

**KODIAK ISLAND BOROUGH  
RESOLUTION NO. FY2022-21A**

**A RESOLUTION OF THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH  
SAFEGUARDING ALASKA’S OIL SPILL PREVENTION AND RESPONSE STANDARDS**

**WHEREAS,** as a result of the work of Alaska citizens and the Alaska Legislature following the 1989 *Exxon Valdez* oil spill, Alaska has world-class spill prevention and response requirements to protect its people and environment, as well as commercial and sport fishing, aquaculture, recreation, tourism, subsistence, and cultural interests; and

**WHEREAS,** the Assembly of the Kodiak Island Borough submitted Resolution No. FY2020-19, in response to ADEC’s public scoping seeking input on existing regulations and statutes, stating the Assembly stands strongly against any legislative or regulatory changes that erode spill prevention and response standards, increasing the risk of a catastrophic spill; and

**WHEREAS,** ADEC has proposed regulatory changes to oil pollution prevention regulations under Article 4 of 18 AAC 75, resulting from that public scoping process; and

**WHEREAS,** the proposed changes include a number of positive updates including increased clarity within regulations, combination of redundant sections, and use of technology in the interest of modernizing workflow; and

**WHEREAS,** there are several proposed changes that require additional revision to eliminate concerns that this reform effort could result in diminishment or other reductions in current regulations.

**NOW, THEREFORE, BE IT RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** requests that Alaska regulations specify the minimum number of exercises required for crude oil plans be set at one significant Incident Management Team and two field deployment exercises each year, as well as other unannounced exercises as ADEC deems necessary, and that the commitment requiring additional exercises or other appropriate action if a plan holder fails to demonstrate the ability to implement their plan be retained; and

**BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** believes regulatory changes should not result in diminished emphasis on best available technology (BAT), 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); and

**BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH** notes that federal law and the Alaska Oil Spill Commission have recognized the special role of regional citizens advisory councils (RCACs) in reviewing contingency plans; and requests that

47 Alaska regulations continue to name the RCACs for Cook Inlet and Prince William Sound as  
48 recipients required to be notified of plan reviews, updates, and amendments, electronically or  
49 otherwise; and

50 **BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
51 requests that the option to use the Prince William Sound tow package should remain, with  
52 Regulation 18 AAC 75.990 (96) Definitions revised to meet the breaking strength requirements  
53 set by the International Maritime Organization standard and note the tow package system should  
54 be able to be deployed in 15 minutes from the bow; and

55 **BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
56 requests that a change in plan holder ownership be treated as a major amendment to the Oil  
57 Discharge Prevention and Contingency Plan, affording the opportunity for public review prior to  
58 approval; and

59 **BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
60 requests that Article 4 of 18 AAC 75 incorporate language requiring Oil Spill Prevention and  
61 Contingency Plan holders to comply with all applicable State and Federal Regulations concerning  
62 human and environmental safety; and

63 **BE IT FURTHER RESOLVED THAT THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
64 requests that any new language or repealed language within Article 4 of 18 AAC 75 that has the  
65 potential to diminish prevention or response capabilities be revised or reinstated to ensure  
66 previous levels of human and environmental safety are met.

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68 **ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH**  
69 **THIS TWENTHITH DAY OF JANUARY, 2022.**  
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71 KODIAK ISLAND BOROUGH

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75 William Roberts, Mayor

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78 ATTEST:

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Mitchell Davidson, Assistant Clerk

78 **VOTES:**

79 Ayes: Delgado, Griffin, Smiley, Turner, Williams, and Arndt

80 Noes:

