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January 31, 2022

To: Alaska Department of Environmental Conservation
Re: Comments on proposed changes to Alaska oil spill prevention requirements in the ADEC regulations

Dear Jason Brune and the ADEC,

We appreciate this opportunity to comment regarding the ADEC proposed changes to regulations on oil spill prevention requirements and contingency plans.

The regions and coastlines hit by the Exxon Valdez oil spill in Prince William Sound have not recovered. Species - marine, mammals, birdlife - remain impacted by the Valdez spill. The economy was changed and remains altered to this day. Any and all regulatory reforms must be reviewed with serious, scientific and yes, visionary concern, for principles not only for sustainable economic outcomes, but also for environmental health, safeguards and wisdom. The changing climate must be viewed as a reality, in altering and factoring regulations, as well.

- **The proposed regulation changes provide an inadequate minimum number of oil spill drills and exercises and could reduce the total number** that ADEC may conduct for larger crude operators. Required crude oil plans must be set at one significant Incident Management Team and two field deployment exercises per year, as well as other unannounced exercises as ADEC deems necessary, and are called upon by impacted communities. If a plan holder fails to demonstrate the ability to implement their plan, that ADEC will require additional exercises or take other appropriate action.

- **Regulatory changes should not result in any diminished emphasis on best available technology**, including retaining the requirement that a BAT conference be held every five years or otherwise stating how they will examine new technologies to meet the mandates of AS 46.04.030(e). The proposed changes remove the language requiring the BAT conference and it is uncertain how or if ADEC will meet the vision and intent of ensuring that oil spill response and prevention equipment, and other spill functions that have previously been subject to this BAT analysis, is the most effective and available as new technologies emerge. This is unacceptable and shows an extreme lack of learning and wisdom from past experience.

- **The adoption of International Maritime Organization (IMO) standards for emergency towing arrangements** is appropriate, but with the additional requirement that tankers calling at the Valdez Marine Terminal be able to deploy the arrangement from the forward (bow) position in 15 minutes.

- That the regulations emphasize that the State of Alaska **will promote and use the best available technology** to meet the mandates of AS 46.04.030(e).



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The DEC must not make regulatory edits that would result in changes that weaken the world-class oil spill prevention and response system in Prince William Sound. Alaska's statutes and regulations have been in place for over 30 years, protecting Alaska and ensuring that industry and responders maintain vigilance in preventing and responding to spills. Industry has operated successfully with these safeguards in place and these statutes and regulations are one of the main reasons Prince William Sound has not suffered a catastrophic oil spill since 1989.

The Eyak Preservation Council is a public charity with 501(c)(3) status based in Cordova, Alaska whose mission is: *To honor Eyak heritage and to conserve wild salmon habitat and culture through education, awareness and promotion of sustainable lifeways for all peoples.* Eyak Preservation Council offers outreach that focuses on the regional salmon way of life, indigenous cultural preservation and the promotion of sustainable economies. We represent the communities and people of the Copper River Delta, Prince William Sound and the Gulf of Alaska, and have program participants from these regions, from Alaska and the nation at large.

We appreciate this opportunity, and for our comments to be reviewed and taken with serious concern, from experience, since 1989.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Carol Hoover'.

Carol Hoover
Executive Director