will receive input directly from federally recognized tribes, as well as appropriate stakeholder groups (e.g., local government(s), native corporations, and regional citizens' advisory council(s)). The FOSC will also consider the availability and use of subsistence resources and use of those resources.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
463	Process for Plan Development	Public involvement	The proposed policy affects the North Slope Borough communities, as it establishes a dispersant authorization plan that could result in dispersant application in the Arctic Ocean. Second, it preauthorizes dispersant use in areas where, through the circulation of ocean waters and the movements of migratory species, it could eventually end up in the Arctic Ocean. And yet, no public meetings were held on the North Slope in any of our affected communities.	The proposed new dispersant use policy applies to the same waters as the existing policy. Public meetings were not held on the North Slope, as the principal change to dispersant use policy—the preauthorization plan—does not apply to the waters off the North Slope Borough. The ARRT is not aware of any studies demonstrating that dispersant or dispersed oil from the southern Bering Sea could potentially travel as far north as the Arctic Ocean.
464	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	In preauthorization zones, the proposed plan needs to include local governments (Local On Scene Coordinator) and federally recognized tribes in the list of entities that have decision making authority in decisions regarding dispersant application. Recommended edit to text on p. F-7, last bullet.	The ARRT understands this concern; however, the last bullet on page F-7 in Section 1.3 is verbatim from the National Contingency Plan.
465	Pre-authorization of dispersants	Not Support	The North Slope Borough does not support the proposed pre-approved dispersant zones (within five subareas) because they include migration routes for bowhead whales, birds and other migratory species that our people rely on for subsistence.	Comment acknowledged. Also see response in line 453.
466	Subsistence	Effects on subsistence resources / Food Safety	There is insufficient information in the proposed plan to show that dispersants are safer for our subsistence resources than untreated spilled oil. A major concern is the potential for enhanced chemical toxicity and bioaccumulation of toxins in subsistence foods.	Dispersants are rarely used, but are an important tool for spill response when other tactics are inadequate to protect Alaska's precious resources. Also see response in line 406.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
467	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	Outside of the preauthorization zones, the proposed plan needs to include local governments (Local On Scene Coordinator) and federally recognized tribes in the list of entities that have decision making authority in decisions regarding dispersant application. It also requires only consultation with the DOI and DOC natural resource trustees, rather than providing a decision making role for those trustees. This amounts to a lesser standard regarding who to involve in decisions, than for the preauthorization zones. Recommended edit to text on p. F-8, first bullet.	The ARRT understands this concern; however, the first bullet on page F-8 in Section 1.3 is taken verbatim from the National Contingency Plan.
468	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	The plan states the FOCS may unilaterally authorize dispersant use if "necessary to prevent or substantially reduce a hazard to human life". There is no process to obtain LOSC concurrence, or from EPA and State public health officials. The plan allows the FOCS to unilaterally decide to use products not on the NCP Product Schedule. We do not support the use of unlisted dispersant products in any case. Suggested edits to p. F-8, second bullet.	The ARRT understands this concern; however, the second bullet on page F-8 in Section 1.3 is taken verbatim from the NCP.
469	Alternatives to Dispersants	Mechanical Recovery	The North Slope Borough agrees with selection of mechanical oil response as the primary method because it removes oil from the marine environment. Dispersants do not remove oil from the marine environment, potentially contaminating subsistence resources. Further, dispersant use can make it more difficult to mechanically remove or burn oil.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
470	Process for Plan Development	Scientific review / Impact Analysis	<p>The North Slope Borough is concerned that the plan does not provide the state and federal agencies with sufficient research, scientific or technical data, input from local residents, or net environmental benefit analysis to make a rapid decision on dispersant use (that is, to respond to the "key questions" listed in Section 1.2, Background (p. F-6). Substantially more work is needed to develop a specific, well-thought, peer-reviewed technical and scientific plan. Key points in this regard include:</p> <p>1) Research is still needed to understand the efficacy of dispersant use in cold Arctic waters, establish the most appropriate situations for dispersant use, and to limit its application to periods when it is more environmentally beneficial than mechanical or in-situ burning removal or than allowing oil to persist. This important research has not been completed.</p> <p>2) The decision to apply dispersants will require a thorough scientific and technical assessment prior to use in the Arctic. The 2005 National Academy of Sciences' report on the state-of-the-art in dispersant application concluded that there remained many uncertainties regarding the efficacy [effectiveness] and toxicity of dispersant use and recommended the need for more research. In 2012, the US Arctic Research Commission recommended the effects of dispersed oil on Arctic ecosystems be defined, yet this work has not been completed.</p> <p>3) We need additional toxicity testing of dispersants and dispersed oil, as well as their fate, persistence, and the lethal and sublethal effects on marine organisms (with follow-on effects on subsistence users who consume these resources).</p> <p>4) Before dispersants are applied, the agencies should be required to publish a peer-reviewed scientific and technical</p>	Comment acknowledged. See responses in lines 48, 146, and 385.
471	Environmental effects	Toxicity	The proposed plan has not provided information to show that dispersant use is less toxic than allowing oil to persist in the environment when it cannot be removed by mechanical recovery or in-situ burning.	Comment acknowledged. See response in line 146.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
472	Dispersant products and application	Alaska Marine Environment	Effectiveness in cold, ice-infested waters is unproven. There is a lack of natural mixing energy caused by the dampening effects of ice, and there is the tendency for oil to become viscous at low temperatures and not easily dispersed.	Comment acknowledged. See response in line 48.
473	Support comments from other organization		Alaska's Big Village Network supports comments of the Prince William Sound Regional Citizens' Advisory Committee, Alaska Inter-Tribal Council, Center for Water Advocacy, Riki Ott, Tom Lakosh, and Lawrence Anthony Earth Organization.	Comment acknowledged.
474	Pre-authorization of dispersants	Not Support	Alaska's Big Village Network does not support the use of any dispersants in Alaska and US waters.	Comment acknowledged.
475	Subsistence		Tribal Communities in Alaska are heavily dependent on subsistence use of the natural resources in US Waters. In Alaska, almost all tribal natural resources are of physical, nutritional and spiritual survival for tribal members. The living natural resources are migratory in nature across many jurisdictions and boundaries. Ecosystem Services for subsistence use of natural resources are not well documented in Alaska, and are barely documented within the framework of the Alaska Regional Response Team's Science and Technology Committee. Alaska's Big Village Network is particularly concerned about the critical importance of Trustee resources for Tribal subsistence and traditional use for cultural, physical and spiritual survival.	Concerns acknowledged. Please note that scientific research indicates that many dispersant products are less toxic than oil itself. Dispersants should only be used if their use reduces the overall toxic effect of oil spills (e.g., short term vs. long term). The ARRT agrees that impact to subsistence species is an important consideration. If a large spill occurs and mechanical recovery is ineffective, a large amount of oil could come ashore and affect coastal and intertidal species. The oil would be the bigger concern, in terms of both volume and toxicity. Testing of subsistence species would need to be conducted to evaluate the safety of the seafood and any tainting from oil and dispersants. Studies of the Deepwater Horizon spill found very low or no detectable levels of dispersants in seafood.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
476	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	The Tribes must be engaged at the highest level of decisionmaking to bring Traditional Knowledge and to prevent disproportionate and adverse harm to tribal communities that depend on natural resources. Alaska's Big Village Network recommends Tribes be included in decisionmaking on par with EPA and the State of Alaska, for concurrence decisions on use of dispersants in any application scenario.	The new policy ensures that federally recognized tribes will be contacted as an integral part of dispersant decision making within the Unified Command, but they are not afforded formal concurrence authority under the National Contingency Plan. Federally recognized tribes may also communicate with the Unified Command through the Regional Stakeholder Committee (established during an incident), join the ARRT, and participate in the local Subarea Committee led by the FOSC and SOSC.
477	Public health	Human health	On-going and real time Tribal Human Health Risks and Tribal Ecological Risks must be prioritized prior to decisions about dispersant use, to prevent adverse and disproportionate impacts to tribal interest and subsistence uses of resources. Risks must be clearly evaluated and communicated, including multilingual risk communication.	Comment acknowledged. The best venue for tribal engagement on prioritizing ecological risks prior to a spill is via participation in subarea committees. Tribes, local governments, and other stakeholders are welcomed and encouraged to participate. In an actual spill, the Unified Command would make efforts communicate risks, and invite input as practicable and IAW current guidance.
478	Environmental effects	Toxicity	Ecosystem toxicity and ecological toxic affects must be fully understood to prevent adverse and disproportionate impacts to tribal communities and subsistencer users.	Comment acknowledged. See response in line 146.
479	Process for Plan Development	Scientific review / Impact Analysis	Alaska's Big Village Network recommends a full National Environmental Policy Act review of the final Dispersant plan and requests a comprehensive Human Health Assessment and Tribal Ecological Risk Assessment, with full participation and consent of the indigenous peoples living in Alaska.	The National Environmental Policy Act requires federal action agencies to consider whether an Environmental Assessment or Environmental Impact Statement is required based on the impact of the action. This action was determined not to require either of these documents. In accordance with the ESA, the ARRT has completed a comprehensive biological assessment of the effect of all spill response methods authorized in the Alaska Unified Plan on candidate or listed species and critical habitat. USFWS and National Marine Fisheries Service have issued Biological Opinions with recommended conservation measures and other mitigative actions that have brought the Unified Plan into compliance with ESA Section 7 requirements.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
480	Alternatives to Dispersants	Mechanical Recovery	Dispersants impede the effectiveness of mechanical spill recovery mandated by OPA '90 and should not be used unless, and until full compliance with all state and federal spill prevention and response requirements are met with equipment that is effective and reliable in our severe Alaskan maritime conditions. Both state and federal regulations require development of spill response plans that fully consider severe local condition. These requirements have been unlawfully subverted with Alternative Planning Criteria that allows the use of response equipment inappropriate for open ocean spill recovery. This decided lack of appropriate response equipment in turn forces the use of dispersants to abate certain spill effects on surface waters while creating a more destructive effect from the toxic dispersants and dispersed oil in the water column. The unlawful denial of full compliance with state and federal oil spill planning regulations cannot be used to justify destructive dispersant use and all dispersant application should be deemed inappropriate until full compliance is obtained from all potential regulated spill sources.	Under national and state regulations, mechanical recovery must be considered the primary response tactic until proven inadequate or inappropriate. The proposed dispersant policy does not address standards/requirements for mechanical recovery, but rather an alternative countermeasure in the event that mechanical recovery proves inadequate. Given Alaska's enormity, climate, and vast distances between ports, Alternative Planning Criteria are a viable option to ensure reasonable availability of response resources. Alternative Planning Criteria are closely scrutinized locally, regionally, and nationally to ensure that they provide patent, workable response solutions.
481	Pre-authorization of dispersants	Not Support	The Alaska Inter-Tribal Council does not support the use of any dispersants in Alaska and US waters. Alaska Inter-Tribal Council has collected 13 Tribal Council Resolutions opposing and banning the use of chemical dispersant products. (Resolution from Native Village of Kaktovik attached to Alaska Inter-Tribal Council comment letter.)	Comment acknowledged.
482	Process for Plan Development	Tribal consultation	While revision of the oil dispersant use guidelines for Alaska is long overdue, the revision process has not had Tribal Council participation and is unacceptable.	Approximately 76 federally recognized tribes and Alaska Native Claims Settlement Act corporations in the areas affected by the proposed policy change were invited to consult on the draft document. Many actively participated in this process and provided valuable feedback which positively influenced the final policy.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
483	Environmental effects	Toxicity	The Alaska Inter-Tribal Council questions the value of the use of dispersants, considering the toxicity and ecological risk to human health.	Comment acknowledged.
484	Alternatives to Dispersants	Mechanical Recovery	Dispersants impede the effectiveness of mechanical spill recovery by OPA '90 and should not be used unless, and until full compliance with all state and federal spill prevention and response requirements are met with equipment that is effective and reliable in our severe Alaskan maritime conditions. Both state and federal regulations require development of spill response plans that fully consider severe local conditions and these requirements have been unlawfully subverted with Alternative Planning Criteria that allows the use of response equipment inappropriate for open ocean spill recovery. This decided lack of appropriate response equipment in turn forces the use of dispersants to abate certain spill effects on surface waters while creating a more destructive effect from the toxic dispersants and dispersed oil in the water column. The unlawful denial of full compliance with state and federal oil spill planning regulations cannot be used to justify destructive dispersant use and all dispersant application should be deemed inappropriate until full compliance is obtained from all potential regulated spill sources. Only after the required spill response capability is developed across all Alaskan waters and the appropriate dispersant monitoring and trajectory analysis is available should regulators consider the use of dispersants in response to an oil spill.	Comment acknowledged. See response in line 480.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
485	Dispersant products and application	Effectiveness	There are dozens of scientific papers showing that chemical dispersants are ineffective at remediating oil spills and are more destructive than the oil itself. We believe the source of the problem has been the Environmental Protection Agency (EPA), Coast Guard and other agencies who have issues 'misguidance' in their materials published for oil spill response clean up professionals. Inaccurate guidance on the subject of chemical dispersants has crept into the materials, which has been perpetuated and enforced throughout the industry. These faulty guidelines and ineffective remedies for spill problems have resulted in industry officials with a 25-year addiction to chemical dispersants used in our oceans and who mistakenly think that these are the best tools for managing environmental damage and profit loss from oil spill fines.	Comment acknowledged. See response in line 48.
486	ARRT / Unified Plan	Tribal representation	The Alaska Inter-Tribal Council has collected two resolutions recommending that the Alaska Inter-Tribal Council have a seat on the ARRT. This has been denied. (Resolutions from Nunakauyak Traditional Council and Village of White Mountain attached to Alaska Inter-Tribal Council letter.)	Federally recognized tribes are eligible and encouraged to become members of the ARRT. Section 300.115 of the National Contingency Plan does not authorize non-federally recognized tribes a seat.
487	Support comments from other organization		The Alaska Inter-Tribal Council supports the comments of the Prince William Sound Regional Citizens' Advisory Committee, Center for Water Advocacy, Alaska's Big Village Network, Tom Lakosh, Lawrence Anthony Earth Organization, and Dr. Riki Ott (Alaska Inter-Tribal Council co-signed).	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
488	Subsistence		Tribal Communities in Alaska are heavily dependent on subsistence use of the natural resources in US Waters. In Alaska, almost all tribal natural resources are of physical, nutritional and spiritual survival for tribal members. The living natural resources are migratory in nature across many jurisdictions and boundaries. Ecosystem Services for subsistence use of natural resources are not well documented in Alaska, and are barely documented within the framework of the Alaska Regional Response Team's Science and Technology Committee. Alaska Inter-Tribal Council is particularly concerned about the critical importance of Trustee resources for Tribal subsistence and traditional use for cultural, physical and spiritual survival.	Comment acknowledged. There is general consensus in the spill science community that dispersants are much less toxic than crude oil, but it is also recognized that dispersants can cause short-term toxicity, while chronic impacts have been observed from oil that comes ashore. However, the determination of benefits and tradeoffs is difficult in the abstract. Any decision to use dispersants will need to be made cautiously, on a case-by-case basis, based on the best available science and the circumstances of the spill. However, unless dispersants are preauthorized, there is no guarantee that they will be available and that plans, training, and monitoring will be in place to maximize the potential benefits and minimize the potential harm.
489	Public health	Human health	On-going and real time Tribal Human Health Risks and Tribal Ecological Risks must be prioritized prior to decisions about dispersant use, to prevent adverse and disproportionate impacts to tribal interest and subsistence uses of resources. Risks must be clearly evaluated and communicated, including multilingual risk communication.	Comment acknowledged. See response in line 477.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
490	Process for Plan Development	Scientific review / Impact Analysis	The Alaska Inter-Tribal Council recommends a full National Environmental Policy Act review of the final Dispersant plan and requests a comprehensive Human Health Assessment and Tribal Ecological Risk Assessment of the Dispersant Plan with fully informed participation and consent of indigenous peoples living in Alaska, as subjected to international accords, US civil rights laws and all applicable domestic laws and regulations to the affected tribal communities by this decision making process.	The National Environmental Policy Act requires federal action agencies consider whether an Environmental Assessment or Environmental Impact Statement is required based on the impact of the action. This action was determined not to require an Environmental Assessment or Environmental Impact Statement. In accordance with the ESA, ARRT completed a comprehensive biological assessment of the effect of all spill response methods authorized in the Alaska Unified Plan on candidate or listed species and critical habitat. In July 2015, formal consultation under Section 7 of the ESA was completed. The action agencies (USCG and EPA) are preparing to implement the Terms and Conditions and Remedial Protective Measures documented in the services' biological opinions.
491	Environmental effects	Effects on subsistence resources / Food Safety	Critical marine life are exposed to toxicity from the dispersant and from the increased surface area of dispersed oil, which increases exposure and uptake of oil and dispersant in multiple species and directly affects the ecosystem services provided to Tribes through subsistence resources. These impacts must be fully understood to prevent adverse and disproportionate impacts to tribal communities and subsistence users for all purposes of physical and cultural survival.	It is precisely this uptake process that allows marine microbes (e.g., free-floating and sedimentary bacteria, phytoplankton, zooplankton) to consume and rapidly degrade toxic components of dispersed oil into harmless end products, such as carbon dioxide and water. While certain components of oil, like PAHs, may persist and become incorporated into cell membranes and fatty tissue of most species, the majority of oil's components readily degrade. The Unified Command is keenly focused on preventing crude oil exposure to humans, the environment, and harvestable subsistence species, and makes every attempt to avoid this contact. Sometimes dispersant use may be the best option. Other times dispersant use may be inappropriate, so each spill response is evaluated individually to determine which response option may represent the most protective strategy.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
492	Process for Plan Development	Scientific review / Impact Analysis	<p>Appended two documents that provide scientific support to PESA's comments and recommendations regarding the draft plan:</p> <p>Appendix A - French, JS. 2010. "Important Considerations Regarding Ocean and Ecosystem Dynamics in Assessing Environmental Risks from Various Oil Spill Counter Measures" in Proceedings of the Thirty-third AMOP Technical Seminar on Environmental Contamination and Response, Environment Canada, Ottawa, Ontario.</p> <p>Appendix B - French, JS. 2014. "Update on Ocean Physics and Environmental Dynamics in Assessing Risks from Use of Chemical Dispersants as Oil Spill Counter Measures for Alaska Region Waters", PESA, Seward, AK.</p>	Comment acknowledged, will take under advisement.
493	Pre-authorization of dispersants	Not Support	<p>PESA supports the official position of the Prince William Sound Regional Citizens' Advisory Committee Board on the use of chemical dispersants as oil spill counter measures: "dispersants should not be used on Alaska North Slope crude oil spills in the waters of our region until such time as chemical dispersant effectiveness is demonstrated in our region and shown to minimize adverse effects on the environment" (passed 03 May 2006).</p>	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
494	Environmental effects	Effects in water column, on seafloor, on shore	The effectiveness of dispersants in the Alaska Region is important, but even under the best operating conditions no dispersant application during a spill of national significance has ever removed all spilled oil from surface waters or prevented some oil from reaching shore. Chemical dispersants do not remove any oil from the environment. They move toxic petroleum hydrocarbon constituents into the water column in addition to what remains on the surface, goes into the air, or reaches shore.	Comment acknowledged.
495	Dispersant products and application	Alaska Marine Environment	Both low water temperature and low salinity decrease the efficacy of chemical dispersants. Recent studies have shown that low water temperature may also increase the toxicity of petroleum hydrocarbons in the water column (see Figure 1 in comment letter, showing that herring embryos in 7 deg C water appear to be 10-100 times more sensitive to petroleum hydrocarbons than at 10-15 deg C.) Another recent study suggests that biodegradation of petroleum hydrocarbons may be slower in brackish water than at full salinity. (Sources cited in comment letter.) Further, the ocean physics of Alaska marine waters differs from that in most lower 48 marine systems. The marine waters of Alaska have a bottom-up forced nutrient system that creates an entirely different balance of near-shore/off-shore priorities regarding what is most important to protect during an oil spill response. See Appendices A and B for more detailed descriptions of these differences in the Alaska marine environment.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
496	Environmental effects	Effects in water column, on seafloor, on shore	<p>Two main questions must be answered even before considering the use of chemical dispersants: 1) Will the additional counter measures relocate enough oil to significantly decrease the adverse environmental effects on the surface, the intertidal, or the shoreline environments: 2) How much damage will be caused to marine resources in the water column?</p> <p>It is essential to consider effects of dose-response kinetics related to toxicity, when assessing net benefits of different oil spill response tools. Provided study results illustrating effect exposure time and hydrocarbon concentration on dose-response of herring embryos (see Figure 2 in comment letter). Further noted that similar data is difficult to come by for high-end doses of differing amounts of oil on the same, or very similar stretches of shoreline.</p>	Comment acknowledged. See responses in line 110 and 146.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
497	Environmental effects	Marine life / fisheries	<p>Alaska marine ecosystems, especially along the Aleutian Islands and Alaska Peninsula, are extremely diverse and highly dependent on strong primary and secondary production in areas of strong nutrient up-welling. A major disruption of a single phytoplankton bloom can have negative consequences to food chains.</p> <p>The commercial fisheries of the Gulf of Alaska, and especially the Bering Sea, are the greatest remaining in the world. In addition to their substantial commercial value, the fish also support seabird and marine mammal populations. See Appendices A and B for a more detailed discussion of some key species.</p>	<p>The ARRT agrees that the Alaskan marine ecosystems are extremely valuable and that a robust response plan is necessary to address the threat of spills that could cause impacts to food chains, fish, marine mammals, and seabirds. Having all response tools available at the time of the spill is the best way to protect these resources. The proposed plan will allow the FOSC to consider the use of dispersants but does not mandate their use. The FOSC's decision will be based on incident-specific input from the scientists and resource specialists in the environmental unit. The ARRT understands the concern that a disruption of a phytoplankton bloom could have adverse effects, but the scale of the preauthorization zone, the scale of potential spills and dispersant operations, and the low toxicity of modern dispersants make this extremely unlikely. That said, major oil spills (greater than 100,000 gals) are quite rare and only a fraction of those might meet the stringent requirements for consideration of dispersant use.</p>

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
498	Process for Plan Development	Scientific review / Impact Analysis	<p>A full scientific review should be completed prior to finalizing these guidelines and appropriate scientific studies should be reference in the document. The best available science for Alaska-specific ecosystem dynamics should be referenced and incorporated into the revised guidance document.</p> <p>PESA strongly recommends that a full scientific review of the revised dispersant use policy be conducted by independent, third parties and that updated scientific evidence regarding the impacts of dispersants be included and referenced in the final guidelines. Evidence regarding the impacts of dispersed oil should not be limited to those already recognized within the regulatory framework but should include those supported by a strong preponderance of the scientific evidence with a high probability of occurrence.</p> <p>Noted that Prince William Sound Regional Citizens' Advisory Committee has an extensive database of dispersants research literature (current to 2013), that has been provided to the ARRT Science and Technology Committee.</p>	Comment acknowledged.
499	Plan Section Tab 3	SMART monitoring	<p>Ideally, the updated SMART protocols would have been available for review alongside the draft dispersant guidelines, since SMART monitoring is a key component of the plan. Prince William Sound Regional Citizens' Advisory Committee and PESA recommend that the ARRT consider the need to reevaluate and possibly revise the Alaska dispersant use guidelines for conformance with the SMART revisions.</p> <p>PESA's comments further emphasize that the SMART protocols must be revised on schedule and subject to full public review and Tribal consultation.</p>	As already mentioned in the plan, the ARRT will include any revisions of the SMART monitoring protocols, and it will be immediately in effect for use in this plan. The ARRT understands this concern about revising the SMART protocols on schedule. However, the SMART protocols are in development outside of the ARRT process; thus, this comment is outside of the ARRT's control.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
500	Plan Section Tab 3	SMART monitoring	SMART monitoring relies on fluorescence to measure the transfer of fluorescent oil hydrocarbons from the bulk oil into the water column. This may not give accurate information about actual dispersion. SMART monitoring results could be misleading if a significant portion of the heavy, more fluorescent polycyclic aromatic hydrocarbons (PAH) are not co-mingling with the rest of the petroleum hydrocarbons in droplets of dispersed oil.	Comment acknowledged. See response in line 309.
501	Plan Section Tab 3	SMART monitoring	A crucial step in understanding the environmental effects of dispersant application is detailed knowledge of what is there before, during and after the application. A carefully designed Environmental Monitoring Program, using best available science, must be developed and incorporated into either SMART or the Alaska dispersant use guidelines. This plan should set the standard for biological impacts monitoring as a key component to evaluating dispersant effects.	Comment acknowledged. See response in line 309.
502	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Tribal consultation	The appropriate Tribes must be included as natural resource trustees in consultation processes, in recognition of the federal requirement for Tribal consultation, the dependence of Tribes on resources for traditional and customary use, and the co-management relationship of Tribes with trustee agencies for marine mammals. (This comment applies also to Part 1B. Process for Case-by-Case Dispersant Use Authorization.)	Comment acknowledged. See response in line 476.
503	Plan Section Tab 1, Part 1A. Process for Dispersant Use Authorization	Stakeholder Consultation	It is important to include regional stakeholders (both governmental and non-governmental) into the process early and often, especially during response planning. (This comment would also apply to Part 1B. Process for Case-by-Case Dispersant Use Authorization; and to oil spill response planning overall.)	The new policy ensures that regional stakeholders will be contacted as an integral part of dispersant decision-making in the Unified Command. Regional stakeholders may also communicate with the Unified Command through the Regional Stakeholder Committee (established during an incident), attend ARRT meetings, and participate in the local Subarea Committee, led by the FOSC and SOSOC.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
504	Spill preparedness & response	Response planning	Recommend that oil spill response planners in Alaska implement a series of well-constructed and executed "consensus Environmental Risk Assessments" (cERA) to build a working set of regional priorities regarding which resources and uses to protect, to minimize the adverse impacts resulting from the choice of oil spill counter measures. This would synthesize the best science with broadly inclusive stakeholder perspectives on the relative importance of natural resources and human uses of the area expected to be impacted by an oil spill.	Comment acknowledged.
505	Environmental effects	Toxicity	Any benefits from dispersants are outweighed by short and long term toxic impacts to key Alaskan marine species and habitat.	Comment acknowledged. See response in line 146.
506	Alternatives to Dispersants	Mechanical Recovery	Dispersant application is resource intensive from a planning standpoint and may interfere with mechanical recovery, which remains the preferred oil spill response methodology under both state and national oil spill response policy.	Under national and state regulations, mechanical recovery must be considered as the primary response tactic until proven inadequate or inappropriate.
507	Pre-authorization of dispersants	Not Support	PESA recommends prohibiting use of chemical dispersants throughout the Alaska Area until a thorough, widely-inclusive, scientifically based "consensus Environmental Risk Assessments" (cERA) has been successfully concluded for the specific area being considered. Further, PESA does not believe that the appropriate and necessary consultations can be accomplished within the proposed timeframe for "preauthorization". Therefore, no preauthorization zones for use of chemical dispersants should be approved for the Alaska Area of EPA Region 10.	Comment acknowledged.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
508	Support comments from other organization		PESA submitted comments largely in support of those made by Prince William Sound Regional Citizens' Advisory Committee, including specific changes recommended in the text of the draft plan. In addition, PESA submitted additional specific comments that are more specific than, or may differ in other ways, from those submitted by Prince William Sound Regional Citizens' Advisory Committee. These comments are delineated in this matrix.	Comment acknowledged.
509	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	PESA strongly supports the Prince William Sound Regional Citizens' Advisory Committee recommendation that the State of Alaska and EPA retain their current authority to approve or disapprove dispersant use decisions. PESA does not believe that the autonomy provided to the FOSC, or the minimization of the opportunity for input from trustee agencies and the State, is allowable under existing statute and regulation.	The State of Alaska and EPA retain their National Contingency Plan-based concurrence authority under the case-by-case protocol in the new dispersant policy. Even in the preauthorized protocol, State of Alaska and EPA are requested to provide input to the decision making process.
510	Plan Section 1.4 Dispersant Areas	Preauthorization Zone	PESA supports the Prince William Sound Regional Citizens' Advisory Committee recommendation that the ARRT clarify whether EPA, Department of the Interior, Department of Commerce, and the State of Alaska approve the preauthorization zone as depicted in Figure 2.	The preauthorization plan (including the preauthorization zone depicted in Figure 2) contained in the new dispersant use policy has been approved by the EPA, Department of the Interior, Department of Commerce, and the State of Alaska. Signatures of representatives from each are required to finalize the preauthorization plan.
511	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	The first bullet on p. F-8 indicates that the FOSC would seek concurrence from trustee agencies for use of dispersants outside a preauthorization zone "when practicable". The criteria for practicability are not specified. It is not responsible to allow FOSCs to arbitrarily limit the scope of required consultations.	The ARRT understands this concern; however, the first bullet on page F-8 in Section 1.3 is taken verbatim from the National Contingency Plan. Further, Tab 1, Parts 1A and 1B, affords the trustee agencies the opportunity to provide their input into the dispersant decision making.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
512	Plan Section 1.3 Dispersant Use Authorization	FOSC Decision Authority	The plan states the FOCS may unilaterally authorize dispersant use if "necessary to prevent or substantially reduce a hazard to human life". In large part, PESA concurs with the Prince William Sound Regional Citizens' Advisory Committee recommendation that the draft plan provide specific examples of the types of situations envisioned by this statement. Extreme caution should be exercised to avoid unintended consequences when applying unproven remedies.	Comment acknowledged. See response in line 468.
513	Plan Section 1.4 Dispersant Areas	Dispersant Use Avoidance Areas	Local stakeholders are provided an opportunity to delineate avoidance areas within the Preauthorization Areas. PEDSA recommends that in all cases, stakeholder input should include a consensus Environmental Risk Assessment and the Subarea contingency planning process.	FOSCs and SOSCs will oversee the process within each affected subarea requiring delineation of areas to be avoided for preauthorized dispersant use.
514	Plan Section 2.1 Policies	Bullet 7	Bullet 7 states that preauthorization applies only to crude oil. Are bitumen (tar sands) products included in this category? They are being shipped with increasing frequency. Preliminary indications are that Alberta bitumen is more toxic than many traditional crude oils. In addition, recent pipeline and tankcar spills of bitumen have proven more difficult to clean-up than equivalent size spills of other crude oils.	Comment acknowledged. See response in line 215.
515	Plan Section 2.2 Criteria	Bullet 1	Bullet 1, Bathymetry - The depth of the water is much less important than the degree of stratification, and the depth to which the prevailing weather and sea state will mix the dispersed oil.	Comment acknowledged. See response in line 243.
516	Plan Section 2.2 Criteria	Bullet 2	Bullet 2, Distance from shore - The relative priority and value placed on protection of shoreline and near-shore resources will vary by location and the stakeholder making the prioritization. This is a good example of where a good consensus Environmental Risk Assessment could provide valuable input to the process.	The ARRT understands this concern but believes the robust process outlined in Tab 1, Parts 1A and 1B includes the appropriate incident-specific input by the appropriate entities.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
517	Plan Section 2.2 Criteria	Bullet 3	Bullet 3, Wind and currents - The document should also provide for minimum wind speeds to ensure sufficient mixing energy. Some currents within the Alaska Area, especially the Alaska Coastal Current and its branches, are fairly narrow and prone to changing location and speed. Accurate data for the relevant currents is essential to good decision making.	Comment acknowledged. See response in line 243.
518	Plan Section 2.2 Criteria	Bullet 4	Bullet 4, Salinity - The criterion of 15 parts per thousand is a clearly stated quantitative limit. However, several studies show dispersant efficacy falling off about 20 parts per thousand.	Comment acknowledged. See response in line 243.
519	Plan Section 2.2 Criteria	Bullet 5	Bullet 5, Temperature - Both water and air temperatures are important. Low water temperatures may increase the efficacy of the dispersants. They may also alter the toxic effects of dispersed oil. Air temperatures, especially those below freezing, will place logistical constraints on dispersant application.	Comment acknowledged. See response in line 243.
520	Plan Section 2.2 Criteria	Bullet 8	Bullet 8, Sensitive Habitats - PESA recommends keeping the definitions of sensitive habitats flexible. With the probably exceptions of Prince William Sound, large parts of Cook Inlet, and the immediate vicinity of active off-shore lease sites, there is a low density of oceanographic and ecosystem data points for most of Alaska Area waters. When faced with limited hard data and large uncertainties, planners must refrain from assuming that Alaska Area habitats are similarly to lower 48 habitats in sensitivity.	Comment acknowledged. See response in line 243.

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
521	Plan Section 2.2 Criteria	Bullet 9	<p>Bullet 9, Sensitive Species - The Endangered Species Act, the Marine Mammal Protection Act, and the Migratory Bird Act all provide some level of protection for specific species. Care should be taken that all these protections are met. When in doubt the choice should be the precautionary one. The endangered species most likely to be adversely effected by dispersant use in western Alaska are the western population of the Stellar Sea Lion and the western population of the Northern Sea Otter. Both species have Species Recovery Plans as required by law. Both emphasize the importance of protecting quality food sources. As previously discussed off-shore dispersant applications are most likely to adversely affect primary and secondary production which in turn will diminish the availability of forage and larger fish complexes. Even a small decrease in the availability of an important food stock could have significant negative impacts on the over winter survival of first year sea lion pups. When in doubt, decide in favor of species survival. That is the law.</p>	<p>The ARRT agrees that the Endangered Species Act, Marine Mammal Protection Act, and Migratory Bird Act are important considerations. The ARRT continues to consult with the National Marine Fisheries Service and US Fish and Wildlife Service. The ARRT agrees that offshore dispersants have a potential to affect the food sources that endangered and protected species depend upon. However, extensive slicks of crude oil also have the potential to affect these species, and an untreated slick will sweep a larger area and affect more animals. Oil that is allowed to come ashore and contaminate haulouts and coastal forage areas can have significant direct impacts on animals in these areas. Shoreline cleanup actions will further disturb them, and oil may persist for generations, creating a chronic source of contamination. Cleanup of oiled animals is difficult, and these animals have a low survival rate.</p> <p>So the question is "what is the precautionary decision?" Treating the oil offshore and having an acute but sublethal impact, or allowing oil to come ashore and having a mix of direct mortality, acute and sublethal impacts, disturbance from cleanup, and chronic, long-term exposure to the animals and their food supply.</p>
522	Plan Section 2.2 Criteria	Bullet 10	<p>Bullet 10, Other areas designated for special use or protection - PESA recommends that a series of consensus Environmental Risk Assessments be initiated and that these, along with the preauthorization review process, consider whether specific special use areas should be designated as Dispersant Use Prohibited Areas.</p>	<p>See Section 1.4 of the proposed plan for information on the process used to identify Dispersant Use Avoidance areas. See the responses in lines 185 to 190 for further information.</p>

	Main topic / Plan section	Sub topic	Comment or Question	Response to Comment / Answer to Question
523	Plan Section 2.2 Criteria	Bullet 11	Bullet 11, Historic properties - The most important aspect of historic properties is consultation with those who view the sites as important, including the State Historic Preservation Officer and local Tribes. Immediately following that consultation the OSC should establish a 5 km buffer zone either side of any historic sites, and initiate consultation with all parties with specific interest in those sites to establish more site specific criteria.	Identification of historic and culturally significant properties/locales affected by a spill or response to a spill is a priority for the Unified Command and is included on the dispersant use checklist. Procedures for doing so are spelled out in the Unified Plan.
524	Plan Section 2.3 Conditions/Stipulations	Bullet 5	Bullet 5, Fish & Birds - PESA recommends specifying natural resource trustee agencies, including Tribal Trustees, to identify the possible presence or absence of the animals addressed. Many fish schools and seabirds are not easily visible, even to trained aerial or surface observers.	The ARRT understands this concern; note that all of this information is required to be gathered by the Environmental Unit of the Unified Command as part of Tab 1, Parts 1A, 1B, 2, 3, and 4.
525	Plan Section 2.3 Conditions/Stipulations	Bullet 6	Bullet 6, Walrus haulouts - All marine mammal aggregation and feeding areas should be given special consideration for possible prohibition of dispersant use.	Comment acknowledged.
526	Plan Section 2.3 Conditions/Stipulations	Bullet 9	Bullet 9 - Atypical dispersant use is not appropriate in Alaska and should not be accommodated under these guidelines.	Comment acknowledged. See response in line 260.